

**Mayor**  
Christy Clark

**Mayor Pro Tem**  
Jennifer Hunt

**Commissioners**  
Alisia Bergsman  
Amanda Dumas  
Edwin Quarles  
LaToya Rivers  
Nick Walsh



**Town Manager**  
Anthony Roberts

**Deputy Town Manager**  
Jackie Huffman

**Assistant Town Manager**  
Bobby Williams

**Town Attorney**  
Emily Sloop

**Town Clerk**  
Janet Pierson

**AGENDA**  
**Regular Town Board Meeting**  
**July 15, 2025 - 6:00 PM**  
**TOWN HALL (101 Huntersville-Concord Road)**

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

- 1. Pre-meeting - None**
- 2. Call to Order**
- 3. Invocation/Moment of Silence**
- 4. Pledge of Allegiance**
- 5. Announcements**
- 6. Public Comments, Requests, or Presentations**
- 7. Agenda Changes/Adoption of Agenda**
- 8. Consent Agenda**
  - 8.A. Approve the minutes of the May 6, 2025 Regular Town Board Meeting. *(Janet Pierson)*
  - 8.B. Approve the minutes of the May 20, 2025 Regular Town Board Meeting. *(Janet Pierson)*
  - 8.C. Approve the minutes of the June 3, 2025 Regular Town Board Meeting. *(Janet Pierson)*
  - 8.D. Approve the minutes of the June 17, 2025 Regular Town Board Meeting. *(Janet Pierson)*
  - 8.E. Approve property tax refunds from Mecklenburg County. *(Pattie McGinnis)*



- 8.F. Approve the engineering and construction administration contract for Fire Station No. 4 Park. (*Michael Jaycocks*)
- 8.G. Adopt Resolution to acquire easements and/or right-of-way necessary for the construction of the East Greenway Street Sidewalk Project. (*Stephen Trott*)
- 8.H. Adopt Resolution requesting NCDOT to accept Ferrelltown Parkway in the Walden Subdivision (*Kevin Fox*)
- 8.I. Approve agreement with Chris Plaisted for Town to temporarily lease "*Queen of Hearts*" sculpture as part of the Town's 2025-2027 SculpTOUR Exhibition. (*Tracy Houk*)
- 8.J. Approve agreement with Hanna Jubran for Town to temporarily lease "Galactic Corona" sculpture as part of the Town's 2025-2027 SculpTOUR Exhibition. (*Tracy Houk*)
- 8.K. Approve agreement with Richard Conn for Town to temporarily lease "*Calypso*" sculpture as part of the Town's 2025-2027 SculpTOUR Exhibition. (*Tracy Houk*)
- 8.L. Approve agreement with Sunday Mahaja for Town to temporarily lease "*Wondering Feet*" sculpture as part of the Town's 2025-2027 SculpTOUR Exhibition. (*Tracy Houk*)
- 8.M. Approve agreement with Todd Frahm for Town to temporarily lease "*Fighting for Alpha*" sculpture as part of the Town's 2025-2027 SculpTOUR Exhibition. (*Tracy Houk*)
- 8.N. Approve agreement with Sam Spiczka for Town to temporarily lease "*Threshold*" sculpture as part of the Town's 2025-2027 SculpTOUR Exhibition. (*Tracy Houk*)
- 8.O. Approve the purchase agreement with Jim Weitzel for purchasing the "*Phoenix*" sculpture. (*Tracy Houk*)
- 8.P. Approve budget amendment appropriating Sponsorship revenue in the amount of \$5,700 to the Non-capitalized equipment expense account. These funds will be used to purchase a current SculpTOUR art exhibit from Jim Weitzel named The Phoenix. (*Pattie McGinnis*)
- 8.Q. Call a public hearing for Tuesday, August 5, 2025, at 6:00 p.m. at Huntersville Town Hall, Huntersville, NC 28078 for Petition #R25-07, a request by PM Patel to rezone +/- 4.69 acres from Corporate Business and General Residential to Highway Commercial with a Conditional District. (*Nathan Farber*)
- 8.R. Call a public hearing for Tuesday, August 5, 2025, at 6:00 p.m. at Huntersville Town Hall, Huntersville, NC 28078, on Petition #TA25-09, a request by Burkert USA Corporation to amend Article 9.54 of the Zoning Ordinance. (*Nathan Farber*)

- 8.S. Approve Amended Planning Board Rules of Procedure to redesignate Board of Adjustment duties to Planning Board.

## **9. Public Hearings**

- 9.A. Conduct public hearing for Petition #R25-06 12300 McCord Road, a request by Robert and Heather Dubiel to rezone +/- 11.265 acres from General Residential to Transitional Residential as a general rezoning. *(Lauren Speight)*
- 9.B. Conduct public hearing for Petition #TA25-01, a request by the Huntersville Planning Department to amend Articles 3, 4, 9, and 12 of the Huntersville Zoning Ordinance. *(Lauren Speight)*
- 9.C. Conduct public hearing on Petition #TA25-04, a request by the Huntersville Planning Department to amend Articles 7.2 and 7.4 of the Huntersville Zoning Ordinance. *(Brad Priest)*
- 9.D. Conduct public hearing on Petition #TA25-06, a request by the Huntersville Planning Department to amend Articles 3.2.1, 3.2.2, 7.5, and 9.64 of the Huntersville Zoning Ordinance. *(Lauren Speight)*
- 9.E. Conduct public hearing for Petition #TA25-08, a request by the Huntersville Planning Department to amend the Zoning and Subdivision Ordinance. *(Lauren Speight)*
- 9.F. Conduct public hearing on Petition #ANNEX 24-04, a request by Charlotte Everett Keith Road IND Owner, LLC, to annex 64.962 contiguous acres into the Town of Huntersville. *(Becca Prichard)*

## **10. Other Business**

- 10.A. Consider adopting an ordinance approving Petition #ANNEX 24-04, a request by Charlotte Everett Keith Road IND Owner, LLC, to annex 64.962 contiguous acres into the Town of Huntersville. *(Becca Prichard)*
- 10.B. Consider decision on Petition #R25-01 to rezone 11.34 acres located at the intersection of Mt. Holly-Huntersville Road and Alexandriana Road for a multi-family development. *(Jesse James)*
- 10.C. Consider decision 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 development. *(Nathan Farber)*

- 10.D. Consider decision 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*)
- 10.E. Consider decision 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*)
- 10.F. Consider decision 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*)
- 10.G. Consider decision on Petition #TA25-05 to align Articles 150.05 and 150.14 of the Town's Code of Ordinances with NC Senate Bill 166. (*Becca Prichard*)
- 10.H. Consider decision 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*)

## **11. Closing Comments**

## **12. Adjourn**

### **General Meeting Information**

#### **Town Board:**

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

#### **Meeting Time, Place and Agenda:**

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

#### **Public Comment and Public Hearing Policy:**

Persons desiring to address the Board during the public comment period or a public hearing shall sign up via the speaker sign-up sheet 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 Town Clerk, 72 hours prior to the meeting, for special accommodations to attend this meeting and/or if this information is needed in an alternative format. Janet Pierson can be reached at [clerk@huntersville.org](mailto:clerk@huntersville.org) or 704-875-6541.



## **Request for Board Action**

July 15, 2025

**To:** The Honorable Mayor and Board of Commissioners

**From:** Janet Pierson, Town Clerk

**Subject:** Approval of Minutes - May 6, 2025

---

### **EXPLAIN REQUEST:**

Consider approving the minutes of the May 6, 2025 Regular Town Board Meeting.

### **ACTION RECOMMENDED:**

Approve Minutes.

### **FINANCIAL IMPLICATIONS:**

N/A

### **ATTACHMENTS:**

1. Draft Minutes

**TOWN OF HUNTERSVILLE  
TOWN BOARD MEETING  
MINUTES**

**May 6, 2025**

**6:00 p.m. – Huntersville Town Hall  
101 Huntersville-Concord Road**

**PRE-MEETING**

None

**REGULAR MEETING  
TOWN OF HUNTERSVILLE  
BOARD OF COMMISSIONERS**

The Regular Meeting of the Huntersville Board of Commissioners was held at the Huntersville Town Hall, 101 Huntersville-Concord Road, at 6:00 p.m. on May 6, 2025.

GOVERNING BODY MEMBERS PRESENT: Mayor Christy Clark; Commissioners Alisia Bergsman, Amanda Dumas, Jennifer Hunt, Edwin Quarles, LaToya Rivers and Nick Walsh.

Mayor Clark called for a moment of silence.

Mayor Clark led the Pledge of Allegiance.

**ANNOUNCEMENTS**

Gilead Road closure.

Working with the Town of Davidson to have access to arborist services two days per month.

Budget engagement sessions – May 12 at Primal Brewery and May 19 at Town Hall.

Veteran Services meeting hosted by Mecklenburg County Commissioner Arthur Griffin is May 8 at Town Hall.

**PUBLIC COMMENTS**

**250<sup>th</sup> Anniversary of the Mecklenburg Declaration of Independence Proclamation.** Mayor Clark proclaimed May 20, 2025, as Meck Dec Day.

**A PROCLAMATION FOR THE 250TH ANNIVERSARY OF THE MECKLENBURG DECLARATION OF INDEPENDENCE  
("MECK DEC")**

**WHEREAS**, on May 19, 1775, elected representatives from nine County Militia Companies, met at the courthouse in the middle of Charlotte and began their discussions on the need for independence from the Crown; and

**WHEREAS**, these men unanimously adopted resolutions to declare themselves *“a free and independent people”* in a document which came to be known as the Mecklenburg Declaration of Independence; and

**WHEREAS**, six of the men were associated with Hopewell Church (Hezekiah Alexander, John McKnitt Alexander, Richard Barry, Ephraim Brevard, John Davidson, and Matthew McClure) and two others lived in this area (William Graham and Waightstill Avery); and

**WHEREAS**, at noon on May 20, 1775, Colonel Thomas Polk read the Mecklenburg Declaration of Independence from the steps of the County Courthouse to the assembled citizens; and

**WHEREAS**, on May 31, 1775, the delegates adopted twenty additional resolutions to directly govern themselves, and became known as the Mecklenburg Resolves; and

**WHEREAS**, Militia Captain James Jack took both documents to Philadelphia where the Second Continental Congress was meeting. When he returned, he said that the representatives from North Carolina had read and approved the documents; and

**WHEREAS**, upon delivering the Meck Dec, Captain Jack said to the delegates, *“Gentlemen, you may debate here about reconciliation and memorialize your king, but, bear it in mind, Mecklenburg owes no allegiance to, and is separated from the crown of Great Britain forever.”*; and

**WHEREAS**, in 1819, President John Adams wrote to President Thomas Jefferson that the Meck Dec was, *“the genuine sense of America at that moment was never expressed so well before, nor since”*; and

**WHEREAS**, the State of North Carolina has chosen to recognize the significance of the Mecklenburg Declaration of Independence by placing the date of its signing “May 20, 1775” upon our State Flag and Great Seal; and

**WHEREAS**, this May 20, 2025 is the 250th anniversary of the Meck Dec.

**NOW, THEREFORE**, I, Christy Clark, Mayor of Huntersville, do hereby proclaim 20th day of May as **“MECK DEC DAY”** in Huntersville, North Carolina.

**IN WITNESS WHEREOF**, I do hereby set my hand and cause the Seal of the Town to be affixed, this the 6<sup>th</sup> day of May, 2025.

**Small Business Week Proclamation.** Mayor Clark proclaimed the week of May 12 through May 17, 2025, as Small Business Week.

#### **A Proclamation for Small Business Week**

**WHEREAS**, the Town of Huntersville, North Carolina recognizes and values the dedication and entrepreneurial spirit of small businesses that keep the State and American economy growing stronger; and

**WHEREAS**, there are approximately one million small businesses with employees in North Carolina accounting for 99.6% of all businesses in the state; and

**WHEREAS**, the income of North Carolina’s small business owners totals over \$20 billion, and these businesses employ 1.7 million North Carolinians or 45.3% of the State’s non-farm private workforce; and

**WHEREAS**, as of 2023, Mecklenburg County, North Carolina, had approximately 96,000 businesses employing over 650,000 residents; and

**WHEREAS**, it is the collaborative mission of the town working with the Lake Norman Chamber of Commerce, Mecklenburg County Economic Development, and the Small Business Administration to help our businesses grow and create new jobs in the community and Lake Norman region by providing exemplary workforce training, financial assistance programs, and research and technical assistance; and

**WHEREAS**, the Town of Huntersville appreciates the support of our small business community by the Chamber of Commerce, Central Piedmont Community College, Small Business Technology Development Center, and our SCORE volunteers; and

**WHEREAS**, during the week of May 12 through May 17, the Lake Norman Chamber of Commerce is celebrating Small Business Week.

**Now, Therefore**, I, Christy Clark, Mayor of Huntersville, do hereby proclaim the week of May 12 through May 17 as **“SMALL BUSINESS WEEK”** in Huntersville and urge all citizens to acknowledge and celebrate the achievements made by small businesses both locally and nationally, and to further support your local businesses by **“Shopping and Buying Local!”**

**In Witness Whereof**, I do hereby set my hand and cause the Seal of the Town to be affixed, this the 6<sup>th</sup> day of May, 2025.

**National Police Week Proclamation.** Mayor Clark proclaimed the week of May 11 through May 17 as National Police Week.

#### **A PROCLAMATION FOR NATIONAL POLICE WEEK**

**WHEREAS**, every day across the Town of Huntersville, police officers bravely and courageously risk their well-being to protect and serve our community and preserve the peace and order to which every citizen is entitled; and

**WHEREAS**, the week including May 11 has been designated as “National Police Week” to honor the police officers who put their lives on the line to keep our communities safe; and

**WHEREAS**, the Huntersville Police Department consists of 116 full-time sworn police officers and 21 law enforcement support staff. The Police Department is responsible for 24-hour community wide law enforcement and responds to all requests for emergency services. The Police Department responds to an estimated 65,000 calls for service per year; and

**WHEREAS**, the members of the Huntersville Police Department are dedicated to ensuring public safety and enhancing the quality of life in the Town of Huntersville by serving as leaders and mentors, educating the community about the importance of public safety; and

**WHEREAS**, we appreciate the extraordinary efforts and sacrifices made by officers and their family members daily, to protect our schools, workplaces, roadways, and homes.

**Now, Therefore**, I, Christy Clark, Mayor of Huntersville, do hereby proclaim the week of May 11 through May 17 as “**NATIONAL POLICE WEEK**” in Huntersville, North Carolina.

**In Witness Whereof**, I do hereby set my hand and cause the Seal of the Town to be affixed, this the 6<sup>th</sup> day of May, 2025.

**Veterans Services Presentation.** Edison Platt, Director of North Carolina State Veterans Services for the Department of Military and Veterans Affairs, presented information as to why it’s important to have a Veterans Services Office in the local region. *Refer to PowerPoint attached hereto as Exhibit No. 1.*

**Manager’s Recommended Budget for FY2026 Presentation.** Anthony Roberts, Town Manager, presented the Manager’s Recommended Budget for FY2026. *Refer to PowerPoint attached hereto as Exhibit No. 2.*

#### **AGENDA CHANGES**

Commissioner Walsh made a motion to add a Resolution in opposition to House Bill 765 as Item 10.D under Other Business. Commissioner Hunt seconded the motion. Motion carried unanimously.

Commissioner Dumas made a motion to adopt the amended agenda. Commissioner Rivers seconded the motion. Motion carried unanimously.

#### **CONSENT AGENDA**

**Amend Chapter 93, Article III of the Code of Ordinances – Noise.** Commissioner Dumas made a motion to approve amending Chapter 93, Article III of the Code of Ordinances – Noise. Commissioner Hunt seconded the motion. Motion carried unanimously.

*Amended Chapter 93, Article III of the Code of Ordinances attached hereto as Exhibit No. 3.*

**Call for Public Hearing – Petition #R25-05.** Commissioner Dumas made a motion to call a public hearing for Tuesday, June 3, 2025, at 6:00 p.m. at Huntersville Town Hall, Huntersville, NC 28078, on Petition #R25-05 MHH Logistics, a request by Skye Partners, LLC to rezone +/- 8.677 acres from Corporate Business to Corporate Business - Conditional District for an Industrial Flex Warehouse with associated office. Commissioner Hunt seconded the motion. Motion carried unanimously.

**Call for Public Hearing – Petition #R25-03.** Commissioner Dumas made a motion to call a public hearing for Tuesday, June 3, 2025, at 6:00 p.m. at Huntersville Town Hall, Huntersville, NC 28078, 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. Commissioner Hunt seconded the motion. Motion carried unanimously.

**Call for Public Hearing – Petition #TA25-05.** Commissioner Dumas made a motion to call a public hearing for Tuesday, June 3, 2025, at 6:00 p.m. at Huntersville Town Hall, Huntersville, NC 28078, on Petition #TA25-05, a request by the Town of Huntersville Planning Department, to amend Article 8.17(6) of the Zoning Ordinance and Articles 150.05 and 150.14 of the Code of Ordinances to ensure compliance with state statutes. Commissioner Hunt seconded the motion. Motion carried unanimously.

**Call for Public Hearing – Petition #R25-02.** Commissioner Dumas made a motion to call a public hearing for Tuesday, June 3, 2025, at 6:00 p.m. at Huntersville Town Hall, Huntersville, NC 28078, on Petition #R25-02, First and Church Townhomes, a request by Better Path Homes, LLC to rezone +/- 1.147 acres from Neighborhood Residential to Neighborhood Residential - Conditional District for a townhome development. Commissioner Hunt seconded the motion. Motion carried unanimously.

**Call for Public Hearing – Petition #TA25-07.** Commissioner Dumas made a motion to call a public hearing for Tuesday, June 3, 2025, at 6:00 p.m. at Huntersville Town Hall, Huntersville, NC 28078, 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. Commissioner Hunt seconded the motion. Motion carried unanimously.

**Call for Public Hearing – Petition #R25-04.** Commissioner Dumas made a motion to call a public hearing for Tuesday, June 3, 2025, at 6:00 p.m. at Huntersville Town Hall, Huntersville, NC 28078, on Petition #R25-04 The Holbrook Phase 2, a request by North State Development to rezone +/- 1.727 acres at 106 Gilead Road (ID 01712208) from Neighborhood Residential to Town Center Conditional District for a mixed-use building. Commissioner Hunt seconded the motion. Motion carried unanimously.

#### **PUBLIC HEARINGS**

**Traffic Calming – Devonshire Drive and Cockerham Lane.** Mayor Clark called to order public hearing for Traffic Calming measures on Devonshire Drive and Cockerham Lane.

Commissioner Hunt made a motion to defer public hearing to May 20. Commissioner Quarles seconded the motion. Motion carried unanimously.

**Petition #R25-01 Alex Yards.** Mayor Clark called to order public hearing on Petition #R25-01 Alex Yards, a request by Alexandriana Partners, LLC to rezone +/- 11.34 acres from Corporate Business to Transit Oriented Development - Residential Conditional District for a multi-family development.

Jesse James, Principal Planner, entered the Staff Report into the record and reviewed the request. *Staff Report and Staff PowerPoint attached hereto as Exhibit No. 4.*

Commissioner Walsh said you said it's half a mile from a transit center, but there's no way to get to the transit center other than to drive, correct.



Mr. James said correct, unless you were walking on the right-of-way without sidewalk.

Commissioner Bergsman said could you go over what would be allowed by right under the current zoning on the property.

Mr. James said under Corporate Business, you're looking at things like manufacturing. You've got other industrial uses like warehousing, distribution, business parks, offices, research facilities. You've got some education, some vocational type school that you could have there by right. There's a litany of other uses, but they're all employment generating uses.

Commissioner Bergsman said do we know the percentage of the property that currently is tree canopy. I saw in the report that they're only planning on saving three trees, but do we know how much of that property is wooded.

Mr. James said there's approximately 85 specimen trees on the site. There's other trees that are not considered specimen 24" and above. There is, I don't know off the top of my head how many residential houses are on that site, so there's some cleared land as well. I wouldn't call it a deep forested site, but there are a considerable amount of specimen trees.

Commissioner Quarles said can you go through the slide where you have the little red light industrial use area. Is this Alexandria and Mt. Holly-Huntersville Road.

Mr. James said that's Alexandria Road and that's Mt. Holly-Huntersville Road adjacent to it to the north.

Commissioner Quarles said staff would prefer light industrial at that spot, because what I'm getting at is I live in that area and I know there's apartments and houses in that area.

Mr. James said to the south the City of Charlotte has some apartment units, but the town reserved this land in the last town rezoning for Employment Center uses, so Corporate Business and so what the Community Plan is really trying to do is reserve those for employment generating uses. With that being said, all that area to the left is critical watershed. You can't do employment generating uses there and a lot of the other parcels to the north and some other various areas of town that are Corporate Business, there's not many left, so we're trying to reserve those areas for employment.

Commissioner Dumas said the lot right next to the....so to the right is reserved for the park space from the county. I'm not sure I had a question, I just wanted to clarify.

Mr. James said to the east of that is the cemetery.

Commissioner Dumas said we're going to have a park but then.....I'm all about employment spaces. I think it's really important to reserve spots for employment. I'm just curious if the land right next to a park makes sense.

Mr. James said one thing to mention with something similar to a light industrial, you would think that doesn't make a lot of sense there, but one thing that does is in the ordinance when you have that type of use, there's a prescribed and required 80' buffer on the right-of-way, so that off the top offers the tree canopy you're looking for tree save. The proposed use, the buildings are allowed to be right at the street and it's kind of built in. There's not a lot of room for additional tree canopy on there. That is one

thing that an employment generating use does require depending on the building type is some required tree canopy.

Ben Geisler said I'm here to talk about Alex Yards. I'm a developer. I live in Davidson. We're local here. I don't live in Huntersville, but spend a lot of time and money in Huntersville. I'm really proud of some of the things that we're doing in Huntersville. I think just to give you a little better context, I know Jesse had a context map, but it was kind of just the Huntersville context. We wanted to show you a little better context for the whole area there.

The black and white dash line is the City of Charlotte/Huntersville border. The red uses are the more intense, higher density residential, whereas the orange is medium, yellow is low density mostly in that Gar Creek watershed that just won't be developed and then blue are those commercial business uses. The 2040 Comp Plan did not show a park in this area, so that's why you see that big swath of blue Employment Center through here, where in reality we have our corner surrounded by the green park and then the cemetery, which obviously is not going to be commercial business use.

You can see here a little better that park we were talking about earlier. Our site is surrounded by it. I feel like that's a much more appropriate use from a residential perspective buffering up against a park as opposed to industrial, particularly if you look at the population here. The southwest corner of Alexandriana and Mt. Holly-Huntersville is currently townhomes and apartments, multi-family. The image you see there on the southeast corner is a quadplex. Taylor Morrison is under development on that project. In a sort of not exceptional design, the apartment complex you see on the righthand side, south of the large industrial building, is already in place, so when you think of all those people trying to get from there to that future park, walking through an industrial site to me is sort of contrarian to what you would want to see there.

The cemetery there again in gray. You can see the CB that has grown up around it. I want to add, you might look at the Comp Plan and say why did this show all Employment Center when it was developed. The Comp Plan started that work in early 2019 and was adopted in late 2020. In the midst of that, at the end of 2019, the county bought 27 acres that surrounds this corner that wasn't contemplated in the graphics and the maps that were in the Comp Plan, so one of the things that we feel like is the Comp Plan is a guide, but it is a general guide. It's not a specific guide. It certainly didn't contemplate the cemetery nor did it contemplate the future park. At the time, Town staff actually opposed City of Charlotte acquiring that land on the basis that it would diminish the value of this corner from an Employment Center perspective because you need larger swaths, larger tracts, large employment opportunity centers. It did take that away from the site. The county bought it anyways and so we kind of have to deal with the conditions on the ground today.

This is a little bit about the park. They're a neighbor so I have had a number of conversations with Bert Lynn who is the Director of Capital Projects for Mecklenburg County Parks Department and they've been very favorable to what we're looking to do. They recognize and feel the same way that a residential use makes more sense here than an industrial use.

Clarks Creek Park is an example they provided that is down off of Hucks Creek Road in north Charlotte. Very active, very similar. It's the exact same number of acres – splash pad, dog park, walking trails, pickleball courts, a lot of really cool stuff, not just a piece of land.

From a Community Plan perspective, again you'll see the map on the lefthand side with those parcels numbered 1, 2, 3, 4, 5 just for reference. Number 1 is our site. Number 2 is the future park. Number 3

is a small piece that surrounds the creek there, a lot of topography to it. Four is the cemetery and five is that new industrial building. If you look at the map on the left and then you look at the map in the middle and you say okay, what's really happened out here, it's not all blue. It's kind of blue/green, blue/gray, blue. For that reason, we feel like a mix of uses including residential would make some sense here.

I also want to call out the mixed-use node is the pink circle, the dashed line there. Those are areas that should have residential mixed in with commercial uses, employment centers and I think again looking at the Community Plan, maybe that should have touched down to the intersection of Alexandriana and Mt. Holly-Huntersville Road recognizing the mix of uses that are already in place there between a park, CB and the cemetery. I think you can start looking at the middle map and you look at the colors that are happening out there, it tells a little different story about what's really happening.

Our whole site is within a half mile catchment area. In TODR it says you're generally within a half mile of a rapid transit station. We meet that criteria, our entire site does. As far as being within a 10-minute walk of a rapid transit station, the measurement that you see the green line here is from our parcel in pink and the bottom left to the CATS station parcel top right, it's 0.49 miles. Generally accepted a 10-minute walk is a half mile or less. Semantics here, you could argue where is the actual pick-up point for the bus – maybe it's another 0.10 of a mile or maybe it's 0.05 miles more, but I do feel like when you look at future development here that industrial site they are putting in a 10' multi-use path. The park obviously will put in its own 10' multi-use path. We're putting in 1,500' of 10' multi-use path around the entire site. I do think we are adding connectivity in this area and beyond that I think it's important to note and it's in bold in the ordinance. The ordinance says nothing in these regulations shall preclude applications beyond a half mile radius. We are within a half mile radius. I'm not saying we need that exception, but I think if logic dictated that you are putting a TODR outside of a 0.50 mile radius, you would therefore then be outside of a 10-minute walk. I don't think the ordinance contemplated that it is a requirement that you must in all cases be within that half mile walk.

A couple things you heard Jesse talk about. I think there's a few other areas where the Land Use Plan does support the project. In particular, and he did discuss it, but focusing intense development where infrastructure exists. I think it's really important to note the site is less than a 5-minute drive to I-77 at Hambright to Beatties Ford and 485 and to 115 and 485, in addition to the CATS station. This is the southernmost point of Huntersville. The traffic that would be generated from here, they are going less than one traffic light in any direction to get to an interstate.

We don't have anywhere left in Huntersville where you can put density. We do have people moving to Huntersville. We do need to have a place for them to live. I think this is a really appropriate place for that reason. A mix of uses, again I think if you look at Town One and the retail that will be up at Hambright, I think there's an argument to be made that the TODR district here has already been established with that 70-acre project and yes we are within a half mile and the two could be read together.

We did have a conversation with staff early in the process about putting a little commercial in and it just really didn't feel like it made sense. I'd also point out in TODR it reads within  $\frac{1}{4}$  mile of the transit station you may include up to 10,000 sq. ft. of commercial for every 250 units. We are outside of that  $\frac{1}{4}$  mile. I think there's a little misnomer that TODR is this real rich mix of uses which is the terminology used in the ordinance, but the ordinance doesn't really back that up in terms of what it might allow you to do in terms of limitations that are actually in place.

We certainly don't meet the criteria of being a pedestrian village from a street and block perspective. We did spend time with staff looking at the site trying to reflect that in our site plan. If you think about where a new street could come here, it would come through our site through the park to the cemetery to an existing road. It just didn't make a lot of sense to add a street network here that the town would have to maintain. I think when you see our site plan, we did try to factor that into the way we designed it.

Encourage transit supportive development. It actually indicates provide incentives to do development around these centers. We are within that half mile. It specifically says consider ways to encourage transit supportive development proximal to future CATS bus rapid transit stations. I think it's important to note as Jesse mentioned, it is a CATS park and ride. They are building 450 parking spaces. This is not just a everybody has to walk here. We want to try to keep people off the roads in general, but we want to grow in Huntersville. Whether you walked or you drove, you drive half a mile and you're at a bus and you're taking traffic off the roads.

This is our site plan. We do have all of our buildings around the perimeter fronting on the public street, a requirement of the pedestrian village, TODR. Our other four buildings front on a large central green. If you look at the corner of Mt. Holly-Huntersville and Alexandriana Road, we're really excited to have worked with staff to generate that sort of viewshed kind of keyhole urban green space there, so as you're entering Huntersville you have a really attractive view up through the site through this large central yard and then the red arrows show that pattern of traffic going into the park then, pedestrian traffic that is.

The top view is what we are proposing at this corner. I think one thing, and Anthony and I talked about this a long time ago, you don't arrive in Huntersville anywhere where you see a sign that says welcome to Huntersville. This is the southern gateway to Huntersville. It's a major gateway, so we've included in our proposal to have that welcome to Huntersville accentuating that corridor view.

Someone asked what the likely uses would be in this area. If you look CB up and down Mt. Holly-Huntersville Road, these are two buildings that exist today that have been developed recently and that is what you would see here. The site is challenged, though, for it. Most of these front the street and you don't see the rest of the buildings. You're going to see all the way around this at this site. Again, I just kind of question what would you want to see as you ride to Huntersville.

Some examples of other towns, that welcome to.....this is our central yard kind of split into two parts. The northern section up along the clubhouse and the pool is more active. These buildings front that green, so these are their front doors. They actually get to walk out and enjoy that sort of mini park before they walk to the actual park.

There's a lot of multi-family communities around that have a little bit of this or a little bit of that. What we are proposing here is think about more of an Old English gaming yard where you have all of it in one place.....tied to the pool, tied to that clubhouse, kind of an active area. The southern portion would be more static, more a little quiet area, a garden yard, some fire pits, curvilinear paths and plantings.

Some examples of some of those elements. Things are subjective. I will give staff a lot of credit. They challenged us with the site plan as we went through the process and although they don't support the site, a lot of their fingerprints are on the site plan. I would argue that what we are proposing in this large central yard does represent exceptional design. I would argue to look at apartments south of here

in Charlotte, there's nothing like that. I think you would be challenged to find anything like that anywhere in Huntersville. I think that is an area where we do excel.

Our group is also involved in Town One and really proud of the fact that two years ago when we put that project together, we were the first multi-family project I believe that voluntarily offered up attainable housing units in a project in Huntersville. I think if you look at submittals that have happened over the last few years most projects have included attainable house. Obviously here we're also going to propose that. We're really happy with that trend.

We have four units at 80 percent, four units at 100 percent, so eight units in the project and generally people that can afford to live there would be first responders, healthcare workers, teachers. It gives a guaranteed sort of rent control. I would also add that multi-family is the least expensive type of housing that we can build in our community, so when we talk about attainable housing or affordable housing, we talk two things. We talk about deed restrictive, but we also just talk about are we building million dollar homes or are we building somewhere where people can afford to live and in this area I think it's appropriate.

I'll defer to Brian and Anthony, but I think we are the first project in Huntersville to propose installed active solar as part of a project. I want to correct Jesse. Our clubhouse we're proposing installing active solar, so that would be live. We're proposing 20 kilowatts of power in kind of an architectural focal point. If you see the bottom right image, instead of just scattered panels like you see on houses that have been converted, we're looking at a way architecturally to make it something that's a point of emphasis. We're not trying to hide from it.

In addition to that, though, I think it's maybe where the confusion came in, we are proposing that all of the residential buildings be built what we're calling solar ready. We're working with a solar consultant. Conduits run from the attics to the electrical rooms, making sure there's that chase for future power connectivity and then making sure the roof and trusses are engineered to support solar panels in the future. Ideally when our regulatory environment is a little more predictable, our political environment may be a little more predictable. We'd like to see Duke Energy maybe a little more amenable to putting power back into the grid, but we think the same way two years ago, we put the first affordable project together I think having the first live active solar project in a multi-family community can be meaningful and really lead that conversation.

From an economic impact perspective there's a widely accepted program called IMPLAN that is used to size. Are these numbers perfect, no they're not. If you look at it relative to other projects, it gives a really good view of what happens here. First off, there's the construction itself, about \$74 million in spending. During that time, though, there's another \$300,000 in indirect.....plumber's got to run to Lowes and grab something. There's also another \$240,000 in induced spending. That's I'm going out and buying lunch or I'm stopping and grabbing a gift for the workers who are in that area. It's about \$84,000 in actual tax benefit to the town during that construction period. The residents themselves, we're building 300 and some units, there's going to be a lot of people living in there who are spending money in our community, about \$9 million in labor income, \$16 million in spending in the community and the big one here and you guys talked about property taxes and budgets. That property today generates about \$3,300 a year in tax revenue to the town. We're projecting about \$180,000 a year looking at Brookson Flats, Waterford and Ardmore as examples. Brookson really being the best example because it's a recent construction.

I will say relative to the CB use there's four or five good examples in this area of Mt. Holly-Huntersville/Hambricht. They generate properties that are about twice the size acreage. They generate about \$25,000 to \$50,000 a year in tax to the town of Huntersville. There's a significant economic advantage to the town also here.

Wrapping things up, if you step away from all the land use, what do you want to see here. When you arrive in Huntersville, what do you want to see here. What would you want to see around the park. What would you want to see for our community to say you've arrived. You've left Charlotte and you've arrived in Huntersville. I think residential is better than the industrial and I think that our project is an exceptional version thereof.

I think we do from a Land Use Plan meet the criteria for the half mile catchment area of TODR. I do think that when you look at this in a granular level, while staff has to follow the rule book, the rules say our leadership has the ability to interpret and I think if you look at the 2040 Community Plan that map that Jesse showed and I showed, that shows us as all Employment Center when in reality it's just not the case. I think this is an opportunity to correct that and look at the specific use on this specific piece of property that fits here. Certainly, the attainable housing, the solar are two pieces that we are excited about and the economic impact of this. I think if you look at this area in general, there's already a mix of uses here. I think this is another use that would be complimentary.

Commissioner Rivers said thank you for your presentation on your project that you have presented to us this evening. In the proposed project you said eight units would be set aside for affordable housing out of 320. Why was eight that number.

Mr. Geisler said from an economic perspective, you maybe first say why doesn't anybody just build these. That's because these are below market rate. As a development community we are not able to build these units and have them be profitable. Each unit we project about \$125,000 per unit as a cost to the project, so eight units is about \$1 million. We feel like it's a pretty healthy number when you start looking at it that way and for the project to move forward we have to go with the raise equity in financing and we have to raise equity in financing against the cost of those units telling someone that we're really not going to pay for them with the rents that we are going to collect.

Commissioner Rivers said with your project and the affordable housing units, will they be consistent with the proposed project as far as the apartments are concerned.

Mr. Geisler said absolutely, it's a mix of units. Someone moves out of a unit, they might move into a different unit, no differences in finishes and it's a mix of if we have one, two and three bedroom units, there'd be a mix of those.

Commissioner Rivers said and the same as far as the solar options.

Mr. Geisler said the clubhouse itself will have active installed solar but then the individual buildings will have that solar ready if the owner of the project at some point in the future decided to add solar power to those buildings, it would power the whole building.

Commissioner Rivers said the proposed project, where is it in conjunction with the graveyard site.

Mr. Geisler said if you look at our site, the yellow buildings, the green outline is the future park. The black outline is the cemetery property and then you have the industrial to the right of it. It's still provided.....the park will be a much larger buffer to the cemetery than we might disturb.

Commissioner Hunt said can you help me understand why you're saving so few trees.

Mr. Geisler said it's a small site. I think whether there was a CB use there or a multi-family use, you're going to see the developer have to participate in the tree mitigation bank. If you look at the cost we just talked about with affordable housing, to put those units in, if we said we're going to basically remove a building, the economics of that are pretty devastating to the project. One of the things that I've kind of committed I guess personally to is trying to find a better place and a better way to replant these trees than just paying into the tree bank. I'd love to find specific uses or specific areas of town where there's a need for that. I'll add to it, there are a number of trees that we will try to save that don't meet the technical criteria for tree save in the project. If you're going to count a specimen tree as a tree save tree, we can't disturb anything around the drip line of the tree and outward of that 5'. There's a number of places in the site where we have a tree that we're showing disturbance 10' or 15' into 80' circle. That tree is almost certain to survive but it doesn't meet the criteria from the town's perspective to call that a saved tree. Hence, we're left mitigating.

Commissioner Hunt said staff, is there a way that we could look into partnering with Mr. Geisler to plant the trees in a specific location other than just putting it in the tree bank.

Anthony Roberts, Town Manager, said Brian and I have chatted some about it. I think we need to chat with Emily to see if that's possible to do that. I don't know if we've come up with a resolution on that yet.

Brian Richards, Planning Director, said if that is something that is agreed upon by the Board and the applicant, that could be a condition of the application.

Commissioner Dumas said you mentioned that it doesn't make sense to do retail. I was going to ask you if you would consider adding retail, so help me understand why it doesn't make sense.

Mr. Geisler said it's a couple of things. If you look at location candidly and there's no other retail around here and usually you need a draw of a collection of things to become a destination. I think the amount of retail that's going in less than a half mile up the road is another reason. If we were trying to market the space, I think it would be very difficult to market it. And then access-wise, we are a right-in/right-out off of Mt. Holly-Huntersville Road and we're full access off Mt. Holly-Huntersville but a right-in/right-out off of Alexandriana. When you start to think about where would you put that and where would the parking for that be in a primarily residential village, it's a tough sale. Candidly, I could tell you that we're going to put 3,000 sq. ft of retail in and I could spend five years trying to lease it out and I would give it to the local Kiwanis Club or the Boy Scouts or Girl Scouts. I'd rather tell you if we're going to put some affordable housing in and have the dollars that would go being spent into a underperforming retail space, go into something that's more valuable.

Commissioner Dumas said I was looking at your really beautiful pictures of people walking around in the courtyard and everything and what did you call it.....like the vision into Huntersville.

Mr. Geisler said kind of a central yard.

Commissioner Dumas said you referred to it as people are coming into Huntersville.

Mr. Geisler said the corridor.....the view shed.

Commissioner Dumas said you have a bunch of parking right here. I don't know the elevation, but I would imagine if people are parking right after that first little green space that they'd block the view.

Mr. Geisler said staff had commented on that and this is not the most current version of the plan. Jesse could either pull his up or I could just tell you. You see that eyebrow, kind of the rounded parking area. That's now gone in our plan, so the green is larger and there's just the two rows of parking there instead of being sort of like three and a half.

Commissioner Dumas said do you think that it's enough to be able to see the pretty green corridor or will it get blocked.

Mr. Geisler said no, I think it's still a pretty significant view through there. To me, I do think it is. We're not showing street trees planted along the 10' multi-use path for that reason. We're showing landscaping there, but just in front of that little view area to kind of again further accentuate that view into the site. I do think it's the view just from the road looking at that sort of entrance and the arch and the way that the people can walk through there, drawing people into the site and ultimately up through the park. I think it's a combination of both that you're talking about.

Mayor Clark said this site location, does it fall within the zone for the CATS micro transit.

Mr. Geisler said I don't know. That's a great question. We can look into that.

Commissioner Bergsman said I think the TOD would be a little more palatable to me. I'd be curious to know if there was an option that the town could explore extending the sidewalk up to CATS, actually not just a sidewalk, but a multi-use path, if that's something you would be willing to contribute funds towards. I guess first I would need to know from staff if that's even a good idea.

Mr. James said that could certainly be a condition that can be added to the plan if you all decided and the applicant agreed to it, to connect all the way to BRT. There would obviously be right-of-way needed and things like that, so there would be some engineering involved in figuring out the price of that. I can let Ben speak on that.

Mr. Geisler said I think there's probably three pieces of that. One, could we work together with the town. Absolutely. Could we acquire the right-of-way. Maybe. Anthony, I don't know how your right-of-way acquisition went along Hambright and fortunately I think there's only one remaining occupied home on that section, so it probably would be a little lower bar, but you might be able to speak because you've had that recent experience from a right-of-way acquisition perspective.

Mr. Roberts said they all differ. You want a million for your property and the next person wants \$100,000 so it just varies. Some projects are easier than others, but nobody is giving it to you.

Mr. Geisler said the third question, I think we could certainly contribute some funding to it. Could we do it ourselves. I don't think so. I think we could certainly contribute funding towards it.



Commissioner Bergsman said that's kind of what I was thinking, if there could be a commitment that if the town would decide to pursue sidewalk or multi-use path, if you would also be willing to commit to funding some of that.

Mr. Geisler said I think definitely. I think when we look at it, the industrial complex does have a 10' multi-use path across the front of it that's going to be constructed and I think the park is obviously going to construct that piece, so it's probably not quite as daunting as it might look if you just look from Point A to Point B.

Mayor Clark called for public comments.

Randy Rabenold said my wife and I live on Kerns Road in Huntersville. I moved here in 1995, so I've seen a lot as most everybody has and I'm very familiar with the site around Alex Yards proposed site. Actually, me and my son used to tramp around in the woods down around there quite sometime ago. I think Alex Yards fits that site. I know a lot of people come up from Charlotte. I'm for it.

Elaine Benjamin said we're the Benjamin family. We've been up in this area for like 23 years and we've grown with this area and we've built our family on traditional grassroot foundation and we're really thankful to be here right now. What we see with our property on Mt. Holly-Huntersville Road is an excellent location with a great opportunity to provide wonderful community service for the residents that live there. This was the first time I got to see the real proposal and it really looks grand, it looks wonderful. It looks like it would really serve the needs of the community and to know that the park is right behind, that's just awesome. I know that living down here in Charlotte that access to the highway is like a mandatory thing to get to work. That was awesome. I was a nurse for many years at Mercy Hospital and getting to work was a trip. I'm excited to see this coming into fruition hopefully. I hope that you agree and see our vision.

Joseph Portnova said I appreciate the opportunity to propose the rezoning from Commercial Business to multi-family use in Huntersville. This project has the potential to bring tremendous benefits to our community and I want to highlight a few key reasons why supporting this change is a smart move for our town.

Number one, addressing housing demand. Huntersville continues to grow attracting new residents and businesses alike. As housing costs rise, many individuals and families struggle to find affordable options. Rezoning for multi-family use allows to provide more attainable housing opportunities, ensuring that we accommodate diverse income levels while maintaining the character and vibrancy of our town.

Number two, supporting local businesses. An increase in residential density brings economic benefits. More residents means more customers for local shops, restaurants and service providers. This shift will help sustain and grow small businesses, creating a thriving local economy that benefits everyone.

Number three, providing workforce housing. Many essential workers – teachers, police officers and healthcare professionals struggle to find affordable housing near their workplaces. Multi-family housing can help address this issue by offering cost effective living options allowing those who serve our community to live within it.

Number four, optimizing land use and planning for the future. Certain commercial areas may no longer serve their intended purpose. Rezoning for residential use ensures that we maximize land efficiency, create vibrant neighborhoods and align with Huntersville's long-term community goals.

This proposed rezoning represents an opportunity to enhance Huntersville's livability, economic vitality and sustainability. By supporting this transition, we foster a balanced approach in development that meets the needs of current and future residents. I encourage the Town Board and community members to consider these advantages and work together to create a Huntersville that is inclusive, thriving and forward thinking.

Ryan Flores said I'm a resident right here in Huntersville, about 400 meters away on the edge of Vermillion. I am a business owner on Mt. Holly-Huntersville. I was actually part of the selection committee for the artist of the Park and Ride right there is one of three that selected the artist that is going to design and Park and Ride building, so I feel like my fingerprints are a little bit all over that area. I can't really speak for the Public Arts Commission, I'm not here to do that, but being part of those meetings and as an active member of that, I really liked to hear what Ben said about the gateway in our community. We've recently worked with the builder right here behind Discovery Place about maybe even extending our SculpTOUR that we just put in in 2024. I think there's a lot of opportunity. As I've been a member of the Arts Commission since 2023, we have never worked with one of the builders of these big commercial properties, but we have worked with the builders to extend the beauty of our community. I think it's a great idea and as a business owner right here on that corner, I support it fully.

Brad Meents said me and my wife have lived off of Hambright Road right near Mt. Holly-Huntersville. We've lived there about six years. It went from a nice little quiet road on Hambright to a warehouse heaven. We were a little frustrated to kind of see this start happening and when I heard about this project, I fully supported it, especially once I heard about the 27-acre park. Just as the commissioner stated, I just didn't understand where you'd have a commercial park within a commercial area. I just think to take advantage of that park and have young families living there, creates more of a home area instead of just completely filled with warehouses. It just makes total sense to me. It's a great location to get onto the interstate and the last thing I want to see is another box store there or warehouse. Since it hasn't been decided what it could be, my fear is it's just going to be something nondescript, plain building and that's what's going to welcome you to Huntersville. I fully support this. I think it would be great for families. I think that park would just be amazing for young families moving in there.

There being no further comments or questions, Mayor Clark closed the public hearing.

Mayor Clark said before we proceed with our next public hearing, I inadvertently lumped in our general public comments with the public hearing comments and so I'm going to call on Christine Wolak.

Christine Wolak said I live on the Holbrooks side of Vermillion. Before I moved to Huntersville I lived in an awesome townhouse community. I'd like to tell you what made it so awesome architecturally speaking in case any of the developers in the room want to include this in their future plans.

The first thing was that there were one-story units in addition to the two-story units and this allowed seniors to live in a community with lawns and with mixed age ranges instead of staying in a house that's too big or having to move into an apartment complex or a senior living complex. There were at least three different floor plans for the two-story units. The one stories were just mirror images of each other, they would be on one side of a building. Each building was either three, four or five units, so it was very mixed as far as what you would see when you're looking down the street.

Each unit had a patio or a deck depending on the ground elevation and there were four different external paint colors, so nothing outrageous, beige, tan, gray and very light green. The road was not all right angles. The neighborhood didn't look cookie cutter or prefab. It looked like a neighborhood. Last, but not least, not only did each unit have an attached two car garage, but also there was room to park in the driveway, revolutionary for townhouse complexes if you've ever seen them. Many people left a car or even two in the driveway and used the garage for storage and then with the cars in the driveway it felt more like any other neighborhood that you would go to. People didn't disappear into their garage if they parked in their driveway, they said hi to their neighbors. Room for parking in the driveway, single floor units for those that can't do stairs and buildings that are different enough that you don't end up walking into someone else's living room by mistake, these are the things that made my Silver Gate community an awesome townhouse community and I hope other developers will consider this when planning their next project. Make your townhouse community a neighborhood and keep Huntersville homey.

Joe Sailors said just down the street from the project that they were talking about and by the way, there's five home sites on that piece of property. Two of them are lived in right now. The other three people have moved on and I guess that's why it's being sold. I'm trying to get staff to put the 7-Eleven station on Mt. Holly-Huntersville Road and Beatties Ford back on the agenda. Our attorneys and your attorney have been doing emails or texts back and forth according to my attorney, but haven't actually talked to each other yet. Jeff's guy is trying to get hold of you. We made a significant change. The Houston's who own the property next door, we're not going to include it in the property because they do not want to come to the board and ask the board to downzone their property back to what it was in 2008.

Because we're reducing the size of the property by almost 50 percent, that's a significant change and could constitute it being able to be brought back to the board. Ironically, the Overhill project on Beatties Ford Road, the board allowed rezoning of that property when Mr. Bowman didn't sell all of the existing property to the new developer. The board approved the property for the new zoning and it wasn't supposed to happen, but it did. I'm asking that staff and the manager people get together and the attorney and see fit to put it back onto the board.

**Petition #R24-07.** Mayor Clark called to order public hearing on Petition #R24-07, a request by the property owners to rezone +/- 106 acres located east of the intersection of Hambright Road and Everett Keith Road from Transitional Residential to Neighborhood Residential Conditional District. The purpose of the rezoning is to develop a single-family detached and attached house subdivision.

Brad Priest, Assistant Planning Director, entered the Staff Report into the record and reviewed the request. *Staff Report and Staff PowerPoint attached hereto as Exhibit No. 5.*

Commissioner Walsh said I've read through the Staff Report and there are a lot of notes and things, but I've got a couple of questions. It says no phasing plan has been submitted. Can you help me with that.

Mr. Priest said in looking at the site plan as a whole, you've got connections, you've got open space, you've got infrastructure and roads. But the reality is when a subdivision comes in and actually constructs, it's usually not at the same time, it's phased out. Some entrances are put in the beginning, some entrances are put in later and some open spaces are put in later. What staff is asking to do on a conceptual level, not on a lot-by-lot basis, but just understand what entrance is going to go where, what infrastructure is going to be put in when. And because the time element matters, for instance, of course we wouldn't want, and this is not something the applicant's going to do, I'm sure, but we wouldn't want

everybody going on Dogwood Lane to get into the neighborhood for Phase One being the ones to the east. That wouldn't make sense, they wouldn't do that, but at the same time we want to see that. We want to be able to see the timing because it matters. That's the request for a phasing plan to understand what connections are going to be where and to make sure those are sequential and logical in the development of the site.

Commissioner Walsh said there was modification of the conditional subdivision note. However, the subdivision note still allows a potential third party to purchase a portion of the subdivision and rezone it without the owner or other portion of the subdivision's permission. Kind of your point there on Dogwood Lane, it sounds like they could start some projects over here to the west and then sell that portion that's off of Dogwood Lane and orphan that so to speak by not connecting. Can you help me with that.

Mr. Priest said we kind of deal with worst case scenarios. A lot of time they're not the worst case scenarios, but we check and verify and that's the intent of amending the conditional note because as the note is written, that's exactly right. If the developer sells off to a third party and they start selling homes and then the owners of the homes who purchased the lots on the other side, they have use of open space, they have connections, but then the third party says they want to rezone the property, they remove connections, they remove open space, so now these property owners are being affected. It's staff's recommendation that they should be able to go to those property owners to sign on to that rezoning to be able to all be on the same page. Rather than just having that done to them, it should be with them.

Commissioner Walsh said there were in a couple of places issues with build-to lot lines. I can see down here on the left side you've got a road. Obviously, the homes are fronting the road, but it looks like there was some fronting Hambright as well as Everette Keith. In fact, I think in one place it talks about the lots may be like 10' above the street line.

Mr. Priest said the units that front proposed now on Hambright Road, so walkability, street frontage relationship is a big element of the Huntersville Code and the 2040 Plan. Usually what that means is that the units are very walkable, that you push the buildings closer to the street, you have a sidewalk that goes right to the street and it becomes a function of the home, especially in urban areas. An example, I do have just a couple of pictures I can show. Here's a picture of some developments of townhomes and narrow lot development that are on a thoroughfare, but you see they have a very close proximity to the street. Each one has a sidewalk going to the street and are very usable and functional, and how fortuitous someone was walking when I took the picture. That's the intent that encourages that when you pull those buildings back, you're less likely to use them and then it becomes somewhat of an awkward connection from the street to the house with long sidewalks that parallel each other and it becomes an awkward design.

Staff recommendation is to put a cap on that and push the buildings a little bit closer. The issue that the applicant is dealing with on the Hambright lots, there's a lot of grade because they are dealing with streams in the area. Those units are about 8' to 10' higher than the street and so you're hurting that frontage relationship. You're hurting that walkability.

On the Everette Keith side, you'll notice you've got townhomes that front Everette Keith, but you also have almost a buffer and landscaping. Staff's recommendation is to put them closer to actually front Everette Keith, but what the applicant is concerned about and we understand that from marketability standpoint, you have industrial on that side. It's buffered, but the plants are low right now, so it's not

very natural. You still see into an industrial area and it might not be as marketable that way if you have those units fronting on an industrial area. However, staff is keeping to that principle of walkability and having a closer build-to line closer as opposed to further.

Commissioner Bergsman said the tree canopy, do we know if it's wooded throughout the whole property, if it's concentrated in certain areas.

Mr. Priest said I can't tell you a percentage, maybe the applicant could. It is heavily wooded because of the streams, I would say. Some of the area to the east is not wooded. Maybe the applicant can answer it better, but essentially it's 50 percent maybe, but I can't speak to the exact. I could get that for you.

Commissioner Bergsman said that would be great. Do you know offhand which school are these zoned for. I'm guessing North Meck High School.

Mr. Priest said yes.

Commissioner Bergsman said would it be the same with the one we just heard as well.

Mr. Priest said I can verify all that information.

Commissioner Bergsman said I'd be curious to know because they're both in that Hambright corridor.

Commissioner Rivers said maybe you can assist me. Is Dogwood Lane the main entrance/exit for this project.

Mr. Priest said no ma'am. There are lots of connections. Everette Keith Road connects down to Savoy, which goes out to the intersection of 115 and Alexandriana. Then you also have Hambright Extension that they're proposing to build and that goes directly out to 115. Those are the main entrances that we expect. Dogwood Lane is more of an option of a connection of people who want to go a different way you might live closer to that way.

Sean Paone, Applicant, said as part of the application team we have NVR, we have Nicole Frambach and Scott Munday who can answer anything specific associated with the development team. They're a Top 4 national home builder with 75 overall years of experience in residential building and mortgage. They have done a number of projects within the Huntersville jurisdiction. Same for Bolton & Menk. Bolton & Menk is a new name in the market. We used to be called Cole Jenest and Stone. *PowerPoint attached hereto as Exhibit No. 6.*

As we started the design process, we kind of identified four key points, trying to create diversity and residential product throughout the development. The second one being to advance opportunities to expedite initiatives through the public good associated with the Town of Huntersville, Mecklenburg County and NCDOT initiatives. Creating a great pedestrian-friendly environment adjacent to future thoroughfare, roadways and industrial uses. And then to minimize impacts to environmentally sensitive areas which are steep slopes, jurisdictional waters, wildlife corridors and mature vegetation. I'm going to kind of build off of Brad's presentation as it relates to a context map, so kind of slide west, you've got Highway 115 which is your initial intersection there with Hambright Road which extends east to Eastfield. That's the top red line there identified as Hambright Road. The dash line extending beyond that is the proposed alignment for the Hambright Road Extension which long-term has the expectation to connect to Eastfield Road further east.

We've got the two Duke Energy corridors. There's a 150' corridor which is that broader yellow line cutting across the site and then another 68' corridor, which is that one that kind of angles going down through the southern portion of the site. There are three jurisdictional bodies of water or waterways plus the pond. They're identified in the dashed blue lines there and then as Brad mentioned, we do have these stub street connections associated with Dogwood Lane and Forest Lake Avenue, which is in the southeast corner of the development.

The overall site is 106 acres currently zoned TR. Some of the adjacent land uses and properties – directly to the north is the construction material landfill. You've got several Bryton projects with the parcel in the northwest quadrant of Hambright and Everette Keith being the proposed multi-family project. You've got Bryton subdivision which a majority of it currently constructed kind of further towards 115 Bryton Corporate Center which is the industrial complex directly west of Everette Keith. You've got the newly constructed or under construction Everette Keith industrial just to the south of our development and then also Dogwood Estates to the southeast portion. You can also see the connection to Eastfield Road from Dogwood Lane. We've got Asbury Chapel Road on the east side which would be that first intersecting extension of Hambright Road.

Just a little bit more context on some of the site conditions which will help build the environmentally sensitive case that we're trying to portray. You could see these are the slopes associated with the site and I've overlaid the kind of masterplan for the development, the red being the most extreme slopes and generally they are associated with the jurisdictional bodies of water, so between 50' and 100' of that center line of the stream, there's 40' to 50' of elevation difference, so four to five stories of elevation difference. Where we're trying to be a little bit more sensitive to those areas and crossing where necessary and then trying to make internal connections through some other improvements that we are proposing.

As I mentioned, the site is 106 acres. Our proposed rezoning would be to Neighborhood Residential Conditional District. As Brad mentioned there's 259 for sale homes. We're proposing eight affordable housing units, the addition of the proposed dedication of the 10-acre park which is associated with the pond on the southeast quadrant of the site. Throughout the improved open space areas, we have just shy of 23 total acres of urban open space areas. We have submitted the TIA to NCDOT and the Town of Huntersville and both have approved that report.

I'm just going to go through now some more of the kind of intentionally designed open space areas that we've kind of integrated throughout the development to create a connection and a kind of more intentional aspect of making a greater kind of design community and not just kind of focusing an open space in one location. For context, this is Hambright Road Extension which is on the bottom portion of the plan there. That is kind of the terminus that we're proposing. To the north of this is the townhome section. We've got four open space areas located within this area.

The first is Open Space Area A which is a park designation that is kind of the northwest quadrant. Items associated with that are the recreational field which would accommodate large multi-use recreation, soccer, football, things like that, but not goal posts and goals, but the opportunity to have a really intentional, well multi-purpose recreational field.

Just kind of to the north of that we have a townhome building that's fronting on an urban open space which we're calling a hammock garden, so it's basically a pedestrian pathway to the frontage of those units and then having a more intentional garden area with some kind of relaxation as you kind of tuck

into more of the tree save canopy that's existing on site. We also just to the east of that where that alley connection is connecting to the additional townhomes to the right, we have specialty paving area to kind of minimize that impact of the vehicular traffic through there.....more of a motor court as it relates to the pedestrian and vehicular relationship in there and by softening that through adjacent butterfly gardens on both sides. That area is 2.13 acres.

To the right of that we have Open Space Area B which is a pedestrian passageway, which essentially is a frontage condition that's linking all those townhome units together through multiple lawn areas, water feature, more community gathering space associated with a fire pit, outdoor seating and then adjacent visitor parking.

Open Space C is associated with the dog park. Every development, especially with this number of units, is always looking to be able to have a pet-friendly location, so this is a great opportunity to maximize this area and create this linkage between all the adjacent open space areas and kind of the higher density area of the development. You also see several pedestrian connections leading to either the end of alleyways or to the Hambright Road frontage which also has a multi-purpose path.

The smaller kind of more quaint open space area is Open Space D. That's basically tucked in adjacent to the proposed affordable housing units and that would have a multi-purpose green location hardscape, more of the outdoor gaming, kind of all weather....ping pong, things like that. More of an active use for that location.

This is moving just south of Hambright Road and you can see Everette Keith Road, so this would be the area that essentially is adjacent to the existing Bryton Industrial. We have Multi-purpose Area E, which is a large park. It includes a playground, earth mound areas for multi-interaction play facilities, so it doesn't have to be a physical structure. We have decorative swings. We've got a native plant material and then as Brad mentioned we also have basketball goal and a partial court to accommodate a multi-sport court.

Adjacent to the sand filter is the extension of the pedestrian movements through.....it shows up in the overall masterplan, but this is one of the locations where we've got a pedestrian pathway that links other parts of the development. It basically becomes that pedestrian connection, runs down kind of adjacent to the wet pond location, then connects down to Dayflower Drive. This would be the southernmost connection onto Everette Keith Road. On Ruby Falls Drive you have a signature terminus as you're coming down Dayflower Drive which is Open Space F. Again, a park designation so you've got a splash pad, a shade structure, lawn area for multiple activities and then that connects to a wildflower corridor, as Duke has several restrictions as it relates to how much vegetation they would allow within their corridor, but we want to kind of accentuate that corridor instead of just leaving it as a blank slate, so that would be like a wildflower meadow continuation throughout the site.

As we move further east, you can see this is Ruby Falls again, so you can kind of see that Ruby Falls goes kind of north and is starting to curve. This is the extension of Ruby Falls going to the mini traffic circle. This is more of your sport activity area. You've got pickleball courts, an open space lawn area, dedicated parking specifically associated with the pickleball courts and then additional noise buffering for the rest of the development. This area is just shy of three acres.

As we continue to move east there are Open Space H and I, so this is getting closer to the connection associated with Dogwood Lane. You've got Forest Lake. You can see right there Dogwood Lane, that's the extension that we have. You essentially are directly adjacent to the Dogwood Estates development

with the larger lots. There are two larger green space areas that are kind of multi-functional and not specifically tied to any particular use, but a lot of additional vegetation shrubbery to be able to accentuate the lawn areas and create another gathering space for this side of the development. Both of those are just shy of an acre in proximity and both of them have frontage to public streets for access.

I mentioned the key design criteria that we started looking at as we evolved the plan was to create a diversity of home types. As Brad mentioned, and I'm just going to kind of continue with that, is we essentially have four different product types, three kind of general ones, so you have the attached residential which there are 76. We're at 29 percent, which is below that 30 percent threshold for NR. Those are in the kind of darker orange north of Hambright Road. There are 75 detached cottages which are all alley loaded. They're in the lighter orange color south from Hambright to our southernmost connection off to Everette Keith Road there. In the yellow we've got 108 detached single-family homes. Those range from just over 50' in width to the 100' as you get closer to Dogwood Lane.

In addition to that we mentioned the eight affordable housing units that are being proposed associated with units in the townhome section.

These are architectural elevations associated with the different product types. The top left is the attached residential – covered porches, bay windows, variation in the frontage facades. To the right of that, you've got variations in the cottage homes so narrower homes could be single-story or two-story homes. As we mentioned, all alley loaded. The bottom two are examples of the 50' and 100' single-family detached homes. As part of the submittal package we did include architectural standards associated with front porches, covered stoops, Hardie siding and then additional brick and stone accents.

Getting a little bit more into kind of the technical aspect of what we were trying to do as it relates to the public good initiatives, we mentioned the extension of Hambright Road and there's a reason for stopping Hambright Extension at the Duke Power easement. The current alignment that is essentially a dashed line on a piece of paper crosses the Duke Power corridor at an angle that's not acceptable to Duke, so there's been some coordination back and forth and so essentially what we did was propose the extension of Hambright Road to the point that we knew was acceptable and then we're dedicating the future right-of-way to be able to accommodate the alignment in whatever fashion is negotiated between the Town, NCDOT and Duke Energy. It's that area in gray with the red outline. You can see that it flares out, so that would allow for essentially kind of like a deviation in that alignment or the straight alignment that goes across to the project boundary and then also a construction cost donation based on the payment in lieu for that additional construction.

The yellow is associated with dedicating greenway easements that align with the town's greenway alignment as well as the county's Seam Trail alignment. We're currently having additional coordination with Mecklenburg County as they're kind of working through their ultimate alignment based on some feasibility and that's specifically associated with the slopes on this project and the kind of functionality of that alignment, but these essentially are the portions that would align there. We are dedicating those easements. The last one would be the dedication of the 10-acre park which is that southeast portion of the site. In addition to that we have the construction of multi-purpose paths along Everette Keith and associated with the Hambright Road Extension on both sides, so those are 10' pathways that are associated with those enhancing the pedestrian experience, so this first one and ultimately I think the kind of opportunity here is to create that frontage condition with the homes on Everette Keith and Hambright through the cottages and the townhomes.....still create that relationship to the street but we're not considering it a buffer. We're considering it a landscape setback, so it's not intended to be a



full buffer and create a complete opaque view corridor. Essentially down those frontage conditions the intent would be to enhance that frontage condition. Obviously when Everette Keith is fully extended based on the transportation plan or Hambright is fully extended to Eastfield Road, the amount of traffic volume on those roads is going to greatly increase. The difference between having that frontage relationship on a local street which is narrower, more quaint, not nearly the same amount of overall traffic volumes versus having something that fronts on a thoroughfare, the ability to still have that kind of frontage relationship, but setting the homes back a little bit further creates a little bit better of a pedestrian experience. We're still maintaining the multi-purpose paths. We're actually enhancing those pathways with this kind of landscape setback.

That's basically highlighting those yellow boxes that are basically the frontage condition and again not looking to create a buffer, looking to create a landscape enhancement on those frontage conditions. This would also be consistent to essentially the separation between adjacent uses, so I highlighted the perimeter buffer which is shown in green dashed line. We're maintaining a perimeter buffer around the property and really that's to create a separation between either consistent uses associated with residential or not consistent uses like the industrial, which is just south of the site or to the west of the site, so having that kind of setback area off of Everette Keith and Hambright is in keeping with that same thought process.

In addition to that holistically we have roughly 2.35 miles of internal pedestrian walkways. Because we have such deep slopes throughout the project, it makes it very challenging to have this kind of cross jurisdictional waters connections from a pedestrian bridge standpoint, so what we've done in all the areas is kind of highlight that broader kind of blueish green dashed line are all 10' wide sidewalks, so a larger sidewalk than what would be required under traditional local streets and that is an opportunity to kind of create that pedestrian experience while having a multi-purpose path that we can link all these sections of the development together.

The last one would be obviously creating that easement condition there to be able to link the town's greenway alignment while kind of snaking back to the first crossing that you could make on Hambright Road and then linking that up to the Seam Trail, so that provides a lot of opportunity for future pedestrian connectivity beyond the project boundary and again that's all done through a dedicated easement. I highlighted the areas to kind of identify the linkage between all of our open space areas, the 23 acres of open space areas and these multi-purpose trails.

The environmental sensitivity ties back to the slope analysis, but then also our ability to kind of minimize vehicular and pedestrian crossings of the jurisdictional waters as part of the permitting process we do have to show avoidance. Are there any other ways to make these sites work without having a certain number of crossings or impacting additional jurisdictional waters, so we've tried to strategically locate those to minimize the overall impact to jurisdictional water. Currently we only show two crossings of jurisdictional streams. Obviously Hambright would then create another one once it got fully extended, but essentially that was kind of the thought process was to minimize the amount of jurisdictional crossings that would ultimately impact more stream or vegetation area, specifically associated with those really steep slopes.

As part of that talking about revegetating, the question came up about the coverage area and obviously having the two Duke Power easements through there, the site was actually timbered a number of years ago but the overall site is approximately 70 percent covered and we're maintaining about 20 percent of that total as it relates to undisturbed. From a tree save standpoint there are 290 specimen trees on site. The requirement is to save 29 of those, that's 10 percent and we're saving 141. Obviously as we try to

kind of minimize any impact we have with those steep areas in the jurisdictional water areas, that's where a lot of the really heavy vegetation, more mature vegetation is because it wasn't timbered in previous history.

Then we mentioned revegetating any portions of the Duke Energy easement that we can, whether or not that's through a wildflower meadow situation, as long as we have enough separation from the wire zones we can put trees and other things like that within there, which are going to help to enhance those open space areas that we've designed.

In summary, just kind of hitting the high points, the intent was to have thoughtfully planned amenities in common open space areas, provide a number of product diversity throughout the site, extend Hambright Road beyond our overall need from an access standpoint. We have the proposed park area dedication of approximately 10 acres, the eight affordable housing units, the enhanced pedestrian experience and then that kind of environmentally sensitive thought process in the way that we went about our design.

Commissioner Rivers said I saw in the Staff Report and you reiterated you are willing to allocate eight units for affordable housing. I appreciate that, thank you, because I'm a big proponent of affordable housing. Those units, they are just the townhome units or condo units.

Mr. Paone said that's right.

Commissioner Rivers said are those for sale.

Mr. Paone said those are for sale. Everything on the site is for sale.

Commissioner Rivers said are you willing to look into allocating any single-family homes.

Mr. Paone said we did meet with staff after our application and the comment came up about spreading those units throughout, so I think that's under consideration or that's the proposal that we have to date as the units that we have in those locations. I don't know if there's anything in particular.

Commissioner Rivers said yes, because I was going to ask about why was it just that specific area only allocated for affordable housing.

Scott Munday, NVR Ryan Homes, said in identifying areas for affordable housing we did look at the attached area because we had an opportunity to create or what we identified as being compelling over 10 percent of attached housing being dedicated, which again is for sale. Our understanding was that the Town of Huntersville currently has no for sale affordable housing units. We were asked by staff to contemplate a program to kind of pioneer that effort for the town. We looked and studied other jurisdictions where there is a for sale affordable housing component. We crafted this plan and identification of units and language, which is included within the development notes based on what we've seen in other jurisdictions. Again, more than 10 percent or so of our attached housing product, these would be for sale units.

There was a comment earlier about these units looking sort of different than the units around them and that's not really the case at all because these units happen to be flats but from the exterior they look just like two-story townhomes. There's a front door and you walk in and that door serves two flats, but from the outside you can't tell. In many of our communities we develop that product type with our

conventional two and three story townhomes regularly for sale at market rate. This is something we do at market rate all the time, it's just in this case we identified this particular opportunity and what we're looking to do is in close proximity to those locations have those be two story townhomes and the remainder be three. When you're just looking around from the exterior, again everything even from the interior, there's no distinct difference between what would be affordable or in the affordable program.

Commissioner Dumas said I do still like the idea of spreading them out. I'd ask you to consider that. This is currently zoned as Transitional Residential. Why this project. Why the rezoning. What is it about this plan that you're needing or wanting to move forward with.

Mr. Munday said for a number of years I was involved with the development of Bryton, especially the sections north of Hambright. Bryton is just right across the street from Everette Keith and we have a proposed transit center. There's Hambright that connects of course now to I-77 direct and we've always felt like that this site was an opportunity to have greater density as we believe it responsibly should give its location, which is again the proximity to vary and much greater dense Bryton. When we look at this what we're trying to do is basically as development moved down Hambright and Bryton is more fully developed, on the most western edges of this site, kind of continue with that density and then soften the density as you move back. We're still under 2-1/2 units an acre. It's not a dense site, but there's an opportunity given the transportation opportunities here, public and vehicular, and the proximity to 485, I-77 and of course with 485 to 85 that this should be, especially with water and sewer available here, a more dense site than TR.

Commissioner Dumas said one of the questions we've all received on this petition we received from neighbors is about installing a gate. We've received this question before, so I just thought it would be good to talk about what's possible when it comes to adding a gate on a road that's a public road.

Mr. Priest said adding a gate to Dogwood Lane wouldn't be consistent with the requirement to have a connection, so that would be a gate and that would only be emergency use only, so that's not a connection. It kind of takes that connection away, it's gated. Staff's interpretation would be that wouldn't be consistent with the ordinance.

Commissioner Dumas said maybe I'm remembering this wrong, but my understanding is also that on a public road we can't put a gate, so they would have to purchase the road if they wanted to put a gate.

Mr. Priest said for a private gate, that's correct. It's got to be a public street.

Commissioner Bergsman said where are you proposing that the construction vehicles will enter and exit the site.

Mr. Munday said If I may answer that and simultaneously address Commissioner Walsh's earlier question about phasing, because I think the answer sort of dovetails. The reason that we had not submitted a phasing plan is not the absence of doing that, but we really considered this as being developed almost fully in a single phase. The reasons for that are given the number of townhomes and given the number of cottages, those would not be subphased. If you look at west of the creek that's closest to Everette Keith, there aren't enough single-family detached 50' lots there to develop as a single phase. Automatically from a phasing standpoint, we are at least going to develop to the second creek. But what we are prepared to do, given the discussion that we had with staff about the phasing plan, we are prepared to identify the area east of the second crossing or above Dogwood as a second phase. In doing that, and the reason we didn't do that before is because we were concerned that if our clearing

limits of construction were confined to the first phase only, we were concerned since we haven't performed civil design to develop the site, that we may not be able to balance the dirt across the site and balance the site. We didn't want the last section to have to balance earthwork, if you will, on its own because a lot of times the site really has to work all together to balance earthwork across the site because we have so much topography across the site, it's a real challenge. We're not entered into civil design, however in discussing with staff, it sounds like we would be able to extend our clearing limits to a future phase for the purposes of balancing earthwork, so on that basis we are certainly willing to identify the area east of the second stream from Everette Keith as a second phase. And then to answer your question, the construction traffic would be entering in from Hambright.

Commissioner Bergsman said I would appreciate the idea of having a Phase 2 instead of having it all in one and saving that backend. I just want to reiterate what Commissioner Rivers brought up. If you could consider looking at mixing in the attainable housing units throughout rather than having them all next to each other like in one little pocketed area. That's something I would appreciate.

Commissioner Walsh said we need to scatter the affordable units. Regardless of what you say, people know that's where people with affordable units live, so they really should be spread out. There was some issue regarding utility connections in the Staff Report. Can you tell me what's going on with that.

Mr. Munday said the utility connections specifically is the sewer tie-in and we're in very productive discussions with each owner to resolve that.

Commissioner Walsh said if we were approving this tonight and you couldn't get that connection, what does that mean.

Mr. Munday said my understanding is that we would need to demonstrate at least a letter of intent or some sort of agreement for your approval. We're not voting tonight.

Commissioner Walsh said I'm saying if tonight it was approved and you were clear to go and you couldn't get that utility connection, what happens to your project.

Mr. Paone said we've been in discussions with Charlotte Water on other opportunities. There's sewer going down Everette Keith and Hambright. Ultimately Charlotte Water would prefer that we follow the stream corridor going down, which would then tie into the extension of Trails End, so that's kind of the alignment that's there. There are other mechanisms. Ultimately it would have to be likely phased differently from a utility standpoint if we were going to make connections to Everette Keith or Hambright.

Mr. Munday said that's the preferred route, but there is another route because there's the trunk in Bryton that comes down.

Commissioner Walsh said let's talk about the pond. Same scenario, we approve it tonight, when do we get the pond.

Mr. Munday said I think we did provide language on a development note. I think the dedication would occur commensurate with the recording of the plat of the last phase or the last plat.

Commissioner Walsh said if that were in Phase 2, you could be talking years away.

Mr. Munday said the development once started will be sold out in three years. It would take probably two years to work through construction plan design and approval of that.

Commissioner Walsh said let's talk about connectivity. I think in the report I see some issues about alleyways and some other things. In one of the slides you brought up, so looking at this slide right here, let's say I buy one of your townhomes up there in the northern section and as people know up here I'm an avid pickleball player. Other than coming down this road or driving to it, there's no stream crossing for me to get there other than taking a long loop around.

Mr. Munday said that is correct. We've provided some 19 parking spaces at the facility. You can certainly bike there or walk there and the various trails that we have through the community. The multi-modal pathways are an extensive network, some 2.35 miles I think we quoted, that reach every section of the neighborhood, so you certainly can bike, walk or drive to the pickleball courts.

Commissioner Walsh said crossing that stream, we call it Stream One there, is there any crossing there.

Mr. Munday said no, there's no crossing there.

Commissioner Walsh said so I'd basically have to go around to get to it.

Mr. Munday said you would have to go around. The one thing we would like to point out is the span of that, given the topography. We showed the topography slide earlier. The span of that would be hundreds of feet and it falls some 50' to 70' to the creek and not to mention it would involve a considerable amount of clearing in that area where we're not proposing to clear. As we pointed out earlier, under avoidance and minimization of those environmental impacts, which is a Army Corps of Engineers mandate when we permit the stream crossings that we have, we're asked to avoid and minimize those, which we've done.

Commissioner Walsh said with regards to the future greenway, I was unclear. I read in there at some point you were giving an easement but it got into the BMP and then you were dedicating the greenway space or you weren't going to build it.

Mr. Munday said there's two things. I think possibly the best way to think about it is there's the town greenway which is a north/south configuration. The gold lines up by the storm pond and the townhome section, that's part of the town greenway. Then there's the county greenway, which is navigating in the east/west fashion along the Duke corridor.

Commissioner Walsh said the yellow one that I see there, you're calling that the town greenway.

Mr. Munday said both are actually that goldish color. The way to think about the north/south in this orientation up and down, that's the town. And then the other is the county. What we're saying is that we're dedicating the easement for the town greenway that runs by the pond and we're in discussions with Mecklenburg County about the alignment and orientation requirements of their trail, which have not been determined yet. We set up a meeting with Parks. We started to have a discussion and they were actually more focused on the parcel in Bryton which is in the northwest quadrant of Hambright and Everette Keith and just asked us to set up another meeting. We are going to follow-up with them on the alignment.

Commissioner Walsh said the county with the gold color, yellow color, so they're talking about crossing the stream there.

Mr. Munday said their alignment is unclear. They've acknowledged that the feasibility of that is in question and it's one of the reasons why and they understand the cost and the feasibility of that, was one of the reasons that we plan to discuss with them ways to utilize our infrastructure from a built condition to provide probably a more feasible route.

Commissioner Walsh said if that were there right now, that's my question, then there would be connectivity within the neighborhood, so we're going to have to cross the stream at some point other than looping around, because even Hambright Road will eventually cross that stream.

Mr. Munday said that's correct.

Commissioner Walsh said so all you are doing is dedicating any property to the county or the town but not actually building any of that.

Mr. Munday said we don't know. In discussions with the county, we don't know how much of the infrastructure that we're building could accommodate the trail alignment for the county. We don't know yet until we talk to them. There's things that we're building, it really depends on their alignment, so things we're building that could be used and if their alignment differs from that then we'll work with them on that, but we certainly would by easement dedication accommodate the county trail through there, but we're trying to see if there's alignment advantages to some of the things that we're building to help supplement that, so then it would be a mix of build and easement dedication.

Commissioner Walsh said I think it's something we need to address for connectivity within that neighborhood. Another subject, the Eastfield Small Area Plan, the transition from Dogwood Estates right now. I looked at the map. It's about nine units and then it quickly goes to 50' wide lot lines which is not in keeping with that small area plan. Why not buffer that a little bit more so that it transitions. We do that a lot. We don't put apartment buildings next to five acre homes. It seems to me that you'd want to kind of buffer that a little bit more, that transition out and comply with the small area plan.

Mr. Munday said we are complying as pointed out with the 2040 Plan. The Eastfield Area Plan we are buffering the Dogwood Estates. When I say buffer, the surrounding lot....

Commissioner Walsh said transition, maybe buffer is the wrong word. Transitional from there, larger lot homes, you got a few there and all of a sudden it's 50' wide, so why not transition a little bit – have some more larger lots and transition a little farther north.

Mr. Munday said there's multiple reasons for that. One of the things we're trying to do that we really frankly have to do with our plan is make sure we're meeting market demand and consumer preferences. There's all sorts of planning philosophy and initiatives that we want to get right, but ultimately, it's the consumer that we have to satisfy from a demand standpoint. Quite honestly, 100' lots are not that compelling in the marketplace. What we're doing is meeting consumer demand with our configurations really of all three property types but perfectly willing to transition with a larger lot surrounding Dogwood. The Dogwood Estates lots were not served by water and sewer when conceived, only served by public water. It's my understanding in the last 10 years or so the homesites from at least Cedar Lane, I believe it is two rows down that are still served by septic. We're served by water and sewer. We're trying not to be sort of sprawlish with those resources.

I do have one other thing. You'd mentioned earlier about the note that was creating some confusion as to a future rezoning or a third party or whatever. We looked at that. There was no intent at all to kind of create that confusion and we're willing just to delete that note in its entirety so that it doesn't create confusion.

Mayor Clark called for public comments.

Donna Thore said I'm one of the sellers for the new development that NVR is proposing. I just want to let you know that this property has been all these families' lives for 45 to 55 years or more. Some of them are second generation, so this has been a major decision for all of us. I'm here to let you know that the sellers and I are excited about the new development and we think it will be a great asset to the community and the town of Huntersville.

Last fall NVR invited the neighbors in the area to a neighborhood meeting showing the plans that were proposed for development. NVR welcomed the feedback from everyone and answered the questions asked. They took that feedback back and made adjustments to some of the concerns from that meeting. We, as the sellers, are excited for this development and think that NVR has done a fantastic job in designing and planning this development while taking the concerns of the existing neighborhood into consideration. We, as the sellers, think this project will be a positive asset to the town of Huntersville and look forward to it getting started.

Becky Petitgout said I am addressing R24-07 for the extreme negative impact it's going to have on Dogwood Estates and Dogwood Lane specifically. I won't waste your time because you've got our petition with an overwhelming majority of the people that live on this street, we're a small street. It's been a dead end for 72 years. We have people that have moved in most recently six months. We have people that have lived there for 50 plus years. The people that I spoke with when we were walking around the neighborhood were talking about this devastating event. They've said the reason why they moved there is because it's a dead end. It's got trees, it's quiet, there's no crime and as soon as you connect that development and allow Eastfield drivers to drive down Dogwood Lane, all of the listed items – crime's going to go up, the kids aren't going to be able to ride their bicycles or play in the street they're chalk games, they're not going to be able to walk. We've got families with babies. I understand that you're going to probably approve the development, but you need to understand that we need something. This is going to destroy that street, absolutely. Everybody's unhappy about it. The Eastfield Road people from the development are going to be cutting through Dogwood Lane. The traffic is going to be backed up the entire road because it's a bitty road. The people from the development if they want to go on the east side of town, they are going to use Dogwood Lane as their driveway. I don't know what the solution is. We suggested the gate. I think probably you guys can do whatever you want to do. I think you can probably put a gate or some other alternative to protect the dead end nature of the road. This is really devastating. I've lived there for 35 years and as I said people have lived in those houses over 50 years.

There being no further comments or questions, Mayor Clark closed the public hearing.

**Annexation Agreement – Town of Cornelius.** Mayor Clark called to order public hearing on an Annexation Agreement with the Town of Cornelius.

Brian Richards, Planning Director, said this item is an Annexation Agreement with the Town of Cornelius. In 1991 we entered into an agreement to define the boundary between the Town of Huntersville and

Cornelius. That agreement was amended in 1996 and we're asking for another amendment this evening. The length of the amendment would be 20 years. This is scheduled also to be heard by the Town of Cornelius at their May 19 meeting.

There being no questions or comments, Mayor Clark closed the public hearing.

**Petition #ANNEX25-01.** Mayor Clark called to order public hearing on Petition #ANNEX25-01, a request by the Bowman Development Group, Inc., for the contiguous annexation of 4.933 acres into the Town of Huntersville.

Patrick Patterson, Planner II, entered his Staff Report into the record and reviewed the request. *Staff Report and Staff PowerPoint attached hereto as Exhibit No. 7.*

There being no questions or comments, Mayor Clark closed the public hearing.

### **OTHER BUSINESS**

**Petition #ANNEX25-01.** Petition #ANNEX25-01 is a request by the Bowman Development Group, Inc., for the contiguous annexation of +/- 4.933 acres into the Town of Huntersville.

Commissioner Bergsman made a motion to adopt Annexation Ordinance #ANNEX25-01.

Commissioner Hunt seconded the motion.

Mayor Clark called for the vote.

Motion carried unanimously.

*Annexation Ordinance attached hereto as Exhibit No. 8.*

**Annexation Agreement with Town of Cornelius.** Brian Richards, Planning Director, entered the Staff Report into the record and reviewed the request.

Commissioner Quarles made a motion to approve Annexation Agreement with the Town of Cornelius.

Commissioner Rivers seconded the motion.

Mayor Clark called for the vote.

Motion carried unanimously.

*Annexation Agreement attached hereto as Exhibit No. 9.*

**Budget Amendment – Asset Forfeiture.** Police Chief Barry Graham said I'm here before you to ask for a budget amendment from our Equitable Sharing account in the amount of \$185,528 to our General Fund for the purchase of a modular vehicle barrier trailer system. This is the same system we went over when we had our retreat. Instead of putting this in the budget, we're going to try to use our asset forfeiture funds to do that at this time.



Commissioner Walsh said with this purchase, we can pretty much cover any of the events we have in town.

Chief Graham said yes, it's what we call a moderate level. This would cover our Birkdale events, town parades, events, things like that. We should be able to cover everything with this.

Mayor Clark said can you describe what a modular vehicle barrier trailer system is.

Chief Graham said It is a metal structure that is put up. It takes a couple of officers to put it out and it would be put at the entrance of any road, any street or anything like that that we want to block off to keep vehicular traffic from coming through there. As you've seen over the last few years, we've had a lot of folks run through big events like that in New Orleans. We had one up in Waukesha, Wisconsin where they killed a bunch of folks. This is what those are to prevent that. We'll have officers out there as well. If someone hits this, it folds up underneath the vehicle and keeps the vehicle from traveling down the road.

Commissioner Walsh made a motion to approve the budget amendment appropriating asset forfeiture revenue in the amount of \$185,528 to the Asset Forfeiture Capital account for the purchase of modular vehicle barrier trailer system.

Commissioner Quarles seconded the motion.

Mayor Clark called for the vote.

Motion carried unanimously.

**Resolution Opposing House Bill 765.** Mayor Clark said HB765 is a bill that would generally at large change the way zoning happens in the town of Huntersville and would kind of take away control from the elected officials who get to determine and our Planning Department who help to determine zoning around our town. It is basically outlining how historically local governments have had the opportunity to determine our zoning. Our 2040 Plan is a perfect example of this of how we have a vision for what our town could look like and this bill would take that ability away from us. It would implement some extreme measures in the intent to make housing more affordable, but in the event of that I do feel like it would not do that for the town of Huntersville, in fact have the opposite affect and probably contribute to gentrification in areas of our town we did not want that to happen and so before you Board is a Resolution that we intend to provide to our delegation in the General Assembly on our feelings on this bill.

Commissioner Bergsman said it's ironic that we had multiple public hearings tonight which this would drastically change the way those would look. House Bill 765 strips away the voice of local residents. It would force Huntersville and towns across the state to accept unchecked development with no public input and that's not planning. It's giving away our ability to protect neighborhoods, manage growth and maintain the quality of life for our residents. While it claims to promote affordability, HB765 does nothing to ensure homes will actually be affordable. In higher cost areas like ours, this bill could accelerate land speculation and expensive development and not help working families find housing. True solutions to the affordable housing crisis require thoughtful community-led planning. Huntersville

and towns across North Carolina deserve the right to plan for growth in ways that reflect local values, infrastructure capacity, and public input. HB765 is a threat to that basic principle and we're urging the General Assembly to reject it.

Commissioner Bergsman made a motion to approve the Resolution in opposition to House Bill 765.

Commissioner Hunt seconded the motion.

Mayor Clark called for the vote.

Motion carried unanimously.

*Resolution attached hereto as Exhibit No. 10.*

#### **CLOSING COMMENTS**

Mayor Clark commended staff for the Hello Huntersville event.

There being no further business, Commissioner Hunt made a motion to adjourn. Commissioner Dumas seconded the motion. Motion carried unanimously.

Approved this the \_\_\_\_ day of \_\_\_\_\_, 2025.



## **Request for Board Action**

July 15, 2025

**To:** The Honorable Mayor and Board of Commissioners

**From:** Janet Pierson, Town Clerk

**Subject:** Approval of Minutes - May 20, 2025

---

### **EXPLAIN REQUEST:**

Consider approving the minutes of the May 20, 2025 Regular Town Board Meeting.

### **ACTION RECOMMENDED:**

Approve Minutes.

### **FINANCIAL IMPLICATIONS:**

N/A

### **ATTACHMENTS:**

1. Draft Minutes

**TOWN OF HUNTERSVILLE  
TOWN BOARD MEETING  
MINUTES**

**May 20, 2025  
6:00 p.m. – Huntersville Town Hall  
101 Huntersville-Concord Road**

**PRE-MEETING**

None

**REGULAR MEETING  
TOWN OF HUNTERSVILLE  
BOARD OF COMMISSIONERS**

The Regular Meeting of the Huntersville Board of Commissioners was held at the Huntersville Town Hall, 101 Huntersville-Concord Road, at 6:00 p.m. on May 20, 2025

GOVERNING BODY MEMBERS PRESENT: Mayor Christy Clark; Commissioners Alisia Bergsman, Amanda Dumas, Jennifer Hunt, Edwin Quarles, LaToya Rivers and Nick Walsh.

Mayor Clark called for a moment of silence in remembrance of Rusty Rozzelle.

Mayor Clark led the Pledge of Allegiance.

**ANNOUNCEMENTS**

NCDOT has temporarily closed the bridge on McCoy Road over Torrence Creek to make improvements to the structure's timber deck.

Town offices will be closed Monday, May 26 in observance of Memorial Day.

Announced upcoming HPD events.

NCDOT will be adjusting pedestrian crosswalk signal timing at the intersection of NC 115 and Gilead Road.

Veterans Coffee Connection will be held at Huntersville Presbyterian Church the second Friday of every month beginning June 13.

**PUBLIC COMMENTS**

Julie Kelly said I'm here because of the American Lung Association's Turquoise Takeover through Lung Force, their lung cancer awareness campaign. In 2022 I was diagnosed with lung cancer at 42 years old. I have three kids. They were 9, 11 and 13 at the time. I had no risk factors and no symptoms. It was

caught by accident when my doctor ran a calcium score heart scan. It was a nightmare and it was a miracle because it was caught before it spread.

In September of that year, I had half of my left lung removed and was then placed on a targeted therapy. Lung cancer kills more people than breast cancer, prostate cancer and colon cancer combined. We receive less than 10 percent of funding. The five-year survival rate across all stages is 27 percent. My story is not rare, it's not over.

Twenty percent of lung cancer patients have never smoked. Another 40 percent have already quit a substance that is known to be as addictive as heroin. All of us are fighting a disease society not so subtly tells us we deserve. Many people with cancer feel abandonment and betrayal, not just from our communities, but from our own bodies. You think you've done everything right, but you realize you can't protect yourself from everything. For me, it's like the years I spent being quiet and good. I was saving my voice for now. I've been to war, I've lost part of my body. I relive it a little bit every three months when I get scans. My targeted therapy bill delivers what's literally called a payload directly to cancer cells. It costs several thousand dollars a month and I get a run around from insurance every single refill.

The enemy still keeps me up at night and I see my friends and support groups falling every day. I stay because I know how often I've looked for survivors. Lung cancer has made me less concerned with being good and more concerned of what it means to be alive. I started therapy, I got a new job, we traveled, I joined the North Mecklenburg Community Chorus because at one point I was afraid I'd never be able to sing again. I went to DC and I begged the staff of Senators Budd and Tillis and Representative Moore to believe that cancer research is the best defense spending our nation can ever spend, however the budget they approved cut cancer research. It specifically cut lung cancer research and the small amount we had to zero.

I hope to go to the state and ask them to enforce coverage for biomarker testing which is crucial for treating both lung and breast cancer. If you take a deep breath and you hold it and you breathe, you're ready for a CT scan. There's no part squeezing or probing. You get to keep your clothes on. That's what lung cancer screening is like. Unfortunately, it's only available for those over 50 with a smoking history. Half of lung cancer patients wouldn't be eligible for this screening. Some more awareness and funding will help us expand screening. If you're in this situation, consider asking your doctor about a calcium score scan like the one I had. It saved my life.

The lung association uses turquoise as a signature color to light up buildings and stand out. Our ribbon color is actually white to signify the purity of breath despite the stigma and to recognize the extremely high mortality. Our month is November, which is painfully quiet after October. I hope you'll consider spreading awareness. Remember anyone with lungs can get lung cancer, but no one deserves it.

**Affordable Housing Awareness Month Proclamation.** Mayor Clark proclaimed May 2025 as Affordable Housing Awareness Month.

#### **A Proclamation For Affordable Housing Awareness Month**

**WHEREAS**, housing is a fundamental human right, essential to the well-being and stability of individuals and families; and

**WHEREAS**, according to the Development Finance Initiative's Huntersville Housing Needs Assessment, nearly 1 in 4 households in Huntersville are low-to-moderate income; and

**WHEREAS**, the rising cost of living and limited affordable housing options place immense financial pressure on households, particularly those with low to moderate incomes, leading to challenges in securing safe, stable, and affordable homes; and

**WHEREAS**, over 80% of the low-to-moderate income households in Huntersville are cost burdened, overcrowded, lack complete kitchen facilities, or lack complete plumbing, according to the Huntersville Housing Needs Assessment; and

**WHEREAS**, it is of the utmost importance to not only prioritize the development of new affordable housing but to preserve the current affordable housing stock in our community; and

**WHEREAS**, we must all come together to address this issue by engaging in activities that promote affordable housing solutions and improve residents' quality of life.

**NOW, THEREFORE**, I, Christy Clark, Mayor of the Town of Huntersville, do hereby proclaim May as **"AFFORDABLE HOUSING AWARENESS MONTH"** in Huntersville, North Carolina.

**IN WITNESS WHEREOF**, I do hereby set my hand and cause the Seal of the Town to be affixed, this the 20<sup>th</sup> day of May 2025.

**National Public Works Week Proclamation.** Mayor Clark proclaimed the week of May 18 to May 24 as National Public Works week.

#### **A Proclamation For National Public Works Week**

**WHEREAS**, Public Works professionals focus on infrastructure, facilities and services that are of vital importance to sustainable and resilient communities and to the public health, high quality of life and well-being of the people of Huntersville; and

**WHEREAS**, these infrastructure, facilities and services could not be provided without the dedicated efforts of public works professionals, who are engineers, managers and employees at all levels of government and the private sector, who are responsible for rebuilding, improving and protecting our nation's transportation, water supply, water treatment and solid waste systems, public buildings, and other structures and facilities essential for our citizens; and

**WHEREAS**, it is in the public interest for the citizens, civic leaders and children in Huntersville to gain knowledge of and to maintain a progressive interest and understanding of the importance of public works and public works programs in their respective communities; and

**WHEREAS**, the year 2025 marks the 65<sup>th</sup> annual National Public Works Week sponsored by the American Public Works Association.

**NOW, THEREFORE**, I, Christy Clark, Mayor of Huntersville, do hereby proclaim the week of May 18 to May 24, 2025 as **"NATIONAL PUBLIC WORKS WEEK"** in Huntersville, North Carolina.

**IN WITNESS WHEREOF**, I do hereby set my hand and cause the Seal of the Town to be affixed, this the 20<sup>th</sup> day of May 2025.

Matt Wolfinger said my wife and I are here this evening to discuss the zoning request that you will hear more about later this evening. We share 300' of lot line with the proposed development and we recently sent a letter to all of you outlining three concerns. Thank you to Alisia and Amanda for responding that you received it and you'll take that into consideration.

I'd like to point out that we had nine concerns originally. We've worked really hard to address six of them, so we're down to three and that's a credit to all the folks involved. Our three concerns are this. Issue one is there's a sand filter spillway and we're concerned about the additional run-off with the spillway or specifically the direction of it. It's pretty simple, there's four acres of land that sheds water to our property today. Post development that will go to seven acres, so four to seven, a 175 percent increase. The designed sand filter will handle all normal types of storm events. For large storm events the sand filter will breach and the water will exit via a spillway. That's what it is designed to do. The issue there is that the spillway will actually exit and still flow towards our property. Again, not four

acres, but seven acres. Given the events of last year with western North Carolina this is not an if, it's a when. It will happen at some point. Hopefully not anytime soon.

We would like for there to be a commitment that the spillway funnel water away from our property and it's fairly easy to see when you look at any of the design documents, there are these topography lines and they show where water is going to flow. We're not asking for the sand filter to be resized to accommodate a larger vent, we're asking simply for the spillway to be directed away from our property versus towards it.

Issue two, there are privacy concerns that we have related to the sand filter berm. The berm is 11' higher than our property and if you were to place a 6' tall person on top of that berm, you now have a person with a 17' vantage point directly into our property. I don't think this is acceptable. Kind of using a baseball analogy, if you can imagine yourself at a baseball field standing at home plate, the berm is closer than the pitcher's mound and instead of the pitcher's mound being 10" tall, it's 11' tall and then place a pitcher on top of there. I wouldn't want to be the batter in that situation. I certainly don't want to be the landowner next to that in that same situation. We're not asking for the berm to be resized. We probably can't do anything about that. It's 11'. What we are asking for are two things – one, a commitment for hardscape landscape to be installed between the berm and our property and two, there's a walking path on top of there. We're asking for the walking path for that specific area to be removed. We're not asking for all the walking paths to be removed. There's a connection to the park and there are other amenities around the area. We're specifically asking for that place between the home plate and the pitcher's mound to be removed.

Issue three, there is a walking trail that's been designed to connect the new development to Blythe Landing Park. We think it's a better position for that walking path to be at the front of the subdivision versus at the rear. It would connect to the park amenities, restrooms, playground, volleyball courts, instead of the boat launch area. If you haven't been to Blythe Landing Park, there is no walkway between the boat launch area and the front connecting those areas. We're actually exasperating a problem by funneling more traffic into the boat launch area and not to the actual amenity area, so we think it's a better place to place that. If you insist on keeping the trail in the designated area, we would ask for their commitment to be a walking path fence and enhanced landscaping surrounding that path. We have an issue with trespassers right now on our property. They venture off of there. We can normally deal with that under normal circumstances but funneling more pedestrian traffic through there is probably going to bring more trespassing there.

Those are our three concerns. They're not difficult and I think fortunate for you, know these solutions adversely impact the community. But they do help us, they help my wife and myself. We look forward to your support.

### **AGENDA CHANGES**

Commissioner Bergsman made a motion to adopt the agenda. Commissioner Quarles seconded the motion. Motion carried unanimously.

### **CONSENT AGENDA**

**Approval of Minutes.** Commissioner Dumas made a motion to approve the minutes of the March 18, 2025 Regular Town Board Meeting. Commissioner Walsh seconded the motion. Motion carried unanimously.

**FY26 Updated Electric Rates.** Commissioner Dumas made a motion to approve Fiscal Year 2026 Updated Electric Rates: REPS Rider, RECR-1, RECR-2 and change Meter Tampering Fee to Unauthorized Meter Use Fee. Commissioner Walsh seconded the motion. Motion carried unanimously.

*Updated Electric Rates attached hereto as Exhibit No. 1.*

**Budget Amendment – Downtown Improvements.** Commissioner Dumas made a motion to approve budget amendment to transfer grant funds from Main Street Roundabouts unspent funds in the amount of \$30,464.04 to Downtown Improvements such as sidewalks, beautification and final soil testing. Commissioner Walsh seconded the motion. Motion carried unanimously.

**Environmental Sustainability Committee Rules of Procedure.** Commissioner Dumas made a motion to approve revisions to the Environmental Sustainability Committee Rules of Procedure. Commissioner Walsh seconded the motion. Motion carried unanimously.

*Revised Environmental Sustainability Committee Rules of Procedure attached hereto as Exhibit No. 2.*

**Greenway, Trail, and Bikeway Commission Bylaws.** Commissioner Dumas made a motion to approve revisions to the Greenway, Trail, and Bikeway Commission Bylaws. Commissioner Walsh seconded the motion. Motion carried unanimously.

*Revised Greenway, Trail, and Bikeway Commission Bylaws attached hereto as Exhibit No. 3.*

**Parks and Recreation Commission Bylaws.** Commissioner Dumas made a motion to approve revisions to the Parks and Recreation Commission Bylaws. Commissioner Walsh seconded the motion. Motion carried unanimously.

*Revised Parks and Recreation Commission Bylaws attached hereto as Exhibit No. 4.*

**Public Arts Commission Bylaws.** Commissioner Dumas made a motion to approve revisions to the Public Arts Commission Bylaws. Commissioner Walsh seconded the motion. Motion carried unanimously.

*Revised Public Arts Commission Bylaws attached hereto as Exhibit No. 5.*

## **PUBLIC HEARINGS**

**Proposed Budget for FY2026.** Mayor Clark called to order public hearing to receive comments on the proposed budget for Fiscal Year 2026.

Jackie Huffman, Deputy Town Manager, reviewed the Manager's recommended budget for FY2026. Refer to PowerPoint attached hereto as Exhibit No. 6.

Ms. Huffman expressed appreciation to the staff for their work on the budget.

Mayor Clark called for public comments.



Frank Gammon said I'm a 30-year resident of the Town of Huntersville. It's budget time again and surprise, I'm back to request that you eliminate the Town solid waste fee. Removal of residential solid waste is an essential service responsibility of the Town. It has been said from the dais for a number of years that the Town pays 80 percent of the cost and the homeowners pay the other 20 percent of solid waste pick up. This was stated as recently as the May 6 Town Board meeting. However, if you read Page 3 of this year's budget, it states that the homeowner is paying 58 percent of the cost and the Town is paying 42 percent. I contend that the 42 percent that the Town is paying is also the residents paying that. I contend that when the homeowner pays their property taxes, they pay 100 percent of their solid waste fee. However, the Town, in my view, diverts the 58 percent to somewhere else in the budget and then returns the homeowner and charges a homeowner that 58 percent again. Today that charge is \$154 which when looked at as a quasi-property tax as additional adds an additional 2 cents to the current property tax rate. This all began in 2008 when the Town Board created this fee. In 2008 it was \$36 and has grown gradually over the last 17 years. As a homeowner in Huntersville, I, like a frog, is swimming in the proverbial pot on the stove as town boards over the years have gradually turned up the heat. I thank you for not raising it again, but I ask you to eliminate it all together or turn down the heat and reduce the fee. It amounts to a repressive tax on all homeowners in the town regardless of their socioeconomic level.

There being no further comments or questions, Mayor Clark closed the public hearing.

**Traffic Calming – Devonshire Drive/Cockerham Lane.** Mayor Clark called to order public hearing for Traffic Calming measures on Devonshire Drive and Cockerham Lane.

Lora Mastrofrancesco, Transportation Engineer, reviewed data collection results and options for traffic calming on Devonshire Drive and Cockerham Lane. *Refer to PowerPoint attached hereto as Exhibit No. 7.*

Commissioner Rivers said if this is approved, what are we looking at timeframe wise.

Ms. Mastrofrancesco said once it's approved I have to change the sketches a little bit for Public Works and then I put it in the system for Public Works. I would assume we could have it done by the end of the summer.

Commissioner Walsh said on Devonshire you mentioned that one of the solutions is to stripe. Why don't we stripe all of Devonshire if it's relatively the same width to create that visual.

Ms. Mastrofrancesco said we could stripe all of Devonshire. If the width isn't wide enough for a car to park and a vehicle to pass within that one lane of the yellow center line, then we'd have to stop all on-street parking, because our guidelines are if you park your car, you have to have at least 12' for an emergency vehicle to get through.

Commissioner Walsh said in this area that we're going to stripe, will there be no parking signs or is it wide enough for it.

Ms. Mastrofrancesco said we could put No Parking signs. It is in our Town ordinance that if you can't leave 12' when you park, that you're not supposed to park there.

Stephen Trott, Director of Engineering, said in the Town Code of Ordinances if you don't have enough clear then you can't park there, whether you have a sign or not. Signs would be redundant at that point.

Not knowing the width of the roads throughout the whole subdivision, you could create areas where there is no parking. In the particular area of Devonshire, there are no homes that front the street. If you add a center line, there's no parking, there's no homes directly adjacent that possibly could be impacted unless there was a large community event or something like that. We look to try to avoid that in neighborhoods where the streets are narrower and there are a lot of homes that have driveways there then you basically eliminate all on-street parking if that was the case, but in this case there are no homes that front in that area.

Commissioner Walsh said it might be interesting just to measure it because if it's an effective tool for slowing people down and there's enough width for parking, I don't see what it would hurt.

Commissioner Bergsman said if we would consider looking at just doing the lines, that bridge and the sidewalk on that bridge is a narrow sidewalk. It's used by a lot of families, both pedestrian and on bikes, with the Birkdale pool nearby. I remember my experience when I lived in MacAulay and seeing other families on that road a lot. We often would end up biking into the street because on one side you have a wall and on the other side kind of a rail fence with a creek underneath and for families with kids whose kids are not the best at biking yet, it was a recipe of disaster, so we would cycle and walk on that a lot and I remember having fear many times of having cars come around and you know with the curve just a little bit further down, so I am personally really in support of the speed humps. I think having them on both sides of the bridge is a great idea.

Commissioner Dumas said can I just go back to Commissioner Walsh's question. I'm not sure I fully understand. We don't know how wide the road is, so you can't say whether or not there's room for there to be a car parked. Is that what I'm understanding.

Ms. Mastrofrancesco said no, I'm sorry. It varies throughout. Just before Stonemont, it's actually pretty wide. Before Stonemont, it's around 30' wide there, 31' and then it necks down onto the bridge and then it comes back out again. We have this idea already in Stratton Farm that is a marked centerline. There's no homes, no driveways. That one does have also a marked bike lane, but it's the same idea of what we are suggesting.

Commissioner Dumas said I live right off of Stratton Farm Road and I don't think it helps.

Ms. Mastrofrancesco said it was placed there in about 2014, but my understanding was it was not marked before then and there was a lot of speeding and then they came in and decided to mark it.

Commissioner Dumas said I'm sure it did help. I didn't see the before. There aren't a lot of houses. I think it slows people down enough for a street that cuts through a neighborhood. From my perspective I think it works for that street even though people are still speeding. Initially I was wondering why we would put a speed hump right after an intersection. It seems odd like if somebody was coming from Stonemont and turning right or turning left that there'd be a hump right there and I was wondering if we do that in other neighborhoods, but I guess because of the bridge there's really not a lot of room.

Ms. Mastrofrancesco said it is because of the bridge. We don't want it on the bridge. We don't want it too close, so I just put a number. I think it's 75' to 100' from the bridge. I'm sure I could move it closer to the bridge.

Commissioner Quarles said we got complaints that teenagers are driving like maniacs on those roads and students are getting out of school here soon. Could we increase some watch on those areas until we figure out which one we want to do.

Police Chief Barry Graham said I'd be more than happy to put that on our traffic watch list. We can put up some flashing speed limit signs as well.

There being no further comments or questions, Mayor Clark closed the public hearing.

#### **OTHER BUSINESS**

**Petition #R24-16 Blythe Landing Residential.** Petition #R24-16 is a request by Cottage Properties of Lake Norman, LLC to rezone +/- 8.77 acres located at 15533, 15513, and 15501 NC Highway 73 (Parcel IDs 00182117, 00182116, 00182115) from General Residential to Neighborhood Residential Conditional District. The purpose of the rezoning is to develop a single-family residential development.

Brad Priest, Assistant Planning Director, entered the Staff Report into the record and reviewed the request. *Staff Report and Staff PowerPoint attached hereto as Exhibit No. 8.*

Staff recommends approval with some clarifications and some of the additional notes on the plan. Those are listed for you 1 through 6. I have spoken with the applicant and they have agreed to clarify these items. The Planning Board last month also recommended unanimous approval with similar conditions to the staff recommendations.

Commissioner Walsh said there's a reference to a berm. I'm not aware of where there's a berm being built on the property.

Mr. Priest said there's not necessarily a berm. It's part of the storm water control device. This is a preliminary concept design, but the berm I think what's intended is just the hill or the bowl aspect of the actual pond device. In this specific situation, the property goes downhill from 73 down to the back corner of the property, so the bowl is cut in toward the bottom and after you get out of the bowl, the bowl comes back up of the pond you're going to have little sidewalk area and then you're going to have a quick drop because it gets down to before they have to have an undisturbed buffer. Where the sidewalk is is kind of going to be on an apex so to speak, so it's not necessarily a berm, there's no landscaping on it, it's not put there to actually do screening, it's just the shape of the result in topography of the land.

Commissioner Walsh said the undisturbed buffer between there and the adjoining property, what does that look like.

Mr. Priest said it would be required to be opaque, it would have existing vegetation. There are existing trees. There's an area where there are existing large maturing specimen trees that will remain. Inside that dotted line to the left will be untouched and then in addition to that it's got to be opaque, so there will be shrubs and evergreen trees planted which when they grow up it will create an opaque buffer.

Commissioner Quarles said the resident questioned the spillway. Will that exit toward or away from the property.

Mr. Priest said it goes towards the property because that's where the water runs now and that's the natural flow of the water. The pond will slow the water, keep the water, maintain the water and then let it go at a reduced rate, so it slows it down. The direction is just based on the topography of how the land flows. Yes, it would be directed, you see the pipe when it fills up and it goes down it will slowly release toward the back corner of the property.

Commissioner Quarles said during the Planning Board meeting the concepts of the homes were different than what we have in our packet. Do you know what it's going to be – what the Planning Board was presented or what we have in our packet.

Mr. Priest said that is an unaddressed question. The applicant could probably talk to that a little bit more, but there's not necessarily a commitment to do a specific architectural style for the homes. Staff is requesting that they just incorporate some front porches and keep the garages recessed from the front plane of the home, so that is an outstanding comment.

Mayor Clark said going back to the sand filter berm and the concern the neighboring property owner has. Is it possible to divert the water a different direction from where that is.

Mr. Priest said is it possible, I would defer to Engineering on that. It's possible. I would think it would take a lot of regrading in order to do that to make that feasible and possible.

Ryan Cox, Red Cedar Capital, said we actually looked at the topography and we have to go through final CD development and everything with storm water control, so we are going to take that into consideration. Again, this is just a sketch plan so we will work with Matt and his wife on kind of steering it towards the inlet of the lake. It can't shift much, but there is opportunity that we can shift it slightly. The topography, I'm not sure where we are getting 11' from, but we're working with them and want to get the final approval here in regards to the buffer and landscape measures for installment here. Ideally shifting 5' to the right we can do that, but it won't make much of a difference of what's currently flowing in that direction.

Commissioner Dumas said I would like to see that shift 5'. It might not make a huge difference, but it might make a difference. I'm going back to Commissioner Quarles' question about the recessed garages and overall designs. Do you have more on that.

Mr. Cox said we currently build in Huntersville and know all the requirements to meet. We have not developed that product yet, so we don't want to share something that we have not value engineered. What we presented last time was the concept of what we want. We just needed to enlarge the front porch. I think it was only a 4' front porch but we're planning on doing a minimum 8' to 10' front porch and then recessed garages. I think Patrick's requirement is 2' to 5' behind the heated living space. We will have to go through building permits and meet all those requirements with zoning and building, but we are on board for those requirements.

Commissioner Dumas said there was talk about a trail location. Can somebody show me where that location is.

Mr. Cox said to the right where it says spillway on the north, that is the trail that has been agreed upon with Mecklenburg County. That is a paved trail. I think we were originally starting at 10' and we agreed to reduce it down to an 8' paved trail going from our cul-de-sac to the paved surface of Blythe Landing at the parking lot.

Commissioner Dumas said I'm not sure I'm following that. Can we look at a different picture.

Mr. Priest said this is the trail to the park and there's an additional trail that goes right around here.

Commissioner Dumas said so it's not on the top of the elevation, it's around the little pond area.

Mr. Priest said it's just around the pond.

Commissioner Dumas said so the trail won't be high.

Mr. Priest said it will be higher than the property line. It's going to be higher than the adjacent property line because if you go back to the topography, it's higher. This is higher than here because the land is flowing downhill toward the back corner.

Mr. Cox said top of the berm is 779.

Commissioner Dumas said then there's the 40' buffer and it's going to be opaque.

Mr. Priest said correct. You can see the trail around the SCM and picture with those trees are it's kind of going to go down. That's not an accurate representation of the topography.

Mayor Clark said is the Wolfinger's property the top left.

Mr. Priest said correct.

Mayor Clark said they had also asked for diverting of the path to Blythe to a different direction. Is that something that could be considered versus going behind their property.

Mr. Priest said staff is recommending that it stay where it is. It's at a good location. It connects the end of the cul-de-sac to an existing trail on the park. There was some discussion early on about it moving to the front, but it would be a little bit duplication of the sidewalk that's going to be on 73 that people could just walk down the street sidewalk, connect to 73 and then go into the park down the street. Having it spaced appropriately at the end of the cul-de-sac, staff recommends that's just a good location from a planning perspective.

Mayor Clark said is there an opportunity to have a fence there for the neighbors or something.

Mr. Cox said we are installing a fence and there were talks about a gate. We're open to a gate. Staff did not want the gate at the time.

Commissioner Bergsman said can you go back to the picture of the open space, the sand filter. The buffer where the little red mark is right now, that's the buffer area. How densely wooded is that. The topography of the buffer area, I'm just curious where that sits in relation to the adjacent property and the sand filter as well.

Mr. Cox said the topography currently in that corner is 770, adjacent parcel is 740. Where their house sits 772 to 774, where the pond is currently 770, top of berm on our sketch plan was showing 779. In that disturbed buffer it will remain roughly around 770 to 772.

Commissioner Bergsman said in layperson's terms, just for those listening.

Mr. Cox said the undisturbed buffer will stay, so you'll see that remain at roughly 770 to 772.

Commissioner Bergsman said if someone is standing on that little walkway around the trees in the buffer area, will that shield the way it is right now.

Mr. Cox said knowing the maturity of trees, I would assume yes, but you'll be at 779, so you'll be 7' higher than the ground existing at the bottom of the roots.

Commissioner Bergsman said I just kind of wanted to also reinforce, you mentioned that you're committed to working with adjacent property owners on some of the outstanding things. I just want to reinforce that. That's important.

Mr. Cox said plans for this are going to be a very we call it a boutique community, heavily landscaped with arborvitae maturing trees, a very good buffer along 73, so we're going to mirror that buffer and landscaping that we're doing on the front, on the backend as well. It's just hard to commit to something now without storm water's review. Once we go through full CD's and finish that out, then we're fine to commit to any commitments to the neighbors there.

Commissioner Bergsman said you did mention that you are going to install a fence. Would it be along the whole trail or a portion of it.

Mr. Cox said not along the trail. Right now, I believe there's a split rail fence. It will be open on both sides of the trail going outside of our property. You have the property line on the north end and then you have the darker black line. Here will be plans for probably a 6' they call it a dog ear fence with the rounded edge on top. Most likely it will be that. And then each individual property when we go to sell these, these will have black aluminum fences, but along the property line here and then all the way down here to each property line, we have intentions of doing a 6' privacy dog ear fence.

Commissioner Walsh made a motion to approve Petition #R24-16, Blythe Landing Residential. In considering the petition it is consistent with the following implementation rules: Policy LU-1.1, LU-5, LU-7.1, LU-8.2, LU-9.1, LU-11.1, Policy EOS-3 and EOS-8 of the Huntersville 2040 Community Plan. Approval is conditioned on the following: (1) the submitted open space concept is committed to with a zoning note on Sheet CZ-302 along with the modification request; (2) the build to line is established for an average of 15' to 40' for Lots 1 and 7 and 15' to 25' for the rest of the lots as shown in the rezoning plan; (3) tree mitigation is provided per Article 7 of the rezoning ordinance; (4) clarification on building architect committed to include front porches and recessed garages; (5) additional yard restriction modification is removed; (6) a paved path around the SCM; (7) all other minor comments are addressed by staff. Approval is also based for the following modifications: (1) a cul-de-sac and block length modification for 350' to 600'; (2) acceptance of the amenitized SCM open space as shown in the concept plans. With these conditions it is reasonable and in the public interest to approve R24-16 because the development buffers adjacent development appropriately, has density consistent with the recommendations of the moderate density area of the Huntersville 2040 Plan and creates pedestrian connectivity to the adjacent park and provides an excellent urban open space for the residents of the neighborhood.

Commissioner Dumas seconded the motion.

Mayor Clark called for the vote.

Motion carried unanimously.

#### **CLOSING COMMENTS**

Mayor Clark reminded everyone of the Memorial Day Celebration.

There being no further business, Commissioner Rivers made a motion to adjourn. Commissioner Hunt seconded the motion. Motion carried unanimously.

Approved this the \_\_\_\_ day of \_\_\_\_\_, 2025.

DRAFT



## Request for Board Action

July 15, 2025

**To:** The Honorable Mayor and Board of Commissioners

**From:** Janet Pierson, Town Clerk

**Subject:** Approval of Minutes - June 3, 2025

---

### **EXPLAIN REQUEST:**

Consider approving the minutes of the June 3, 2025 Regular Town Board Meeting

### **ACTION RECOMMENDED:**

Approve Minutes

### **FINANCIAL IMPLICATIONS:**

N/A

### **ATTACHMENTS:**

1. Draft Minutes



**TOWN OF HUNTERSVILLE  
TOWN BOARD MEETING  
MINUTES**

**June 3, 2025**

**6:00 p.m. – Huntersville Town Hall  
101 Huntersville-Concord Road**

**PRE-MEETING**

None

**REGULAR MEETING  
TOWN OF HUNTERSVILLE  
BOARD OF COMMISSIONERS**

The Regular Meeting of the Huntersville Board of Commissioners was held at the Huntersville Town Hall, 101 Huntersville-Concord Road, at 6:00 p.m. on June 3, 2025.

GOVERNING BODY MEMBERS PRESENT: Mayor Christy Clark; Commissioners Alisia Bergsman, Amanda Dumas, Jennifer Hunt, Edwin Quarles, and LaToya Rivers. Commissioner Nick Walsh was not present.

Mayor Clark called for a moment of silence in remembrance of the victims and survivors of gun violence in the United States.

Mayor Clark led the Pledge of Allegiance.

**ANNOUNCEMENTS**

- ElectriCities Payment Drop Boxes at Huntersville Town Hall and Cornelius Town Hall will be removed effective July 1, 2025 due to low usage.
- We have an arborist available. The Town of Huntersville is excited to welcome Andrew Sileo, professional arborist for the Town of Davidson who will be available to our residents for a limited time.

**PUBLIC COMMENTS**

**National Gun Violence Awareness Day Proclamation.** Mayor Clark proclaimed June 7, 2025 as National Gun Violence Awareness Day.

**A PROCLAMATION FOR NATIONAL GUN VIOLENCE AWARENESS DAY**

**WHEREAS**, every day, more than 120 Americans are killed by gun violence and more than 200 are shot and wounded; and

**WHEREAS**, North Carolina, in an average year, has 1,636 gun deaths, with a rate of 15.3 deaths per 100,000 people, a crisis that costs the state \$19.5 billion each year, of which \$471 million is paid by taxpayers. North Carolina has the 23rd highest rate of gun deaths in the United States (*everystat.org*); and

**WHEREAS**, cities across the nation, including Huntersville, are working to end the senseless violence with evidence-based

solutions; and

**WHEREAS**, mayors and law enforcement officers, in partnership with local violence intervention activists and resources, who know their communities best, are the most familiar with local criminal activity and how to address it, and are best positioned to understand how to keep their citizens safe; and

**WHEREAS**, gun violence prevention is more important than ever as we see an increase in firearm homicides, and nonfatal shootings across the country, increased calls to domestic violence hotlines, and an increase in city gun violence; and

**WHEREAS**, on January 29, 2013, 15-year-old Hadiya Pendleton was tragically shot and killed; and so, on her birthday, June 2, people across the US recognize National Gun Violence Awareness Day; and

**WHEREAS**, anyone can join this campaign by pledging to wear orange on June 7, to help raise awareness about gun violence and to pay tribute to Hadiya and all victims and survivors of gun violence and the loved ones of those victims; and

**WHEREAS**, we renew our commitment to reduce gun violence and pledge to do all we can to keep firearms out of the hands of people who should not have access to them, and encourage responsible gun ownership to help keep our families and communities safe.

**NOW, THEREFORE**, I, Christy Clark, Mayor of Huntersville, do hereby proclaim June 7 as **"NATIONAL GUN VIOLENCE AWARENESS DAY"** in Huntersville, North Carolina.

**IN WITNESS WHEREOF**, I do hereby set my hand and cause the Seal of the Town to be affixed, this the 3<sup>rd</sup> day of June, 2025.

**Pride Month Proclamation.** Mayor Clark proclaimed June 2025 as Pride Month.

#### **A PROCLAMATION FOR PRIDE MONTH**

**WHEREAS**, all are welcome in the Town of Huntersville to live and work, and every resident deserves a place to call home where they are safe and accepted; and

**WHEREAS**, the Town of Huntersville strives to ensure our town is a place where all people regardless of race, religion, national origin, gender, disability, or age are treated with dignity and respect; and

**WHEREAS**, LGBTQ people in the United States face disparities and discrimination in employment, healthcare, education, and housing; and

**WHEREAS**, June marks the 56<sup>th</sup> annual celebration of Pride Month throughout the United States; and

**WHEREAS**, the Town of Huntersville promotes inclusivity and equity, safety, dignity, and a welcoming environment for our residents and visitors; and

**WHEREAS**, the Town of Huntersville is enhanced and strengthened by the cultural, civic, and economic contributions of the LGBTQ community, and we embrace this incredible, rich diversity of our population and town staff.

**Now, Therefore**, I, Christy Clark, Mayor of Huntersville, do hereby proclaim the month of June as **"PRIDE MONTH"** in Huntersville, North Carolina.

**In Witness Whereof**, I do hereby set my hand and cause the Seal of the Town to be affixed, this the 3<sup>rd</sup> day of June, 2025.

Mayor Clark called for public comments.

Manisha Parekh said I'm a resident of Huntersville. I'm a clinical psychologist, but most importantly for this particular moment, I am the very proud mother of a queer teenager. I stand here today to thank Mayor Clark for having the courage to sign the Pride Proclamation that was just read. I'll be honest, in some ways it saddens me that I have to thank you for that courage.....that the Mayor is showing courage for simply stating her support of our LGBTQ citizens. It shouldn't have to take courage to stand up and support your neighbors. It shouldn't have to take courage to say I see you, I recognize you, I accept you. Yet, unfortunately, we are living in times in which it does take courage to stand up and say these things. Here's a small reminder. It takes even more courage to stand up and be who you are.

I know that there's been a lot of chatter on social media and a lot of hateful messages asking why these proclamations are needed. I want to share a couple of statistics from the Trevor Project's 2024 US National Survey of Mental Health of LGBTQ+ Young People. Of the 18,000 LGBTQ+ individuals between the ages of 13 to 24 who were surveyed, 39 percent of them had seriously considered attempting suicide the year before. One in ten of them had actually attempted suicide. But those who reported living in very accepting communities attempted suicide at less than half the rate of those who reported living in very unaccepting communities. This is why these proclamations are needed, because our children need to know they're accepted.

As a mother and as a psychologist the Trevor Project Survey findings speak to me. We all want acceptance. We all want to just live our lives. We all just want to be. Proclamations like the Mayor's help create the space for everyone on the rainbow of gender and sexuality to be themselves. Thank you Mayor Clark. Remember love leads.

Scott Coronet said I've lived in Huntersville for 10 years. I'm here to thank you for the proclamation for Pride. I grew up in Wyoming. It happened when that tragic story of Matthew Shepard happened and that was the town right next to where I grew up that caused a lot of fear, a lot of anxiety. Actually, when I told my dad I was gay he said that's a good way to die. I don't know if that meant Matthew Shepard or what that really meant. I lived with a lot of fear and a lot anxiety in that environment. It was very scary and I think a proclamations like this is what's needed and it brings a level of comfort and love. I think pride is not infringing on other people's rights or religion. It's showing love, compassion, tolerance and acceptance. I think that's what our community needs, especially when it is a hard time like it is now and I appreciate her stepping up for what's right and being on the right side of history, so thank you.

Inez Schaut said thank you, Mayor Clark, for the Pride Proclamation. I am also a mom. I have an almost 4 year old and 2 year old. I just know that no matter what, I love them. Like you said, love wins. My shirt says equality hurts no one. I think it's just really important in these times when there are, and I'm seeing them and it just baffles my mind, all of the hateful messages about this, that everybody feel included. There's no reason for people to not feel loved and included, and if you don't agree with what they are doing then that's okay, but you don't need to. You need to just do what you need to do and let them be because love wins and yes I agree with all of that.

I also just wanted to talk about the gun proclamation. Again, as a mom I know that the leading cause of death for children and teens is gun violence. With my kids getting ready to go to school, I am deathly afraid of them going into school and for really going to any events, so just again making that awareness about gun violence is really important, so I want to thank you for both of those.

Melissa Easley said I proudly serve as the elected CMS School Board member for District 1, which includes Huntersville. While I'm not here on behalf of CMS tonight, I want to be crystal clear about something. I'm not an outsider speaking about a town issue. I live here. My kids go to school here. We grocery shop here. Even though my mailing address may not have Huntersville, my entire life revolves around Huntersville. Tonight I want to thank Mayor Clark. Thank you for this proclamation and for taking a clear stand even though others didn't. This gesture matters, not because it's symbolic but because it's a public declaration that LGBTQ people belong in Huntersville and we are part of that town fabric and that we are not going anywhere. I'm the first openly LGBTQ person elected to the CMS School Board. I didn't run to make headlines, I ran to make change, but visibility does matter and when a town leader says you are seen, you are valued, you are welcome, that carries weight, especially when others choose to remain silent. Let's be honest, the backlash to this proclamation and Huntersville Pride has

been ugly and predictable. The same recycled fear tactics. The same attempt to paint inclusion as dangerous or decisive. Let me be very clear, inclusion is not a threat, bigotry is. This proclamation is not about special treatment, it's about pushing an agenda about safety, dignity and belonging. It costs nothing to say you matter, but it means everything to those of us who have had to fight for our existence openly in our own communities.

I'm organizing the inaugural Huntersville Pride later this month because I believe in this town. I believe that it can live up to its values, not just during Pride Month, but year round. This event needs to be a celebration of joy, family and community. The kind of celebration that every town should be proud to host. But let me be clear, the work does not stop here. A proclamation is a start, not a finish line. Support for the LGBTQ community must show that consistently in leadership and policy and action, not just when it's safe, not just when it's convenient and not just when it's politically motivated. We are watching, we are listening, we are organizing and we will keep showing up in this room and at the ballot box until every person in Huntersville feels truly seen, supported and a place that they can feel safe calling home.

Reverend Sharon Risher said thank you Mayor Clark for your proclamation concerning gun violence. Ten years ago on June 17, 2015 a young white supremacist walked into Emmanuel AME Church in Charleston, SC, killing nine people which included my mother, two cousins and a childhood friend. I want you to know that in the ten years my family has gone through changes. All the other eight families also. We know what hate can cause. We see the chaos that's going on in this country. I want to remind you that no one is immune from gun violence. I prayed that you would never have to go through the experience that I had to go through in burying my mother and to know why she was killed. Thank you again Christy Clark. We have advocated together, stood together, cried together. I am so very proud to call her my friend and advocate.

Pam Schmitz said I have lived in Huntersville for over 20 years. I work in child protective services and so both of these issues come up with all the kids that we work with, kids that have struggled with their identities, their sexuality, being mistreated for who they are or not feeling safe to be who they are. In my field whenever we are working with foster homes, when we want to go in and assess them, we ask them do you have a firearm in this home. If so, let me see how it is stored and it has to be stored, locked up, out of reach, very secure, because, as mentioned earlier, the largest cause of death for children in our country is firearms. I really appreciate that these items have been acknowledged in our town, that we are willing to raise these issues. It just puts it out there to make it normal to talk about these things, to recognize the issues around them, to recognize that people are here in all of their forms and all their glory and we want to keep them alive that way. I appreciate you raising these issues and these proclamations.

### **AGENDA CHANGES**

Commissioner Dumas made a motion to adopt the agenda. Commissioner Rivers seconded the motion. Motion carried unanimously.

### **CONSENT AGENDA**

**Approval of Minutes – April 15.** Commissioner Rivers made a motion to approve the minutes of the April 15, 2025 Regular Town Board Meeting. Commissioner Dumas seconded the motion. Motion carried unanimously.

**Approval of Minutes – May 7.** Commissioner Rivers made a motion to approve the minutes of the May 7, 2025 Regular Town Board Meeting. Commissioner Dumas seconded the motion. Motion carried unanimously.

**Call for Public Hearing – Petition #TA25-04.** Commissioner Rivers made a motion to call a public hearing for Tuesday, July 15, 2025, at 6:00 p.m. at Huntersville Town Hall, Huntersville, NC 28078, on Petition #TA25-04, a request by the Huntersville Planning Department to amend Articles 7.2 and 7.4 of the Huntersville Zoning Ordinance. Commissioner Dumas seconded the motion. Motion carried unanimously.

**Call for Public Hearing – Petition #TA25-06.** Commissioner Rivers made a motion to call a public hearing for Tuesday, July 15, 2025, at 6:00 p.m. at Huntersville Town Hall, Huntersville, NC 28078, on Petition #TA25-06, a request by the Huntersville Planning Department to amend Articles 3.2.1, 3.2.2, 7.5, and 9.64 of the Huntersville Zoning Ordinance. Commissioner Dumas seconded the motion. Motion carried unanimously.

**Call for Public Hearing – Petition #TA25-08.** Commissioner Rivers made a motion to call a public hearing for Tuesday, July 15, 2025, at 6:00 p.m. at Huntersville Town Hall, Huntersville, NC 28078, on Petition #TA25-08, a request by the Huntersville Planning Department to amend the Zoning and Subdivision Ordinance. Commissioner Dumas seconded the motion. Motion carried unanimously.

**Call for Public Hearing – Petition #R25-06.** Commissioner Rivers made a motion to call a public hearing for Tuesday, July 15, 2025, at 6:00 p.m. at Huntersville Town Hall, Huntersville, NC 28078 for Petition #R25-06 12300 McCord Road, a request by Robert and Heather Dubiel to rezone +/- 11.265 acres from General Residential to Transitional Residential as a general rezoning. Commissioner Dumas seconded the motion. Motion carried unanimously.

**Call for Public Hearing – Petition #TA25-01.** Commissioner Rivers made a motion to call a public hearing for Tuesday, July 15, 2025, at 6:00 p.m. at Huntersville Town Hall, Huntersville, NC 28078, on Petition #TA25-01, a request by the Huntersville Planning Department to amend Articles 3, 4, 9, and 12 of the Huntersville Zoning Ordinance. Commissioner Dumas seconded the motion. Motion carried unanimously.

**Call for Public Hearing – Petition #ANNEX24-04.** Commissioner Rivers made a motion to call a public hearing for Tuesday, July 15, 2025, at 6:00 p.m. at Huntersville Town Hall, Huntersville, NC 28078, on Petition #ANNEX 24-04, a request by Foundry Commercial, for the contiguous annexation of a parcel located on Everette Keith Road. Commissioner Dumas seconded the motion. Motion carried unanimously.

**Call for Public Hearing – Petition #ANNEX24-05.** Commissioner Rivers made a motion to call a public hearing for Tuesday, July 15, 2025, at 6:00 p.m. at Huntersville Town Hall on Petition #ANNEX 24-05, a request by KB Home Charlotte, Inc, for the contiguous annexation of parcels located on Autumncrest Road. Commissioner Dumas seconded the motion. Motion carried unanimously.

### **PUBLIC HEARINGS**

**Petition #R25-04 The Holbrook Phase 2.** Mayor Clark called to order public hearing on Petition #R25-04 The Holbrook Phase 2, a request by North state 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, Assistant Planning Director, entered the Staff Report into the record and reviewed the request. *Staff Report and Staff PowerPoint attached hereto as Exhibit No. 1.*

Commissioner Bergsman said I want to talk about the buffer modification. Can you tell us a little bit about why it's asked for or needed.

Mr. Priest said the Town actually did an ordinance change not too long ago in regard to multi-family homes, apartment buildings. There's aspects of sometimes when you had one building/one lot it wasn't a subdivision, there was no buffer required for multi-family homes and apartment buildings. A text amendment inserted 9.64 which requires a buffer based on density of the adjacent use. When you have a development that's 31 units per acre next to a single-family home, that's kind of a maximum buffer depth, so that's a 40' requirement.

The situation is and this is something that we're drafting a Staff Report for, when you're in a downtown, you generally have a mix of uses that don't necessarily have big buffers. As a matter of fact, currently in Chapter 7 of our ordinance where most of our buffer standards are, you don't have any buffers at all that apply in the TC district. Here you do, specifically for multi-family homes, so this one does apply because of the density difference, therefore staff is kind of supportive of that buffer modification, but again we've also got that massing issue that we are working with the applicant on on the elevations, what kind of landscaping is put in there to soften the difference there and so that's a consideration as well.

Commissioner Bergsman said you mentioned massing. I know you're kind of still waiting on some information but when it's being evaluated, because I know we've got Town Hall which is multi-levels around the corner, but the immediately adjacent neighbors to the left and right are relatively shorter buildings for the lack of a better word. How is staff determining whether it's kind of inline with massing of the surrounding buildings when there's such a variety.

Mr. Priest said from an architectural standpoint the ordinance kind of gets into that. It gives the ability for an applicant to show compatibility with adjacent structures, even if it's out of context. In this situation it's a huge building, so much taller, so much bigger, but they can show context by varying their massing, by changing the height immediately next to the building. Architecturally from a by-right standpoint, if they walk in the door and say we want to do this, but they showed those architectural components in an effort to show compatibility, they could do that.

In this situation, in talking with the applicant, that might not be an option. It might be, we don't know because we haven't gotten the full submittal of the elevations but if they don't, that's in the Staff Report a modification would be needed in that regard. The other element in this that staff is considering is again, as was mentioned, both this property and the property adjacent is in that pink area where in the future commercial development could be appropriate. The massing issue in general could be temporary. It could go away when the other property potentially develops, but right now it's not. It's a single-family home and so that relationship still exists. There's a lot of elements to that that we are still working through.

Commissioner Quarles said I like the residential density of this project, especially for our downtown. In the Staff Report it said that you all are determining whether a TIA is required for this project and it's under review with the staff. What would determine if a TIA is needed.

Mr. Priest said they are working through the Engineering Department and they did a scope of that and so it was reviewed by Engineering staff and I don't know all the details. Perhaps Stephen could get into the details on that, but gave some feedback back and is waiting on a resubmittal to be able to make a determination on that.

Commissioner Quarles said as we work to revitalize our downtown, I just think this is a project that will hit the target. I really like the project.

Commissioner Dumas said if we approve this project, are there other avenues for expanding Holbrook Park.

Mr. Priest said there are other avenues that were discussed and going to the east with trails. Here's the difference between this property, in my opinion, and the other properties to the east along 115. On 115 those properties are a little bit more challenged with topography where trails and nature areas are a little bit more permissible. Here is a lot more, for lack of a better word, pad ready for commercial development. That's a little bit more practical on the practical side for that side. On the east side, talking with the Parks and Recreation Director, that seems to be a better opportunity to be able to expand more to the east rather than to Gilead Road.

Commissioner Dumas said I saw a note that staff recommends more frontage space. Where does that stand.

Mr. Priest said we're still going to get an updated submittal from the applicant and see what they're doing on the notes and so forth and what's the free and clear. That's still being negotiated. What we're worried about is just making sure that the outdoor seating doesn't encroach too much, so there's too much of a squeezed area for pedestrians. Considering it's a downtown, you want that outdoor seating. You want a balance there but at the same time you want a nice comfortable walk for two people to walk back and forth. That's kind of what we're working through. The recommendation is about 8', maybe give or take a foot or so, but that's in the realm of what we're looking to do.

Commissioner Dumas said help me understand the concern with the pedestrian entrance. Why do we require a front entrance and why would we not be okay with having it in the back.

Mr. Priest said the pedestrian entrance has kind of been the difference maker. Back in 1996 when we adopted our ordinance it was a very unique ordinance in regard to requiring a pedestrian entrance in the front. The market, it's a difficult mesh sometimes, because what you see in Charlotte, what you see in other municipalities is the front is the parking lot side. The parking is in the front, the building is in the back. Everybody parks in the front. What the Huntersville ordinance does is flips that and puts the building on the street and creates a requirement to have a door on the street, so you set up a design that can be very walkable. If you set it up that way and you require sidewalks and there's connections for sidewalks, it becomes a walkable development. If you put a parking lot in the front and you put your building in the back, you have to walk through the parking lot where it becomes very uncomfortable, so you don't do that. At the same time, if you put the building in the front, the parking in the back, but you can't get in the building and you have to walk around, you just defeated the purpose of the whole change. What the Huntersville ordinance says is set it up so that you have an entrance along the street, so you create that ability for everyone in the building to be able to get where they want to go from the streetside. That's the purpose of that requirement.

Rachel Krenz, The Lagniappe Group, said I am with The Lagniappe Group, who has been engaged by North State Development to manage the development of this project. Shane Seagle, owner of North State Development, is out of the country and was not able to move his flight and he's very upset about it. He's watching right now, but he is available anytime anybody wants to talk about this project, but I am running point on it anyway, so I'm happy to give this presentation. That was the intent from the start. *PowerPoint attached hereto as Exhibit No. 2.*

Commissioner Dumas said thank you for clarifying some of the questions from earlier. I know that we talked at some point about the parking spaces, so I would like to revisit that a little bit. When you were talking about the fact that it's hard to find people to lease the space if you don't have designated parking, I get that. I understand that. I guess we have on our future plans to build a public garage in the downtown area in the next few years. Is it possible that we can revisit that in the future. I think in the downtown it'd be much better to have open parking all over. I understand some residential saved spots, but I would love to see more open parking across the downtown. Would you be willing to consider that when the garage is built.

Mr. Krenz said definitely. I've talked with a couple of you guys that I think downtown needs a parking strategy and an overall shared parking model for the whole thing. I think that's for the best for downtown, which in turn is best for this asset. We are definitely open to that, it's just right now it's not possible for us to make any commitment to that because we need to have a lease signed that says there is parking for your tenants. Nobody here is going to go to a business if they can't park right by it or near it. If there's not parking somewhere to offset it, then we can't commit to anything. That's not to say that when there's a global parking strategy, that wouldn't be a party of it and we're fully supportive of that.

Commissioner Hunt said would you commit to even just one attainable unit.

Ms. Krenz said I will not answer that question without Shane here, so I'll get back to you on that. I personally have some concerns about that. I do asset management for a variety of multi-family projects and those that have a decent amount of a higher quantity of attainable units, they actually lease for the purposes of a lower income and those that have a handful of them, they don't. Part of the reason for that is because you're marketing a market rate project and so it's really hard to find that person to actually lease it.

If you look at a lot of case studies, that doesn't get to the purpose of it and it causes a lot of headaches, but I am supportive of it conceptually, if we can find a way to make the marketing end piece of that. The problem on this is that even though it feels really big relative to a two-story home, the problem is that it's a small project when it comes for a commercial capital investment, so having 50 to 55 units and 9,000 sq. ft. to 10,000 sq. ft. of retail is really hard to capitalize in this submarket and in this economy. Every dollar that we are adjusting, whether it be on cost or whether it be on revenue, has a major hit. It's a bigger swing on this size of our project.

Those are things that we're weighing right now is how much money, for example, just to lay all the cards on the table like 760, we have to relocate all of these utilities and build out a whole new driveway and build out the brewery. That's a lot of costs and a lot of complication to figure that out. We really believe in it, we want to do it. We're trying to figure out how the logistics of that works out. That's a lot of money. You spend all this money on that and then you take away the revenue on something else and so there's a game that we're playing on the economics to make sure it stays financeable. I think we can talk about it a little bit more, but hopefully that gives you some background.



Commissioner Dumas said how much will the rent be on these units.

Ms. Krenz said there is no way I can tell you that for when it opens, but I can say that it will be similar to comparable projects like The Holbrook across the street.

Commissioner Dumas said I guess I would love to see more diversity of price options in the downtown area. The Holbrook is beautiful, but I think it's intended for somebody who makes a decent amount of money. My preference would be to do something like smaller units or even more units that are smaller and at a lower price point.

Ms. Krenz said you build me a parking deck so that I can park more units in it. Truthfully, is there public financing to support that because the rents to pay for that building are going to be market rate. While I agree that having diversity unit types is important, I can't build that building with all these extra things and get it to be lower rent and this is open to anyone. I'm happy to show a proforma like a generic form of how that works. I think part of the difficulty as you see it developing, you're like, I can't afford it. It doesn't make sense and it seems kind of like a cop out, but I'm happy to show you of how it plays out in our proforma and sit down and have a workshop with anyone that wants to help understand that the push and pull, because you might be asking for a push here and it hurts a pull here and you may not want that and so it could be a dialogue that we could have on it, but I think it's unlikely that we would be able to get more units with the amount of parking that we have and the cost of construction.

Commissioner Dumas said what's the total amount of units.

Mr. Krenz said it's somewhere between 50 and 55. We've asked for a max of 55, but it's likely going to be 50.

Commissioner Dumas said across the street you have how many units currently.

Ms. Krenz said 186.

Commissioner Dumas said how many are currently occupied at this moment.

Ms. Krenz said I don't know the number to that. The only thing I can say is that the leasing velocity is the same as comparable property. It's leasing well, but I don't remember the percentage. It's on track for what it should be.

Commissioner Bergsman said I feel like I had originally heard a while back that it was going to be a little smaller, 30 apartments or so. Has that number changed over the process.

Ms. Krenz said no, I think it's actually gotten smaller when you cut back the floor. I wasn't a part of the first conceptual studies, but there were two buildings or three buildings, so they're trying to get more units and trying to get parking under the building so that you could get more units, but the cost didn't work out to do that, so it's actually been reduced to make it actually financeable. I don't know where the 30 came from.

Commissioner Bergsman said do you have any idea of what the breakdown would be between one bedroom, two bedroom or will there be studios.

Ms. Krenz said I don't have that breakdown because we haven't done the full design of this. We're just doing conceptual because a project budget before you go to start construction could be like \$1,000,000, \$1,500,000 for a site of this size. We're not going to pay the \$500,000 to get halfway through the project before we know if it's rezoned for what we're designing it for, so that's not typically a risk we'll take. We have done conceptual studies for it to test out what would fit so we could do our underwriting. The 50 to 55 that range is whether or not you have studios or two bedrooms more of one or the other, but we're likely going to lean more on two bedrooms. That's what market research is telling us so far. What's nice about two bedrooms is that they can be roommate plans so they can be price point driven for somebody. That's the diversity of units that you're getting at. That's a diversity of residents, maybe not a diversity of units, but it allows for roommate plans and then also allows for the older demographic that we're seeing a ton of traffic on folks that are married and want to have two rooms like an office or something like that. That gives the ability to go both ways. That gives the most flexibility as downtown kind of evolves. We're leaning on more two bedrooms and whether or there's five studios, five one bedrooms and 10.....we don't know the exact unit mix, but two bedrooms is the push for us.

Commissioner Bergsman said on the pedestrian access from the front. I'm okay with that modification. That's not an issue. What I do have a concern with is having two options because I don't like Option Two for a variety of reasons. Do you think that by the time this comes back to us that will be narrowed down. Is that something that you can do.

Mr. Krenz said I would love for it to be. That would be great. We're trying, but I'm not sure if that will happen or not, but potentially. I guess I would say if we can't resolve it to figure that out and all the logistics of that, so we've just engaged a general contractor. You don't normally have a general contractor engaged this early, so we had to bring somebody on to figure out how do we actually do that. There's power, gas and water and sewer and low voltage all where the driveway would go. It's way more complicated than just like a swag number. This is what it cost to build it. We've now got somebody engaged to really give us a number. We're talking with 760. We were finally able to give them some more feedback on that. I'm hopeful. I think that would be really great if we could, but I don't want to promise something that if it doesn't happen, you guys are not able to support the other plan. If we never had proposed that plan and we went through with just the property, I would like for you to think about it that way, too, so that if it doesn't happen with 760 then you've thought through that alternative.

Commissioner Bergsman said there's a couple of reasons I don't like it and one is the driveway, but there's some others, too. Are there additional complications other than the utilities and all the lines. Is there something else or is it really all that, because I know that impacted 760 and the placement of their driveway.

Ms. Krenz said no. The other big component of it is that we'll be taking away part of their outdoor area and impacts to their business and so we have to pay them and make it fair for them, so there's an agreement to be made with them as well. There's also improvements to be made. There's the construction cost of whenever you change and remove the driveway the drive that's there now and you put it in a new format for them, we need to understand that that improvement is and there to budget it and figure out the logistics of that. There's just coordination with 760.

Commissioner Bergsman said I guess just keep working on that. The way I'm looking at this, this is a very important part of our downtown, so we want to get it right.

Commissioner Quarles said you mentioned the four entrances for the commercial buildings or retail. What makes this difference than 760, because 760 has a retail or commercial entrance on the street and we're looking to do possibly four of the same of 760.

Mr. Priest said 760 they have their main access directing on the street, so you can get into the whole building through that front door. The difference here being 85 percent of the building, the residents won't be able to access from the street, they'll have to walk around to the back of the building to get into the building rather than coming out the front.

Commissioner Quarles said so it's mainly residents versus.....

Mr. Priest said a small portion would have access to the street. The majority would not and the ordinance is the main pedestrian access and in a downtown setting, that's just staff's principle on that.

Mayor Clark said can we go back to the Option A and B slide.

Mayor Clark said I just want to make sure I'm understanding. The shared driveway side, so it'll be with 760 and then the other side, the driveway, would be adjacent to the Ingles' property and so we're going to put a fence there, but how will we prevent them from being disturbed by car lights going in and out and various things like that. We've had that happen on other projects where during the construction and I think during the livability people's lights are shining into other people's homes and it's causing problems. What strategy will we take there to prevent them from being further disturbed by that.

Ms. Krenz said that's a good question. We haven't fully thought about that. I guess because the main direction of the cars are not towards the house, so I didn't think about that, but maybe when they're turning in, so it might be something that we could just look at to see the direction of like do people turning in.....I'm open to whatever they want. We could put a barrier instead of a transparent fence, we could put more of a wall or something. I leave that to them to tell me what you guys want on that regard. We're open to it and we did study the road on the other side, and it was not preferred by staff just with two curb cuts near each other. There are three or four curb cuts there today, I can't remember. It'd be going down to two so it is reduced, but having them right next to each other might pose some conflict so they suggested that and I also thought it would be beneficial to have more setback, but I don't know if that's actually a true benefit for them.

Mayor Clark said I think one thing to consider would be if that ends up being the alternative is that it's back in parking only on that side, so when people have to park there, they have to back in and lights won't shine in the direction of their house.

Ms. Krenz said yeah, though I think it's the opposite.

Mayor Clark said they can't back in.....opposite of what I said.

Ms. Krenz said that's a good point. We could do something like that, some signage.

Commissioner Dumas said you pointed out that this piece of land is zoned as residential, so if we find out that we can't do option A and some of us are wavering on option B, will you be moving forward with a residential only option.

Ms. Krenz said I don't know the answer to that. Shane will have to answer that. His interest as the owner of the company is to deliver a mixed-use building for downtown. He's got a lot of pride in making sure downtown is more activated and so I'm not sure if he'll want to proceed with that or not.

Commissioner Dumas said I would love to hear from Shane if we could.

Ms. Krenz said I will say that the complication on that is the value of this site is determined by what revenue you can create and so the purchase price would be less for this land and I'm venturing to guess that means that it will not be under contract, so likely we would not be pursuing it because it's less revenue. You don't have the retail revenue as well. I can probably answer for him now to say it's probably not him, but I don't want to say that straight out.

Commissioner Bergsman said Option B, it looks like the street frontage is less. Is that correct. Would the retail be wrapped around the side.

Ms. Krenz said our commitment is to make 60 percent retail, so we would wrap it around. When you do these conceptual plans for rezoning, that's not the exact building. When we go to design it, we're probably going to pop out towards 760 a little bit for the retail, so we might be able to get a little bit more frontage on Gilead. We want to maximize Gilead as much as we can. We'll maximize that and then we'd wrap around.....that's not ideal, you want to have all your frontage on the main street from visibility standpoint. It might change our merchandising strategy a little bit of how we think about how we're going to market our signage plan. We might have bigger protruding signs on the side to make people come in or we might look at between 760 and us if there's not this new road, maybe we make that a whole plaza and we make it somewhere that pulls people off the street and put lights there. We'll have to do a different design to pull people back into that retail. But It is still a commitment to 60 percent.

Commissioner Bergsman said I do agree that the street frontage is also for me one of the better options.

Commissioner Quarles said based on what Commissioner Dumas said, our ultimate goal is to revitalize downtown. We want to make sure that we have retail downtown. The project is not going to change regardless of which plan A or B, it's going to still be the same project. We're going to have retail downstairs somewhere in the building. We need to focus on what's going to compliment 760, what's going to compliment across the street at Holbrook and things of that nature. When we start deliberating, I hope we focus on the main goal, which again is to bring some retail, some economic impact downtown because I couldn't care less which plan it is because again it will still be retail as well as residential at the end of the day.

Mayor Clark called for public comments.

Amy Hallman (Jamie Wideman and Frank Gammon deferred their time) said this public hearing for the proposed rezoning for 106 Gilead should be continued to next month. I'm not against the development, so I hope you'll listen to and consider my points. My greatest issue with this petition is all of the uncertainty here, some of which you've already discussed. I'm worried that they or we will get support for community for Option 1 and switch to Option 2, which has the potential to not be what residents want. And I have stood up here in favor of downtown projects that say one thing and change after. As the developer has said, 60 percent commercial works with Option 1 easy and that Option 2 makes getting 60 percent more challenging because that building is flipped. With the original Town Center

project, we got somewhere between 17 and 29 percent commercial space with an ordinance of 50 percent because the longest portion of the building was not fronting Gilead.

This is a detail too great to leave to chance. I will add that the shopfront ordinance was also changed after the Town Center decision to up the commercial from 50 to 60 percent for a reason. We rely on the commercial development and the residential developers are the ones coming in. Tonight's petition includes 60,000 sq. ft. of development with 8,500 to 9,000 of it commercial. I told Shane and Rachel that I'm okay with Option 1 because the project that shares the drive with 760 resolves several problems. One being that 760 would have more open space without a driveway in the middle, but Option 2 is not interchangeable. It is not the same or similar. It should not be considered as such. Option 2's driveway is going to be an immense lifestyle change to the Ingles, trust me. Since no one can require 760 to participate, this decision should not be approved with or without 760. That is a significant change. If they can't make it work, they can't make it work. This is not up to us or the town to make concessions. This is why the public hearing should be continued. The Staff Reports reference a few times that the 2040 Plan and the Downtown Master Plan's suggestion of a connection to the park and even says a primary gathering place would be with open space and connectivity to walk through the park. A predominant apartment building is not exactly a gathering place. It's a start, but are we just starting. The Staff Report makes a great leap to say that in both places in the 2040 Plan and the Downtown Master Plan that despite what is printed on those pages that we don't really mean that Holbrook Park should be expanded and that the staff knows better and that we should have further commercial and residential development.

Both documents say one thing and staff is saying another. The middle ground, and there is one, should be had. The question becomes can it be both pedestrian friendly with connectivity and still be a 50 to 55 unit four story apartment complex. The answer is really more than a yes or no, and if you decide that the answer is yes, you will remove the unfinished plan from your plate entirely and that's not what this board member should do. Policy DT-1, this parcel abuts density, but it's supposed to be green and open. Have you walked that property. It is stunning. That's probably why it's in the Downtown Master Plan as a park extension. It would be a natural extension, no pun intended, of the Holbrook Park and if you ponied up for that, you'd get no flack from me, but it is not some 30-year-old policy that staff or we can say is outdated. It isn't.

Policy DT 1-1, we'll work with Option 1, but the best option for the town is to recommend scaling it down a little bit, save some trees, save some parking if it's scaled down and to save some access to the park. A side path that skirts a 96 place parking lot isn't the same. The connection to the park makes sense because they're not saving any trees. Be careful about not cutting any more trees down between them and the park. The Staff Report also suggests a highly amenitized open space, which in planner speak is not the same as a park. The definition of a highly amenitized open space is a public or private area designated to provide a high level of comfort, convenience, and recreational opportunities for residents and visitors. One of its greatest assets is shade, is benches and some street trees.

It's a park. Historically, I have supported the developer's project on Maxwell and I'm that close to this one. The staff and the Town Board have to take a proposed project and hone it to the best quality project, not unlike editing a paper. While you have a lot of leeway to do that, what's best is not just a diversification and tax base here and unless the plan has changed, there's still no affordable housing options, although I'm not sure how that's an excellent design principle. They did get creative with the access across the street. They did get creative with the assistance artist in residence, so I really appreciate that. That was a great job. This project is 31.8 per acre in density. Next door is a house built

in 1884 with a density of two per acre. Across the street the same developer has a density somewhere between six to eight per density per acre.

This explosion in density is exactly what the buffer ordinance was written for and as staff pointed out tonight, the ordinance was not written in the nineties. It was a text amendment in 2022, literally an ordinance written because of how we started to see development in our downtown. It's 40' for a reason. I would ask you why does the Staff Report acknowledge throughout 11 pages of questions and not fitting to say at the end, yes, we support it. Our ordinance says the max height is 48', but when the staff recommends 55 because of the surrounding businesses, who's the business. It's the same developer. Don't ever let anyone tell you the decisions you're making aren't setting precedent because this shows you are and anyone who argues how the tall Town Hall building, your dang right, it's tall. It's our municipal home. This project should be held to the ordinances and passed or not passed if they're unwilling to meet the ordinances.

Massing is a proposed project and the proposed project is important and you do not have an elevation in front of you and that is why the public hearing should be continued. The ordinance says that a four story building should scale down to two story building beside it regardless of it being a bustling downtown, so I ask you to be very specific in what you want to write in that motion, because your definition of what's acceptable elevation is not necessarily the same as the developer's definition, staff's, residents surrounding or the community. The trees on 106 property are large, but they are not as tall as the developer wants to build this building. Please do not go beyond the ordinances. As for a TIA, there isn't one. We need to consider that. How do we know if there's left-hand turns. We have no idea. We don't know what that's going to look like.

That's why it needs to be continued for the public hearing. Policy DT-11 before this board came into office when there were nearly a thousand apartments and townhomes already approved, which are being built currently or have just been completed in downtown, how many more are we going to add. The Staff Report says that this project is supported by LU-6, a mix of land use. It's not a mix of mixed-use. Land use and mixed-use are not the same thing and I'll stop there on that one, but please don't conflate them. When you put the sliver out to bid, you got two proposals. One was completely commercial and the other was for this same land use. Which one did you choose. We don't know. Lastly, when did the planning process get to be multiple choice. Last week the Planning Board was brought an incomplete project and you have another two option project later tonight and this is getting out from under us.

Staff recommends the developer can follow the ordinance, show elevation plan or provide adjacent property feedback. Until the Staff Report we could look at the 2040 Plan and Downtown Master Plan to see the prevailing interest is to extend Holbrook Park. We can't keep blindsiding residents. With no TIA, no elevation plans to show massing, no decision between Options 1 and 2, please ask for a continuance to get these things in place to make a better informed decision. We're going to get to Option 1, we're going to get there, but let's not just say, well, if we don't get there, two is good enough. It boils down to what you hold valuable. This decision will be yours. How can we make an intentional and deliberate decision with all these variables. Please take the time to see the actual elevations of a single plan, see the TIA and go from there and we'll have a great time when it gets here.

There being no further comments or questions, Mayor Clark closed the public hearing.

Emily Sloop, Town Attorney, said Mayor Clark, I was wondering, did you plan to alert the people that are here tonight prior to our next public hearing that we had received a request for a deferral on one of the items that are under Other Business.

Mayor Clark said we did not have anyone sign up to speak for that.

Ms. Sloop said did you still want to let anyone know that might be in the audience.

Mayor Clark said yes, Item 10.B Petition #R24-15, which is the Station South Project, has requested a deferral, so if you're here to hear that, it will not be occurring this evening.

**Petition #R25-02 First and Church St Townhomes.** Mayor Clark called to order public hearing 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.

Brian Richards, Planning Director, entered the Staff Report into the record and reviewed request. *Staff Report and Staff PowerPoint attached hereto as Exhibit No. 3.*

Commissioner Rivers said I don't have any questions, but I do want to commend you on your allocation of affordable housing. I know that we've talked about mixed-use residential use, A lot of apartments are coming in, a lot of developers have given allocation for affordable housing, but some residents would like to be homeowners, so thank you for that. I truly appreciate you for that. I raised that question. That was a question that I had and so to know that that was allocated, thank you, I appreciate that.

Commissioner Bergsman said I am excited about an all townhouse project, especially in this location. I mean I spent my twenties and I think probably almost half of my thirties living in either apartments or townhomes and I feel that projects like that could really help address the missing middle in Huntersville, so I appreciate that aspect. My only question is really on the corner park. I feel like you have an opportunity to make a really neat little pocket park, so I'd love to hear if you've thought about anything yet or kind of what you had in mind for that space.

Nick Petrie said I'm the land developer for Better Path Homes. This is Nic Vesely. I'll touch on that. Because we have the rail path there, the staff had mentioned the same exact same, so we're proposing to have benches, tables and that middle design in the sphere is actually going to be a pergola or gazebo of some sort to kind of get out of the sun, a little shade, with some gardening and landscaping around it as well, which I do believe Luke is working on some landscaping plan for that as well.

Luke Hanna said we'll have something a little bit more detailed. I think the original feedback we got was more in line with more of a transition stop for the transit line, being that there will be a transit station a little bit north to the site. That wasn't our original intent but I think we could certainly accommodate some kind of blend between differential mobility and more of a park atmosphere. We think it would definitely be good for the residents in these units to have more of a green space. We could obviously do a little bit more dense on this site with unit count. We thought it would be better to incorporate stormwater control measures in the back as also somewhat of a green space site amenity as opposed to a traditional wet pond or sand filter, that's more engineering but it's less aesthetically attractive.

There being no further comments or questions, Mayor Clark closed the public hearing.

**Petition #R25-03 Mint Landscaping.** Commissioner Bergsman requested to be recused. Commissioner Dumas made a motion to recuse Commissioner Bergsman for Item 9.C. Commissioner Hunt seconded the motion. Motion carried unanimously.

Mayor Clark called to order public hearing 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, Principal Planner, entered the Staff Report into the record and reviewed the request. *Staff Report and Staff PowerPoint attached hereto as Exhibit No. 4.*

Mayor Clark said I heard you say a couple of times that we're bringing this site into compliance. Can you go into further detail on how we got here.

Mr. James said staff noticed by a complaint that there was a commercial use on the subject site. Through enforcement and contacting the applicant they realized this wasn't a site available for commercial use. Instead of doing your formal enforcement violation, they're coming in with applications to try and come into compliance with a conditional rezoning.

There being no comments or questions, Mayor Clark closed the public hearing.

Commissioner Dumas made a motion to bring back Commissioner Bergsman. Commissioner Hunt seconded the motion. Motion carried unanimously.

**Petition #R25-05 MHH Logistics.** Mayor Clark called to order public hearing 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, Planner II, entered the Staff Report into the record and reviewed the request. *Staff Report and Staff PowerPoint attached hereto as Exhibit No. 5.*

Cindy Reid, Irvin Law Group, said I'm here tonight representing MHH Logistics and I'll make this short because it is really straightforward and Sherrie Chaffin is here also. She's the developer along with Chris Fleck who's the engineer. If you have any technical questions, Chris is your guy.

Again, this is really straightforward. This is surrounded by industrial, it's zoned industrial. We were going through site plan and realized that there was a stream buffer on this site and so we had to get the modification in order to make the plan work. This is already zoned Corporate Business. We're just asking for Conditional District so that we can have the stream modification and the frontage modification. These uses are already allowed here and again we are here for the intermittent stream buffer to be impacted and to have a fee as the mitigation. Mecklenburg County just today approved the stream impact mitigation permit.

We're also asking for modification to allow the front 80' buffer to be graded and then replanted. This is going to be an improvement as to what's there now because it's just not very pretty and the new plantings will make it look much more attractive.

Through the conditional zoning we had a community meeting, nobody came. This is our public hearing. Then we have a Planning Board meeting, then the final Town Board meeting. Again, that's the buffer



that's impacted and Patrick already showed you that, so I don't need to again. Here's the 80' landscape buffer with the tree planting that's required. I know that you can't read that, I can't read it either, but do know it's going to be attractive and it's not attractive now.

I think it's important to realize that when you allow these industrial projects, you really increase the value of the land. This land is vacant right now. I think it has a trailer on it. It's being used to store some equipment. It's a Brownfields program, so you're going to add \$15 million of value just by putting that project there and add approximately 15 new jobs and it supports local businesses.

Commissioner Hunt said do we know what type of businesses might go there.

Sherrie Chaffin said it's industrial flex so it could be anything from a HVAC contractor, tile supplier.

Mayor Clark said for the stream mitigation, what happens to the stream that's currently there as far as once this site is built. Is it just filled in or diverted.

Ms. Reid said it's filled in. If you want an answer that's more technical than that, I'm going to have to turn that over to Chris.

Anthony Roberts, Town Manager, said I'll say they did it up on the corner of Mt. Holly-Huntersville and Hambright, that building right there on the corner. The very back corner of that had the exact same thing and the same person was involved.

Ms. Chaffin said to answer your question about the stream being filled, we have permitted that through the Army Corps of Engineers. We have received all the various permits from the state to do that. We've received all that documentation, so it's permissible. And to be honest, it's really a ditch. It's really not a stream. Unfortunately, requirements at the state level are very stringent, so this 1-1/2' to 2' area of a ditch is really only wet when we have excessive rain. I wouldn't classify it as a stream by what most of us here in this room would think of a stream. Another point just to further punctuate what was presented in Patrick's presentation, Mecklenburg County has said the Town of Huntersville will be getting the full benefit of the mitigation and it's a hefty check, so we're bearing the burden of that for this very minor stream. It's a six figure check, so the Town of Huntersville is getting that funding. I don't think that's still an up in the air issue anymore from our perspective.

Mayor Clark said I was just wondering where the water would go if you're filling in, what happens to the water.

Ms. Chaffin said there'll be a pipe. It will be diverted into what is a real stream behind the site.

Commissioner Hunt said Patrick said that we could use it if there was somewhere to use it. If there isn't anywhere for us to use those credits or to use that money or whatever for another stream restoration, then what happens. Does the money just go back to the county, do we keep the money and save it. How does that work.

Ms. Reid said it has to be used for a stream mitigation project and that would be up to Mecklenburg County and the town to decide how those funds would be used. We certainly would support any efforts to use those funds locally, but it's not our decision.

Mr. Patterson said I do believe there is a current project in Huntersville, the Clark Creek project, that we might be able to use some of those funds for.

There being no further comments or questions, Mayor Clark closed the public hearing.

**Petition #TA25-07.** Mayor Clark called to order public hearing 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, Planner II, entered the Staff Report into the record and reviewed the request. *Staff Report and Staff PowerPoint attached hereto as Exhibit No. 6.*

There being no comments or questions, Mayor Clark closed the public hearing.

**Petition #TA25-05.** Mayor Clark called to order public hearing on Petition #TA25-05 Fire Code, a request by the Town of Huntersville Planning Department to amend the Code of Ordinances in consistency with NC SB166.

Becca Prichard, Planner II, entered the Staff Report into the record and reviewed the request. *Staff Report and Staff PowerPoint attached hereto as Exhibit No. 7.*

There being no comments or questions, Mayor Clark closed the public hearing.

#### **OTHER BUSINESS**

**Fiscal Year 2026 Budget Ordinance.** Anthony Roberts, Town Manager, reviewed the Fiscal Year 2026 Budget Ordinance. *Refer to PowerPoint attached hereto as Exhibit No. 8.*

Commissioner Hunt made a motion to approve the FY2026 Budget Ordinance.

Commissioner Quarles seconded the motion.

Motion carried unanimously.

*FY2026 Budget Ordinance attached hereto as Exhibit No. 9.*

**Petition #R24-15 Station South LLC.** Petition #R24-15 is a request by Station South LLC, to rezone +/- 21.29 acres located on Old Statesville Road from Corporate Business - Conditional District to Transit Oriented Development - Residential - Conditional District for a mixed-use development.

Brian Richards, Planning Director, said the applicant has requested a deferral to the December 16 meeting.

Commissioner Hunt made a motion to defer Petition #R24-15, a request by Station South LLC, to the December 15, 2025 meeting at Huntersville Town Hall at 6:00 p.m.

Commissioner Hunt amended her motion to defer to December 16, 2025.

Commissioner Rivers seconded the motion.

Motion carried unanimously.

**Purchase Two Pumper Trucks.** Consider approving the purchase of two Seagrave Marauder Pumper Trucks for a total of \$2,564,007.

Commissioner Quarles made a motion to defer the purchase of two Seagrave Marauder Pumper Trucks for a total of \$2,564,007 to June 17, 2025 at the Huntersville Town Board Meeting at 6:00 p.m.

Commissioner Hunt seconded the motion.

Motion carried unanimously.

**Budget Amendment – Emergency Services Fund Balance.** Consider approving budget amendment appropriating Emergency Services Fund Balance in the amount of \$2,564,007 to Capital Outlay for the purchase of two Seagrave Marauder Pumper trucks from Seagrave Fire Apparatus, LLC.

Commissioner Quarles made a motion to defer budget amendment appropriating Emergency Services Fund Balance in the amount of \$2,564,007 to Capital Outlay for the purchase of two Seagrave Marauder Pumper trucks from Seagrave Fire Apparatus, LLC until June 17, 2025 at the Huntersville Town Board Meeting at 6:00 p.m.

Commissioner Dumas seconded the motion. Motion carried unanimously.

**Traffic Calming Measures – Devonshire/Cockerham.** Consider decision on traffic calming measures on Devonshire Drive and Cockerham Lane.

Lora Mastrofrancesco, Transportation Engineer, reviewed her presentation from the last meeting and presented the options for traffic calming measures. *Staff PowerPoint attached hereto as Exhibit No. 10.*

Commissioner Bergsman made a motion to approve Option 1 of traffic calming measures on Devonshire Drive.

Commissioner Rivers seconded the motion.

Motion carried unanimously.

Commissioner Bergsman made a motion to approve Option 1 of traffic calming measures on Cockerham Lane.

Commissioner Rivers seconded the motion.

Motion carried unanimously.

**Ordinance – Demolition and Removal of Structure at 14002 S. Old Statesville Road.** This is a request by the Town of Huntersville Code Enforcement for the adoption of the ordinance to remove the structure at 14002 S. Old Statesville Road by demolition, as it was determined by Mecklenburg County Minimum Housing Code to be dilapidated and unfit for human habitation.

Au'Darius Blackwood, Development Code Officer, reviewed timeline of events and presented pictures of the structure. *Refer to PowerPoint attached hereto as Exhibit No. 11.*

Commissioner Bergsman made a motion to adopt the ordinance approving demolition of 14002 S. Old Statesville Road.

Commissioner Quarles seconded the motion.

Motion carried unanimously.

*Resolution attached hereto as Exhibit No. 12.*

**Artist Recommendation for Sustainable Bus Stop Bench Mural.** Consider approving the artist recommended by the Public Art Commission for the Sustainable Bus Stop Bench Mural.

The Public Art Commission selected local Mecklenburg County artist, Junior Gomez, to create and install the mural for the new sustainable bus stop bench. *Refer to PowerPoint attached hereto as Exhibit No. 13.*

Concept Statement: "Winds of Welcome"

For this project, I have created a painted design concept titled "Winds of Welcome," inspired by the sustainable nature of the retired wind turbine blade and the community spirit of Huntersville.

The design features flowing abstract patterns that represent movement, growth, and connection—key elements that mirror both the origins of the bench material and the town's dynamic energy. Integrated within the flow are stylized nods to Huntersville's natural and historical landmarks, including dogwood flowers, rolling landscapes, and waves from nearby Lake Norman.

The color palette of warm earth tones, soft blues, and pops of golden yellow was selected to evoke a welcoming, lively feeling, while celebrating the natural beauty of the region. My goal with this artwork is to create a design that feels uplifting, rooted in place, and invites the community to feel a sense of pride and belonging each time they encounter it.

Commissioner Rivers made a motion to approve the artist recommended by the Public Arts Commission for the Sustainable Bus Stop Bench Mural.

Commissioner Hunt seconded the motion.

Mayor Clark called for the vote.

Motion carried unanimously.

**Planning Board Appointments.** Consider appointing three (3) members to the Planning Board, due to three expiring terms, from 22 applicants.

- Three-year term, expiring 6/30/2027 (Jeff Sny has served two full terms and is not eligible for another term)
- Three-year term, expiring 6/30/2027 (Greg Barber has served two full terms and is not eligible for another term)
- Three-year term, expiring 6/30/2027 (Trina Loomis one full term and is eligible, and has applied for another term)

Commissioner Bergsman nominated Trina Loomis, Prince Tokpah and Kevin Departhy.

Commissioner Dumas nominated Trina Loomis, Prince Tokpah and Kevin Departhy.

Commissioner Hunt nominated Trina Loomis, Prince Tokpah and Marshall Horsman.

Commissioner Quarles nominated Prince Tokpah, Marshall Horsman and Kevin Departhy.

Commissioner Rivers nominated Prince Tokpah, Marshall Horsman and Trina Loomis.

There was a tie between Marshall Horsman and Kevin Departhy. Mayor Clark nominated Marshall Horsman.

Commissioner Dumas made a motion to appoint Trina Loomis, Prince Tokpah and Marshall Horsman to the Planning Board due to the expiring terms.

Commissioner Bergsman seconded the motion.

Emily Sloop, Town Attorney, said just for clarification, I want to make sure that we're all on the same page about the time that we are appointing them to. There was a previous directive by the Board to align the appointments to a March schedule, so I want to make sure that we are doing the timeframe through March 2028.

Commissioner Quarles said just for clarity because I didn't nominate one of the individuals. Do I vote in favor or vote opposite.

Ms. Sloop said those were the three highest nomination getters, so the motion would be to vote for them. If you don't want to vote to nominate those three, you would have to vote against.

Mayor Clark called for the vote.

Motion carried unanimously.

### **CLOSING COMMENTS**

Commissioner Rivers announced events in the Pottstown community.

Commissioner Dumas said I wanted to speak a little bit about the Pride Proclamation tonight. Thanks to everyone who shared their thoughts tonight and via email over the past week. I appreciate those who have expressed disagreement respectfully. Civil dialogue is essential to democracy. I've had several conversations via email with folks I disagreed with that went very well and that I enjoyed. Some of the messages we've received have gone beyond disagreement. They've included blatant homophobia and that is exactly why proclamations like this matter. The context of the Pride Month Proclamation is one of dozens this board issues every year, one of just two tonight. We've recognized everything from

National Public Works Week to Cancer Awareness, Black History Month, Gun Safety and others. Until these proclamations have rarely drawn controversy, so it's worth asking why this one. The Pride Proclamation is a small symbolic gesture that says the LGBTQ+ residents are a part of this community and the deserve to be safe, seen and included. It does not diminish anyone else and it certainly doesn't exclude people of faith as I know many faithful LGBTQ+ people and allies. I want to address that point directly because I've heard it raised repeatedly. I will always support the right of anyone to practice their faith and without their beliefs, but there's a difference between what someone believes and who someone is. Faith is a choice. Being LGBTQ+ is not. One group being acknowledged does not mean another is being erased. Someone else celebrating who they are is not a threat to your religion. Forcing everyone in town to attend an event that goes against their faith would be, and that's not what this is. This is a proclamation. Participation is voluntary. The discomfort we're seeing around this proclamation only highlights why these types of inclusion efforts are necessary. Kids are seeing the comments on Facebook and Instagram. LGBTQ+ people are not asking for special treatment. They're asking to exist safely and openly in the town they call home without their existence being protested and debated. As leaders our job isn't to avoid controversy, it's to do what's right and I believe doing what's right means ensuring that Huntersville is a place where every person regardless of identity, belief or background knows they belong.

Commissioner Quarles reminded everyone to the inaugural Veterans Coffee Connection on June 13.

Commissioner Bergsman said I just wanted to speak briefly in regards to some of the messages that we've received. Most were cordial and respectful, but a few were not. Recognizing Pride Month for me is not about promoting one group over others, it's about affirming that LGBTQ+ residents are part of our community and deserve to feel seen, safe and included. Some have asked whether discrimination is happening here. The truth is disparities often go unseen by those who don't experience them, but acknowledging that reality isn't divisive, I feel it's compassionate. The earrings I'm actually wearing tonight were made someone that lives in our community who is a trans-youth. They are watching. All of our your are watching and we need to do what's right for them. This Pride Month Proclamation is a simple symbolic way to say that everyone belongs in Huntersville. Inclusion does not diminish community, it strengthens it.

There being no further business, Commissioner Dumas made a motion to adjourn. Commissioner Bergsman seconded the motion. Motion carried unanimously.

Approved this the \_\_\_\_\_ day of \_\_\_\_\_, 2025.



## **Request for Board Action**

July 15, 2025

**To:** The Honorable Mayor and Board of Commissioners

**From:** Janet Pierson, Town Clerk

**Subject:**

---

**EXPLAIN REQUEST:**

Consider approving the minutes of the June 17, 2025 Regular Town Board Meeting.

**ACTION RECOMMENDED:**

Approve Minutes

**FINANCIAL IMPLICATIONS:**

N/A

**ATTACHMENTS:**

1. Draft Minutes

**TOWN OF HUNTERSVILLE  
TOWN BOARD MEETING  
MINUTES**

**June 17, 2025  
6:00 p.m. – Huntersville Town Hall  
101 Huntersville-Concord Road**

**PRE-MEETING**

The Huntersville Board of Commissioners held a Pre-meeting at Huntersville Town Hall, 101 Huntersville-Concord Road, at 4:30 p.m. on June 17, 2025.

GOVERNING BODY MEMBERS PRESENT: Mayor Christy Clark; Commissioners Alisia Bergsman, Amanda Dumas, Jennifer Hunt, LaToya Rivers and Nick Walsh. Commissioner Edwin Quarles was not present.

**Funding Requests from External Agencies.** The Board heard requests for funding from the following external agencies:

- Ada Jenkins Center
- Angels and Sparrows
- Arts & Science Council
- Bags of Hope
- Caterpillar Ministries
- Hope House
- Pottstown Heritage Group. Commissioner Bergsman made a motion to recuse Commissioner Rivers. Commissioner Walsh seconded the motion. Motion carried unanimously. Following presentation from the Pottstown Heritage Group, Commissioner Dumas made a motion to bring Commissioner Rivers back. Commissioner Walsh seconded the motion. Motion carried unanimously.
- North Mecklenburg Youth Orchestra
- Beds for Kids
- Hugh Torance House. Commissioner Rivers made a motion to recuse Commissioner Bergsman. Commissioner Hunt seconded the motion. Motion carried unanimously. Following presentation on Hugh Torance House, Commissioner Rivers made a motion to bring Commissioner Bergsman back. Commissioner Hunt seconded the motion. Motion carried unanimously.

*Detailed information on external funding requests attached hereto as Exhibit No. 1.*

There being no further business, the Pre-meeting was adjourned.

**REGULAR MEETING  
TOWN OF HUNTERSVILLE  
BOARD OF COMMISSIONERS**

The Regular Meeting of the Huntersville Board of Commissioners was held at the Huntersville Town Hall, 101 Huntersville-Concord Road, at 6:00 p.m. on June 17, 2025



GOVERNING BODY MEMBERS PRESENT: Mayor Christy Clark; Commissioners Alisia Bergsman, Amanda Dumas, Jennifer Hunt, LaToya Rivers and Nick Walsh. Commissioner Edwin Quarles was not present.

Mayor Clark called for a moment of silence in memory/honor of the shooting victims in Minnesota and the members of the legislature there.

Mayor Clark led the Pledge of Allegiance.

### **ANNOUNCEMENTS**

HFFA will host the USA Diving Zone A championships from Friday, June 20 through Sunday, June 22.

Mecklenburg County is offering free box fans to Mecklenburg County residents 60 years and older and adults ages 18 to 59 who receive disability income.

Commissioner Dumas said I just want to make sure everybody is aware of two exciting events happening this week. On Thursday there's our kickoff for LaLaCaboosa, which is a music festival we do on Thursdays during the summer once a month and Thursday's will be Juneteenth. On Sunday, Huntersville's first ever Pride will be from 1 p.m. to 6 p.m. at Veterans Park. That's not a town sponsored event, but it should be very well attended.

### **PUBLIC COMMENTS**

**Parks and Recreation Month Proclamation.** Mayor Clark proclaimed June 2025 as Parks and Recreation Month.

#### **A PROCLAMATION FOR PARKS AND RECREATION MONTH**

**WHEREAS**, parks and recreation is an integral part of communities throughout this country, including the state of North Carolina and the Town of Huntersville; and

**WHEREAS**, parks and recreation promotes health and wellness, improving the physical and mental health of people who live near parks; and

**WHEREAS**, parks and recreation promotes time spent in nature, which positively impacts mental health by increasing cognitive performance and well-being, and alleviating illnesses such as depression, attention deficit disorders, and Alzheimer's; and

**WHEREAS**, parks and recreation encourages physical activities by providing space for popular sports, hiking trails, natural areas and many other activities designed to promote active lifestyles; and

**WHEREAS**, parks and recreation programming, events, and educational activities, such as out-of-school time programming, youth sports and environmental education, are critical to childhood development; and

**WHEREAS**, parks and recreation increases a community's economic prosperity through increased property values, expansion of the local tax base, increased tourism, the attraction and retention of businesses, and crime reduction; and

**WHEREAS**, the Huntersville Parks and Recreation Department was created in 1995 and now serves more than 2 million visitors per year to its local parks; and

**WHEREAS**, our parks and natural recreation areas ensure the ecological beauty of our state and provide a place for children and adults to connect with nature and recreate outdoors; and

**WHEREAS**, the U.S. House of Representatives has designated July as Parks and Recreation Month; and

**WHEREAS**, Huntersville recognizes the benefits derived from parks and recreation resources.

**NOW, THEREFORE**, I, Christy Clark, Mayor of Huntersville, do hereby proclaim July as "**PARKS AND RECREATION MONTH**" in Huntersville, North Carolina.

**IN WITNESS WHEREOF**, I do hereby set my hand and cause the Seal of the Town to be affixed, this the 17<sup>th</sup> day of June, 2025.

**Juneteenth Day.** Mayor Clark proclaimed June 19, 2025 as Juneteenth Day.

#### **A PROCLAMATION FOR JUNETEENTH DAY**

**WHEREAS**, on June 19, 1865 in Galveston, Texas - over two years after President Abraham Lincoln declared all enslaved persons free - Major General Gordon Granger and Union Army troops enforced the Emancipation Proclamation and freed the last enslaved Black Americans; and

**WHEREAS**, free from the bondage which immorally deprived them of human dignity, their long-overdue emancipation was celebrated on June 19 - "Juneteenth" and this year marks the 160<sup>th</sup> year of Juneteenth, the oldest known celebration commemorating the abolishment of slavery in the United States; and

**WHEREAS**, this nationally recognized holiday is an opportunity to celebrate human freedom, reflect on the grievous and ongoing legacy of slavery, and rededicate ourselves to rooting out systemic racism that continues to plague our society as we strive to deliver the full promise of freedom and equality for all Americans; and

**WHEREAS**, as we celebrate Juneteenth, let us recommit ourselves to the work of equity, equality and justice, remind ourselves of the centuries of struggle, courage and hope that have brought us to this time of progress and possibility, and ensure that the events of 1865 are not forgotten.

**Now, Therefore**, I, Christy Clark, Mayor of Huntersville, do hereby proclaim the 19<sup>th</sup> of June as "**JUNETEENTH DAY**" in Huntersville, North Carolina.

**In Witness Whereof**, I do hereby set my hand and cause the Seal of the Town to be affixed, this the 17<sup>th</sup> day of June, 2025.

**Environmental Sustainability Committee Goals.** Jeremy Shook, Environmental Sustainability Committee Chair, provided overview of Environmental Sustainability Committee goals for the coming year. *Refer to PowerPoint attached hereto as Exhibit No. 2.*

Mayor Clark called for public comments.

Christine Wolak said I wanted to talk about the size of the affordable housing units that were presented in Petition #R24-07. Staff had already requested that the affordable units should not be segregated into the same building. It looks to me like the applicant just plopped an apartment building into an existing plan in order to satisfy the affordable housing request. They already admitted that these affordable units were half of the unit compared to the other units in the plan. I don't remember the exact words, but it was something about looking from the outside like it was a single unit, but there would actually be two inside.

When I looked at the plan online it was clear that this building where these units would be segregated is smaller than the other townhouse buildings. I took out a ruler and the other buildings were 40 mil deep on my screen and this building was only 30 mil deep. It fronts on parking spaces, which makes me wonder whether the units are actually townhouses or if the parking is outside and that's how they are able to save some space. Depending on which you go by, it's either 3/8 of the size of the other units or up to 50 percent. How is that even distinguishable from market rate units. I don't think that really satisfies the intent of the affordable and attainable housing goals. I ask the Board to take this into consideration when making the decision.

I do want to thank the Board for pushing for these attainable and affordable housing units in these new developments. Every job has value and people that work in Huntersville should be able to live in Huntersville and just because a job is lower paid doesn't mean that it's of lesser value. I also want to say happy Pride, happy Juneteenth.

About the environmental sustainability, reducing was we have things that are recyclable in other places that are not recyclable here, particularly plastic.....plastic containers that aren't bottles that don't have a neck, they don't go in the recyclables. I would like to see something done about that, but if not, then I think we need an ordinance that says restaurants have to stop using them for take-out containers, reducing it in our grocery stores as well.

Jackson Workman said I'm here to raise an issue that many people in the community are already familiar with which is the issue of the Birkdale Village expansion. It's been said by many people in the community that they are against it. I am one of them. I am firmly opposed to it. I think if there's any chance, if it's not too late to stop this, I think it needs to be taken, I think it needs to be done. I think that in general the idea of destroying the community, which is what this will do if it happens, is not in the best interest of the town. I don't think it's in the best interest of the people. I think that the soul of Huntersville in many ways Birkdale Village is a very big part of this community and I think as someone who was raised here, who has lived here my entire life, to see it destroyed would make me personally very upset.

It's been said that the people who are against it are allowed minority. That is not true. I challenge you to find one person who is actually in favor of it who lives here or who's been a long-term resident. I also would like to just point out the fact that one of the members of Jamestown who owned Birkdale Village has said that this expansion, the goal is to turn it into a perpetual machine. I do not see Birkdale Village or any part of Huntersville as any kind of a machine, I see it as a community. I see it as a place meant to foster people, families, homes, memories and to replace so many beloved institutions in that town with things like office buildings, parking garages, whatever it may be, goes against the very spirit of what this community is supposed to represent and I think that in general we have people living here from pretty much all 50 states at this point and they didn't move here to be a part of a perpetual machine, they moved here to be a part of a community.

I just think with so many people against it, I really don't understand how it's still going forward. I don't know why it was ever proposed in the first place. I've never really been one for making speeches or going up to public forums or anything like that. This is really my first time but when it's something I'm this passionate about when it comes to the very fabric of my home being tampered with, frankly just gutted, definitely did want to come here and say my peace about it. I know I'm not the only one that feels this way in the community for sure. Anyone who remotely cares about the Town of Huntersville, because it's not going to stop there. They're not going to stop at Birkdale Village. It will continue to spread throughout the community if they're allowed to do what they want they are going to keep expanding and just tearing everything down that's been here forever and that we love about this place. I just don't want to see that happen. Even if I can't do anything about it at this point, I just wanted to say my peace about it.

Jeff Locke said I am the Chair of the Huntersville Greenway, Trail and Bikeway Commission. As a committee, we've agreed to put a couple of conditions on our approval for the Everette Keith development that's going in soon. I'm here tonight to personally emphasize and explain one of those conditions.

We gave our presentation before the Board a couple of months ago. I don't believe we talked about our next big priority that we're kicking around in the committee, which is connecting to Charlotte. We've talked a little with the county and we've explored some options and the best option is on the east side of Huntersville. That connection goes directly through the Everette Keith parcel. It's going to tie-in

hopefully eventually to the Mallard Creek/Clarks Creek/Toby Creek greenway system. Charlotte is currently building connections from that to Little Sugar Creek. That's going to form what we call the Seam or the Charlotte to Mooresville trail. This is a big regional connection and this is our one spot where we have to connect this. If this doesn't work, it sinks the whole regional system.

We looked over the plans. As the plans are at the moment, there's side paths which are suboptimal. It may be the only option due to the treacherous terrain of the power line easement which is where our line originally went on the map. Even with the side paths they do not connect through this community. There is no connection from one end of the community to the other. We are putting a condition on our approval that the developers at the very least engineer and plan to have a bridge somewhere and have those plans on paper so that the paths can connect. We are recommending on top of that, that they work with the town to explore funding options.

I would like to say to the developers who I understand are here tonight, you should want greenways in your development. It's the No. 1 most requested amenity in Huntersville. Everybody wants these. It increases property value. It makes the town a nicer place to live and for people like myself, it's how we get around. This is a very necessary connection and I'm asking the town to review this a little bit more and make sure that this is a condition on the approval.

#### **AGENDA CHANGES**

Commissioner Dumas made a motion to adopt the agenda. Commissioner Hunt seconded the motion. Motion carried unanimously.

#### **CONSENT AGENDA**

**Approval of Minutes.** Commissioner Rivers made a motion to approve the minutes of the April 1, 2025 Regular Town Board Meeting. Commissioner Dumas seconded the motion. Motion carried unanimously.

**Budget Amendment – Community Needs Contributions.** Commissioner Rivers made a motion to approve budget amendment appropriating Community Needs Contributions in the amount of \$10,730 to the Miscellaneous Expense - Community Emergency Needs Expense account. Commissioner Dumas seconded the motion. Motion carried unanimously.

**Budget Amendment – HFFA.** Commissioner Rivers made a motion to approve budget amendment in the amount of \$550,000 to cover the results of HFFA operations in FY2025. Commissioner Dumas seconded the motion. Motion carried unanimously.

**Fifth Amendment – Huntington Green Capital Project Ordinance.** Commissioner Rivers made a motion to approve Fifth Amendment to the Huntington Green Capital Project Ordinance for additional funds awarded by the Community Development Block Grant. Commissioner Dumas seconded the motion. Motion carried unanimously.

*Fifth Amendment to the Huntington Green Capital Project Ordinance attached hereto as Exhibit No. 3.*

**Resolution to Acquire Right-of-way – Ferrelltown Parkway Extension Project.** Commissioner Rivers made a motion to approve Resolution to acquire right-of-way and/or easements necessary for the construction of the Ferrelltown Parkway Extension Project. Commissioner Dumas seconded the motion. Motion carried unanimously.

Resolution attached hereto as Exhibit No. 4.

**Accept Streets for Maintenance – Courtyards at Eastfield Farm.** Commissioner Rivers made a motion to accept streets in Courtyards at Eastfield Farm for Town maintenance. Commissioner Dumas seconded the motion. Motion carried unanimously.

| Street Name          | From                     | To                                             | Approx. Length |
|----------------------|--------------------------|------------------------------------------------|----------------|
| Pleasant Run Drive   | Trailwood Drive          | Eastfield Road                                 | 755-ft         |
| Grove Crossing Drive | Eastfield Farm Drive     | Pleasant Run Drive                             | 465-ft         |
| Eastfield Farm Drive | Trailwood Drive          | Eastfield Road                                 | 660-ft         |
| Trailwood Drive      | End of Road (cul-de-sac) | Approx 40-ft SE of Eastfield Farm Drive (stub) | 1090-ft        |
| Headwaters Drive     | Trailwood Drive          | Honeycutt Drive                                | 590-ft         |
| Honeycutt Drive      | Trailwood Drive          | End of Road (cul-de-sac)                       | 645-ft         |

**Accept Street for Maintenance – Asbury Park Subdivision.** Commissioner Rivers made a motion to accept street in Asbury Park Subdivision for Town Maintenance. Commissioner Dumas seconded the motion. Motion carried unanimously.

| Street Name         | From                      | To                                       | Approx. Length |
|---------------------|---------------------------|------------------------------------------|----------------|
| Ferrelltown Parkway | Huntersville-Concord Road | End of Road (65-ft SE of Hugh Dixon Way) | 1260-ft        |

**Accept Streets for Maintenance – Huntson Reserve Subdivision.** Commissioner Rivers made a motion to accept streets in the Huntson Reserve Subdivision for Town Maintenance. Commissioner Dumas seconded the motion. Motion carried unanimously.

| Street Name          | From                                        | To                                                         | Approx. Length |
|----------------------|---------------------------------------------|------------------------------------------------------------|----------------|
| Huntson Reserve Road | Ranson Road                                 | Philip Michael Road                                        | 3430-ft        |
| Laura Michelle Road  | End of Road (198-ft S of Huntson Park Lane) | Tie in to existing road (168-ft E of Huntson Reserve Road) | 1550-ft        |
| Huntson Park Lane    | Huntson Reserve Road                        | Laura Michelle Road                                        | 1220-ft        |
| Phillip Michael Road | Laura Michelle Road                         | Tie-in to existing street (157-ft E of Huntson Park Lane)  | 670-ft         |

**Accept Streets for Maintenance – Olmsted Subdivision Phases 2A and 2B.** Commissioner Rivers made a motion to accept streets in the Olmsted Subdivision Phase 2A and 2B for Town Maintenance. Commissioner Dumas seconded the motion. Motion carried unanimously.

| Street Name           | From                                                  | To                                                       | Approx. Length |
|-----------------------|-------------------------------------------------------|----------------------------------------------------------|----------------|
| Ansley Park Place     | Franklin Park Lane                                    | 285-ft NE of Water Terrace Drive                         | 2270-ft        |
| Water Terrace Drive   | Ansley Park Place                                     | Ansley Park Place                                        | 585-ft         |
| Franklin Park Lane    | Ansley Park Place                                     | Calvert Commons Drive                                    | 2025-ft        |
| Branch Brook Place    | Branch Brook Place                                    | Calvert Commons Drive                                    | 1535-ft        |
| Calvert Commons Drive | End of Road (cul-de-sac)                              | Tie-in to existing road (580-ft S of Franklin Park Lane) | 1470-ft        |
| Tenya Circle          | Brookline Place                                       | Brookline Place                                          | 655-ft         |
| Brookline Place       | The Ramble Drive                                      | Ansley Park Place                                        | 2040-ft        |
| The Ramble Drive      | Tie-in to existing road (170-ft N of Promenade Drive) | End of Road (cul-de-sac)                                 | 775-ft         |

#### PUBLIC HEARINGS

None

#### OTHER BUSINESS

**Petition #24-07 Everett Keith Road.** Brian Richards, Planning Director, entered the Staff Report into the record and gave a quick overview of the request. *Staff Report and Staff PowerPoint attached hereto as Exhibit No. 5.*

Commissioner Dumas said you mentioned the Small Area Plan and the 2040 Plan, that they are not going to be able to meet the requirements.

Mr. Richards said there's a little bit of a conflict.

Commissioner Dumas said from my observation they look like they're conflicting plans. Which would be the priority to follow in your mind.

Mr. Richards said both. The Eastfield Small Area Plan has some age on it and it was looking for larger lots. The more current 2040 Plan calls for 1.5 units per acre density in that area, has a little bit more flexibility. That Small Area Plan takes that higher. We have replaced the 2030 with the 2040. It's just a difference in age. At some point in time when we do revise those area plans, that conflict would go away. It's just an existing situation today.

Commissioner Dumas said there was a comment about the connectivity in the alleys. What does the connection in the alleys actually add for us.

Mr. Richards said really day to day life. Let's look at this area in particular. You can see in this area the alleys do not connect. If this were a flatter, more typical site you could have these alleys could connect here and here so you wouldn't have to back up and do certain movements in day-to-day activities. It could be a challenge with trash trucks, Amazon deliveries, those types of things and really neighbors getting in and out due to the powerline and the topography in this situation, it's not ideal. I do know they have worked with this developer for almost two years on this project to get it before you guys tonight. They did make the alley connection up to the north. There was some grading challenges but they were able to resolve that.

Some other areas here, you can see these alleys are really just abutting up against a creek. No opportunity for connectivity and then on this internal street right here, again there's a topography issue and a distance issue, not a great situation for that alley to connect to street. Again, it's a very difficult site to work with. This plan has changed massively over these two years. As far as connectivity goes, it's about as good as it can be for this type of product.

Commissioner Bergsman said I watched the Planning Board meeting. Was the 4-1-3 vote, was it three abstentions, is that correct.

Mr. Richards said there were three abstentions. Some summarization after speaking to the Planning Board members some of them did not feel the plan was buttoned up enough for them to make a decision on so they chose to abstain. An abstention is a positive vote, so it did pass.

Sean Paone said we updated some of the slides just to kind of relate to the current information. *Refer to PowerPoint attached hereto as Exhibit No. 6.* From a contextual standpoint we've got Hambright which dead-ends into Everette Keith which is the western bounds of the property. The property is being shown in green there. It's 106 acres. Further west you've got 115, the future CATS Red Line station Bryton subdivision. To the north you've got the construction landfill. Further east you've got Asbury Chapel and then to the south Dogwood Estates and Everette Keith industrial that's currently under construction.

The yellow lines are showing the two Duke transmission corridors, the blue being the jurisdictional streams and the red dash line is the future proposed alignment of Hambright Road further down to Eastfield Road.

Just a recap of what we had kind of previously discussed in moving through this project. We had several design criteria that we really wanted to achieve, one being thoughtful planned amenities and open spaces, diverse housing options, multiple housing options throughout the development, the initiation of public good, pedestrian connectivity, environmental sensitivity and then consistency with the 2040 Community Plan.

These are our open space areas. We've got a number of varying open space areas that would accommodate any number of people and activities. On this one, this is north of Hambright, so just from a contextual standpoint Hambright is on Plan South there, so this is the north section that abuts up against to the construction landfill. We've got recreation field in the upper left, dog park, pedestrian passageway is to link the townhome sections and the residents through lawn spaces and making it more of a community feel with gathering spaces like a fire pit, outdoor seating and then on the west side just on the other side of Hedge Rose Trail, we've got a green area there which would have kind of like a multi-functional space there so we could have outdoor games. I'm just going to point out that

Chamblee Knoll Alley is the one that we connected as it relates to an alley connection. Previously there was some more steeper grade there and we were able to kind of solve that and make that connection.

This is just south of Hambright. This is in between Everette Keith and Hambright. We've got an artistic playground area, we've got earth mounds, native meadow seeding area through the Duke easement that aligns with the wildlife corridor that we have with all the natural stream buffers that lead all the way down to Clark Creek. A basketball court with a goal. In addition to that we've got seating areas and a lot of pedestrian connections. In this area we prioritize the pedestrian connections over the vehicular. Not only do we have the Duke easement going through with the Stanchion, there's some challenges as it relates to proximity of improvements associated with that Stanchion. We really want to kind of emphasize and promote the open space possibility instead of trying to bisect it with the alleyway connections, which then would bring the vehicular movements into the open space areas which we felt like would minimize the functionality and the ability of that open space to be a real benefit and amenity to the development.

Dayflower actually connects over to Everette Keith again from a contextual standpoint and so we've got a small open space park area. This is just beyond the first stream crossing and in that we've got a splash pad, a lawn area to accommodate a multi-faceted number of recreational activities and then we've got a shade structure.

We've continued that native planting meadow through the corridor to be able to again link to the jurisdictional stream buffers which again link to Clark Creek.

This is moving east, so this is Ruby Falls Drive. Just north off the page would be the Hambright Road Extension. We've got pickleball courts located here and then surrounded by vegetation to try to muffle some of that sound. We also have a dedicated parking area to be able to support that use. This also gets somewhat updated. This was our open space plan but as we have continued to have communications with county and town Parks and Rec, there's some updates associated with the area surrounding this.

These are two open space green areas. This is on the eastern side, so this would be the extension of Dogwood Lane. These are intended to be more kind of natural areas, so they would have green spaces and a lot of vegetation with access to two public streets.

As Brian mentioned, we have 259 for-sale homes, 76 single-family attached. That's the 29 percent of our total for-sale product. In the orange we've got our 75 detached cottages, so these are detached but alley fed product. In the yellow we've got 108 detached single-family homes which range from 50' to 100' in width. On this one it's hard to kind of pick up. There are A's shown on the lots, but I've got another slide to recognize the eight attainable housing units and how they have been dispersed throughout the project.

These are architectural elevations associated with the varying products, so upper left is the attached townhomes. The upper right would be the cottage homes which again are alley loaded and then the two bottom product illustrations are associated with front loaded 50' and 100' lots. There are several architectural features that were committed to in the submittal, those being front porches, covered stoops, Hardie siding with brick and stone accents and there are a few others that were noted in the submittal package.



In the gray we've got the Hambright Road Extension which is extended to the Duke easement we previously talked about. The fact that beyond that there's some question about the alignment and what Duke would allow as it relates to crossing that Duke corridor. The gray is constructed. The yellow portion would be a dedication of additional right-of-way to accommodate either alignment that gets passed based on additional policy study. The one being directly straight across or the other one which basically has a little bit of a reverse curve, so a little bit more of a skew to it to meet Duke's requirement for a crossing angle. On top of that there's a [inaudible] for construction cost contribution to be able to build out the extension of Hambright Road to the property boundary. The purple section up top would be the dedication to accommodate the Town's greenway based on the 2024 Greenway Master Plan which shows that alignment to follow that eastern stream section that basically then kind of ties down into the park area there in the green.

The blue area is the dedication to the county trail and land. Essentially there are two different options in our coordination with the county and the town. The original alignment actually just follows the Duke corridor and based on the fact that there's a lot of topography, there's multiple stream crossings in those locations, what we've heard is that was not likely feasible to make those connections as it was previously planned. As the project we're building a lot of this infrastructure already with multi-purpose paths on one side of the road and that green alignment that's dashed essentially accommodates two different options and there were two options presented by Mecklenburg County. One, if and when Hambright Road gets extended, that would provide a multi-purpose path that would then get you to the other blue dedicated property that's on the eastern part of the project. We are also constructing that portion going southbound on that to that blue section. The second option would be if it came across and came down and followed this section. We're essentially accommodating either option based on the dedication or construction of the multi-purpose paths. That was based on coordination that we had with Mecklenburg County.

The green area on the bottom righthand corner is the plus or minus 10 acre tract of property that was being proposed as dedication of a park. On top of that we have the construction of the 10 parking spaces, the single bathroom and the paved pathway to the pond from the parking area.

The orange on there is how we would disperse the eight attainable units. You've got four within the townhome section and four within the cottages, so those are located on the plan for reference there and then those are all the same product type that we are proposing in the rest of the site.

The last one in red are the two areas that we had identified based on feedback that we had heard in our community meeting, which was how can we slow down or create an opposition to a cut through from Dogwood Lane through the property and that was based on the Dogwood Estates community. We have a raised pedestrian crossing which is that kind of red dash on the bottom and then we added a mini traffic circle in coordination with Town staff to be able to add another slow down metric and calming measure to be able to kind of mitigate that kind of cut-through or picking up of speed. On top of that we also have on street parking throughout a lot of the development which tends to kind of narrow the street section and make cars slow down as well.

This is pedestrian connectivity. Throughout the site we have approximately 2.3 miles of multi-purpose paths and those are being shown in the kind of gold color. Those are constructed by the applicants. The green path.....and those gold lines actually link all of the 23 acres of urban open space that are being proposed by the applicant within the development. The next section down are basically the town and county greenway initiatives and that's that green line again along with the purple which is what we are looking at is the two now that yellow became purple because it would be a dedication to the town as it

relates to the extension of Hambright Road and then the two blue areas which will be Mecklenburg County dedication.

Environmental sensitivity. Nothing has really changed since we were here last. We still have this at the front of mind to minimize vehicular and pedestrian crossings. Obviously, there's a lot of topography on the site so any crossing would really start to take out additional existing vegetation and most of the mature vegetation throughout the property is located within a lot of these buffer areas, so we really want to maintain those again to kind of emphasize the wildlife corridors that exist today.

In areas that the perimeter area is much thinner we are proposing to revegetate that perimeter buffer and we've got cross sections in there with the amount of vegetation that we'd be looking to put within those spaces and we are showing 30' and 40' buffers per the ordinance requirement. On top of that I mentioned the seeding of natural grasses and wildflowers through that southern Duke corridor which again allows vegetation throughout that corridor and links up the two jurisdictional stream crossings that lead to Clark Creek as wildlife corridors.

There was a correction, so we showed 140 specimen trees the last time. We actually went out on site and evaluated a few of the trees that potentially could have been identified as heritage trees. When we did the evaluation a lot of the previous trees that were noted as it relates to size, they were done in the wintertime. We went back out. Two of the trees actually don't have vegetation and they don't look like they're alive anymore, so that 140 went to 138 and so it's still in that same area. If we could have maintained them, we would have. The requirement is 29 trees based on the 289 trees that are on site which is the 10 percent and we're maintaining 48 percent.

Just some updates. Brian's kind of already articulated some of these but I'm just going to run through them kind of quickly. Updates since the public hearing. Based on the feedback that we heard at the public hearing and the Planning Board, we have dispersed the eight attainable units throughout the attached residential and the cottage lots. We added a note about dedication of those areas that we discussed and some of these things, especially the dedication of the county area, happened right at the time we were submitting, so some of the information is post submittal.

The subdivision note which seemed to add some confusion, we agreed and already have removed that and that was part of the last submittal. We added a note about restricting HVAC units that were located in setback areas. We added a phasing plan which identified I think we talked about this in the Planning Board meeting, but basically that's going to be Phase 1 and then anything to the east of that area from a property wise standpoint is Phase 2. That did two things. It basically kind of committed any construction traffic coming off of Everette Keith and Hambright and not up Dogwood Lane. Facing the fact that's Phase 1. It also allowed for the number of product that's being associated with each product type to be able to be sold at a rate that's comfortable for the team and it also essentially delayed any kind of connection to Dogwood Lane.

We did submit the heritage tree analysis. There's several large trees on site but none of them actually met the requirement for heritage tree. We are saving a number of those trees already. We already agreed and that was part of the submittal that we would reduce the build-to line so as a part of that last submittal package on June 4 it did commit to the same standards associated with Stony Brook Station. I mentioned the Chamblee Knoll Alley connection per staff's recommendation. That's just the commitment to the ten spaces and the building and the trail associated with the park improvements.

Commissioner Hunt said I want to talk about the speed humps again and Brian mentioned that there was some communication with NCDOT and so I just want to get some clarity on that. Is that something that you would preemptively fund because I see that the traffic circle that you have there and the raised pedestrian bridge, that's already when you're in the new development but I don't know how that's going to necessarily slow people down who are coming from Dogwood if they take that kind of circular route to get into the neighborhood, so can you talk a little bit about the speed humps.

Scott Munday, NVR/Ryan Homes said we just learned about this development with NCDOT and potentially two speed bumps on Dogwood Lane. We have agreed to construct those. Those would be offsite. The onsite traffic calming devices we referred to earlier are the raised crosswalk and the roundabout, but yet we would be willing to build those speed bumps off site.

Mr. Paone said I think just as Brian mentioned to you I think that would be based on the fact that they would be warranted based on the NCDOT study.

Commissioner Bergsman said you said that they will be offsite, the speed bumps.

Mr. Paone said anything that's onsite there would be a town public street. Offsite NCDOT maintains, Dogwood to Everette Keith.

Commissioner Bergsman said so you're not saying it's into the Dogwood neighborhood, or that is what you are saying.

Mr. Richards said yes, in the Dogwood neighborhood to the south these are DOT maintained streets and we would do a speed study and work with DOT for installation and maintenance.

Commissioner Bergsman said do you know if we have received any feedback from Dogwood residents on the locations of those.

Mr. Richards said we have not.

Commissioner Rivers said the eight attainable housing units, I see that you spread those out, thank you for listening and hearing us. Are those units for sale.

Mr. Paone said they are for sale.

Commissioner Dumas said I don't have any questions, but I was really pleased to see all the additional changes that you've made since the initial review. I like that we're seeing additional connectivity and green spaces and the diversity of housing I've spoken about from the dais before. I like that everything is for sale, including the affordable housing. There's the park. I think I consider myself pretty hard wind when it comes to housing developments, but I think this one would be a value add considering this is already zoned for housing. We get some control over some of this other stuff that's happening and your offering and working with us on it, so I'm pleased with what you have come back with.

Commissioner Hunt made a motion to deny Rezoning Petition #R24-07 Everette Keith Residential. The petition is inconsistent with Policies LU-7, LU-7.1, LU-8.2, LU-9 and LU-11 of the Huntersville 2040 Plan as well as the Land Use Recommendations of the Eastfield Road Small Area Plan. It is not reasonable and in the public interest to approve Petition #24-07 because the plan does not follow the land use

recommendations of the Eastfield Road Small Area Plan, the design recommendations of the Huntersville 2040 Plan and is not sensitive to the context of existing neighborhoods.

Commissioner Bergsman seconded the motion.

Commissioner Walsh said I'm not going to be supporting this rezoning request. While I'm not against development in this area, this feels like we're fitting a square peg in a round hole. After a year and a half back and forth and even some changes today, there's still outstanding items in my view not supported by the 2040 Community Plan which includes connectivity within the community, residential design principles, transition or blending to the adjacent neighborhood and some other items.

Commissioner Hunt said I recognize that there are some contrary items with the 2040 Plan and the Eastfield Small Area Plan, but I kind of look at that as more like a zoomed in view. The Eastfield Area Plan is kind of like a zoomed in view and that was developed with the neighbors in that community and the transition that's not really happening in that area with the larger lots over there doesn't strike me as being very thoughtful with the neighbors and what they have requested and so that's why I'm not supporting this.

Commissioner Bergsman said you've come very close for me to being okay with this project. One of the main things that's still standing in the way for myself is I feel like from the Planning Board to the present when you looked at there were three members that felt the need to abstain because of not having enough information to hearing tonight some of the last minute changes and I don't think it's given the public enough time for public review. If these changes would have come about sooner, I could possibly get on board, but not right now.

Mayor Clark called for the vote on the motion to deny Petition #R24-07.

Motion to deny carried 4 to 1 – Commissioners Hunt, Rivers, Bergsman and Walsh in favor of denial; Commissioner Dumas opposed to the denial.

**Purchase of Two Pumper Trucks.** Fire Chief Jim Dotoli reviewed request to purchase two Seagrave Marauder Pumper Trucks. *Refer to PowerPoint attached hereto as Exhibit No. 7.*

Commissioner Walsh made a motion to approve the purchase of two Seagrave Marauder Pumper Trucks for a total of \$2,564,007 per the Group Purchasing Program.

Commissioner Rivers seconded the motion.

Mayor Clark called for the vote.

Motion carried unanimously.

*Contract attached hereto as Exhibit No. 8.*

**Budget Amendment – Emergency Services Fund.** Commissioner Walsh made a motion to appropriate Emergency Services Fund Balance of \$2,564,007 to Capital Outlay for the purchase of two Seagrave Marauder Pumper Trucks from Seagrave Fire Apparatus, LLC.

Commissioner Rivers seconded the motion.

Mayor Clark called for the vote.

Motion carried unanimously.

**Amendment to Lake Norman Charter School Joint Use Agreement.** On October 16, 2023, the Town Board approved adding the new gym at the new Lake Norman Charter Elementary School No. 2 to the existing Joint Use Agreement that includes gyms at their existing high school, middle school and elementary school sites. This new amendment will add the new six-lighted tennis courts to the agreement that will be built at Elementary School Site No. 2. The Huntersville Parks and Recreation Committee unanimously approved this amendment at their May 21 meeting. The Town will pay \$150,000 towards this agreement for the tennis courts. The agreement will run for 15 years from the date it opens. The estimated cost to build six lighted tennis courts is close to \$1 million. The 2030 Huntersville Parks and Recreation Master Plan calls for 13 more tennis courts to be added by 2030.

Commissioner Dumas made a motion to approve the Amendment to the Lake Norman Charter School Joint Use Agreement.

Commissioner Walsh seconded the motion.

Mayor Clark called for the vote.

Motion carried unanimously.

*Amendment to Lake Norman Charter School Joint Use Agreement attached hereto as Exhibit No. 9.*

**Appointment to Environmental Sustainability Committee.** Consider appointing one member to the Environmental Sustainability Committee, due to one vacancy, from eight applicants.

1. Three-year term, expiring 3/31/2027 (Richard Sampson resigned)

Commissioner Bergsman nominated Natalie Paavola.

Commissioner Dumas nominated Natalie Paavola.

Commissioner Hunt nominated Natalie Paavola.

Commissioner Rivers nominated Natalie Paavola.

Commissioner Walsh nominated Natalie Paavola.

Commissioner Hunt made a motion to appoint Natalie Paavola to the Environmental Sustainability Committee.

Commissioner Bergsman seconded the motion.

Mayor Clark called for the vote.

Motion carried unanimously.

**Agreement for Purchase and Sale – 15318 NC 73.** The Town has been in discussions to obtain the property located at 15318 NC Hwy 73 for Town use. The purchase price for this property is \$1,050,000. This agreement starts the process for acquiring that property.

Commissioner Rivers made a motion that we consider approving Agreement for Purchase and Sale of Real Property at 15318 NC Hwy 73, Huntersville, NC 28078.

Commissioner Dumas seconded the motion.

Mayor Clark called for the vote.

Motion carried unanimously.

**Purchase Agreement – 403 Huntersville-Concord Road.** Acquisition of the parcel is necessary to facilitate future safety improvements of curve in Huntersville-Concord Road, which is needed to support the FY26 Capital Improvement Plan.

Commissioner Bergsman made a motion to approve the execution of the Purchase Agreement for property located at 403 Huntersville-Concord Road.

Commissioner Walsh seconded the motion.

Mayor Clark called for the vote.

Motion carried unanimously.

*Purchase Agreement attached hereto as Exhibit No. 10.*

**Budget Amendment – Purchase of 403 Huntersville-Concord Road.** Commissioner Bergsman made a motion to approve the budget amendment appropriating Fund Balance in the amount of \$750,000 for purchase of land and related expenses for 403 Huntersville-Concord Road.

Commissioner Rivers seconded the motion.

Mayor Clark called for the vote.

Motion carried unanimously.

#### **CLOSING COMMENTS**

None

There being no further business, Commissioner Dumas made a motion to adjourn. Commissioner Hunt seconded the motion. Motion carried unanimously.

Approved this the \_\_\_\_ day of \_\_\_\_\_, 2025.



## **Request for Board Action**

July 15, 2025

**To:** The Honorable Mayor and Board of Commissioners

**From:** Pattie McGinnis, Finance Director

**Subject:** Mecklenburg Property Tax Refunds

---

### **EXPLAIN REQUEST:**

Attached is a Refund report from Mecklenburg County. This report contains eight refunds totaling \$22,681.65 which includes \$1,560.45 in interest. These refunds are the result of the NC Property Tax Commission.

### **ACTION RECOMMENDED:**

Approve refunds.

### **FINANCIAL IMPLICATIONS:**

Decrease in revenue

### **ATTACHMENTS:**

1. Huntersville PTC Refunds 25 06 05

HUNTERSVILLE Refunds

| Tax Year | Bill Number                  | Parcel # | Source Type | Adj. # | Adj. Reason  | Recipient Name                                            | Address               | City      | State | Zip Code | Payment Date for Interest Calculation | Refund Amount (\$) | Total Interest to Pay if mailed on or before 7/3/2025 (\$) |
|----------|------------------------------|----------|-------------|--------|--------------|-----------------------------------------------------------|-----------------------|-----------|-------|----------|---------------------------------------|--------------------|------------------------------------------------------------|
| 2023     | 0008094394-2023-2023-0000-00 | 00927248 | REI         | 632094 | PTC Decision | NR HOLLY CREST PROPERTY OWNER LLC C/O NORTHWOOD RAVIN LLC | 1057 EAST MOREHEAD ST | CHARLOTTE | NC    | 28294    | 1/6/2024                              | 2,807.20           | 334.71                                                     |
| 2024     | 0008094394-2024-2024-0000-00 | 00927248 | REI         | 632095 | PTC Decision | NR HOLLY CREST PROPERTY OWNER LLC C/O NORTHWOOD RAVIN LLC | 1057 EAST MOREHEAD ST | CHARLOTTE | NC    | 28294    | 1/7/2025                              | 3,628.63           | 140.77                                                     |
| 2023     | 0008094392-2023-2023-0000-00 | 00927246 | REI         | 632098 | PTC Decision | NR HOLLY CREST PROPERTY OWNER LLC C/O NORTHWOOD RAVIN LLC | 1057 EAST MOREHEAD ST | CHARLOTTE | NC    | 28294    | 1/6/2024                              | 1,992.49           | 237.57                                                     |
| 2024     | 0008094392-2024-2024-0000-00 | 00927246 | REI         | 632099 | PTC Decision | NR HOLLY CREST PROPERTY OWNER LLC C/O NORTHWOOD RAVIN LLC | 1057 EAST MOREHEAD ST | CHARLOTTE | NC    | 28294    | 1/7/2025                              | 2,575.52           | 99.92                                                      |
| 2023     | 0008094393-2023-2023-0000-00 | 00927247 | REI         | 632096 | PTC Decision | NR HOLLY CREST PROPERTY OWNER LLC C/O NORTHWOOD RAVIN LLC | 1057 EAST MOREHEAD ST | CHARLOTTE | NC    | 28294    | 1/6/2024                              | 2,387.44           | 284.66                                                     |
| 2024     | 0008094393-2024-2024-0000-00 | 00927247 | REI         | 632097 | PTC Decision | NR HOLLY CREST PROPERTY OWNER LLC C/O NORTHWOOD RAVIN LLC | 1057 EAST MOREHEAD ST | CHARLOTTE | NC    | 28294    | 1/7/2025                              | 3,086.04           | 119.72                                                     |
| 2023     | 0008094395-2023-2023-0000-00 | 00927249 | REI         | 632092 | PTC Decision | NR HOLLY CREST PROPERTY OWNER LLC C/O NORTHWOOD RAVIN LLC | 1057 EAST MOREHEAD ST | CHARLOTTE | NC    | 28294    | 1/6/2024                              | 2,025.58           | 241.52                                                     |
| 2024     | 0008094395-2024-2024-0000-00 | 00927249 | REI         | 632093 | PTC Decision | NR HOLLY CREST PROPERTY OWNER LLC C/O NORTHWOOD RAVIN LLC | 1057 EAST MOREHEAD ST | CHARLOTTE | NC    | 28294    | 1/7/2025                              | 2,618.30           | 101.58                                                     |
| TOTAL    |                              |          |             |        |              |                                                           |                       |           |       |          |                                       | 21,121.20          | 1,560.45                                                   |





## **Request for Board Action**

July 15, 2025

**To:** The Honorable Mayor and Board of Commissioners

**From:** Michael Jaycocks, Director of Parks and Recreation

**Subject:** Fire Station No. 4 Park Engineering and Construction Administration Contract

---

### **EXPLAIN REQUEST:**

Consider approving the engineering and construction administration contract for Fire Station No. 4 Park with Bolton and Menk, Inc. The Town advertised a Request for Qualifications for engineering, design and construction administration services for the new Fire Station No. 4 Park. The Town received four responses to this RFQ. Bolton and Menk was selected based on being the most qualified. Bolton and Menk has experience with a very similar park project just a few miles away that has become a high quality park in Mecklenburg County.

### **ACTION RECOMMENDED:**

Consider approving the engineering and construction administration contract for Fire Station No. 4 Park.

### **FINANCIAL IMPLICATIONS:**

\$796,450 from the approved capital budget

### **ATTACHMENTS:**

1. Fire Station No. 4 Park Professional Engineering Services Contract 7.2025-Park Construction Services- Signed
2. RFQ Fire Station NO 4.--3-7-25
3. CA RFQ Scoring Sheet- Fire Station No. 4 Park



101 Huntersville Concord Rd.  
Huntersville, NC 28078  
(704) 875-6541

CONTRACT FOR PROFESSIONAL  
ENGINEERING SERVICES

|              |                                             |                 |                                |
|--------------|---------------------------------------------|-----------------|--------------------------------|
| <b>FIRM:</b> | <b>Bolton &amp; Menk Inc.</b>               | <b>PROJECT:</b> | <b>Fire Station No. 4 Park</b> |
|              | <b>Address_1801 N. Graham St. Suite 320</b> | <b>PROJECT</b>  | <b>8826 McIlwaine Road</b>     |
|              |                                             | <b>ADDRESS:</b> |                                |
|              | <b>Charlotte, NC 28206</b>                  |                 | <b>Huntersville, NC 28078</b>  |
|              | <b>Phone #_704-376-1555</b>                 |                 |                                |
|              | <b>Project Manager Name Marshall</b>        |                 |                                |
|              | <b>Giles, PLA</b>                           |                 |                                |
|              | <b>Project Manager</b>                      |                 |                                |
|              | <b>email_Marshall.Giles@bolton-</b>         |                 |                                |
|              | <b>menk.com</b>                             |                 |                                |

This Contract for Professional Services, and all exhibits, (collectively this “Contract”) is entered into this 1st day of July, 2025 by and between, the Town of Huntersville, a municipal corporation of the State of North Carolina, (the “Town”) and Bolton & Menk Inc. (the “Firm”) located at 1801 N. Graham St., Suite 320 Charlotte, NC 28206.

WITNESSETH:

For and in consideration of the mutual promises set forth in this Contract, the sufficiency of which is acknowledged by the parties hereto, the parties do mutually agree as follows:

1. Scope of Services. The Firm agrees to perform for the Town the following services according to the following requirements:

The Firm agrees to provide professional engineering services needed to complete the project. Such professional engineering services shall constitute the “Work.” The Scope of Services and Firm’s Fee Schedule are attached as Exhibits C and D, which are incorporated herein by reference. Additional (extra) services are defined as any work not included in the Scope of Services in Exhibit C that are requested by the Town or any review agencies (“Additional Services”). Additional Services will be billed at the Firm’s billing rates as shown on the attached Exhibit E, which is incorporated herein by reference. The Firm represents to the Town that the hourly billing rates are the Firm’s standard billing rates. The Firm may adjust the hourly rates shown on the attached Exhibit E only if and to the extent that the Firm’s standard billing rates are adjusted. The Firm shall provide thirty (30) days advanced notice to the Town in writing of any increases to the Firm’s standard billing rates. Upon receipt of such notice, the Town shall have the option of terminating this Agreement within the thirty (30) day notice

period given by the Firm. Any meetings not included in the Scope of Services in Exhibit C will be considered Additional Services. Additional Services will be identified either in writing or by verbal communication but must be approved in writing by Town before proceeding to perform such Additional Services.

The Firm will be responsible for providing properly licensed engineers to complete the Work in accordance with the standard of care ordinarily used by members of the Firm's engineering profession practicing under similar circumstances and at the same time in Mecklenburg County. In addition to the indemnification obligations contained in the Standard Terms and Conditions attached to this Contract, the Firm further agrees to indemnify and save harmless the Town from all claims and liabilities to the extent caused by the negligent errors or omissions of the Firm, including its engineers, technicians or subcontractors.

The Firm agrees to coordinate its Work with the work of any other separate professional services, contractors or with the work of the Town's own forces to avoid delaying or interfering with their work.

The Firm must be properly registered with the North Carolina Board of Examiners for Engineers and Surveyors and must be properly authorized to conduct business in the state of North Carolina. The engineers performing the Work, and in responsible charge of the Work, must be a licensed Engineer in the State of North Carolina and must have a good ethical and professional standing.

The Town reserves the right to terminate the professional service contract of the Firm based on the Firm's breach of this Contract (ex: schedule, responsiveness, quality of design, accuracy of documents etc.). The Town reserves the right to modify the Scope of Work described in Exhibit C Scope of Services, and in such event the Town and Firm shall negotiate in good faith to make corresponding modifications to the Fee Schedule in Exhibit D.

2. Contract Insurance. Firm shall be required to purchase and maintain during its performance under this Contract insurance coverage as shown on the Insurance Requirements as stated in Exhibit B, which is incorporated herein by reference. With the exception of Worker's Compensation and Professional Liability policies, all insurance purchased shall have a specific endorsement, copy of which shall be provided to the Town, naming the Town as an additional insured and for all insurance purchased, an endorsement providing that such insurance will not be cancelled without providing thirty (30) days advance written notice to the Town.
3. Standard Terms and Conditions. The Standard Terms and Conditions, attached hereto as Exhibit A, shall be a part of this Contract. The Standard Terms and Conditions are hereby incorporated by reference, and all parties agree to be bound thereby.
4. Historically Underutilized Businesses (HUB). It is the policy of the Town of to provide minorities and women equal opportunity for participating in all aspects of the Town's contracting and procurement programs, including but not limited to employment, construction development projects, materials/services contracts and/or lease agreements, consistent with the laws of the State of North Carolina.

5. Time for Performance of the Work. The Work will begin within ten (10) days of receipt of the Notice to Proceed from the Town. The Firm and the Town recognize that time is of the essence for completion of the Work. Any Notice to Proceed shall also contain a date that the Firm shall complete the Work by (the “Date of Completion”). The terms of this Contract shall apply to every Notice to Proceed issued by the Town.
6. Payment for Services. In consideration of the above services, the Town will pay the Firm, in accordance with the submitted fee schedule in Exhibit D, attached hereto and incorporated by reference, plus reimbursable expenses at the Firm’s actual cost up to, but not exceeding, the lump sum stated in the Fee Schedule in Exhibit D. Firm will submit monthly invoices for Work performed based upon the Firm’s estimate of the percentage of the total Work completed during the billing period which shall be paid thirty (30) days after receipt of undisputed invoices delivered. Additional Services will be billed as provided in Paragraph 1 above in accordance with the hourly fee schedule shown on Exhibit E, attached hereto and incorporated by reference. If any invoice is disputed by the Town, in whole or in part, it shall provide a written explanation for such dispute to Firm within five days of receipt of the invoice and shall pay all undisputed amounts therein.

In witness thereof, the contracting parties, by their authorized agents, affix their signatures and seals at Huntersville, North Carolina, this \_\_\_\_ 1st \_\_\_\_ day of \_\_\_\_ July \_\_\_\_, 20\_\_25\_\_.

**Contractor**

**Town of Huntersville**

Name:

Charles Meacci

Name of Contractor (type or print)

Town Manager

By: *Charles Meacci*

(Signature)

Attest:

Town Clerk

Title:

Urban Design Group Leader & Principal

This instrument has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act

Attest:

(Secretary, if a corporation)

Finance Director

**EXHIBIT A**

**STANDARD TERMS & CONDITIONS**

1. **Acceptance.** Contractor's acknowledgment of the terms of this Contract constitutes an agreement to: (i) all terms and conditions set forth or referenced herein, (ii) on any attachments hereto, (iii) any applicable solicitation documentation related to this Contract (including without limitation any request for proposals or invitation for bids or Contractor's response thereto) that deal with the same subject matter as this Contract, and (iv) any other terms and conditions of a written agreement signed by Contractor and the Town that deals with the same subject matter as this Contract (collectively, the "Contract Documents"). The terms and provisions set forth in the Contract Documents shall constitute the entire agreement between Contractor and the Town with respect to the purchase by the Town of the: (i) goods ("Goods") and/or (ii) services provided or work performed ("Services") as described in the Contract Documents. The agreements set forth in the Contract Documents are sometimes referred to herein as the "Contract." In the event of any conflict between any terms and conditions of the Contract Documents, the terms and conditions most favorable to the Town shall control. No additional or supplemental provision or provisions in variance herewith that may appear in Contractor's quotation, acknowledgment, invoice, or in any other communication from Contractor to the Town shall be deemed accepted by or binding on the Town. The Town hereby expressly rejects all such provisions which supplement, modify, or otherwise vary from the terms of the Contract Documents, and such provisions are superseded by the terms and conditions stated in the Contract Documents, unless and until the Town's authorized representatives expressly assent, in writing, to such provisions. Stenographic and clerical errors and omissions by the Town are subject to correction.

2. **Entire Agreement.** These terms and conditions and any other specifications contained in any other documents referenced shall constitute and represent the complete and entire agreement between the Town and Contractor and supersede all previous communications, either written or verbal with respect to the subject matter of this Contract.
3. **Changes, Additions, Deletions.** No changes, additions, deletions, or substitutions of scope of work, specifications, terms and conditions, quantity, unit of issue, delivery date, delivery charges or price will be permitted without the prior written approval from the Town.
4. **Relationship of the Parties.** The Contractor is an independent contractor and not an employee of the Town. The conduct and control of the work will lie solely with the Contractor. The Contract shall not be construed as establishing a joint venture, partnership, or any principal-agent relationship for any purpose between the Contractor and the Town. Employees of the Contractor shall remain subject to the exclusive control and supervision of the Contractor, which is solely responsible for their compensation.
5. **Prices.** If Contractor's price or the regular market price of any of the Goods or Services covered hereunder is lower than the price stated in the Contract Documents on the date of shipment of such Goods or performance of such Services, Contractor agrees to give the Town the benefit of such lower price on any such Goods or Services. In no event shall Contractor's price be higher than the price last quoted or last charged to the Town unless otherwise agreed in writing. No charges for transportation, boxing, crating, etc. are allowable unless such charges are included in the Contract Documents.
6. **Taxes.** Any applicable taxes shall be invoiced as a separate item.
7. **Substitutions.** No substitutions or cancellations shall be permitted without prior written approval from the Town.
8. **Indemnification.** To the greatest extent allowed by North Carolina law the Contractor shall indemnify and hold harmless the Town, its officers, agents, employees and assigns from and against all claims, losses, costs, damages, expenses (including expenses of litigation and attorneys' fees), and attorneys' fees, but only to the extent caused by the negligent acts, errors or omissions (whether in the performance of professional services or otherwise) of Contractor or Contractor's officers, employees, or subconsultants occurring during the scope of Contractor's work on the Services ("Claims"). In the event that any portion of the Service performed under the Contract shall be defective in any respect whatsoever, the Firm shall indemnify and save harmless the Town, its officers, agents, employees, and assigns from and against all Claims as defined herein, but only to the extent allowed by law. Nothing contained in this Contract shall waive the Constitutional limitation on the Town indemnifying obligations of other parties.
9. **Invoices and Payment Terms.** It is understood and agreed that orders will be shipped at the established Contract prices in effect on dates orders are placed. Invoicing that does not comply with this provision will subject the Contract to cancellation. Upon satisfactory delivery of the Goods or satisfactory completion of the Work, all invoices and statements shall reference the Contract number and be submitted to: Town of Huntersville, Accounts Payable, PO Box 664, Huntersville, North Carolina, 28070. Payment terms are Net 30 days after receipt of correct, undisputed invoice or acceptance of Goods or Services, whichever is later.

When the Contract is for construction services, the Contractor will submit monthly Requests for Payment for Work performed, for review. The Request for payment shall be based upon the Contractor's estimate of the percentage of the total Work completed during the period represented on the Request for Payment. The Contractor must certify that the Work represented in the Contractor's Request for Payment has been completed in accordance with the Contract Documents and certify that the Request for Payment is appropriate for payment before the Town shall be obligated to make such payment to the Contractor. If any Request for Payment is disputed by the Town, in whole or in part, the Town shall provide a written explanation for such dispute to Contractor within five days of receipt of the certified Request for Payment and shall pay all undisputed amounts therein.

10. **Anti-Discrimination and Equal Employment.** During the performance of the Contract, Contractor shall comply with all federal and state requirements concerning fair and equal employment and shall not discriminate against or deny the Contract's benefits to any person on the basis of race, religion, color, creed, national origin, age, sex (including sexual orientation, gender identity, and pregnancy), disability or handicapping condition, or genetic information.
11. **Insurance.** The Firm shall provide the insurance coverages shown on Exhibit B, attached hereto and incorporated herein by reference. The Firm shall provide the Town with a North Carolina Certificate of Insurance and such endorsements as may be required by the Contract Documents prior to the commencement of any work under the Contract and agrees to maintain such insurance until the completion of the Contract. Such certificates of insurance shall be considered part of the Contract.
12. **Ethics in Public Contracting.** By submitting their prices and acceptance of this Contract, all Contractors certify that their bids are made without collusion or fraud and that they have not offered or received any kickbacks or inducements from any other supplier, manufacturer, or subcontractor in connection with their offer, and that they have not conferred on any public employee having official responsibility for this procurement transaction any payment, loan, subscription, deposit of money, services or anything of more than nominal value, present or promised, unless consideration of substantially equal or greater value was exchanged.
13. **Applicable Laws and Courts.** All Town Contracts for Services shall be governed in all respects by the laws of the State of North Carolina. All matters, whether sounding in contract or tort relating to the validity, construction, interpretation, and enforcement of the Contract, shall be governed in all respects by the laws of the State of North Carolina and venue shall be proper only in a court of competent jurisdiction located in Mecklenburg County, North Carolina. The Contractor represents and warrants that it shall comply with all applicable federal, state, and local laws, regulations, and orders, including, not limited to, licensure requirements.
14. **Codes and Permits.** When applicable, the Contractor shall obtain all required permits, , give all required notices, and comply with all laws, ordinances, codes, rules, and regulations bearing on the conduct of the work under this contract. If the Contractor observes that the drawings and specifications are at variance therewith, he shall promptly notify the designer in writing. All work under this contract shall conform to the current North Carolina Building Code and other state and national codes as are applicable. If the Contractor performs any work knowing it to be contrary to such laws, ordinances, codes, rules and regulations, and without such notice to the Owner, he shall bear all cost arising therefrom.
15. **License Requirement.** If applicable, the Contractor must be a licensed General Contractor as required by North Carolina General Statutes Section 87-1 and must have a good ethical and professional standing with the North Carolina General Contractor's Licensing Board. The Contractor will be responsible for providing properly qualified, licensed (if required) personnel to complete the Work in accordance with the standard of care ordinarily used by members of the Contractor's profession practicing under similar circumstances and at the same time in Mecklenburg County.
16. **Strict Compliance.** The Town may at any time insist upon strict compliance with these terms and conditions notwithstanding any previous course of dealing or course of performance between the parties to the contrary.
17. **Assignment.** Contractor may not assign, pledge, or in any manner encumber Contractor's rights under this Contract or delegate the performance of any of its obligations hereunder, without Town's prior, express written consent.
18. **General Provisions.** The Town's remedies as set forth herein are not exclusive. Any delay or omission by the Town in exercising any right hereunder, or any waiver by the Town of any single breach or default hereunder, shall not be deemed to be a waiver of such right or of any other right, breach, or default.

19. **Warranties.** The Contractor warrants it shall adhere to all laws, codes, ordinances, and regulations of the United States, the State of North Carolina, the County of Mecklenburg, and the Town of Huntersville in the performance of the Services outlined in this Contract and any attached specifications. Contractor warrants that any finished work completed hereunder shall also adhere to all laws, codes, ordinances, and regulations of the United States, the State of North Carolina, the County of Mecklenburg, and the Town of Huntersville. Contractor warrants that all Services will be performed in a professional and workman like manner in a manner consistent with that level of care and skill ordinarily exercised by members of Contractor's profession currently practicing under similar conditions in the State of North Carolina. No other warranties, express or implied, are made. In addition to any other rights available at law or in equity, the Town shall be entitled to consequential and incidental damages.
20. **Opinions Or Estimates Of Construction Cost.** Where provided by the Contractor as part of Exhibit C or otherwise, opinions or estimates of construction cost will generally be based upon public construction cost information. Since the Contractor has no control over the cost of labor, materials, competitive bidding process, weather conditions and other factors affecting the cost of construction, all cost estimates are opinions for general information of the Town and the Contractor does not warrant or guarantee the accuracy of construction cost opinions or estimates. The Town acknowledges that costs for project financing should be based upon contracted construction costs with appropriate contingencies.
21. **Construction Services.** It is agreed that the Contractor and its representatives shall not at any time supervise, direct, control, or have authority over any of the Town's other contractor's work (except such subcontractors as are directly engaged and supervised by Contractor), nor shall Contractor have authority over or be responsible for the means, methods, techniques, sequences, or procedures of construction selected or used by any of the Town's other contractors, or the safety precautions and programs incident thereto, for security or safety at any Project site, nor for any failure of any Town's contractor to comply with Laws and Regulations applicable to that contractor's furnishing and performing of its work. Contractor shall not be responsible for the acts or omissions of any of the other Town contractors. Town acknowledges that on-site contractor(s) are solely responsible for construction site safety programs and their enforcement.
22. **Reuse of Documents.** Drawings and specifications and all other documents (including electronic and digital versions of any documents) prepared or furnished by Contractor pursuant to this Agreement are instruments of service in respect to the Project and Contractor shall retain an ownership interest therein. Upon payment of all fees owed to the Contractor, the Town shall acquire a limited license in all identified deliverables (including reports, plans, and specifications) for any reasonable use relative to the Project and the general operations of the Town. Such limited license to Town shall not create any rights in third parties.
- Town may make and disseminate copies for information and reference in connection with the use and maintenance of the Project by the Town. However, such documents are not intended or represented to be suitable for reuse by Town or others on extensions of the Project or on any other project. Town acknowledges that any reuse by Town or, any other entity acting under the request or direction of the Town, without written verification or adaptation by Contractor for such reuse will be at Town's sole risk and without liability or legal exposure to Contractor.
23. **Quality and Workmanship.** All work shall be performed to the satisfaction of the Town. The work shall not be considered complete nor applicable payments rendered until the Town is satisfied with the Services provided.
24. **Default.** The Town may terminate the Contract, in whole or in part, immediately and without prior notice upon breach of the Contract by the Contractor. In addition to any other remedies available to the Town in law or equity, the Town may procure upon such terms as the Town shall deem appropriate,



Services substantially similar to those so terminated, in which case the Contractor shall be liable to the Town for any excess costs for such similar supplies or services and any expenses incurred in connection therewith.

25. **Termination for Convenience.** The Town shall have the right, without assigning any reason therefore, to terminate any work under the Contract, in whole or in part, at any time at its complete discretion by providing 10 days' notice in writing from the Town to Contractor. If the Contract is terminated by the Town in accordance with this paragraph, the Contractor will be paid in an amount which bears the same ratio to the total compensation as does the Services actually delivered or performed to the total originally contemplated in the Contract. The Town will not be liable to the Contractor for any costs for materials acquired or contracted for if such costs were incurred prior to the date of this Contract.
26. **Risk of Loss.** Risk of Loss for all supplies, materials, the Work performed, and the Project as it is being constructed, shall be on the Contractor until such time as substantial completion is achieved, and approved by the Town.
27. **No Third-Party Beneficiaries.** There shall be no intended nor incidental third-party beneficiaries of this Contract. Contractor shall include in all contracts, subcontracts, or other agreements relating to the Contract an acknowledgment by the contracting parties that the Contract creates no third-party beneficiaries.
28. **Exclusivity.** Nothing in this Contract shall require the Town to use the Contractor or prohibit the Town from soliciting third parties for the good or services provided in this Contract.
29. **Confidentiality.** The Contractor acknowledges the Town is subject to public records law and no term shall be inconsistent with N.C.G.S. §132 et al.
30. **Valid Contract for Services.** In order for a Contract for Services of the Town to be valid, it must be executed by the Town Manager or his or her authorized designee, and must be pre-audited in that manner required by the Local Government Budget and Fiscal Control Act, as the same may be amended.
31. **Verification of Work Authorization.** Contractor shall comply with, and require all contractors and subcontractors to comply with, the requirements of Article 2 of Chapter 64 of the North Carolina General Statutes, "Verification of Work Authorization," sometimes known as E-verify, for all contractors and subcontractors.
32. **Iran Divestment List.** With the execution hereof, Contractor, certifies that they are not on the Iran Final Divestment List created by the N.C. State Treasurer pursuant to N.C.G.S. § 147-86.58, and will not contract with anyone on such List in performance of the work hereunder.
33. **Buyer.** All references to Buyer or Town, throughout these terms and conditions, shall refer to the Town of Huntersville, North Carolina.
34. **Contractor.** All references to Contractor, Seller, or Firm throughout these terms and conditions shall refer to the contractor identified on page 1 of this Contract.
35. **Authority to Sign.** Each of the Parties herein represents and warrants that the execution, delivery, and performance of this Contract has been duly authorized to execute this Contract and to bind that party of whose behalf the individual is signing.
36. **Availability of Funds.** Any and all payments to the Contractor are dependent upon and subject to the availability of funds to the Town for the purpose set forth in this agreement.
37. **Severability.** If any provision of this Contract is found to be invalid or unlawful, then remainder of this Contract shall not be affected thereby, and each remaining provision shall be valid and enforced to the fullest extent permitted by law.
38. **Companies that Boycott Israel.** With the execution hereof, Contractor, certifies that they are not on the Companies that Boycott Israel List created by the N.C. State Treasurer pursuant to N.C.G.S. § 147-86.80, and will not contract with anyone on such List in performance of the work hereunder.

39. **Governmental Immunity.** Nothing contained in this Contract shall constitute a waiver of the Town's governmental immunity or of any limitation on liability or damages created by law.

---

### **ADDITIONAL TERMS AND CONDITIONS FOR FEDERAL CONTRACTS**

For contracts using federal funds, the following additional terms and conditions shall apply:

1. **Davis-Bacon Act.** For all contracts in excess of \$2,000.00 for construction, alteration, or repair, including painting and decorating, of public buildings or public works, the Contractor shall comply with the Davis-Bacon Act, including payment of no less than the locally prevailing wages as determined by the Secretary of Labor. The contract shall not be valid unless the current prevailing wage as determined by the North Carolina Department of Labor is accepted. The Contractor shall also be prohibited from inducing, by any means, any person employed in the construction, completion, or repair of public work, to give up any part of the compensation to which he or she is otherwise entitled. The Town shall report all suspected or reported violations to the Federal awarding agency.
2. **Contract Work Hours and Safety Standards Act.** For contracts in excess of \$100,000 that involve the employment of mechanics or laborers, each contractor must be required to compute the wages of every mechanic and laborer on the basis of a standard work week of 40 hours. Work in excess of the standard work week is permissible provided that the worker is compensated at a rate of not less than one and a half times the basic rate of pay for all hours worked in excess of 40 hours in the work week. For construction work, no laborer or mechanic must be required to work in surroundings or under working conditions which are unsanitary, hazardous, or dangerous.

3. **Funding Agreements.** If a Federal award meets the definition of “funding agreement” under 37 C.F.R. § 401.2(a) and the Town or Contractor enter into a contract with a small business firm or nonprofit organization regarding the substitution of parties, assignment or performance of experimental, developmental, or research work under that “funding agreement,” the recipient or subrecipient must comply with the requirements of 37 C.F.R. Part 401.
4. **Clean Air Act and Federal Water Pollution Control Act.** Contractor shall comply with all applicable standards, orders, or regulations issued pursuant to the Clean Air Act and Federal Water Pollution Control Act as amended for any Contract in excess of \$150,000.00.
5. **Debarment and Suspension.** Contractor acknowledges and warrants that it is not listed on the governmentwide exclusions in the System Award Management (SAM) Exclusions, in accordance with the OMB guidelines at 2 C.F.R. § 180 for “Debarment and Suspension.”
6. **Byrd Anti-Lobbying Amendment (31 U.S.C. § 1352).** For an award exceeding \$100,000, Contractors must file the required certification. Each tier certifies to the tier above that it will not and has not used Federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any Federal contract, grant or any other award covered by 31 U.S.C. § 1352. Each tier must also disclose any lobbying with non-Federal funds that takes place in connection with obtaining any Federal award. Such disclosures are forwarded from tier to tier up to the Town.
7. **Prohibition on Certain Telecommunications and Video Surveillance Services or Equipment.** The Contractor warrants that their systems or equipment are not covered under telecommunication equipment as described in Public Law 115-232.
8. **Domestic Preference for Procurements.** As appropriate and to the extent consistent with law, the Contractor will, to the greatest extent practicable under a Federal award, provide a preference for the purchase, acquisition, or use of goods, products, or materials produced in the United States (including but not limited to iron, aluminum, steel, cement, and other manufactured products), as required under 2 C.F.R. § 200.322.
9. **Procurement of Recovered Material.** The Contractor agrees to comply with section 6002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act. The requirements of Section 6002 include procuring only items designated in guidelines of the Environmental Protection Agency (EPA) at 40 C.F.R. Part 247 that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition, where the purchase price of the item exceeds \$10,000; procuring solid waste management services in a manner that maximizes energy and resource recovery; and establishing an affirmative procurement program for procurement of recovered materials identified in the EPA guidelines.
10. **Energy Policy and Conservation Act.** Contractor shall comply with all mandatory standards and policies relating to energy efficiency, which are contained in the state energy conservation plan issued in compliance with the Energy Policy and Conservation Act (42 U.S.C. 6201).
11. **Uniform Guidance Policies.** The Contractor agrees to be bound by all Town Uniform Guidance Policies, which are included herein by reference.
12. **2 C.F.R. Part 200, Appendix II.** The Contractor agrees to be bound by all of the provisions under 2 C.F.R. Part 200, Appendix II, which are included herein by reference.
13. **Equal Employment Opportunity.** Except as otherwise provided under 41 CFR Part 60, all contracts that meet the definition of “federally assisted construction contract” in 41 CFR Part 60-1.3 include, by reference, the equal opportunity clause provided under 41 CFR 60-1.4(b). The Contractor agrees to abide by 41 CFR 60-1.4(b) during the performance of the contract<sup>1</sup>.
14. **Build America, Buy America Act.** When federal funds subject to the requirements of the Build America, Buy American Act (“BABA”) are used in an infrastructure project as defined by BABA, for which the total cost of

---

<sup>1</sup> 60 CFR Part 60-1.4(b) can be accessed at: [https://www.ecfr.gov/current/title-41/subtitle-B/chapter-60/part-60-1/subpart-A/section-60-1.4#p-60-1.4\(b\)](https://www.ecfr.gov/current/title-41/subtitle-B/chapter-60/part-60-1/subpart-A/section-60-1.4#p-60-1.4(b))

the project exceeds the federal simplified acquisition threshold, the Buy America Preference (“BAP”) as set forth in 2 C.F.R. Part § 184 shall apply to all project materials that are subject to the provisions of BABA, unless otherwise excepted.

## **EXHIBIT B INSURANCE AND BOND REQUIREMENTS**

1. The Work under this Contract shall not commence until the Contractor has obtained all required insurance and verifying certificates of insurance have been approved in writing by the Town. The Contractor shall furnish the Town with satisfactory proof of carriage of the insurance required before written approval is granted by the Town.
2. The insurance coverage shall be provided and maintained for the duration of the Contract.
3. Except for Worker’s Compensation and Professional Liability policies, the Town shall be named as additional insured on all policies with coverage at least as broad as that provided to the named insureds.
4. The verifying certificates shall document that coverages afforded under the policies will not be cancelled, reduced in amount, or coverages eliminated until at least thirty (30) days after mailing written notice, by certified mail, return receipt requested, to the insured and the Town of such alteration or cancellation.
5. If endorsements are needed to comply with the notification or other requirements of this Agreement, copies of the endorsements shall be submitted with the certificates.
6. Any deductible, if applicable to loss covered by insurance provided, is to be borne by the Contractor.

7. The Contractor is required to provide and maintain the following minimum insurance coverage:

a. **Worker's Compensation and Employer's Liability.**

The Contractor shall provide and maintain, until final acceptance, Workers' Compensation insurance, as required by law, as well as employer's liability coverage with minimum limits of \$1,000,000.

b. **Commercial General Liability (CGL) Insurance.**

The Contractor shall provide and maintain, commercial general liability insurance, including coverage for premises operations, independent contractors, completed operations, products and contractual exposures, as shall protect such contractors from claims arising out of any bodily injury, including accidental death, as well as from claims for property damages which may arise from operations under this contract, whether such operations be by the Contractor or by any subcontractor, or by anyone directly or indirectly employed by either of them and the minimum limits of such insurance shall be as follows:

|                       |                                                  |
|-----------------------|--------------------------------------------------|
| Bodily Injury:        | \$1,000,000 per occurrence/\$2,000,000 aggregate |
| Property Damage:      | \$1,000,000 per occurrence/\$2,000,000 aggregate |
| Products/             |                                                  |
| Completed Operations: | \$1,000,000 per occurrence/\$2,000,000 aggregate |

Such coverage for completed operations must be maintained for at least two (2) years following final acceptance of the Work performed under the contract.

The commercial general liability insurance policy shall provide that such insurance is primary to and non-contributory with any liability insurance carried by the additional insureds and provide a severability of interests clause.

c. **Automobile Liability.**

The Contractor shall provide and maintain automobile liability coverage including coverage for owned, hired, and non-owned vehicles, with limits no less than \$1,000,000 per accident for bodily injury and property damage.

d. **Builder's Risk/Course of Construction.**

For construction projects, the Contractor shall provide and maintain builder's risk coverage utilizing an "All Risk" (Special Perils) coverage form, with limits equal to the completed value of the project and no coinsurance penalty provisions.

This coverage is not required for road maintenance projects.

e. **Professional Liability.**

The Contractor shall provide and maintain professional liability coverage with limits no less than \$2,000,000.

**f. Pollution Liability.**

The Contractor shall provide and maintain pollution liability coverage with minimum limits of \$1,000,000 per occurrence/aggregate.

**g. Umbrella Coverage.**

The Contractor shall provide and maintain umbrella coverage with minimum limits of no less than \$1,000,000 per occurrence/aggregate.

**h. Other Insurance.**

The Contractor shall obtain such additional insurance as may be required by the Town or by the General Statutes of North Carolina including motor vehicle insurance, in amounts not less than the statutory limits.

8. If the Contractor maintains broader coverage and/or higher limits than the minimum limits shown above, the Town requires and shall be entitled to the broader coverage and/or high limits maintained by the Contractor. Any available insurance proceeds in excess of the specified minimum limits of insurance and coverage shall be available to the Town.
9. The policies shall provide that any failure to comply with reporting provisions of the policies shall not affect coverage provided to the Town or its officers, officials, employees, agents, or volunteers.
10. All liability and Workers' Compensation insurance policies shall provide that the insurance company waives all rights of recovery by way of subrogation against the Town and other insureds.
11. The insurance providers shall be North Carolina admitted insurers (licensed to do business in North Carolina) with a current A.M. Best's rating of no less than A-VIII. Notwithstanding the foregoing, if no North Carolina admitted insurance company provides the required insurance, it is acceptable to procure the required insurance from a United States domiciled carrier that meets the required Best's rating.
12. The Town reserves the right to modify these requirements, including limits, based on the nature of the risk, prior experience, insurer, coverage, or other circumstances.
13. The limits of insurance described herein shall not limit the liability of the Contractor and Contractor's officers, employees, agents, representatives, and subcontractors. The Contractor's obligation to defend, indemnify, and hold the Town and its officers, officials, employees, agents and volunteers harmless under the provisions of this paragraph are not limited to or restricted by any requirement in the Contract for Contractor to procure and maintain a policy of insurance.
14. For construction projects only, the Contractor shall require and verify that all subcontractors maintain insurance meeting all the requirements stated herein, and Contractor shall ensure that Town is an additional insured on insurance required from subcontractors.
15. For construction projects only, the Contractor shall provide a payment bond and a performance bond in a sum equal to 100% of the contract price.

## EXHIBIT C

### FIRM'S SCOPE OF SERVICES

#### **Task 1. Project Management & Meetings**

- A. Consultant will participate in a Kickoff Meeting with Client prior to commencement of Schematic Design.
- B. Consultant will facilitate and participate in biweekly 1-hour conference calls with the Client throughout the duration of design and permitting. For budgeting purposes, Consultant assumes up to (15) biweekly meetings.
- C. Consultant will facilitate and participate in up to five (5) Milestone meetings associated with the Tasks outlined in this Scope of Services to review and discuss Milestone deliverables. These meetings are planned as in-person.
- D. Consultant will provide management and administration of the project file structure, project schedule, maintain an action list, prepare meeting agendas and meeting minutes, contract administration, invoicing, and accounts receivable.
- E. **Task 1 Deliverables:**
  - 1. Kickoff Meeting.
  - 2. Biweekly Meetings, up to (15).
  - 3. Milestone Meetings, up to (5).

#### **Task 2. Schematic Design (30% Design)**

- A. The Consultant will prepare the following Schematic Design Plans using AutoCAD Civil 3D based on the Client-approved Final Master Plan:
  - 1. Site Demolition Plan
  - 2. Dimension Control Plan
  - 3. Grading and Drainage Plan
  - 4. Cut/Fill Analysis
  - 5. Water Distribution and Sanitary Sewer Plan
  - 6. Planting Plan (Code Required Only)
- B. Schematic Design Plans (30% Design) will be submitted to the Client for review prior to advancing to subsequent phases of design. The Consultant will address revisions based on Client comments in the subsequent phase of plan development.
- C. The Consultant will subcontract with a cost estimator to prepare an Opinion of Probable Construction Cost based on Schematic Design plans. This cost estimate will be submitted to the Client to identify value engineering and phasing options prior to advancing to subsequent phases of design.
- D. The Consultant will meet with the Client to review comments associated with Schematic Design (30% Design). This meeting will be an in-person Milestone Meeting as noted in Task 1.
- E. **Task 2 Deliverables:**
  - 1. Schematic (30%) Design Plans.
  - 2. Opinion of Probable Construction Cost (30%).
  - 3. Schematic (30%) Architecture Plans: Tracked under Task 8.

#### **Task 3. Design Development (60% Design)**

- A. The Consultant will prepare the following Design Development Plans using AutoCAD Civil 3D based on the Client-approved Schematic Design Plans:
  - 1. Site Demolition Plan
  - 2. Dimension Control Plan
  - 3. Materials Plan



4. Erosion Control Plan
  5. Grading and Drainage Plan
  6. Cut/Fill Analysis
  7. Stormwater Management Plan
  8. Water Distribution and Sanitary Sewer Plan
  9. Planting Plan (Code Required)
  10. Lighting Plan (Location Only)
  11. Site Details
- B. Design Development Plans (60% Design) will be submitted to the Client for review prior to advancing to subsequent phases of design. The Consultant will address revisions based on Client comments in the subsequent phase of plan development.
- C. The Consultant will subcontract with a cost estimator to prepare an updated Opinion of Probable Construction Cost based on Design Development Plans. This cost estimate will be submitted to the Client to identify value engineering and phasing options prior to advancing to subsequent phases of design.
- D. The Consultant will prepare a draft of the Project Manual and an outline of technical specification sections using the current Edition of CSI MasterFormat (Divisions 31 – 33).
- E. The Consultant will meet with the Client to review comments associated with Design Development (60% Design). This meeting will be an in-person Milestone Meeting as noted in Task 1.
- F. **Task 3 Deliverables:**
1. Design Development (60%) Design Plans.
  2. Opinion of Probable Construction Cost (60%).
  3. Project Manual & Technical Specification (60%).
  4. Design Development (60%) Architecture Plans & Specifications: Tracked under Task 8.

#### **Task 4. Construction Documents (90% Design)**

- A. The Consultant will prepare the following Construction Documents AutoCAD Civil 3D based on the Client-approved Final Design Development Plans:
1. Site Demolition Plan
  2. Dimension Control Plan
  3. Materials Plan
  4. Erosion Control Plan
  5. Grading and Drainage Plan
  6. Cut/Fill Analysis
  7. Stormwater Management Plan
  8. Water Distribution and Sanitary Sewer Plan
  9. Phasing Plan(s) (as applicable)
  10. Traffic Control Plan
  11. Planting Plan (Code Required & Supplemental)
  12. Lighting Plan, including preparation of photometric plans as required by AHJ.
  13. Site Details
- B. Construction Documents (90% Design) will be submitted to the Client for review prior to advancing to subsequent phases of design. The Consultant will address revisions based on Client comments in the subsequent phase of plan development.
- C. The Consultant will subcontract with a cost estimator to prepare an updated Opinion of Probable Construction Cost based on Construction Documents. This cost estimate will be submitted to the Client to identify final value engineering and phasing options prior to advancing to subsequent phases of design.
- D. The Consultant will prepare a draft of the Project Manual, and a draft of technical specification sections formatted using the current Edition of CSI MasterFormat (Divisions 31 – 33).
- E. The Consultant will meet with the Client to review comments associated with Construction Documents (90% Design). This meeting will be an in-person Milestone Meeting as noted in Task 1.
- F. The Construction Documents (90% Design) will be utilized for project permitting through the AHJ.
- G. **Task 4 Deliverables:**
1. Construction Documents (90%).



2. Opinion of Probable Construction Cost (90%).
3. Project Manual & Technical Specification (90%).
4. Construction Documents (90%) Architecture Plans & Specifications: Tracked under Task 8.

#### **Task 5. Permitting**

- A. Consultant will submit Construction Documents (90% Design) to the AHJ for review and approval of the following development permits:
  1. Zoning/Commercial Site Plan
  2. Land Disturbance/Grading
  3. Stormwater
- B. Consultant will coordinate with the AHJ, Client, project Architect and other project subconsultants to address plan review comments.
- C. Consultant will coordinate with project Architect to provide the required civil Construction Documents for inclusion in Architects' submittal to the local building permit authority for required Building Permit(s). To include Health Department submittals as required for interactive water elements.
- A. For budgeting purposes, Consultant assumes three (3) review cycles through AHJ review process for Civil & Site review and two (2) review cycles through AHJ for Building and Health Department review. Additional review cycles required based on changes to the project parameters, comments from other AHJ that require re-review by others, or new comments from AHJ after budgeted review cycles will be coordinated with Client as an additional service.
- B. **Task 5 Deliverables:**
  1. Copies of Permit Applications.
  2. Documentation of Permit Approvals.

#### **Task 6. Final Construction Documents (100% Design)**

- A. The Consultant will prepare Final Construction Documents (100% Design) based on Permitting and Client-approved 90% Design.
- B. The Consultant will subcontract with a cost estimator to prepare an updated Opinion of Probable Construction Cost based on Final Construction Documents for use during Bidding.
- C. The Consultant will prepare a Final draft of the Project Manual and technical specification sections formatted using the current Edition of CSI MasterFormat (Divisions 31 – 33).
- D. The Consultant will meet with the Client to conduct a final page turn and plan review of the Final Construction Documents (100% Design). This meeting will be an in-person Milestone Meeting as noted in Task 1.
- E. The Final Construction Documents (100% Design) will be utilized for Bidding.
- F. **Task 6 Deliverables:**
  1. Final Construction Documents (100%).
  2. Final Opinion of Probable Construction Cost (Engineer's Estimate).
  3. Final Project Manual & Technical Specification.
  4. Final Construction Documents (100%) Architecture Plans & Specifications: Tracked under Task 8.

#### **Task 7. Bidding**

- A. The Consultant will provide bidding administration services as outlined below:
  1. Assemble a Project Manual with the assistance of a Specification Consultant utilizing project specific Procurement and Contracting Documents (Division 00), and General Requirements (Division 01), including bid forms as furnished or approved by Client. Deliverables are noted in applicable Tasks in this Scope of Services.
  2. Prepare an advertisement for bids and submit to the Client for Client's publication
  3. Attend one pre-bid meeting.
  4. Distribute bid drawings to interested bidders in digital format.
  5. Respond to bidder questions and issue up to (2) bid addendums.
  6. Attend the formal bid opening and prepare a certified bid tabulation.
  7. Attend one pre-construction meeting and issue the contractor Notice to Proceed.

**B. Task 7 Deliverables:**

1. Prepare bid documents for distribution to bidders in digital (PDF) format.
2. Prebid Meeting Agenda & Attendee List.
3. Copies of advertisement for bids.
4. Certified Copy of Bid Tabulations.
5. Deliver one (1) letter of recommendation for bid award.

**Task 8. Subconsultant Management**

- A. Consultant will subcontract for the following disciplines and manage and invoice this work under this task. Subconsultants include the architect (including MEP), electrical engineer, structural engineer, cost estimator, geotechnical engineer, environmental and specification Consultant. If subconsultants other than those outlined in Task 8 are determined to be required during later phases of design and requested by Client, such services can be coordinated with the Client under a separate agreement amendment for review and approval.
- B. Architectural Services: Consultant to subcontract with an Architect to provide architectural design for the structural elements illustrated in the adopted Master Plan, including a new restroom and group shelter. The architect will provide Structural, Electrical/MEP design as needed for structures within their scope. It is understood the Architect and MEP will confirm final scope and fee at the completion of Schematic Design.
- C. Geotechnical Investigation: Consultant will subcontract with a Geotechnical Engineer to provide the following services:
  1. Geotechnical Services – up to (6) borings
- D. Environmental Analysis: Consultant will subcontract with an Environmental Engineer to provide the following services:
  2. Preliminary Threatened and Endangered Species Assessment
  3. Historical/Cultural Resources Review

**Task 9. Construction Administration**

- A. Consultant will provide routine Construction Administration Services for the project including the following:
  1. Coordination of soft dig explorations based on AHJ requirements to release permits or executed contracts.
  2. Fourteen (14) monthly site visit observations of the site work and preparation of filed reports. Based on an assumed construction duration of 12-14 months.
  3. Review of Contractor submittals for general compliance with the contract documents.
  4. Review and response to Contractor requests for information (RFI).
  5. Review and response to site-related submittals.
  6. Review of Contractor payment applications, when required.
  7. Review of Contractor change orders, when required.
  8. Preparation of a sitework punch list at substantial completion.
- B. Consultant will conduct periodic observation of the project water distribution installation, observe waterline testing, prepare water distribution record drawings based on as-built survey furnished by Client or Contractor, and prepare and submit final construction certification for the permitted site water distribution systems to the Authority Having Jurisdiction.
- C. Consultant will conduct periodic observation of the project sanitary sewer installation, observe sewer testing, prepare sewer record drawings based on as-built survey furnished by Client or Contractor and prepare and submit final construction certification for the permitted site sanitary sewer systems to the Authority Having Jurisdiction.
- D. Consultant will conduct periodic observation of the project Stormwater Control Measure (SCM) installation, prepare SCM record drawings based on as-built survey furnished by Client or Contractor, conduct field review of the completed SCM installation, and prepare and submit final construction certification for the permitted site Stormwater Control Measures of the Authority Having Jurisdiction.

- E. Consultant will prepare drafts of plats needed for easements as needed for use by Client.
- F. Consultant will prepare storm drain record drawings and calculations based on as-built survey furnished Client or Contractor for installed public storm drain systems and submit to the Authority Having Jurisdiction for acceptance of the public improvements.
- G. Consultant will prepare final project record drawings for Client's use based on information provided by Client, Contractor, or surveyor and incorporating field changes issued by Consultant during the course of construction.
- H. Consultant will participate in Construction Administration related tasks over the selected Contractor's directed duration of construction. Based on similar projects, Consultant estimates project duration to be 12-14 months. Extension of the construction schedule will be tracked as an additional service based on the monthly average of the original Construction Administration task.

*NOTE: If Construction Administration is excluded from this Contract, Client is responsible for interpreting the site Contract Documents and observing the work of the contractor to discover, correct or mitigate errors, inconsistencies, or omissions. If Client authorizes deviations, recorded or unrecorded from the site Construction Documents prepared by Consultant, Client shall not bring any claim against Consultant and shall indemnify and hold Consultant, its agents and employees harmless from and against claims losses, damages and expenses, including , but not limited to, legal defense costs and Consultant time, to the extent such claim, loss, damage or expense arises out of or results in whole or in part from such deviations, regardless of whether or not such claim, loss, damage or expense is caused in part by Consultant.*

#### **Task 10. Construction Administration - Meetings**

Consultant will participate in Construction Administration meetings as required. Based on similar projects, Consultant estimates project duration to be 12-14 months. For budgeting purposes Consultant assumes participation in Owner-Architect-Contractor (OAC) meetings will occur bi-weekly for (14) months (30 meetings) based on the Client-selected Contractor's directed duration of construction. Extension of the construction schedule will be tracked as an additional service.

#### **Task 11. Exclusions/Additional Services**

- A. Rezoning, administrative amendment or variance preparation, submittals, or consulting.
- B. Survey services (mapping, preparation and recording of plats, as-builts, etc.).
- C. Aerial or ground survey services (mapping, UAV flight footage preparation, etc.) not specifically described in the Scope of Services.
- D. Geotechnical investigation or Environmental Analysis not specifically described in the Scope of Services.
- E. Architectural, structural, electrical, mechanical, or plumbing (including gas) design services not specifically described in the Scope of Services.
- F. Transportation impact studies.
- G. Wetland coordination, delineation or permitting.
- H. Site lighting design, including preparation of photometric plans not specifically described in the Scope of Services.
- I. Preparation of cost estimates or quantity take-offs not specifically described in the Scope of Services.
- J. Preparation and permitting of construction documents not specifically described in the Scope of Services.
- K. Digital 3-D Models or Perspective Renderings
- L. Grant application
- M. Branding and wayfinding plans or design development
- N. Promotional Video Production
- O. Changes to Site Plan or building footprints following approval of the Schematic Design that results in increased complexity or requiring re-work of plans.
- P. Public street or transportation improvements (turn/deceleration lanes, widenings, curb and drainage, signalization, etc.).



- Q. Off-site utility improvements (stormwater drainage, water distribution, sanitary sewer, etc.).
- R. Irrigation design.
- S. Fountain or water feature design and coordination, Reference Assumption/Note IX.
- T. Stormwater fee credit applications.
- U. Preparation and permitting of phased construction plans not specifically described in the Scope of Services.
- V. Express permit review processes requiring designer attendance at review session.
- W. LEED or other green building related coordination and certification submittals.
- X. Preparation and execution of Lender Agreements (engineer's consent/certification, etc.).
- Y. Preparation of engineer's bond estimates for performance and / or maintenance bonds.
- Z. Other Client-directed services not specifically described in the Scope of Services.

The above-described services are not included under this agreement. Should these services be required in the future, a Task Order amendment may be prepared to cover the additional scope of work and associated fee.



## EXHIBIT D

### FIRM'S FEE SCHEDULE

#### Task 12. Fee Summary

| Task | Phase                                      |        | Fee          |
|------|--------------------------------------------|--------|--------------|
| 1.   | Project Management & Meetings              |        | \$35,000.00  |
| 2.   | Schematic Design (30% Design)              |        | \$85,500.00  |
| 3.   | Design Development (60% Design)            |        | \$115,500.00 |
| 4.   | Construction Documents (90% Design)        |        | \$145,500.00 |
| 5.   | Permitting                                 |        | \$32,500.00  |
| 6.   | Final Construction Documents (100% Design) |        | \$42,500.00  |
| 7.   | Bidding                                    |        | \$30,950.00  |
| 8.   | Subconsultant Management Allowance         |        | \$165,000.00 |
| 9.   | Construction Administration                |        | \$115,500.00 |
| 10.  | Construction Administration - Meetings     |        | \$28,500.00  |
| 11.  | Exclusions / Additional Services Hourly    |        | -            |
|      |                                            | Total: | \$796,450.00 |

## EXHIBIT E

### FIRM'S HOURLY RATES FOR ADDITIONAL SERVICES

# 2025 SCHEDULE OF FEES

The following fee schedule is based upon competent, responsible professional services and is the minimum, below which adequate professional standards cannot be maintained. It is, therefore, to the advantage of both the professional and the client that fees be commensurate with the service rendered. Charges are based on hours spent at hourly rates in effect for the individuals performing the work. The hourly rates for principals and members of the staff vary according to skill and experience. The current specific billing rate for any individual can be provided upon request.

The fee schedule shall apply for the period through December 31, 2025. These rates may be adjusted annually thereafter to account for changed labor costs, inflation, or changed overhead conditions.

These rates include labor, general business, and other normal and customary expenses associated with operating a professional business. For projects with typical expenses and unless otherwise agreed, the above rates include vehicle and personal expenses, mileage, telephone, survey stakes, and routine expendable supplies; no separate charges will be made for these activities and materials. Expenses beyond typical project expenses, non-routine expenses, and expenses beyond the agreed scope of services, such as out of town travel expenses, long travel distances, large quantities of prints, extra report copies, outsourced graphics and photographic reproductions, document recording fees, outside professional and technical assistance, and other items of this general nature will be invoiced separately. Rates and charges do not include sales tax, if applicable.

| Employee Classification                   | 2025 Hourly Billing |
|-------------------------------------------|---------------------|
| Graduate Engineer                         | \$125-185           |
| Design Engineer                           | \$125-196           |
| Project Engineer                          | \$145-215           |
| Senior Project Engineer                   | \$160-215           |
| Project Manager                           | \$135-240           |
| Senior Project Manager                    | \$188-273           |
| Architect                                 | \$186-267           |
| Planner                                   | \$125-168           |
| Senior Planner                            | \$170-228           |
| Landscape Designer                        | \$98-196            |
| Landscape Architect                       | \$148-176           |
| Senior Landscape Architect                | \$160-268           |
| Survey Technician <sup>1</sup>            | \$90-196            |
| Graduate Surveyor                         | \$122-190           |
| Licensed Project Surveyor                 | \$180-225           |
| Technician                                | \$75-182            |
| Senior Technician                         | \$125-212           |
| Administrative/Corporate Specialists      | \$68-175            |
| Specialist*                               | \$100-230           |
| Practice Expert**                         | \$145-363           |
| Principal**                               | \$175-316           |
| Senior Principal**                        | \$218-333           |
| GPS/Robotic Survey Equipment <sup>1</sup> | NO CHARGE           |
| CAD/Computer Usage                        | NO CHARGE           |
| Routine Office Supplies                   | NO CHARGE           |
| Routine Photo Copying/Reproduction        | NO CHARGE           |
| Field Supplies/Survey Stakes & Equipment  | NO CHARGE           |
| Mileage                                   | NO CHARGE           |

<sup>1</sup> No separate charges will be made for GPS or robotic total stations on Bolton & Menk, Inc. survey assignments; the cost of this equipment is included in the rates for survey technicians.

\*Specialized role not classified above otherwise.

\*\*Highly specialized and industry expertise unique to the market or area of discipline.



# REQUEST FOR QUALIFICATIONS FOR CONSTRUCTION AND DESIGN SERVICES FOR THE FIRE STATION NO. 4 PARK PROJECT

TOWN OF HUNTERSVILLE, NORTH CAROLINA

## 1.0 PURPOSE & PROJECT DESCRIPTION

The Town of Huntersville is accepting statements of qualifications (“SOQs”) for consulting services to perform architectural, engineering and construction administration services for the new Fire Station No. 4 Park Plan. This park will be located on the remaining 7 acres of land at the existing Fire Station site located at 8826 McIlwaine Road. This site sits adjacent to a future elementary school that is being planned by Lake Norman Charter School. The Town has entered into a joint use agreement with the school for the use of their new gym. The Plan for the Park includes a splash pad, playground, walking trails, covered pickleball courts, shelter, restroom facility, sidewalks, landscaping, parking and driveways.

## 2.0 SCOPE OF SERVICES

The Town is seeking qualified, experienced firms to provide design and construction administration services for the development of Fire Station No. 4 Park. The project will include various site amenities such as a splash pad, playground, walking trails, covered pickleball courts, shelter, restroom facility, sidewalks, landscaping, parking and driveways. The project will need to meet ADA accessibility requirements and require review of current storm water system and potential revisions. The project team will need to consider the future school site in its design to provide vehicular and pedestrian connections between the new park and school. The following is a minimal list of project requirements:

### 2.1. SITE VISITS

### 2.2. SCHEMATIC DESIGN

- a. Meet with Town Staff on a regular basis to finalize project scope, review design opportunities and constraints, and implement the project.
- b. Obtain a field survey for the areas of work, which shall include property boundaries (if needed), topography, built features, utilities, wetlands, stream buffers, other natural features, and trees.
- c. Conduct code and zoning research on safety, function, transportation, and accessibility. Identify regulatory agencies and permits required for the project.
- d. Assess programming needs with staff and any potential partners.
- e. Prepare schematic drawings for review.
- f. Attend staff design review meetings and provide written response to staff for review and comments.

## 2.3 CONSTRUCTION DOCUMENTATION SERVICES

- a.
  - i. Prepare construction drawings and specifications (project manual);
  - ii. Reviews by the staff project team of the drawings at 30% completion (design development);
  - iii. Reviews by the staff project team of both the drawings and project manual at 60% completion, 90% completion, and at 100% completion; and
  - iv. The design team will meet with the staff project team to discuss review comments at the 30%, 60%, and 90% stages of completion.
  - v. Submit plans for permitting.
- b. Prepare a construction cost estimate and keep up to date thru life of project. Critical times will be 30%, 60%, 90%, and 100%.
- c. Coordinate all adjacent park features surrounding scope site, such as, but not limited to, walkways, fencing, and lighting.
- d. Coordinate all affected utilities such as water, sewer, and electrical.

## 2.4 CONSTRUCTION ADMINISTRATION

- a. Construction Observation - Includes attending pre-construction conference; attending monthly progress meetings; attend other meetings as needed; review and approve all submittals and all requests for information ("RFIs"); approval of pay applications; review of change order; attend punch-list inspections at both substantial and final completion; and addressing design questions (RFIs) that arise during construction. In addition, Consultant shall keep minutes of all meetings
- b. As-Built – At the completion of the construction project, provide a digital set (AutoCAD) and one sealed set of PDF's of as-built plans.
- c. Management Plan – At completion of construction project, compile all product information including all warranties and maintenance procedures into a concise document for Town Staff to use.



### 3.0 SELECTION PROCESS / SCHEDULE

#### 3.1 *The selection of a Firm to provide the desired services will be handled in accordance with the following process:*

- a. Submission and review of the submitted SOQs by the Town.
- b. The Town will rank the top three firms.
- c. If there are not at least three qualified firms, then the Town will rank the number of qualified firms.
  - a. The Town may, at its discretion, conduct interviews of the firms.
- d. The firms will be contacted in order of ranking.
  - a. If the Town and the first ranked firm cannot agree on a fee, then the next ranked firm will be contacted, and so on.
- e. In order to be considered for selection, firms must submit a complete response to this request.

#### 3.2 *Advertisement*

An advertisement for the SOQs will be posted on the following website: <http://www.huntersville.org> and the State of NC website at: <https://evp.nc.gov/solicitations/>

In addition, a copy of the RFQ and any addendum may be obtained by sending an e-mail to Michael Jaycocks, Parks and Recreation Director, Town of Huntersville Parks and Recreation Department, PO Box 2879, Huntersville, NC 28070 ([mjaycocks@huntersville.org](mailto:mjaycocks@huntersville.org)).

All questions regarding this project should be directed to Michael Jaycocks in writing or by email. In order to maintain equal access to information, firm representatives are not to contact anyone other than the individual named above.

### 4.0 NOTIFICATION OF INTEREST AND INQUIRIES/QUESTIONS

#### 4.1 *Notification of Interest / Addenda*

Upon receipt of this RFQ, firms interested in submitting a SOQ must immediately notify Michael Jaycocks by mail or e-mail (see 4.2) in order to place the firm's name, address, and contact information (including e-mail address) on a Notification of Interest list for distribution of possible addenda to this RFQ.

#### 4.2 *Inquiries/Questions and Deadline*

All inquiries/questions regarding this RFQ must be directed to Michael Jaycocks by e-mail ([mjaycocks@huntersville.org](mailto:mjaycocks@huntersville.org)) and must reach his office by Friday, 12:00 noon, **March 21, 2025** [at least seven days before the SOQ submittal due date] in order to be considered for a response. To ensure fair consideration and equal access to information for all firms, the questions and answers will be sent via e-mail to each firm who has submitted a "Notification of Interest." Any other contact in reference to this RFQ, prior to the time an award decision has been made, will result in disqualification of the firm. Oral answers will not be authoritative.

## 5.0 QUALIFICATIONS SUBMITTAL

Written submittals of SOQs must be received by the Town of Huntersville Parks and Recreation Department no later than Friday, 12:00 noon, **March 28, 2025**. Submittals received after this deadline will not be considered.

### 5.1 Submittal Material

Firms interested in providing services as described in this RFQ shall submit their response via e-mail or digitally on a flash drive (please use the firm's name within the file name of the digital copy and compile all files into a single file for the digital submittal) in a sealed container labeled on the outside, "SOQ for Construction and Design Services for the Fire Station NO.4 Project," along with the firm name. Send or deliver submittals to:

***Submitting by e-mail:***

Michael Jaycocks  
[mjaycocks@huntersville.org](mailto:mjaycocks@huntersville.org)

***Submitting by mail:***

Attn: Michael Jaycocks  
Huntersville Parks and Recreation  
PO Box 2879  
Huntersville, NC 28070

### 5.2 Notification

The selected firm selected will be notified via email by **April 10, 2025**.

### 5.3 Board Approval

The Town Board will consider authorizing the Town Manager to enter into a contract with the selected firm.

## 6.0 EVALUATION

Firms submitting SOQs to perform the desired services on this specific project will be evaluated based upon certain considerations. The following considerations, with the weighted importance, will be utilized to select firms from those submitting an SOQ:

1. Firm's experience, knowledge, familiarity, and past performance with similar projects – 40%
2. The experience of the firm's proposed staff to perform the type of work required – 35%
3. The availability of the firm's staff to complete the project by the proposed date – 25%.

North Carolina firms qualified to do the required work will be given priority consideration. A North Carolina firm is a firm whose principal place of business is in North Carolina, staffed with an adequate number of employees with the appropriate expertise judged by the Town to be capable of performing a majority of the work required, who pays unemployment or income taxes in North Carolina.

## 7.0 SUBMITTAL DOCUMENT REQUIREMENTS

All SOQs are limited to fifteen pages inclusive of the cover sheet. SOQs containing more than fifteen pages will not be considered. Firms submitting SOQs are encouraged to carefully check them for conformance to the requirements above. If SOQs do not meet all of these requirements, they will be disqualified.

### 7.1 *Section I - General Information*

The General Information section should be two pages in length with the following information formatted into bullet points:

- Expression of firm's interest in the work.
- Describe the firm's experience with similar projects.
- Statement regarding firm's possible conflict(s) of interest for the work.
- Identification of the Project Manager and their contact information.
- Describe how the firm communicates to the client throughout the process.

### 7.2 *Section II – Evaluation Factors*

**7.2.1 Firm Information** – Provide an organizational chart of the project team, listing key individuals involved and the role they will perform, including any field personnel. Indicate how the work described in this RFQ will fit into the total workload of the firm (maximum one page).

**7.2.2 Similar Project Experience (Graphics and Narrative)** – Submit a maximum of three projects completed that demonstrate experience with similar projects (maximum nine pages).

*Include for each project:*

Specific project name, location and client / Description of the project, size, and services rendered / List the key individuals who were responsible for the planning, design, construction engineering and inspection. Identify all public agencies that reviewed the project.

**7.2.3 Individual Qualifications/Experience** - Provide a description of the qualifications and experience of the key individuals who will be actively involved in the work (including registration numbers of engineers, architects, certifications, etc.). Include the office location in which each key individual is located. Clearly identify each key individual's experience with similar type projects, the specific role that individual performed, and the firm they were employed by at the time of the project work (maximum two pages).

## 8.0 GENERAL PROVISIONS

### 8.1 *Submittal Ownership/Costs*

Upon submission, all information becomes the property of the Town, which has the right to use any or all ideas presented in any submission in response to this RFQ, whether or not the submittal results in a contract with the submitting firm. All costs for development of the written submittal and the oral presentation are entirely the obligation of the firm and shall not be remunerated in any manner by the Town.

### 8.2 *Non-Warranty of Request for Qualifications*

Due care and diligence has been used in preparing this RFQ. However, the Town shall not be responsible for any error or omission in this RFQ, nor for the failure on the part of the firm to ensure that they have all information necessary to affect their submittals.

### 8.3 *Request for Clarification*

The Town reserves the right to request clarification of information submitted, and any additional information of one or more firms, either orally or in writing.

## 9.0 ACCEPTANCE/REJECTION OF SUBMITTALS

The Town reserves the right to accept or reject any or all submittals in whole or in part, with or without cause, to waive technicalities or to accept submittals or portions thereof, which, in the Town's judgment, best serve the interest of the Town.

The Town reserves the right to allow alterations, modifications or revisions to individual elements of the Scope of Services any time during the period of contracts, which result from this RFQ.

**Collusion** – The firm, by submitting a SOQ, declares that the submission is made without any previous understanding, agreement or connections with any persons, Firms or corporations making a competing submission on the same project, and that it is in all respects, fair and in good faith without any outside control, collusion or fraud.

**Contract Process** - Selected firm will be invited to execute an agreement containing the Town's standard Contract (Attachment A). The agreement shall not guarantee project work and shall not represent a paid retainer for services. If the Town and the selected firm cannot come to terms regarding scope and/or fee for any project, either party may, at their discretion, terminate further discussions on that project.

**Consideration of Submittals** – SOQs will be considered from firms normally engaged in providing and performing services as specified in this RFQ. The firm must have adequate organization, facilities, equipment and personnel to ensure prompt and efficient service to the Town. The Town reserves the right to inspect the facilities and organization, or to take any other action necessary to determine ability to perform in accordance with specifications, terms, and conditions before recommending any award.

**Americans with Disabilities Act (ADA) Compliance** – The Town will comply with the Americans with Disabilities Act (ADA), which prohibits discrimination on the basis of a disability. The Town will make reasonable accommodations in all programs to enable participation by an individual with a disability who meets essential eligibility requirements. Town programs will be available in the most integrated setting for each individual. If any accommodations are necessary for participation in any program or services, participants are encouraged to notify Town Staff.

**Applicable Laws** – By the submission of an SOQ, the firm represents to the Town that it is familiar with the laws applicable to public contracts, including but not limited to N.C.G.S § 133-1 (Conflict of Interest) and § 133-32 (Regulation of Gifts and Favors), and if awarded a contract with the Town, that the firm will comply with all such laws in the performance of such contract.



# PARK MASTER PLAN



# ATTACHMENT A



101 Huntersville-  
Concord Rd  
Huntersville, NC 28078  
(704) 875-6541

## CONTRACT FOR PROFESSIONAL ENGINEERING SERVICES

**FIRM:** Name  
Address  
  
City, State Zip Phone  
#  
Project Manager  
Name  
Project Manager  
email

**PROJECT:** Street Name  
**PROJECT** Street Name at Street Name  
**ADDRESS:** Huntersville, NC

This Contract for Professional Services, and all exhibits, (collectively this “Contract”) is entered into this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ by and between, the Town of Huntersville, a municipal corporation of the State of North Carolina, (the “Town”) and Firm Name (the “Firm”) located at Firm Address.

WITNESSETH:

For and in consideration of the mutual promises set forth in this Contract, the sufficiency of which is acknowledged by the parties hereto, the parties do mutually agree as follows:

1. Scope of Services. The Firm agrees to perform for the Town the following services according to the following requirements:

The Firm agrees to provide professional engineering services needed to complete the project. Such professional engineering services shall constitute the “Work.” The Scope of Services and Firm’s Fee Schedule are attached as Exhibits C and D, which are incorporated herein by reference. Additional (extra) services are defined as any work not included in the Scope of Services in Exhibit C that are requested by the Town or any review agencies (“Additional Services”). Additional Services will be billed at the Firm’s billing rates as shown on the attached Exhibit E, which is incorporated herein by

reference. The Firm represents to the Town that the hourly billing rates are the Firm's standard billing rates. The Firm may adjust the hourly rates shown on the attached Exhibit E only if and to the extent that the Firm's standard billing rates are adjusted. The Firm shall provide thirty (30) days advanced notice to the Town in writing of any increases to the Firm's standard billing rates. Upon receipt of such notice, the Town shall have the option of terminating this Agreement within the thirty (30) day notice period given by the Firm. Any meetings not included in the Scope of Services in Exhibit C will be considered Additional Services. Additional Services will be identified either in writing or by verbal communication but must be approved in writing by Town before proceeding to perform such Additional Services.

The Firm will be responsible for providing properly licensed engineers to complete the Work in accordance with the standard of care ordinarily used by members of the Firm's engineering profession practicing under similar circumstances and at the same time in Mecklenburg County. In addition to the indemnification obligations contained in the Standard Terms and Conditions attached to this Contract, the Firm further agrees to indemnify and save harmless the Town from all claims and liabilities to the extent caused by the negligent errors or omissions of the Firm, including its engineers, technicians or subcontractors.

The Firm agrees to coordinate its Work with the work of any other separate professional services, contractors or with the work of the Town's own forces to avoid delaying or interfering with their work.

The Firm must be properly registered with the North Carolina Board of Examiners for Engineers and Surveyors and must be properly authorized to conduct business in the state of North Carolina. The engineers performing the Work, and in responsible charge of the Work, must be a licensed Engineer in the State of North Carolina and must have a good ethical and professional standing.

The Town reserves the right to terminate the professional service contract of the Firm based on the Firm's breach of this Contract (ex: schedule, responsiveness, quality of design, accuracy of documents etc.). The Town reserves the right to modify the Scope of Work described in Exhibit C Scope of Services, and in such event the Town and Firm shall negotiate in good faith to make corresponding modifications to the Fee Schedule in Exhibit D.

2. Contract Insurance. Firm shall be required to purchase and maintain during its performance under this Contract insurance coverage as shown on the Insurance Requirements as stated in Exhibit B, which is incorporated herein by reference. With the exception of Worker's Compensation and Professional Liability policies, all insurance purchased shall have a specific endorsement, copy of which shall be provided to the Town, naming the Town as an additional insured and for all insurance purchased, an endorsement providing that such insurance will not be cancelled without providing thirty (30) days advance written notice to the Town.



3. Standard Terms and Conditions. The Standard Terms and Conditions, attached hereto as Exhibit A, shall be a part of this Contract. The Standard Terms and Conditions are hereby incorporated by reference, and all parties agree to be bound thereby.
4. Historically Underutilized Businesses (HUB). It is the policy of the Town of to provide minorities and women equal opportunity for participating in all aspects of the Town's contracting and procurement programs, including but not limited to employment, construction development projects, materials/services contracts and/or lease agreements, consistent with the laws of the State of North Carolina.
5. Time for Performance of the Work. The Work will begin within ten (10) days of receipt of the Notice to Proceed from the Town. The Firm and the Town recognize that time is of the essence for completion of the Work. Any Notice to Proceed shall also contain a date that the Firm shall complete the Work by (the "Date of Completion"). The terms of this Contract shall apply to every Notice to Proceed issued by the Town.
6. Payment for Services. In consideration of the above services, the Town will pay the Firm, in accordance with the submitted fee schedule in Exhibit D, attached hereto and incorporated by reference, plus reimbursable expenses at the Firm's actual cost up to, but not exceeding, the lump sum stated in the Fee Schedule in Exhibit D. Firm will submit monthly invoices for Work performed based upon the Firm's estimate of the percentage of the total Work completed during the billing period which shall be paid thirty (30) days after receipt of undisputed invoices delivered. Additional Services will be billed as provided in Paragraph 1 above in accordance with the hourly fee schedule shown on Exhibit E, attached hereto and incorporated by reference. If any invoice is disputed by the Town, in whole or in part, it shall provide a written explanation for such dispute to Firm within five days of receipt of the invoice and shall pay all undisputed amounts therein.

In witness thereof, the contracting parties, by their authorized agents, affix their signatures and seals at Huntersville, North Carolina, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

**Contractor**

Name:

\_\_\_\_\_  
Name of Contractor (type or print)

By:

\_\_\_\_\_  
(Signature)

Title:

\_\_\_\_\_

Attest:

\_\_\_\_\_  
(Secretary, if a corporation)

**Town of Huntersville**

\_\_\_\_\_  
Town Manager

Attest: \_\_\_\_\_

Town Clerk

This instrument has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act

\_\_\_\_\_  
Finance Director

## EXHIBIT A

### STANDARD TERMS & CONDITIONS

1. **Acceptance.** Contractor's acknowledgment of the terms of this Contract constitutes an agreement to: (i) all terms and conditions set forth or referenced herein, (ii) on any attachments hereto, (iii) any applicable solicitation documentation related to this Contract (including without limitation any request for proposals or invitation for bids or Contractor's response thereto) that deal with the same subject matter as this Contract, and (iv) any other terms and conditions of a written agreement signed by Contractor and the Town that deals with the same subject matter as this Contract (collectively, the "Contract Documents"). The terms and provisions set forth in the Contract Documents shall constitute the entire agreement between Contractor and the Town with respect to the purchase by the Town of the: (i) goods ("Goods") and/or (ii) services provided or work performed ("Services") as described in the Contract Documents. The agreements set forth in the Contract Documents are sometimes referred to herein as the "Contract." In the event of any conflict between any terms and conditions of the Contract Documents, the terms and conditions most favorable to the Town shall control. No additional or supplemental provision or provisions in variance herewith that may appear in Contractor's quotation, acknowledgment, invoice, or in any other communication from Contractor to the Town shall be deemed accepted by or binding on the Town. The Town hereby expressly rejects all such provisions which supplement, modify, or otherwise vary from the terms of the Contract Documents, and such provisions are superseded by the terms and conditions stated in the Contract Documents, unless and until the Town's authorized representatives expressly assent, in writing, to such provisions. Stenographic and clerical errors and omissions by the Town are subject to correction.
2. **Entire Agreement.** These terms and conditions and any other specifications contained in any other documents referenced shall constitute and represent the complete and entire agreement between the Town and Contractor and supersede all previous communications, either written or verbal with respect to the subject matter of this Contract.
3. **Changes, Additions, Deletions.** No changes, additions, deletions, or substitutions of scope of work, specifications, terms and conditions, quantity, unit of issue, delivery date, delivery charges or price will be permitted without the prior written approval from the Town.
4. **Relationship of the Parties.** The Contractor is an independent contractor and not an employee of the Town. The conduct and control of the work will lie solely with the Contractor. The Contract shall not be construed as establishing a joint venture, partnership, or any principal-agent relationship for any purpose between the Contractor and the Town. Employees of the Contractor shall remain subject to the exclusive control and supervision of the Contractor, which is solely responsible for their compensation.
5. **Prices.** If Contractor's price or the regular market price of any of the Goods or Services covered hereunder is lower than the price stated in the Contract Documents on the date of shipment of such Goods or performance of such Services, Contractor agrees to give the

Town the benefit of such lower price on any such Goods or Services. In no event shall Contractor's price be higher than the price last quoted or last charged to the Town unless otherwise agreed in writing. No charges for transportation, boxing, crating, etc. are allowable unless such charges are included in the Contract Documents.

6. **Taxes.** Any applicable taxes shall be invoiced as a separate item.
7. **Substitutions.** No substitutions or cancellations shall be permitted without prior written approval from the Town.
8. **Indemnification.** To the greatest extent allowed by North Carolina law the Contractor shall indemnify and hold harmless the Town, its officers, agents, employees and assigns from and against all claims, losses, costs, damages, expenses (including expenses of litigation and attorneys' fees), and attorneys' fees ("Claims"). In the event that any portion of the Service performed under the Contract shall be defective in any respect whatsoever, the Firm shall indemnify and save harmless the Town, its officers, agents, employees, and assigns from and against all Claims as defined herein, but only to the extent allowed by law.

Nothing contained in this Contract shall waive the Constitutional limitation on the Town indemnifying obligations of other parties.

9. **Invoices and Payment Terms.** It is understood and agreed that orders will be shipped at the established Contract prices in effect on dates orders are placed. Invoicing that does not comply with this provision will subject the Contract to cancellation. Upon satisfactory delivery of the Goods or satisfactory completion of the Work, all invoices and statements shall reference the Contract number and be submitted to: Town of Huntersville, Accounts Payable, PO Box 664, Huntersville, North Carolina, 28070. Payment terms are Net 30 days after receipt of correct, undisputed invoice or acceptance of Goods or Services, whichever is later.

When the Contract is for construction services, the Contractor will submit monthly Requests for Payment for Work performed, for review. The Request for payment shall be based upon the Contractor's estimate of the percentage of the total Work completed during the period represented on the Request for Payment. The Contractor must certify that the Work represented in the Contractor's Request for Payment has been completed in accordance with the Contract Documents and certify that the Request for Payment is appropriate for payment before the Town shall be obligated to make such payment to the Contractor. If any Request for Payment is disputed by the Town, in whole or in part, the Town shall provide a written explanation for such dispute to Contractor within five days of receipt of the certified Request for Payment and shall pay all undisputed amounts therein.

10. **Anti-Discrimination and Equal Employment.** During the performance of the Contract, Contractor shall comply with all federal and state requirements concerning fair and equal employment and shall not discriminate against or deny the Contract's benefits to any person on the basis of race, religion, color, creed, national origin, age, sex (including sexual orientation, gender identity, and pregnancy), disability or handicapping condition, or genetic information.

11. **Insurance.** The Firm shall provide the insurance coverages shown on Exhibit B, attached hereto and incorporated herein by reference. The Firm shall provide the Town with a North Carolina Certificate of Insurance and such endorsements as may be required by the Contract Documents prior to the commencement of any work under the Contract and agrees to maintain such insurance until the completion of the Contract. Such certificates of insurance shall be considered part of the Contract.
12. **Ethics in Public Contracting.** By submitting their prices and acceptance of this Contract, all Contractors certify that their bids are made without collusion or fraud and that they have not offered or received any kickbacks or inducements from any other supplier, manufacturer, or subcontractor in connection with their offer, and that they have not conferred on any public employee having official responsibility for this procurement transaction any payment, loan, subscription, deposit of money, services or anything of more than nominal value, present or promised, unless consideration of substantially equal or greater value was exchanged.
13. **Applicable Laws and Courts.** All Town Contracts for Services shall be governed in all respects by the laws of the State of North Carolina. All matters, whether sounding in contract or tort relating to the validity, construction, interpretation, and enforcement of the Contract, shall be governed in all respects by the laws of the State of North Carolina and venue shall be proper only in a court of competent jurisdiction located in Mecklenburg County, North Carolina. The Contractor represents and warrants that it shall comply with all applicable federal, state, and local laws, regulations, and orders, including, not limited to, licensure requirements.
14. **Codes and Permits.** When applicable, the Contractor shall obtain all required permits, , give all required notices, and comply with all laws, ordinances, codes, rules, and regulations bearing on the conduct of the work under this contract. If the Contractor observes that the drawings and specifications are at variance therewith, he shall promptly notify the designer in writing. All work under this contract shall conform to the current North Carolina Building Code and other state and national codes as are applicable. If the Contractor performs any work knowing it to be contrary to such laws, ordinances, codes, rules and regulations, and without such notice to the Owner, he shall bear all cost arising therefrom.
15. **License Requirement.** If applicable, the Contractor must be a licensed General Contractor as required by North Carolina General Statutes Section 87-1 and must have a good ethical and professional standing with the North Carolina General Contractor's Licensing Board. The Contractor will be responsible for providing properly qualified, licensed (if required) personnel to complete the Work in accordance with the standard of care ordinarily used by members of the Contractor's profession practicing under similar circumstances and at the same time in Mecklenburg County.
16. **Strict Compliance.** The Town may at any time insist upon strict compliance with these terms and conditions notwithstanding any previous course of dealing or course of performance between the parties to the contrary.
17. **Assignment.** Contractor may not assign, pledge, or in any manner encumber Contractor's

rights under this Contract or delegate the performance of any of its obligations hereunder, without Town's prior, express written consent.

18. **General Provisions.** The Town's remedies as set forth herein are not exclusive. Any delay or omission by the Town in exercising any right hereunder, or any waiver by the Town of any single breach or default hereunder, shall not be deemed to be a waiver of such right or of any other right, breach, or default.
19. **Warranties.** The Contractor warrants it shall adhere to all laws, codes, ordinances, and regulations of the United States, the State of North Carolina, the County of Mecklenburg, and the Town of Huntersville in the performance of the Services outlined in this Contract and any attached specifications. Contractor warrants that any finished work completed hereunder shall also adhere to all laws, codes, ordinances, and regulations of the United States, the State of North Carolina, the County of Mecklenburg, and the Town of Huntersville. Contractor warrants that all Services delivered hereunder will be free from defects in materials and workmanship and will conform strictly to the specifications, drawings, or samples specified or furnished. This warranty shall survive any inspection, delivery, acceptance, or payment by the Town of the Services and shall run to the Town and any user of the Services. Contractor warrants that all Services will be performed in a professional and workman like manner in accordance with best industry practices. This express warranty is in addition to Contractor's implied warranties of merchantability and fitness for a particular purpose which shall not be disclaimed. In addition to any other rights available at law or in equity, the Town shall be entitled to consequential and incidental damages.
20. **Quality and Workmanship.** All work shall be performed to the satisfaction of the Town. The work shall not be considered complete nor applicable payments rendered until the Town is satisfied with the Services provided.
21. **Default.** The Town may terminate the Contract, in whole or in part, immediately and without prior notice upon breach of the Contract by the Contractor. In addition to any other remedies available to the Town in law or equity, the Town may procure upon such terms as the Town shall deem appropriate, Services substantially similar to those so terminated, in which case the Contractor shall be liable to the Town for any excess costs for such similar supplies or services and any expenses incurred in connection therewith.
22. **Termination for Convenience.** The Town shall have the right, without assigning any reason therefore, to terminate any work under the Contract, in whole or in part, at any time at its complete discretion by providing 10 days' notice in writing from the Town to Contractor. If the Contract is terminated by the Town in accordance with this paragraph, the Contractor will be paid in an amount which bears the same ratio to the total compensation as does the Services actually delivered or performed to the total originally contemplated in the Contract. The Town will not be liable to the Contractor for any costs for materials acquired or contracted for if such costs were incurred prior to the date of this Contract.
23. **Risk of Loss.** Risk of Loss for all supplies, materials, the Work performed, and the Project as it is being constructed, shall be on the Contractor until such time as substantial

completion is achieved, and approved by the Town.

24. **No Third-Party Beneficiaries.** There shall be no intended nor incidental third-party beneficiaries of this Contract. Contractor shall include in all contracts, subcontracts, or other agreements relating to the Contract an acknowledgment by the contracting parties that the Contract creates no third-party beneficiaries.
25. **Exclusivity.** Nothing in this Contract shall require the Town to use the Contractor or prohibit the Town from soliciting third parties for the good or services provided in this Contract.
26. **Confidentiality.** The Contractor acknowledges the Town is subject to public records law and no term shall be inconsistent with N.C.G.S. §132 et al.
27. **Valid Contract for Services.** In order for a Contract for Services of the Town to be valid, it must be executed by the Town Manager or his or her authorized designee, and must be pre-audited in that manner required by the Local Government Budget and Fiscal Control Act, as the same may be amended.
28. **Verification of Work Authorization.** Contractor shall comply with, and require all contractors and subcontractors to comply with, the requirements of Article 2 of Chapter 64 of the North Carolina General Statutes, "Verification of Work Authorization," sometimes known as E-verify, for all contractors and subcontractors.
29. **Iran Divestment List.** With the execution hereof, Contractor, certifies that they are not on the Iran Final Divestment List created by the N.C. State Treasurer pursuant to N.C.G.S. § 147-86.58, and will not contract with anyone on such List in performance of the work hereunder.
30. **Buyer.** All references to Buyer or Town, throughout these terms and conditions, shall refer to the Town of Huntersville, North Carolina.
31. **Contractor.** All references to Contractor, Seller, or Firm throughout these terms and conditions shall refer to the contractor identified on page 1 of this Contract.
32. **Authority to Sign.** Each of the Parties herein represents and warrants that the execution, delivery, and performance of this Contract has been duly authorized to execute this Contract and to bind that party of whose behalf the individual is signing.
33. **Availability of Funds.** Any and all payments to the Contractor are dependent upon and subject to the availability of funds to the Town for the purpose set forth in this agreement.
34. **Severability.** If any provision of this Contract is found to be invalid or unlawful, then remainder of this Contract shall not be affected thereby, and each remaining provision shall be valid and enforced to the fullest extent permitted by law.
35. **Companies that Boycott Israel.** With the execution hereof, Contractor, certifies that they are not on the Companies that Boycott Israel List created by the N.C. State Treasurer pursuant to N.C.G.S. § 147-86.80, and will not contract with anyone on such List in performance of the work hereunder.
36. **Governmental Immunity.** Nothing contained in this Contract shall constitute a waiver of the Town's governmental immunity or of any limitation on liability or damages created by law.



---

## ADDITIONAL TERMS AND CONDITIONS FOR FEDERAL CONTRACTS

For contracts using federal funds, the following additional terms and conditions shall apply:

1. **Davis-Bacon Act.** For all contracts in excess of \$2,000.00 for construction, alteration, or repair, including painting and decorating, of public buildings or public works, the Contractor shall comply with the Davis-Bacon Act, including payment of no less than the locally prevailing wages as determined by the Secretary of Labor. The contract shall not be valid unless the current prevailing wage as determined by the North Carolina Department of Labor is accepted. The Contractor shall also be prohibited from inducing, by any means, any person employed in the construction, completion, or repair of public work, to give up any part of the compensation to which he or she is otherwise entitled. The Town shall report all suspected or reported violations to the Federal awarding agency.
2. **Contract Work Hours and Safety Standards Act.** For contracts in excess of \$100,000 that involve the employment of mechanics or laborers, each contractor must be required to compute the wages of every mechanic and laborer on the basis of a standard work week of 40 hours. Work in excess of the standard work week is permissible provided that the worker is compensated at a rate of not less than one and a half times the basic rate of pay for all hours worked in excess of 40 hours in the work week. For construction work, no laborer or mechanic must be required to work in surroundings or under working conditions which are unsanitary, hazardous, or dangerous.
3. **Funding Agreements.** If a Federal award meets the definition of “funding agreement” under 37 C.F.R. § 401.2(a) and the Town or Contractor enter into a contract with a small business firm or nonprofit organization regarding the substitution of parties, assignment or performance of experimental, developmental, or research work under that “funding agreement,” the recipient or subrecipient must comply with the requirements of 37 C.F.R. Part 401.
4. **Clean Air Act and Federal Water Pollution Control Act.** Contractor shall comply with all applicable standards, orders, or regulations issued pursuant to the Clean Air Act and Federal Water Pollution Control Act as amended for any Contract in excess of \$150,000.00.
5. **Debarment and Suspension.** Contractor acknowledges and warrants that it is not listed on the governmentwide exclusions in the System Award Management (SAM) Exclusions, in accordance with the OMB guidelines at 2 C.F.R. § 180 for “Debarment and Suspension.”



6. **Byrd Anti-Lobbying Amendment (31 U.S.C. § 1352).** For an award exceeding \$100,000, Contractors must file the required certification. Each tier certifies to the tier above that it will not and has not used Federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any Federal contract, grant or any other award covered by 31 U.S.C. § 1352. Each tier must also disclose any lobbying with non-Federal funds that takes place in connection with obtaining any Federal award. Such disclosures are forwarded from tier to tier up to the Town.
7. **Prohibition on Certain Telecommunications and Video Surveillance Services or Equipment.** The Contractor warrants that their systems or equipment are not covered under telecommunication equipment as described in Public Law 115-232.
8. **Domestic Preference for Procurements.** As appropriate and to the extent consistent with law, the Contractor will, to the greatest extent practicable under a Federal award, provide a preference for the purchase, acquisition, or use of goods, products, or materials produced in the United States (including but not limited to iron, aluminum, steel, cement, and other manufactured products), as required under 2 C.F.R. § 200.322.
9. **Procurement of Recovered Material.** The Contractor agrees to comply with section 6002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act. The requirements of Section 6002 include procuring only items designated in guidelines of the Environmental Protection Agency (EPA) at 40 C.F.R. Part 247 that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition, where the purchase price of the item exceeds \$10,000; procuring solid waste management services in a manner that maximizes energy and resource recovery; and establishing an affirmative procurement program for procurement of recovered materials identified in the EPA guidelines.
10. **Energy Policy and Conservation Act.** Contractor shall comply with all mandatory standards and policies relating to energy efficiency, which are contained in the state energy conservation plan issued in compliance with the Energy Policy and Conservation Act (42 U.S.C. 6201).
11. **Uniform Guidance Policies.** The Contractor agrees to be bound by all Town Uniform Guidance Policies, which are included herein by reference.
12. **2 C.F.R. Part 200, Appendix II.** The Contractor agrees to be bound by all of the provisions under 2 C.F.R. Part 200, Appendix II, which are included herein by reference.
13. **Equal Employment Opportunity.** Except as otherwise provided under 41 CFR Part 60, all contracts that meet the definition of “federally assisted construction contract” in 41 CFR Part 60-1.3 include, by reference, the equal opportunity clause provided under 41 CFR 60-1.4(b). The Contractor agrees to abide by 41 CFR 60-1.4(b) during the performance of the contract<sup>1</sup>.
14. **Build America, Buy America Act.** When federal funds subject to the requirements of the Build America, Buy American Act (“BABA”) are used in an infrastructure project as defined by BABA, for which the total cost of the project exceeds the federal simplified acquisition

---

<sup>1</sup> 60 CFR Part 60-1.4(b) can be accessed at: [https://www.ecfr.gov/current/title-41/subtitle-B/chapter-60/part-60-1/subpart-A/section-60-1.4#p-60-1.4\(b\)](https://www.ecfr.gov/current/title-41/subtitle-B/chapter-60/part-60-1/subpart-A/section-60-1.4#p-60-1.4(b))

threshold, the Buy America Preference (“BAP”) as set forth in 2 C.F.R. Part § 184 shall apply to all project materials that are subject to the provisions of BABA, unless otherwise excepted.

## **EXHIBIT B**

### **INSURANCE AND BOND REQUIREMENTS**

1. The Work under this Contract shall not commence until the Contractor has obtained all required insurance and verifying certificates of insurance have been approved in writing by the Town. The Contractor shall furnish the Town with satisfactory proof of carriage of the insurance required before written approval is granted by the Town.
2. The insurance coverage shall be provided and maintained for the duration of the Contract.
3. Except for Worker’s Compensation and Professional Liability policies, the Town shall be named as additional insured on all policies with coverage at least as broad as that provided to the named insureds.
4. The verifying certificates shall document that coverages afforded under the policies will not be cancelled, reduced in amount, or coverages eliminated until at least thirty (30) days after mailing written notice, by certified mail, return receipt requested, to the

insured and the Town of such alteration or cancellation.

5. If endorsements are needed to comply with the notification or other requirements of this Agreement, copies of the endorsements shall be submitted with the certificates.
6. Any deductible, if applicable to loss covered by insurance provided, is to be borne by the Contractor.
7. The Contractor is required to provide and maintain the following minimum insurance coverage:

a. **Worker's Compensation and Employer's Liability.**

The Contractor shall provide and maintain, until final acceptance, Workers' Compensation insurance, as required by law, as well as employer's liability coverage with minimum limits of \$1,000,000.

b. **Commercial General Liability (CGL) Insurance.**

The Contractor shall provide and maintain, commercial general liability insurance, including coverage for premises operations, independent contractors, completed operations, products and contractual exposures, as shall protect such contractors from claims arising out of any bodily injury, including accidental death, as well as from claims for property damages which may arise from operations under this contract, whether such operations be by the Contractor or by any subcontractor, or by anyone directly or indirectly employed by either of them and the minimum limits of such insurance shall be as follows:

|                                    |                                                  |
|------------------------------------|--------------------------------------------------|
| Bodily Injury:                     | \$1,000,000 per                                  |
| occurrence/\$2,000,000 aggregate   |                                                  |
| Property Damage:                   | \$1,000,000 per                                  |
| occurrence/\$2,000,000 aggregate   |                                                  |
| Products/<br>Completed Operations: | \$1,000,000 per occurrence/\$2,000,000 aggregate |

Such coverage for completed operations must be maintained for at least two (2) years following final acceptance of the Work performed under the contract.

The commercial general liability insurance policy shall provide that such insurance is primary to and non-contributory with any liability insurance carried by the additional insureds and provide a severability of interests clause.

c. **Automobile Liability.**

The Contractor shall provide and maintain automobile liability coverage including coverage for owned, hired, and non-owned vehicles, with limits no less than \$1,000,000 per accident for bodily injury and property damage.

d. **Builder's Risk/Course of Construction.**

For construction projects, the Contractor shall provide and maintain builder's risk coverage utilizing an "All Risk" (Special Perils) coverage form, with limits equal to the completed value of the project and no coinsurance penalty provisions.

This coverage is not required for road maintenance projects.

e. **Professional Liability.**

The Contractor shall provide and maintain professional liability coverage with limits no less than \$2,000,000.

f. **Pollution Liability.**

The Contractor shall provide and maintain pollution liability coverage with minimum limits of \$1,000,000 per occurrence/aggregate.

g. **Umbrella Coverage.**

The Contractor shall provide and maintain umbrella coverage with minimum limits of no less than \$1,000,000 per occurrence/aggregate.

h. **Other Insurance.**

The Contractor shall obtain such additional insurance as may be required by the Town or by the General Statutes of North Carolina including motor vehicle insurance, in amounts not less than the statutory limits.

8. If the Contractor maintains broader coverage and/or higher limits than the minimum limits shown above, the Town requires and shall be entitled to the broader coverage and/or high limits maintained by the Contractor. Any available insurance proceeds in excess of the specified minimum limits of insurance and coverage shall be available to the Town.
9. The policies shall provide that any failure to comply with reporting provisions of the

policies shall not affect coverage provided to the Town or its officers, officials, employees, agents, or volunteers.

10. All liability and Workers' Compensation insurance policies shall provide that the insurance company waives all rights of recovery by way of subrogation against the Town and other insureds.
11. The insurance providers shall be North Carolina admitted insurers (licensed to do business in North Carolina) with a current A.M. Best's rating of no less than A-VIII. Notwithstanding the foregoing, if no North Carolina admitted insurance company provides the required insurance, it is acceptable to procure the required insurance from a United States domiciled carrier that meets the required Best's rating.
12. The Town reserves the right to modify these requirements, including limits, based on the nature of the risk, prior experience, insurer, coverage, or other circumstances.
13. The limits of insurance described herein shall not limit the liability of the Contractor and Contractor's officers, employees, agents, representatives, and subcontractors. The Contractor's obligation to defend, indemnify, and hold the Town and its officers, officials, employees, agents and volunteers harmless under the provisions of this paragraph are not limited to or restricted by any requirement in the Contract for Contractor to procure and maintain a policy of insurance.
14. For construction projects only, the Contractor shall require and verify that all subcontractors maintain insurance meeting all the requirements stated herein, and Contractor shall ensure that Town is an additional insured on insurance required from subcontractors.
15. For construction projects only, the Contractor shall provide a payment bond and a performance bond in a sum equal to 100% of the contract price.

## **EXHIBIT C**

### **FIRM'S SCOPE OF SERVICES**

**[Attach a copy]**



## EXHIBIT D

## FIRM'S FEE SCHEDULE

| Services               | Qty                          | Units | Fee Type | Fee |
|------------------------|------------------------------|-------|----------|-----|
| <i>Survey Services</i> |                              |       |          |     |
| Full Boundary Survey   |                              | Each  |          |     |
| Recombination Plats    |                              | Each  |          |     |
|                        | <b>SUB TOTAL</b>             |       |          |     |
|                        | <b>NOT TO EXCEED TOTAL =</b> |       |          |     |

## **EXHIBIT E**

### **FIRM'S HOURLY RATES FOR ADDITIONAL SERVICES**

[Attach a copy]

END OF REQUEST FOR QUALIFICATIONS



Fire Station No. 4 Park Master Plan – Consultant RFQ Scoring Sheet

| Criterion                                                                                   | Max. Score | W & A Engineering                                              | Bolten and Menk                                                                                                                                                                                                                                                                                                                 | Dewberry                                                       | Urban Desing Partners                                     |
|---------------------------------------------------------------------------------------------|------------|----------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------|-----------------------------------------------------------|
| Firm's experience, knowledge, familiarity, and past performance with similar projects – 35% | 35         | 30                                                             | 35                                                                                                                                                                                                                                                                                                                              | 30                                                             | 30                                                        |
| The experience of the firm's proposed staff to perform the type of work required – 40%      | 40         | 35                                                             | 35                                                                                                                                                                                                                                                                                                                              | 35                                                             | 35                                                        |
| The availability of the firm’s staff to complete the project – 25%.                         | 25         | 25                                                             | 25                                                                                                                                                                                                                                                                                                                              | 25                                                             | 25                                                        |
| TOTAL SCORE                                                                                 | 100        | 90                                                             | 95                                                                                                                                                                                                                                                                                                                              | 90                                                             | 90                                                        |
| GENERAL COMMENTS                                                                            |            | Great overall experience but lack experience with Splash Pads. | Clarks Creek Community Park is a project just outside of Huntersville that is almost identical to Fire Station No. 4 Park. It has both pickleball courts and a splash pad. That park has had great reviews, and we would benefit from their experience on this project as the park has been in operation for more than 6 years. | Great overall experience but lack experience with Splash Pads. | Splash Pad experience but no Pickleball Court experience. |



## **Request for Board Action**

July 15, 2025

**To:** The Honorable Mayor and Board of Commissioners

**From:** Stephen Trott, Director of Engineering

**Subject:** Resolution to Acquire Property for the E Greenway Street Sidewalk Project

---

### **EXPLAIN REQUEST:**

This resolution to acquire property for the East Greenway Street Sidewalk project includes 2 parcels: 019-043-01 and 019-043-03.

### **ACTION RECOMMENDED:**

Adopt resolution.

### **FINANCIAL IMPLICATIONS:**

General Fund.

### **ATTACHMENTS:**

1. Exhibit A



**RESOLUTION OF THE TOWN OF HUNTERSVILLE TO ACQUIRE RIGHT OF WAY AND EASEMENTS  
NECESSARY FOR THE CONSTRUCTION OF THE ADOPTED AND FUNDED E GREENWAY STREET  
SIDEWALK**

**Resolution No. R-2025-15**

**WHEREAS**, the Town of Huntersville (the "Town") has determined that the acquisition of fee title right of way, and easements is necessary to the delivery of the project; and

**WHEREAS**, the Town finds that such title, rights of way and easements, including existing public rights of way and easements, are for a public use and necessary for the construction of the project; and

**WHEREAS**, the statutory powers of the Town include the power to acquire real property (N.C.G.S. §160A-11 and §160A-240.1), including the power of eminent domain (N.C.G.S. Chapter 40); and

**WHEREAS**, to meet said defined project delivery schedule, property acquisition process should begin no later than August, 2025; and

**WHEREAS**, the Town's proposed property acquisition process for the project will comply with applicable federal and state requirements; and

**WHEREAS**, the Town of Huntersville has certified that the parcels ("the Property"), represented on Exhibit A, are needed for the project.

**NOW THEREFORE, BE IT RESOLVED AS FOLLOWS:**

1. The Board of Commissioners approves and authorizes the acquisition of the necessary fee title, rights of way and easements affecting the parcels described on Exhibit A at a price not to exceed that determined by the appraisals described in the Proposal for Real Estate Acquisition Services by a Professional Property Acquisition Firm and permitted Administrative Adjustments for Right-of-Way Acquisition, and no further action is required by this Board to authorize the acquisition.
2. In the event any of the parcels or interest therein cannot be acquired by negotiations at the price authorized above, the Town Manager may institute and pursue acquisition by the process of Eminent Domain according to the procedures contained in Chapter 40A, including, but not limited to, giving notice of intent to the property owner, executing and filing a complaint and declaration of taking, and depositing the necessary appraised value amount with the Clerk of Superior Court of Mecklenburg County.
3. The Board hereby authorizes the Town Manager, acting on advice of counsel, to take any actions necessary to effect the provisions of this resolution; and
4. This resolution shall be effective as of the date its adoption.

Adopted this 15<sup>th</sup> day of July, 2025

ATTEST:

---

Janet Pierson, Town Clerk

---

Christy Clark, Mayor

APPROVED AS TO FORM:

---

Emily Sloop, Town Attorney

**EXHIBIT A - PARCEL INDEX**  
**E GREENWAY STREET SIDEWALK**

| <b>PARCEL<br/>#</b> | <b>PARCEL ID #</b> | <b>PROPERTY OWNER NAME</b>                   |
|---------------------|--------------------|----------------------------------------------|
| <b>1</b>            | 019-043-01         | CHURCH TRUSTEES HUNTERSVILLE<br>PRESBYTERIAN |
| <b>2</b>            | 019-043-03         | CHURCH HUNTERSVILLE<br>PRESBYTERIAN          |



## Request for Board Action

July 15, 2025

**To:** The Honorable Mayor and Board of Commissioners

**From:** Kevin Fox, Director of Public Works

**Subject:** Resolution requesting NCDOT to accept Ferrelltown Parkway in the Walden Subdivision

---

### **EXPLAIN REQUEST:**

The Developer of the Walden Subdivision has filed requesting the Town Board adopt a Resolution requesting the NCDOT to accept for maintenance an approximately 0.36 mile portion of Ferrelltown Parkway from Huntersville Concord Road to approximately 0.015 miles north of Keyes Meadow Way.

### **ACTION RECOMMENDED:**

Adopt Resolution requesting NCDOT accept maintenance of a portion of Ferrelltown Parkway.

### **FINANCIAL IMPLICATIONS:**

None

### **ATTACHMENTS:**

1. Ferrelltown Parkway NCDOT Resolution
2. Ferrelltown Parkway NCDOT Map
3. Ferrelltown Parkway NCDOT Aerial



**RESOLUTION OF THE TOWN OF HUNTERSVILLE TO REQUEST FOR ADDITION TO STATE MAINTAINED  
SECONDARY ROAD SYSTEM**

**Resolution No. R-2025-16**

**ROAD DESCRIPTION:** Ferrelltown Parkway, approximately 0.36 miles, from Huntersville-Concord Road (SR 2448) to approximately 0.015 miles north of Keyes Meadow Way

**WHEREAS,** the Developer of the Walden Subdivision has constructed the above described road; and

**WHEREAS,** the Developer has filed with the Board of Town Commissioners of the Town of HUNTERSVILLE requesting that the above described road, the location of which has been indicated in red on the attached map, be added to the Secondary Road System; and

**WHEREAS,** the Town Board of Commissioners is of the opinion that the above described road should be added to the Secondary Road System, if the road meets minimum standards and criteria established by the Division of Highways of the Department of Transportation for the addition of roads to the system.

**NOW THEREFORE, BE IT RESOLVED AS FOLLOWS:** that the Division of Highways is hereby requested to review the above described road, and to take over the road for maintenance if it meets established standards and criteria.

Adopted this 15<sup>th</sup> day of July, 2025

ATTEST:

\_\_\_\_\_  
Janet Pierson, Town Clerk

\_\_\_\_\_  
Christy Clark, Mayor

APPROVED AS TO FORM:

\_\_\_\_\_  
Emily Sloop, Town Attorney

**North Carolina Department of Transportation  
Division of Highways  
Request for Addition to State Maintained Secondary Road System**

North Carolina

County:       MECKLENBURG       Town:       HUNTERSVILLE

Road Description:   Ferrelltown Parkway, approximately 0.36 miles, from Huntersville-Concord Road (SR 2448) to approximately 0.015 miles north of Keyes Meadow Way

WHEREAS, the Developer of the Walden Subdivision has constructed the above described road, and

WHEREAS, the Developer has filed with the Board of Town Commissioners of the Town of HUNTERSVILLE requesting that the above described road, the location of which has been indicated in red on the attached map, be added to the Secondary Road System, and

WHEREAS, the Town Board of Commissioners is of the opinion that the above described road should be added to the Secondary Road System, if the road meets minimum standards and criteria established by the Division of Highways of the Department of Transportation for the addition of roads to the system.

NOW, THEREFORE, be it resolved by the Town Board of Commissioners of the Town of HUNTERSVILLE that the Division of Highways is hereby requested to review the above described road, and to take over the road for maintenance if it meets established standards and criteria.

**CERTIFICATE**

The foregoing resolution was duly adopted by the Town Board of Commissioners of the Town of HUNTERSVILLE at a meeting on the \_\_\_\_\_ day of July, 2025.

WITNESS my hand and official seal this \_\_\_\_\_ day of July, 2025.

**Official Seal**

**HUNTERSVILLE Town Clerk**

**PLEASE NOTE:**

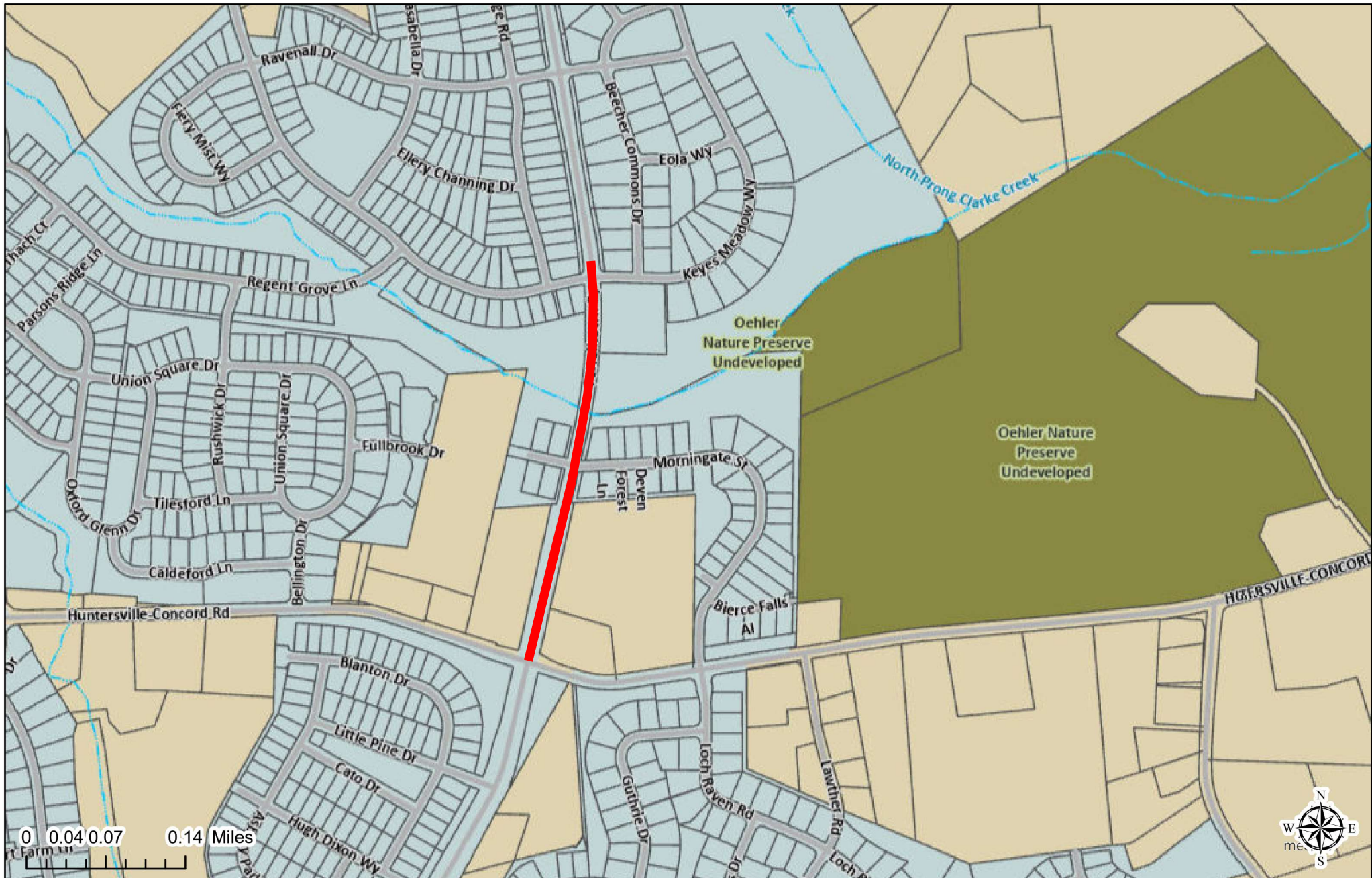
**Forward direct with request to the Division Engineer, Division of Highways**



## Polaris Map – Mecklenburg County, North Carolina

# Ferrelltown Parkway NCDOT Accept

Date Printed: 7/8/2025 5:02 PM



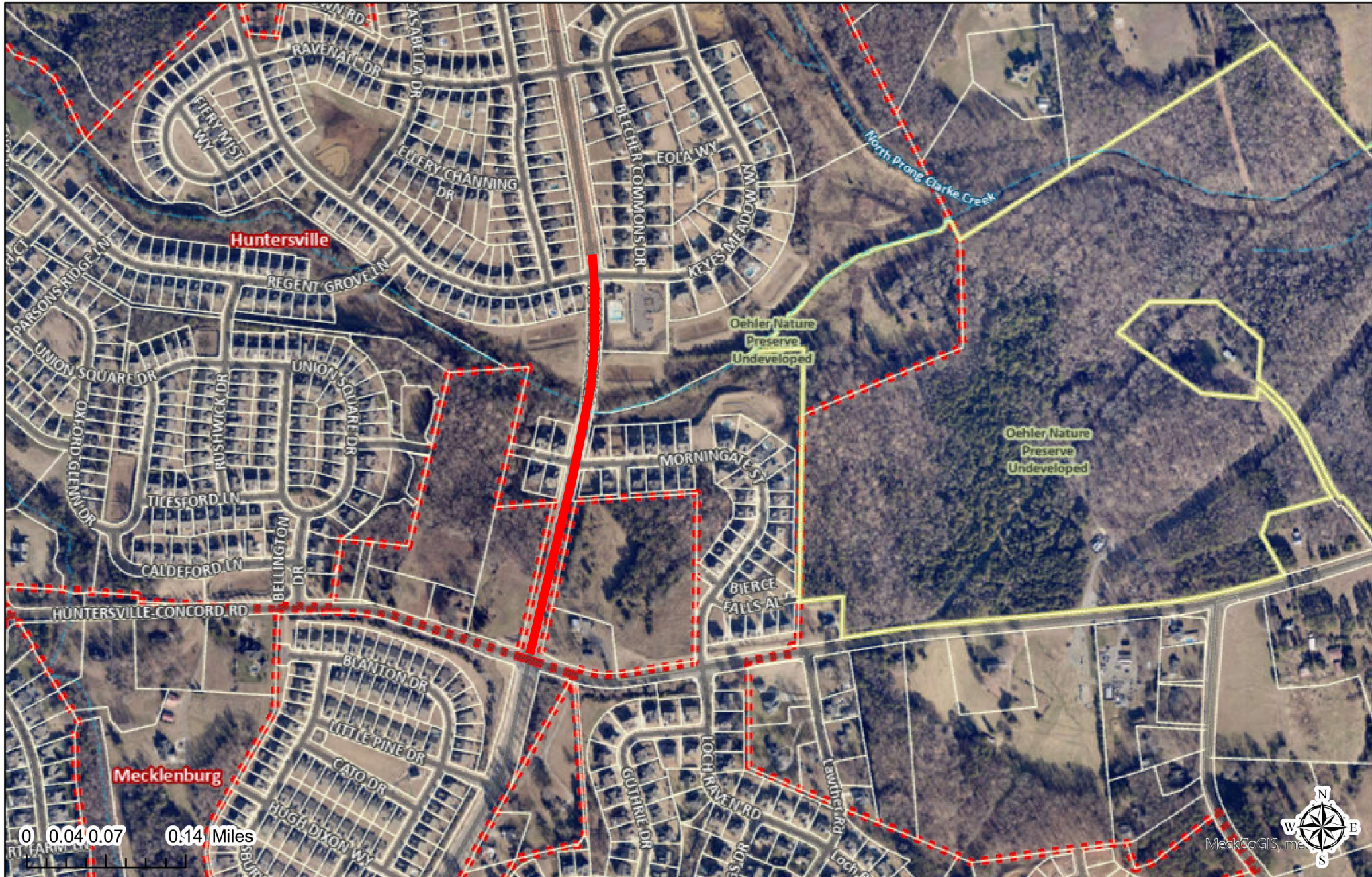
This map or report is prepared for the inventory of real property within Mecklenburg County and is compiled from recorded deeds, plats, tax maps, surveys, planimetric maps, and other public records and data. Users of this map or report are hereby notified that the aforementioned public primary information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



# Polaris Map – Mecklenburg County, North Carolina

## Ferrelltown Parkway NCDOT Accept

Date Printed: 7/8/2025 5:04 PM



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





## Request for Board Action

July 15, 2025

**To:** The Honorable Mayor and Board of Commissioners

**From:** Tracy Houk, Assistant Director of Parks and Recreation

**Subject:** SculpTOUR Exhibition Lease Agreement - "Queen of Hearts" sculpture by Chris Plaisted

---

### **EXPLAIN REQUEST:**

The Public Arts Commission (PAC) put out a RFP for the 2025-2027 Huntersville SculpTOUR. They received submissions from 15 artists. The PAC narrowed it down to 6 sculptures. The sculptures will be leased from the artists for 2 years.

### **ACTION RECOMMENDED:**

Consider approving agreement with Chris Plaisted for Town to temporarily lease "*Queen of Hearts*" sculpture as part of the Town's 2025-2027 SculpTOUR Exhibition.

### **FINANCIAL IMPLICATIONS:**

\$2,000 from the FY26 Approved Budget

### **ATTACHMENTS:**

1. SculpTOUR Artist Agreement - ChrisPlaisted

## **Town of Huntersville, NC SculpTOUR Exhibition Agreement**

THIS AGREEMENT made and entered as shown below by and among the Town of Huntersville, NC, hereinafter called "TOWN", and Chris Plaisted, hereinafter called "ARTIST".

**1. PURPOSE OF THE AGREEMENT.**

ARTIST agrees to temporarily lease to TOWN, and TOWN agrees to temporarily display ARTIST'S SCULPTURE entitled "Queen of Hearts" (hereinafter "SCULPTURE") as part of TOWN'S SculpTOUR Exhibition.

**2. TITLE AND COPYRIGHT.**

ARTIST hereby warrants that ARTIST has full legal title and copyrights, if applicable, to the SCULPTURE listed in this Agreement or that ARTIST is the duly authorized agent of the owner or owners of such works. ARTIST hereby agrees to indemnify and defend TOWN against, and to hold it harmless from, any liability (including attorney's fees and the costs of defending any actions) arising out of claims by individuals, institutions, or other persons claiming full or partial title or copyright to any of such works.

**3. PUBLICITY AND PHOTOGRAPHY.**

TOWN shall have the right at no cost or charge to the TOWN to photograph, telecast, and reproduce the SCULPTURE for publicity purposes in both the electronic and paper print media in connection with this exhibition and for illustration in the exhibition catalog and brochures concerning the exhibition, and to produce the slides or digital images of the SCULPTURE to be distributed for educational and publicity use. No images of the SCULPTURE will be used for commercial use by the TOWN.

**4. EXHIBITION SITE.**

The said referenced exhibition site is entitled "SculpTOUR". The TOWN shall make the final decision through its Parks & Recreation Assistant Director as to the exact location of the exhibition site (the "Site").

**5. TERM.**

The exhibition date shall be from SEPTEMBER 2025 through AUGUST 2027. ARTIST shall deliver the SCULPTURE to the TOWN before SEPTEMBER 31, 2025 and remove the SCULPTURE on or before AUGUST 15, 2027. The exact date for installation and removal shall be arranged between the TOWN and the ARTIST.

**6. PREPARATION OF SITE.**

Installation will not be performed until the preparation and construction of any required base ("BASE") is complete. TOWN is responsible for preparing SCULPTURE site and BASE (if required) according to the instructions supplied by ARTIST and agreed to by TOWN.

Notwithstanding the foregoing, in the event TOWN is unable to construct or is delayed in

the construction of BASE or preparation of SCULPTURE site due to budgetary constraints, inadequate available staffing, natural disaster or any other cause, ARTIST shall not have any right to bring action or make any claim against TOWN as a result of such inability or delay.

**7. INSTALLATION AND REMOVAL.**

TOWN shall coordinate the installation and removal of SCULPTURE and shall assist ARTIST or ARTIST'S representative with installation, with a minimal workforce, to the degree that the site is a safe and workable environment. ARTIST will be responsible for the delivery of SCULPTURE to the site, and for the on-site installation, and shall be responsible for SCULPTURE during the installation. ARTIST will be responsible for, and cover all expenses concerning, the delivery of SCULPTURE to the exhibition site and its installation, as well as its removal. The TOWN shall make the final decision as to the location of the Site as described in Section 4. Town shall not be responsible for any risk of loss of the SCULPTURE during installation or removal.

**8. IDENTIFICATION PLAQUE.**

TOWN shall provide and install an identification plaque at the site of SCULPTURE to identify title, artist's name, year of creation, and construction material. Design of the plaque shall be at the full discretion of TOWN.

**9. MAINTENANCE.**

ARTIST shall maintain the SCULPTURE at ARTIST'S sole cost and expense. TOWN shall maintain the SCULPTURE site and any required BASE, but will not provide reimbursement for ARTIST'S maintenance costs.

In the event of defacing of or damage to SCULPTURE, whether by vandalism or act of God, ARTIST shall make such repairs as are necessary within one (1) week of receiving notice from TOWN of damage, or in the event repairs cannot be completed within that time, provide TOWN a written plan and timetable for the repairs within that time.

If the nature of the damage renders SCULPTURE hazardous to the public and SCULPTURE is determined not safe to remain in said location, SCULPTURE must be repaired to a condition not considered hazardous to the public within one (1) week after ARTIST receives notification from TOWN or SCULPTURE shall be removed from exhibition by ARTIST or by TOWN.

Failure to comply with this section shall be deemed grounds for termination of this Agreement.

**10. COMPENSATION AND SALES.**

Compensation to ARTIST for being chosen to exhibit SCULPTURE within the Town of Huntersville shall be provided by the Huntersville Parks and Recreation Department. ARTIST will receive \$2,000 check within 30 days after installation, as well as exposure in a brochure publicizing the Sculpture Exhibition, on the Town of Huntersville Public Art website and Facebook pages.

The TOWN will not negotiate price or arrange sale of the SCULPTURE, however the

Town through the Public Art Committee will make good faith efforts to encourage sales. The sale of the SCULPTURE is the responsibility of the ARTIST. The ARTIST will agree to a sales price of \$3,000 as part of the exhibit requirement and will pay the TOWN a fee of twenty percent (20%) of any sale of the SCULPTURE while on exhibit under the terms of this agreement at the time of sale. The funds received by the TOWN for the sale of the SCULPTURE will be used for future SculpTOURS. The parties agree that the terms of this agreement do not constitute a consignment under the "Sales of Artwork" as defined in NC General Statutes – Chapter 25C.

**11. NOTICE OF TERMINATION.**

ARTIST acknowledges that permission to exhibit the aforesaid SCULPTURE may be revoked at any time by TOWN, and ARTIST further acknowledges that said SCULPTURE may be removed, if ARTIST does not reclaim the aforesaid SCULPTURE within (30) days of Notice of Termination. TOWN or any of its agents, servants, officers, or employees may dispose of said SCULPTURE as they see fit. For purposes of the foregoing sentence, it is further agreed that a written request to reclaim the aforesaid SCULPTURE executed by TOWN and mailed to ARTIST by United States registered or certified mail, or other form of mail which offers proof of mailing and postage prepaid shall constitute "Notice of Termination".

**12. INSURANCE.**

ARTIST shall be solely responsible for providing all-risk property insurance coverage for the SCULPTURE leased to TOWN under the terms of this Agreement while such SCULPTURE is on TOWN premises, or while such SCULPTURE are being transported to or from the premises. ARTIST shall also provide commercial general liability insurance with limits not less than \$1,000,000 per occurrence naming the Town of Huntersville, NC as additional insureds. TOWN will not provide reimbursement for property insurance.

**13. INDEMNIFICATION FOR DAMAGES, TAXES AND CONTRIBUTIONS.**

ARTIST will indemnify, defend, and hold harmless TOWN, including without limitation, its officers, agents, employees, and volunteers from and against:

A. Any and all damages, costs or expenses in law or equity that may at any time arise or be asserted because of injury to property or bodily or personal injury (including death) arising out of, or in any manner connected with, ARTIST'S exhibition under the terms of this Agreement, excepting any liability arising out of the sole negligence of TOWN. Such indemnification includes any damage to the person(s), or property(ies) of ARTIST and third persons.

B. Any and all Federal, State and Local taxes, charges, fees, or contributions required to be paid with respect to ARTIST and its officers, employees and agents engaged in the performance of this Agreement (including, without limitation, unemployment insurance, social security and payroll tax withholding).

**14. APPLICABLE LAWS AND VENUE.**

This Agreement shall be construed in accordance with and governed by the laws of the State

of North Carolina. Venue for any legal action pertaining to this Agreement are the state and federal courts for Huntersville, North Carolina.

**15. AMENDMENT, ASSIGNMENT, AND APPLICABILITY.**

This Agreement constitutes the entire Agreement of parties and may only be amended by written Agreement signed by all parties. This agreement binds the heirs, successors, executors, and assigns of the TOWN and ARTIST. This agreement shall not be assigned by the ARTIST without the sole, discretionary consent of the TOWN.

**16. MISCELLANEOUS.**

- a. Artist, shall comply with, and require all contractors and subcontractors to comply with, the requirements of Article 2 of Chapter 64 of the North Carolina General Statutes, "Verification of Work Authorization," sometimes known as E-verify for all contractors and subcontractors.
- b. With the execution hereof, Artist certifies that they are not on the Iran Final Divestment List created by the N.C. State Treasurer pursuant to N.C.G.S. § 147-86.58, and will not contract with anyone on such List in performance of the work hereunder.

**17. VARA PROVISIONS.**

The Artist acknowledges that removing the SCULPTURE from the Site may cause the destruction, distortion, mutilation, or other modification of the Work. The Artist acknowledges that the TOWN may desire to or be required to remove the Work. Nevertheless, the Artist consents to the installation of the SCULPTURE even though the installation of the SCULPTURE may subject the SCULPTURE to destruction, distortion, mutilation, or other modification by reason of removal. The above and foregoing provision is made pursuant to the provisions of the Visual Artist Rights Act, 17 United States Code Section 106A *et seq.* ("VARA") to evidence the intention of the parties to waive the VARA provisions.

**18. OTHER REMEDIES.**

The specification of remedies in this agreement shall not be deemed to be exclusive. The TOWN retains the right to pursue any remedy available for defective or delayed performance, including specifically the right to set off any damages for defective or delayed performance against any sum due the Artist under this agreement.

**19. ASSIGNMENT.**

This Agreement may not be assigned without the prior written approval of all of the Parties. Any purported assignment of this Agreement without such approval shall be absolutely void.

**20. AVAILABILITY OF FUNDS.**

Any and all payments to the ARTIST are dependent upon and subject to the availability of funds to the Town for the purpose set forth in this agreement.

**21. NOTICE.**

Unless otherwise provided herein, all notices required hereunder shall be given by United States registered or certified mail, or other form of mail which offers proof of mailing, postage prepaid and addressed to the party at the address below:

If to ARTIST:

Artist Name: Chris Plaisted

Artist Address: 100 Candlewood Lake Rd. North, New Milford, CT 06776

Artist Email and Phone Number: [chrisplaisted@proton.me](mailto:chrisplaisted@proton.me) / 203.731.4029

If to TOWN:

Huntersville Parks and Recreation Assistant Director

PO Box 2879

Huntersville, NC 28070

IN WITNESS WHEREOF, the parties have executed this Agreement on the dates shown below.

\_\_\_\_\_  
Artist

\_\_\_\_\_  
Date

\_\_\_\_\_  
Town Manager

\_\_\_\_\_  
Date

This instrument has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act

\_\_\_\_\_  
Finance Director



*“Queen of Hearts”*





## **Request for Board Action**

July 15, 2025

**To:** The Honorable Mayor and Board of Commissioners

**From:** Tracy Houk, Assistant Director of Parks and Recreation

**Subject:** SculpTOUR Exhibition Lease Agreement - "Galactic Corona" by Hanna Jubran

---

### **EXPLAIN REQUEST:**

The Public Arts Commission (PAC) put out a RFP for the 2025-2027 Huntersville SculpTOUR. They received submissions from 15 artists. The PAC narrowed it down to 6 sculptures. The sculptures will be leased from the artists for 2 years.

### **ACTION RECOMMENDED:**

Consider approving agreement with Hanna Jubran for Town to temporarily lease "Galactic Corona" sculpture as part of the Town's 2025-2027 SculpTOUR Exhibition

### **FINANCIAL IMPLICATIONS:**

\$2,000 from the FY26 Approved Budget

### **ATTACHMENTS:**

1. SculpTOUR Artist Agreement - HannaJubran

## **Town of Huntersville, NC SculpTOUR Exhibition Agreement**

THIS AGREEMENT made and entered as shown below by and among the Town of Huntersville, NC, hereinafter called "TOWN", and Hanna Jubran, hereinafter called "ARTIST".

**1. PURPOSE OF THE AGREEMENT.**

ARTIST agrees to temporarily lease to TOWN, and TOWN agrees to temporarily display ARTIST'S SCULPTURE entitled "Galactic Corona" (hereinafter "SCULPTURE") as part of TOWN'S SculpTOUR Exhibition.

**2. TITLE AND COPYRIGHT.**

ARTIST hereby warrants that ARTIST has full legal title and copyrights, if applicable, to the SCULPTURE listed in this Agreement or that ARTIST is the duly authorized agent of the owner or owners of such works. ARTIST hereby agrees to indemnify and defend TOWN against, and to hold it harmless from, any liability (including attorney's fees and the costs of defending any actions) arising out of claims by individuals, institutions, or other persons claiming full or partial title or copyright to any of such works.

**3. PUBLICITY AND PHOTOGRAPHY.**

TOWN shall have the right at no cost or charge to the TOWN to photograph, telecast, and reproduce the SCULPTURE for publicity purposes in both the electronic and paper print media in connection with this exhibition and for illustration in the exhibition catalog and brochures concerning the exhibition, and to produce the slides or digital images of the SCULPTURE to be distributed for educational and publicity use. No images of the SCULPTURE will be used for commercial use by the TOWN.

**4. EXHIBITION SITE.**

The said referenced exhibition site is entitled "SculpTOUR". The TOWN shall make the final decision through its Parks & Recreation Assistant Director as to the exact location of the exhibition site (the "Site").

**5. TERM.**

The exhibition date shall be from SEPTEMBER 2025 through AUGUST 2027. ARTIST shall deliver the SCULPTURE to the TOWN before SEPTEMBER 31, 2025 and remove the SCULPTURE on or before AUGUST 15, 2027. The exact date for installation and removal shall be arranged between the TOWN and the ARTIST.

**6. PREPARATION OF SITE.**

Installation will not be performed until the preparation and construction of any required base ("BASE") is complete. TOWN is responsible for preparing SCULPTURE site and BASE (if required) according to the instructions supplied by ARTIST and agreed to by TOWN.

Notwithstanding the foregoing, in the event TOWN is unable to construct or is delayed in

the construction of BASE or preparation of SCULPTURE site due to budgetary constraints, inadequate available staffing, natural disaster or any other cause, ARTIST shall not have any right to bring action or make any claim against TOWN as a result of such inability or delay.

**7. INSTALLATION AND REMOVAL.**

TOWN shall coordinate the installation and removal of SCULPTURE and shall assist ARTIST or ARTIST'S representative with installation, with a minimal workforce, to the degree that the site is a safe and workable environment. ARTIST will be responsible for the delivery of SCULPTURE to the site, and for the on-site installation, and shall be responsible for SCULPTURE during the installation. ARTIST will be responsible for, and cover all expenses concerning, the delivery of SCULPTURE to the exhibition site and its installation, as well as its removal. The TOWN shall make the final decision as to the location of the Site as described in Section 4. Town shall not be responsible for any risk of loss of the SCULPTURE during installation or removal.

**8. IDENTIFICATION PLAQUE.**

TOWN shall provide and install an identification plaque at the site of SCULPTURE to identify title, artist's name, year of creation, and construction material. Design of the plaque shall be at the full discretion of TOWN.

**9. MAINTENANCE.**

ARTIST shall maintain the SCULPTURE at ARTIST'S sole cost and expense. TOWN shall maintain the SCULPTURE site and any required BASE, but will not provide reimbursement for ARTIST'S maintenance costs.

In the event of defacing of or damage to SCULPTURE, whether by vandalism or act of God, ARTIST shall make such repairs as are necessary within one (1) week of receiving notice from TOWN of damage, or in the event repairs cannot be completed within that time, provide TOWN a written plan and timetable for the repairs within that time.

If the nature of the damage renders SCULPTURE hazardous to the public and SCULPTURE is determined not safe to remain in said location, SCULPTURE must be repaired to a condition not considered hazardous to the public within one (1) week after ARTIST receives notification from TOWN or SCULPTURE shall be removed from exhibition by ARTIST or by TOWN.

Failure to comply with this section shall be deemed grounds for termination of this Agreement.

**10. COMPENSATION AND SALES.**

Compensation to ARTIST for being chosen to exhibit SCULPTURE within the Town of Huntersville shall be provided by the Huntersville Parks and Recreation Department. ARTIST will receive \$2,000 check within 30 days after installation, as well as exposure in a brochure publicizing the Sculpture Exhibition, on the Town of Huntersville Public Art website and Facebook pages.

The TOWN will not negotiate price or arrange sale of the SCULPTURE, however the

Town through the Public Art Committee will make good faith efforts to encourage sales. The sale of the SCULPTURE is the responsibility of the ARTIST. The ARTIST will agree to a sales price of \$15,500 as part of the exhibit requirement and will pay the TOWN a fee of twenty percent (20%) of any sale of the SCULPTURE while on exhibit under the terms of this agreement at the time of sale. The funds received by the TOWN for the sale of the SCULPTURE will be used for future SculpTOURS. The parties agree that the terms of this agreement do not constitute a consignment under the “Sales of Artwork” as defined in NC General Statutes – Chapter 25C.

**11. NOTICE OF TERMINATION.**

ARTIST acknowledges that permission to exhibit the aforesaid SCULPTURE may be revoked at any time by TOWN, and ARTIST further acknowledges that said SCULPTURE may be removed, if ARTIST does not reclaim the aforesaid SCULPTURE within (30) days of Notice of Termination. TOWN or any of its agents, servants, officers, or employees may dispose of said SCULPTURE as they see fit. For purposes of the foregoing sentence, it is further agreed that a written request to reclaim the aforesaid SCULPTURE executed by TOWN and mailed to ARTIST by United States registered or certified mail, or other form of mail which offers proof of mailing and postage prepaid shall constitute “Notice of Termination”.

**12. INSURANCE.**

ARTIST shall be solely responsible for providing all-risk property insurance coverage for the SCULPTURE leased to TOWN under the terms of this Agreement while such SCULPTURE is on TOWN premises, or while such SCULPTURE are being transported to or from the premises. ARTIST shall also provide commercial general liability insurance with limits not less than \$1,000,000 per occurrence naming the Town of Huntersville, NC as additional insureds. TOWN will not provide reimbursement for property insurance.

**13. INDEMNIFICATION FOR DAMAGES, TAXES AND CONTRIBUTIONS.**

ARTIST will indemnify, defend, and hold harmless TOWN, including without limitation, its officers, agents, employees, and volunteers from and against:

A. Any and all damages, costs or expenses in law or equity that may at any time arise or be asserted because of injury to property or bodily or personal injury (including death) arising out of, or in any manner connected with, ARTIST’S exhibition under the terms of this Agreement, excepting any liability arising out of the sole negligence of TOWN. Such indemnification includes any damage to the person(s), or property(ies) of ARTIST and third persons.

B. Any and all Federal, State and Local taxes, charges, fees, or contributions required to be paid with respect to ARTIST and its officers, employees and agents engaged in the performance of this Agreement (including, without limitation, unemployment insurance, social security and payroll tax withholding).

**14. APPLICABLE LAWS AND VENUE.**

This Agreement shall be construed in accordance with and governed by the laws of the State of North Carolina. Venue for any legal action pertaining to this Agreement are the state and federal courts for Huntersville, North Carolina.

**15. AMENDMENT, ASSIGNMENT, AND APPLICABILITY.**

This Agreement constitutes the entire Agreement of parties and may only be amended by written Agreement signed by all parties. This agreement binds the heirs, successors, executors, and assigns of the TOWN and ARTIST. This agreement shall not be assigned by the ARTIST without the sole, discretionary consent of the TOWN.

**16. MISCELLANEOUS.**

- a. Artist, shall comply with, and require all contractors and subcontractors to comply with, the requirements of Article 2 of Chapter 64 of the North Carolina General Statutes, "Verification of Work Authorization," sometimes known as E-verify for all contractors and subcontractors.
- b. With the execution hereof, Artist certifies that they are not on the Iran Final Divestment List created by the N.C. State Treasurer pursuant to N.C.G.S. § 147-86.58, and will not contract with anyone on such List in performance of the work hereunder.

**17. VARA PROVISIONS.**

The Artist acknowledges that removing the SCULPTURE from the Site may cause the destruction, distortion, mutilation, or other modification of the Work. The Artist acknowledges that the TOWN may desire to or be required to remove the Work. Nevertheless, the Artist consents to the installation of the SCULPTURE even though the installation of the SCULPTURE may subject the SCULPTURE to destruction, distortion, mutilation, or other modification by reason of removal. The above and foregoing provision is made pursuant to the provisions of the Visual Artist Rights Act, 17 United States Code Section 106A *et seq.* ("VARA") to evidence the intention of the parties to waive the VARA provisions.

**18. OTHER REMEDIES.**

The specification of remedies in this agreement shall not be deemed to be exclusive. The TOWN retains the right to pursue any remedy available for defective or delayed performance, including specifically the right to set off any damages for defective or delayed performance against any sum due the Artist under this agreement.

**19. ASSIGNMENT.**

This Agreement may not be assigned without the prior written approval of all of the Parties. Any purported assignment of this Agreement without such approval shall be absolutely void.

**20. AVAILABILITY OF FUNDS.**

Any and all payments to the ARTIST are dependent upon and subject to the availability of funds to the Town for the purpose set forth in this agreement.

**21. NOTICE.**

Unless otherwise provided herein, all notices required hereunder shall be given by United States registered or certified mail, or other form of mail which offers proof of mailing, postage prepaid and addressed to the party at the address below:

If to ARTIST:

Artist Name: Hanna Jubran

Artist Address: 5828 NC 33E, Grimesland, NC 27837

Artist Email and Phone Number: [hannajubrannc@gmail.com](mailto:hannajubrannc@gmail.com) / 252-341-1950

If to TOWN:

Huntersville Parks and Recreation Assistant Director  
PO Box 2879  
Huntersville, NC 28070

IN WITNESS WHEREOF, the parties have executed this Agreement on the dates shown below.

\_\_\_\_\_  
Artist

\_\_\_\_\_  
Date

\_\_\_\_\_  
Town Manager

\_\_\_\_\_  
Date

This instrument has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act

\_\_\_\_\_  
Finance Director



*“Galactic Corona”*







## **Request for Board Action**

July 15, 2025

**To:** The Honorable Mayor and Board of Commissioners

**From:** Tracy Houk, Assistant Director of Parks and Recreation

**Subject:** SculpTOUR Exhibition Lease Agreement - "Calypso" by Richard Conn

---

### **EXPLAIN REQUEST:**

The Public Arts Commission (PAC) put out a RFP for the 2025-2027 Huntersville SculpTOUR. They received submissions from 15 artists. The PAC narrowed it down to 6 sculptures. The sculptures will be leased from the artists for 2 years.

### **ACTION RECOMMENDED:**

### **FINANCIAL IMPLICATIONS:**

\$2,000 from the FY26 Approved Budget

### **ATTACHMENTS:**

1. SculpTOUR Artist Agreement - RickConn

## **Town of Huntersville, NC SculpTOUR Exhibition Agreement**

THIS AGREEMENT made and entered as shown below by and among the Town of Huntersville, NC, hereinafter called "TOWN", and Richard Conn, hereinafter called "ARTIST".

**1. PURPOSE OF THE AGREEMENT.**

ARTIST agrees to temporarily lease to TOWN, and TOWN agrees to temporarily display ARTIST'S SCULPTURE entitled "Calypso" (hereinafter "SCULPTURE") as part of TOWN'S SculpTOUR Exhibition.

**2. TITLE AND COPYRIGHT.**

ARTIST hereby warrants that ARTIST has full legal title and copyrights, if applicable, to the SCULPTURE listed in this Agreement or that ARTIST is the duly authorized agent of the owner or owners of such works. ARTIST hereby agrees to indemnify and defend TOWN against, and to hold it harmless from, any liability (including attorney's fees and the costs of defending any actions) arising out of claims by individuals, institutions, or other persons claiming full or partial title or copyright to any of such works.

**3. PUBLICITY AND PHOTOGRAPHY.**

TOWN shall have the right at no cost or charge to the TOWN to photograph, telecast, and reproduce the SCULPTURE for publicity purposes in both the electronic and paper print media in connection with this exhibition and for illustration in the exhibition catalog and brochures concerning the exhibition, and to produce the slides or digital images of the SCULPTURE to be distributed for educational and publicity use. No images of the SCULPTURE will be used for commercial use by the TOWN.

**4. EXHIBITION SITE.**

The said referenced exhibition site is entitled "SculpTOUR". The TOWN shall make the final decision through its Parks & Recreation Assistant Director as to the exact location of the exhibition site (the "Site").

**5. TERM.**

The exhibition date shall be from SEPTEMBER 2025 through AUGUST 2027. ARTIST shall deliver the SCULPTURE to the TOWN before SEPTEMBER 31, 2025 and remove the SCULPTURE on or before AUGUST 15, 2027. The exact date for installation and removal shall be arranged between the TOWN and the ARTIST.

**6. PREPARATION OF SITE.**

Installation will not be performed until the preparation and construction of any required base ("BASE") is complete. TOWN is responsible for preparing SCULPTURE site and BASE (if required) according to the instructions supplied by ARTIST and agreed to by TOWN.

Notwithstanding the foregoing, in the event TOWN is unable to construct or is delayed in

the construction of BASE or preparation of SCULPTURE site due to budgetary constraints, inadequate available staffing, natural disaster or any other cause, ARTIST shall not have any right to bring action or make any claim against TOWN as a result of such inability or delay.

**7. INSTALLATION AND REMOVAL.**

TOWN shall coordinate the installation and removal of SCULPTURE and shall assist ARTIST or ARTIST'S representative with installation, with a minimal workforce, to the degree that the site is a safe and workable environment. ARTIST will be responsible for the delivery of SCULPTURE to the site, and for the on-site installation, and shall be responsible for SCULPTURE during the installation. ARTIST will be responsible for, and cover all expenses concerning, the delivery of SCULPTURE to the exhibition site and its installation, as well as its removal. The TOWN shall make the final decision as to the location of the Site as described in Section 4. Town shall not be responsible for any risk of loss of the SCULPTURE during installation or removal.

**8. IDENTIFICATION PLAQUE.**

TOWN shall provide and install an identification plaque at the site of SCULPTURE to identify title, artist's name, year of creation, and construction material. Design of the plaque shall be at the full discretion of TOWN.

**9. MAINTENANCE.**

ARTIST shall maintain the SCULPTURE at ARTIST'S sole cost and expense. TOWN shall maintain the SCULPTURE site and any required BASE, but will not provide reimbursement for ARTIST'S maintenance costs.

In the event of defacing of or damage to SCULPTURE, whether by vandalism or act of God, ARTIST shall make such repairs as are necessary within one (1) week of receiving notice from TOWN of damage, or in the event repairs cannot be completed within that time, provide TOWN a written plan and timetable for the repairs within that time.

If the nature of the damage renders SCULPTURE hazardous to the public and SCULPTURE is determined not safe to remain in said location, SCULPTURE must be repaired to a condition not considered hazardous to the public within one (1) week after ARTIST receives notification from TOWN or SCULPTURE shall be removed from exhibition by ARTIST or by TOWN.

Failure to comply with this section shall be deemed grounds for termination of this Agreement.

**10. COMPENSATION AND SALES.**

Compensation to ARTIST for being chosen to exhibit SCULPTURE within the Town of Huntersville shall be provided by the Huntersville Parks and Recreation Department. ARTIST will receive \$2,000 check within 30 days after installation, as well as exposure in a brochure publicizing the Sculpture Exhibition, on the Town of Huntersville Public Art website and Facebook pages.

The TOWN will not negotiate price or arrange sale of the SCULPTURE, however the

Town through the Public Art Committee will make good faith efforts to encourage sales. The sale of the SCULPTURE is the responsibility of the ARTIST. The ARTIST will agree to a sales price of \$8500 as part of the exhibit requirement and will pay the TOWN a fee of twenty percent (20%) of any sale of the SCULPTURE while on exhibit under the terms of this agreement at the time of sale. The funds received by the TOWN for the sale of the SCULPTURE will be used for future SculpTOURS. The parties agree that the terms of this agreement do not constitute a consignment under the "Sales of Artwork" as defined in NC General Statutes – Chapter 25C.

**11. NOTICE OF TERMINATION.**

ARTIST acknowledges that permission to exhibit the aforesaid SCULPTURE may be revoked at any time by TOWN, and ARTIST further acknowledges that said SCULPTURE may be removed, if ARTIST does not reclaim the aforesaid SCULPTURE within (30) days of Notice of Termination. TOWN or any of its agents, servants, officers, or employees may dispose of said SCULPTURE as they see fit. For purposes of the foregoing sentence, it is further agreed that a written request to reclaim the aforesaid SCULPTURE executed by TOWN and mailed to ARTIST by United States registered or certified mail, or other form of mail which offers proof of mailing and postage prepaid shall constitute "Notice of Termination".

**12. INSURANCE.**

ARTIST shall be solely responsible for providing all-risk property insurance coverage for the SCULPTURE leased to TOWN under the terms of this Agreement while such SCULPTURE is on TOWN premises, or while such SCULPTURE are being transported to or from the premises. ARTIST shall also provide commercial general liability insurance with limits not less than \$1,000,000 per occurrence naming the Town of Huntersville, NC as additional insureds. TOWN will not provide reimbursement for property insurance.

**13. INDEMNIFICATION FOR DAMAGES, TAXES AND CONTRIBUTIONS.**

ARTIST will indemnify, defend, and hold harmless TOWN, including without limitation, its officers, agents, employees, and volunteers from and against:

A. Any and all damages, costs or expenses in law or equity that may at any time arise or be asserted because of injury to property or bodily or personal injury (including death) arising out of, or in any manner connected with, ARTIST'S exhibition under the terms of this Agreement, excepting any liability arising out of the sole negligence of TOWN. Such indemnification includes any damage to the person(s), or property(ies) of ARTIST and third persons.

B. Any and all Federal, State and Local taxes, charges, fees, or contributions required to be paid with respect to ARTIST and its officers, employees and agents engaged in the performance of this Agreement (including, without limitation, unemployment insurance, social security and payroll tax withholding).

**14. APPLICABLE LAWS AND VENUE.**

This Agreement shall be construed in accordance with and governed by the laws of the State of North Carolina. Venue for any legal action pertaining to this Agreement are the state and federal courts for Huntersville, North Carolina.

**15. AMENDMENT, ASSIGNMENT, AND APPLICABILITY.**

This Agreement constitutes the entire Agreement of parties and may only be amended by written Agreement signed by all parties. This agreement binds the heirs, successors, executors, and assigns of the TOWN and ARTIST. This agreement shall not be assigned by the ARTIST without the sole, discretionary consent of the TOWN.

**16. MISCELLANEOUS.**

- a. Artist, shall comply with, and require all contractors and subcontractors to comply with, the requirements of Article 2 of Chapter 64 of the North Carolina General Statutes, "Verification of Work Authorization," sometimes known as E-verify for all contractors and subcontractors.
- b. With the execution hereof, Artist certifies that they are not on the Iran Final Divestment List created by the N.C. State Treasurer pursuant to N.C.G.S. § 147-86.58, and will not contract with anyone on such List in performance of the work hereunder.

**17. VARA PROVISIONS.**

The Artist acknowledges that removing the SCULPTURE from the Site may cause the destruction, distortion, mutilation, or other modification of the Work. The Artist acknowledges that the TOWN may desire to or be required to remove the Work. Nevertheless, the Artist consents to the installation of the SCULPTURE even though the installation of the SCULPTURE may subject the SCULPTURE to destruction, distortion, mutilation, or other modification by reason of removal. The above and foregoing provision is made pursuant to the provisions of the Visual Artist Rights Act, 17 United States Code Section 106A *et seq.* ("VARA") to evidence the intention of the parties to waive the VARA provisions.

**18. OTHER REMEDIES.**

The specification of remedies in this agreement shall not be deemed to be exclusive. The TOWN retains the right to pursue any remedy available for defective or delayed performance, including specifically the right to set off any damages for defective or delayed performance against any sum due the Artist under this agreement.

**19. ASSIGNMENT.**

This Agreement may not be assigned without the prior written approval of all of the Parties. Any purported assignment of this Agreement without such approval shall be absolutely void.

**20. AVAILABILITY OF FUNDS.**

Any and all payments to the ARTIST are dependent upon and subject to the availability of funds to the Town for the purpose set forth in this agreement.

**21. NOTICE.**

Unless otherwise provided herein, all notices required hereunder shall be given by United States registered or certified mail, or other form of mail which offers proof of mailing, postage prepaid and addressed to the party at the address below:

If to ARTIST:

Artist Name: Richard Conn

Artist Address: 218 Northern Blvd., Wilmington, NC 28401

Artist Email and Phone Number: [reconn088@mail.cfcc.edu](mailto:reconn088@mail.cfcc.edu) / 864-680-4786

If to TOWN:

Huntersville Parks and Recreation Assistant Director  
PO Box 2879  
Huntersville, NC 28070

IN WITNESS WHEREOF, the parties have executed this Agreement on the dates shown below.

\_\_\_\_\_  
Artist

\_\_\_\_\_  
Date

\_\_\_\_\_  
Town Manager

\_\_\_\_\_  
Date

This instrument has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act

\_\_\_\_\_  
Finance Director

“Calypso”





## Request for Board Action

July 15, 2025

**To:** The Honorable Mayor and Board of Commissioners

**From:** Tracy Houk, Assistant Director of Parks and Recreation

**Subject:** SculpTOUR Exhibition Lease Agreement - "Wondering Feet" by Sunday Mahaja

---

### **EXPLAIN REQUEST:**

The Public Arts Commission (PAC) put out a RFP for the 2025-2027 Huntersville SculpTOUR. They received submissions from 15 artists. The PAC narrowed it down to 6 sculptures. The sculptures will be leased from the artists for 2 years.

### **ACTION RECOMMENDED:**

Consider approving agreement with Sunday Mahaja for Town to temporarily lease "*Wondering Feet*" sculpture as part of the Town's 2025-2027 SculpTOUR Exhibition.

### **FINANCIAL IMPLICATIONS:**

\$2,000 from the FY26 Approved Budget

### **ATTACHMENTS:**

1. SculpTOUR Artist Agreement - SundayMahaja



## **Town of Huntersville, NC SculpTOUR Exhibition Agreement**

THIS AGREEMENT made and entered as shown below by and among the Town of Huntersville, NC, hereinafter called "TOWN", and Sunday Mahaja, hereinafter called "ARTIST".

**1. PURPOSE OF THE AGREEMENT.**

ARTIST agrees to temporarily lease to TOWN, and TOWN agrees to temporarily display ARTIST'S SCULPTURE entitled "Wondering Feet" (hereinafter "SCULPTURE") as part of TOWN'S SculpTOUR Exhibition.

**2. TITLE AND COPYRIGHT.**

ARTIST hereby warrants that ARTIST has full legal title and copyrights, if applicable, to the SCULPTURE listed in this Agreement or that ARTIST is the duly authorized agent of the owner or owners of such works. ARTIST hereby agrees to indemnify and defend TOWN against, and to hold it harmless from, any liability (including attorney's fees and the costs of defending any actions) arising out of claims by individuals, institutions, or other persons claiming full or partial title or copyright to any of such works.

**3. PUBLICITY AND PHOTOGRAPHY.**

TOWN shall have the right at no cost or charge to the TOWN to photograph, telecast, and reproduce the SCULPTURE for publicity purposes in both the electronic and paper print media in connection with this exhibition and for illustration in the exhibition catalog and brochures concerning the exhibition, and to produce the slides or digital images of the SCULPTURE to be distributed for educational and publicity use. No images of the SCULPTURE will be used for commercial use by the TOWN.

**4. EXHIBITION SITE.**

The said referenced exhibition site is entitled "SculpTOUR". The TOWN shall make the final decision through its Parks & Recreation Assistant Director as to the exact location of the exhibition site (the "Site").

**5. TERM.**

The exhibition date shall be from SEPTEMBER 2025 through AUGUST 2027. ARTIST shall deliver the SCULPTURE to the TOWN before SEPTEMBER 31, 2025 and remove the SCULPTURE on or before AUGUST 15, 2027. The exact date for installation and removal shall be arranged between the TOWN and the ARTIST.

**6. PREPARATION OF SITE.**

Installation will not be performed until the preparation and construction of any required base ("BASE") is complete. TOWN is responsible for preparing SCULPTURE site and BASE (if required) according to the instructions supplied by ARTIST and agreed to by TOWN.

Notwithstanding the foregoing, in the event TOWN is unable to construct or is delayed in the construction of BASE or preparation of SCULPTURE site due to budgetary constraints,

inadequate available staffing, natural disaster or any other cause, ARTIST shall not have any right to bring action or make any claim against TOWN as a result of such inability or delay.

**7. INSTALLATION AND REMOVAL.**

TOWN shall coordinate the installation and removal of SCULPTURE and shall assist ARTIST or ARTIST'S representative with installation, with a minimal workforce, to the degree that the site is a safe and workable environment. ARTIST will be responsible for the delivery of SCULPTURE to the site, and for the on-site installation, and shall be responsible for SCULPTURE during the installation. ARTIST will be responsible for, and cover all expenses concerning, the delivery of SCULPTURE to the exhibition site and its installation, as well as its removal. The TOWN shall make the final decision as to the location of the Site as described in Section 4. Town shall not be responsible for any risk of loss of the SCULPTURE during installation or removal.

**8. IDENTIFICATION PLAQUE.**

TOWN shall provide and install an identification plaque at the site of SCULPTURE to identify title, artist's name, year of creation, and construction material. Design of the plaque shall be at the full discretion of TOWN.

**9. MAINTENANCE.**

ARTIST shall maintain the SCULPTURE at ARTIST'S sole cost and expense. TOWN shall maintain the SCULPTURE site and any required BASE, but will not provide reimbursement for ARTIST'S maintenance costs.

In the event of defacing of or damage to SCULPTURE, whether by vandalism or act of God, ARTIST shall make such repairs as are necessary within one (1) week of receiving notice from TOWN of damage, or in the event repairs cannot be completed within that time, provide TOWN a written plan and timetable for the repairs within that time.

If the nature of the damage renders SCULPTURE hazardous to the public and SCULPTURE is determined not safe to remain in said location, SCULPTURE must be repaired to a condition not considered hazardous to the public within one (1) week after ARTIST receives notification from TOWN or SCULPTURE shall be removed from exhibition by ARTIST or by TOWN.

Failure to comply with this section shall be deemed grounds for termination of this Agreement.

**10. COMPENSATION AND SALES.**

Compensation to ARTIST for being chosen to exhibit SCULPTURE within the Town of Huntersville shall be provided by the Huntersville Parks and Recreation Department. ARTIST will receive \$2,000 check within 30 days after installation, as well as exposure in a brochure publicizing the Sculpture Exhibition, on the Town of Huntersville Public Art website and Facebook pages.

The TOWN will not negotiate price or arrange sale of the SCULPTURE, however the Town through the Public Art Committee will make good faith efforts to encourage sales.

The sale of the SCULPTURE is the responsibility of the ARTIST. The ARTIST will agree to a sales price of \$12,000 as part of the exhibit requirement and will pay the TOWN a fee of twenty percent (20%) of any sale of the SCULPTURE while on exhibit under the terms of this agreement at the time of sale. The funds received by the TOWN for the sale of the SCULPTURE will be used for future SculpTOURS. The parties agree that the terms of this agreement do not constitute a consignment under the "Sales of Artwork" as defined in NC General Statutes – Chapter 25C.

**11. NOTICE OF TERMINATION.**

ARTIST acknowledges that permission to exhibit the aforesaid SCULPTURE may be revoked at any time by TOWN, and ARTIST further acknowledges that said SCULPTURE may be removed, if ARTIST does not reclaim the aforesaid SCULPTURE within (30) days of Notice of Termination. TOWN or any of its agents, servants, officers, or employees may dispose of said SCULPTURE as they see fit. For purposes of the foregoing sentence, it is further agreed that a written request to reclaim the aforesaid SCULPTURE executed by TOWN and mailed to ARTIST by United States registered or certified mail, or other form of mail which offers proof of mailing and postage prepaid shall constitute "Notice of Termination".

**12. INSURANCE.**

ARTIST shall be solely responsible for providing all-risk property insurance coverage for the SCULPTURE leased to TOWN under the terms of this Agreement while such SCULPTURE is on TOWN premises, or while such SCULPTURE are being transported to or from the premises. ARTIST shall also provide commercial general liability insurance with limits not less than \$1,000,000 per occurrence naming the Town of Huntersville, NC as additional insureds. TOWN will not provide reimbursement for property insurance.

**13. INDEMNIFICATION FOR DAMAGES, TAXES AND CONTRIBUTIONS.**

ARTIST will indemnify, defend, and hold harmless TOWN, including without limitation, its officers, agents, employees, and volunteers from and against:

A. Any and all damages, costs or expenses in law or equity that may at any time arise or be asserted because of injury to property or bodily or personal injury (including death) arising out of, or in any manner connected with, ARTIST'S exhibition under the terms of this Agreement, excepting any liability arising out of the sole negligence of TOWN. Such indemnification includes any damage to the person(s), or property(ies) of ARTIST and third persons.

B. Any and all Federal, State and Local taxes, charges, fees, or contributions required to be paid with respect to ARTIST and its officers, employees and agents engaged in the performance of this Agreement (including, without limitation, unemployment insurance, social security and payroll tax withholding).

**14. APPLICABLE LAWS AND VENUE.**

This Agreement shall be construed in accordance with and governed by the laws of the State of North Carolina. Venue for any legal action pertaining to this Agreement are the state and federal courts for Huntersville, North Carolina.

**15. AMENDMENT, ASSIGNMENT, AND APPLICABILITY.**

This Agreement constitutes the entire Agreement of parties and may only be amended by written Agreement signed by all parties. This agreement binds the heirs, successors, executors, and assigns of the TOWN and ARTIST. This agreement shall not be assigned by the ARTIST without the sole, discretionary consent of the TOWN.

**16. MISCELLANEOUS.**

- a. Artist, shall comply with, and require all contractors and subcontractors to comply with, the requirements of Article 2 of Chapter 64 of the North Carolina General Statutes, "Verification of Work Authorization," sometimes known as E-verify for all contractors and subcontractors.
- b. With the execution hereof, Artist certifies that they are not on the Iran Final Divestment List created by the N.C. State Treasurer pursuant to N.C.G.S. § 147-86.58, and will not contract with anyone on such List in performance of the work hereunder.

**17. VARA PROVISIONS.**

The Artist acknowledges that removing the SCULPTURE from the Site may cause the destruction, distortion, mutilation, or other modification of the Work. The Artist acknowledges that the TOWN may desire to or be required to remove the Work. Nevertheless, the Artist consents to the installation of the SCULPTURE even though the installation of the SCULPTURE may subject the SCULPTURE to destruction, distortion, mutilation, or other modification by reason of removal. The above and foregoing provision is made pursuant to the provisions of the Visual Artist Rights Act, 17 United States Code Section 106A *et seq.* ("VARA") to evidence the intention of the parties to waive the VARA provisions.

**18. OTHER REMEDIES.**

The specification of remedies in this agreement shall not be deemed to be exclusive. The TOWN retains the right to pursue any remedy available for defective or delayed performance, including specifically the right to set off any damages for defective or delayed performance against any sum due the Artist under this agreement.

**19. ASSIGNMENT.**

This Agreement may not be assigned without the prior written approval of all of the Parties. Any purported assignment of this Agreement without such approval shall be absolutely void.

**20. AVAILABILITY OF FUNDS.**

Any and all payments to the ARTIST are dependent upon and subject to the availability of funds to the Town for the purpose set forth in this agreement.

**21. NOTICE.**

Unless otherwise provided herein, all notices required hereunder shall be given by United

States registered or certified mail, or other form of mail which offers proof of mailing, postage prepaid and addressed to the party at the address below:

If to ARTIST:

Artist Name: Sunday Mahja

Artist Address: 1905 Woodward Place, Goshen, IN 46526

Artist Email and Phone Number: [Mahajaarts@gmail.com](mailto:Mahajaarts@gmail.com) / 574-903-3039

If to TOWN:

Huntersville Parks and Recreation Assistant Director

PO Box 2879

Huntersville, NC 28070

IN WITNESS WHEREOF, the parties have executed this Agreement on the dates shown below.

\_\_\_\_\_  
Artist

\_\_\_\_\_  
Date

\_\_\_\_\_  
Town Manager

\_\_\_\_\_  
Date

This instrument has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act

\_\_\_\_\_  
Finance Director

*“Wondering Feet”*





## **Request for Board Action**

July 15, 2025

**To:** The Honorable Mayor and Board of Commissioners

**From:** Tracy Houk, Assistant Director of Parks and Recreation

**Subject:** SculpTOUR Exhibition Lease Agreement - "Fighting for Alpha" by Todd Frahm

---

### **EXPLAIN REQUEST:**

The Public Arts Commission (PAC) put out a RFP for the 2025-2027 Huntersville SculpTOUR. They received submissions from 15 artists. The PAC narrowed it down to 6 sculptures. The sculptures will be leased from the artists for 2 years.

### **ACTION RECOMMENDED:**

### **FINANCIAL IMPLICATIONS:**

\$2,000 from the FY26 Approved Budget

### **ATTACHMENTS:**

1. SculpTOUR Artist Agreement - ToddFrahm



## **Town of Huntersville, NC SculpTOUR Exhibition Agreement**

THIS AGREEMENT made and entered as shown below by and among the Town of Huntersville, NC, hereinafter called "TOWN", and Todd Frahm, hereinafter called "ARTIST".

**1. PURPOSE OF THE AGREEMENT.**

ARTIST agrees to temporarily lease to TOWN, and TOWN agrees to temporarily display ARTIST'S SCULPTURE entitled "Fighting for Alpha" (hereinafter "SCULPTURE") as part of TOWN'S SculpTOUR Exhibition.

**2. TITLE AND COPYRIGHT.**

ARTIST hereby warrants that ARTIST has full legal title and copyrights, if applicable, to the SCULPTURE listed in this Agreement or that ARTIST is the duly authorized agent of the owner or owners of such works. ARTIST hereby agrees to indemnify and defend TOWN against, and to hold it harmless from, any liability (including attorney's fees and the costs of defending any actions) arising out of claims by individuals, institutions, or other persons claiming full or partial title or copyright to any of such works.

**3. PUBLICITY AND PHOTOGRAPHY.**

TOWN shall have the right at no cost or charge to the TOWN to photograph, telecast, and reproduce the SCULPTURE for publicity purposes in both the electronic and paper print media in connection with this exhibition and for illustration in the exhibition catalog and brochures concerning the exhibition, and to produce the slides or digital images of the SCULPTURE to be distributed for educational and publicity use. No images of the SCULPTURE will be used for commercial use by the TOWN.

**4. EXHIBITION SITE.**

The said referenced exhibition site is entitled "SculpTOUR". The TOWN shall make the final decision through its Parks & Recreation Assistant Director as to the exact location of the exhibition site (the "Site").

**5. TERM.**

The exhibition date shall be from SEPTEMBER 2025 through AUGUST 2027. ARTIST shall deliver the SCULPTURE to the TOWN before SEPTEMBER 31, 2025 and remove the SCULPTURE on or before AUGUST 15, 2027. The exact date for installation and removal shall be arranged between the TOWN and the ARTIST.

**6. PREPARATION OF SITE.**

Installation will not be performed until the preparation and construction of any required base ("BASE") is complete. TOWN is responsible for preparing SCULPTURE site and BASE (if required) according to the instructions supplied by ARTIST and agreed to by TOWN.

Notwithstanding the foregoing, in the event TOWN is unable to construct or is delayed in



the construction of BASE or preparation of SCULPTURE site due to budgetary constraints, inadequate available staffing, natural disaster or any other cause, ARTIST shall not have any right to bring action or make any claim against TOWN as a result of such inability or delay.

**7. INSTALLATION AND REMOVAL.**

TOWN shall coordinate the installation and removal of SCULPTURE and shall assist ARTIST or ARTIST'S representative with installation, with a minimal workforce, to the degree that the site is a safe and workable environment. ARTIST will be responsible for the delivery of SCULPTURE to the site, and for the on-site installation, and shall be responsible for SCULPTURE during the installation. ARTIST will be responsible for, and cover all expenses concerning, the delivery of SCULPTURE to the exhibition site and its installation, as well as its removal. The TOWN shall make the final decision as to the location of the Site as described in Section 4. Town shall not be responsible for any risk of loss of the SCULPTURE during installation or removal.

**8. IDENTIFICATION PLAQUE.**

TOWN shall provide and install an identification plaque at the site of SCULPTURE to identify title, artist's name, year of creation, and construction material. Design of the plaque shall be at the full discretion of TOWN.

**9. MAINTENANCE.**

ARTIST shall maintain the SCULPTURE at ARTIST'S sole cost and expense. TOWN shall maintain the SCULPTURE site and any required BASE, but will not provide reimbursement for ARTIST'S maintenance costs.

In the event of defacing of or damage to SCULPTURE, whether by vandalism or act of God, ARTIST shall make such repairs as are necessary within one (1) week of receiving notice from TOWN of damage, or in the event repairs cannot be completed within that time, provide TOWN a written plan and timetable for the repairs within that time.

If the nature of the damage renders SCULPTURE hazardous to the public and SCULPTURE is determined not safe to remain in said location, SCULPTURE must be repaired to a condition not considered hazardous to the public within one (1) week after ARTIST receives notification from TOWN or SCULPTURE shall be removed from exhibition by ARTIST or by TOWN.

Failure to comply with this section shall be deemed grounds for termination of this Agreement.

**10. COMPENSATION AND SALES.**

Compensation to ARTIST for being chosen to exhibit SCULPTURE within the Town of Huntersville shall be provided by the Huntersville Parks and Recreation Department. ARTIST will receive \$2,000 check within 30 days after installation, as well as exposure in a brochure publicizing the Sculpture Exhibition, on the Town of Huntersville Public Art website and Facebook pages.

The TOWN will not negotiate price or arrange sale of the SCULPTURE, however the

Town through the Public Art Committee will make good faith efforts to encourage sales. The sale of the SCULPTURE is the responsibility of the ARTIST. The ARTIST will agree to a sales price of \$14,000 as part of the exhibit requirement and will pay the TOWN a fee of twenty percent (20%) of any sale of the SCULPTURE while on exhibit under the terms of this agreement at the time of sale. The funds received by the TOWN for the sale of the SCULPTURE will be used for future SculpTOURS. The parties agree that the terms of this agreement do not constitute a consignment under the "Sales of Artwork" as defined in NC General Statutes – Chapter 25C.

**11. NOTICE OF TERMINATION.**

ARTIST acknowledges that permission to exhibit the aforesaid SCULPTURE may be revoked at any time by TOWN, and ARTIST further acknowledges that said SCULPTURE may be removed, if ARTIST does not reclaim the aforesaid SCULPTURE within (30) days of Notice of Termination. TOWN or any of its agents, servants, officers, or employees may dispose of said SCULPTURE as they see fit. For purposes of the foregoing sentence, it is further agreed that a written request to reclaim the aforesaid SCULPTURE executed by TOWN and mailed to ARTIST by United States registered or certified mail, or other form of mail which offers proof of mailing and postage prepaid shall constitute "Notice of Termination".

**12. INSURANCE.**

ARTIST shall be solely responsible for providing all-risk property insurance coverage for the SCULPTURE leased to TOWN under the terms of this Agreement while such SCULPTURE is on TOWN premises, or while such SCULPTURE are being transported to or from the premises. ARTIST shall also provide commercial general liability insurance with limits not less than \$1,000,000 per occurrence naming the Town of Huntersville, NC as additional insureds. TOWN will not provide reimbursement for property insurance.

**13. INDEMNIFICATION FOR DAMAGES, TAXES AND CONTRIBUTIONS.**

ARTIST will indemnify, defend, and hold harmless TOWN, including without limitation, its officers, agents, employees, and volunteers from and against:

A. Any and all damages, costs or expenses in law or equity that may at any time arise or be asserted because of injury to property or bodily or personal injury (including death) arising out of, or in any manner connected with, ARTIST'S exhibition under the terms of this Agreement, excepting any liability arising out of the sole negligence of TOWN. Such indemnification includes any damage to the person(s), or property(ies) of ARTIST and third persons.

B. Any and all Federal, State and Local taxes, charges, fees, or contributions required to be paid with respect to ARTIST and its officers, employees and agents engaged in the performance of this Agreement (including, without limitation, unemployment insurance, social security and payroll tax withholding).

**14. APPLICABLE LAWS AND VENUE.**

This Agreement shall be construed in accordance with and governed by the laws of the State of North Carolina. Venue for any legal action pertaining to this Agreement are the state and federal courts for Huntersville, North Carolina.

**15. AMENDMENT, ASSIGNMENT, AND APPLICABILITY.**

This Agreement constitutes the entire Agreement of parties and may only be amended by written Agreement signed by all parties. This agreement binds the heirs, successors, executors, and assigns of the TOWN and ARTIST. This agreement shall not be assigned by the ARTIST without the sole, discretionary consent of the TOWN.

**16. MISCELLANEOUS.**

- a. Artist, shall comply with, and require all contractors and subcontractors to comply with, the requirements of Article 2 of Chapter 64 of the North Carolina General Statutes, "Verification of Work Authorization," sometimes known as E-verify for all contractors and subcontractors.
- b. With the execution hereof, Artist certifies that they are not on the Iran Final Divestment List created by the N.C. State Treasurer pursuant to N.C.G.S. § 147-86.58, and will not contract with anyone on such List in performance of the work hereunder.

**17. VARA PROVISIONS.**

The Artist acknowledges that removing the SCULPTURE from the Site may cause the destruction, distortion, mutilation, or other modification of the Work. The Artist acknowledges that the TOWN may desire to or be required to remove the Work. Nevertheless, the Artist consents to the installation of the SCULPTURE even though the installation of the SCULPTURE may subject the SCULPTURE to destruction, distortion, mutilation, or other modification by reason of removal. The above and foregoing provision is made pursuant to the provisions of the Visual Artist Rights Act, 17 United States Code Section 106A *et seq.* ("VARA") to evidence the intention of the parties to waive the VARA provisions.

**18. OTHER REMEDIES.**

The specification of remedies in this agreement shall not be deemed to be exclusive. The TOWN retains the right to pursue any remedy available for defective or delayed performance, including specifically the right to set off any damages for defective or delayed performance against any sum due the Artist under this agreement.

**19. ASSIGNMENT.**

This Agreement may not be assigned without the prior written approval of all of the Parties. Any purported assignment of this Agreement without such approval shall be absolutely void.

**20. AVAILABILITY OF FUNDS.**

Any and all payments to the ARTIST are dependent upon and subject to the availability of funds to the Town for the purpose set forth in this agreement.

**21. NOTICE.**

Unless otherwise provided herein, all notices required hereunder shall be given by United States registered or certified mail, or other form of mail which offers proof of mailing, postage prepaid and addressed to the party at the address below:

If to ARTIST:

Artist Name: Todd Frahm

Artist Address: 30 Larry James Dr., Asheville, NC 28805

Artist Email and Phone Number: todd@stonecloudstudio.com

If to TOWN:

Huntersville Parks and Recreation Assistant Director  
PO Box 2879  
Huntersville, NC 28070

IN WITNESS WHEREOF, the parties have executed this Agreement on the dates shown below.

\_\_\_\_\_  
Artist

\_\_\_\_\_  
Date

\_\_\_\_\_  
Town Manager

\_\_\_\_\_  
Date

This instrument has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act

\_\_\_\_\_  
Finance Director

*“Fighting for Alpha”*





## **Request for Board Action**

July 15, 2025

**To:** The Honorable Mayor and Board of Commissioners

**From:** Tracy Houk, Assistant Director of Parks and Recreation

**Subject:** SculpTOUR Exhibition Lease Agreement - "Threshold" by Sam Spiczka

---

### **EXPLAIN REQUEST:**

The Public Arts Commission (PAC) put out a RFP for the 2025-2027 Huntersville SculpTOUR. They received submissions from 15 artists. The PAC narrowed it down to 6 sculptures. The sculptures will be leased from the artists for 2 years.

### **ACTION RECOMMENDED:**

### **FINANCIAL IMPLICATIONS:**

\$2,000 from the FY26 Approved Budget

### **ATTACHMENTS:**

1. SculpTOUR Artist Agreement - SamSpiczka

## **Town of Huntersville, NC SculpTOUR Exhibition Agreement**

THIS AGREEMENT made and entered as shown below by and among the Town of Huntersville, NC, hereinafter called "TOWN", and Sam Spiczka, hereinafter called "ARTIST".

**1. PURPOSE OF THE AGREEMENT.**

ARTIST agrees to temporarily lease to TOWN, and TOWN agrees to temporarily display ARTIST'S SCULPTURE entitled "Threshold" (hereinafter "SCULPTURE") as part of TOWN'S SculpTOUR Exhibition.

**2. TITLE AND COPYRIGHT.**

ARTIST hereby warrants that ARTIST has full legal title and copyrights, if applicable, to the SCULPTURE listed in this Agreement or that ARTIST is the duly authorized agent of the owner or owners of such works. ARTIST hereby agrees to indemnify and defend TOWN against, and to hold it harmless from, any liability (including attorney's fees and the costs of defending any actions) arising out of claims by individuals, institutions, or other persons claiming full or partial title or copyright to any of such works.

**3. PUBLICITY AND PHOTOGRAPHY.**

TOWN shall have the right at no cost or charge to the TOWN to photograph, telecast, and reproduce the SCULPTURE for publicity purposes in both the electronic and paper print media in connection with this exhibition and for illustration in the exhibition catalog and brochures concerning the exhibition, and to produce the slides or digital images of the SCULPTURE to be distributed for educational and publicity use. No images of the SCULPTURE will be used for commercial use by the TOWN.

**4. EXHIBITION SITE.**

The said referenced exhibition site is entitled "SculpTOUR". The TOWN shall make the final decision through its Parks & Recreation Assistant Director as to the exact location of the exhibition site (the "Site").

**5. TERM.**

The exhibition date shall be from SEPTEMBER 2025 through AUGUST 2027. ARTIST shall deliver the SCULPTURE to the TOWN before SEPTEMBER 31, 2025 and remove the SCULPTURE on or before AUGUST 15, 2027. The exact date for installation and removal shall be arranged between the TOWN and the ARTIST.

**6. PREPARATION OF SITE.**

Installation will not be performed until the preparation and construction of any required base ("BASE") is complete. TOWN is responsible for preparing SCULPTURE site and BASE (if required) according to the instructions supplied by ARTIST and agreed to by TOWN.

Notwithstanding the foregoing, in the event TOWN is unable to construct or is delayed in

the construction of BASE or preparation of SCULPTURE site due to budgetary constraints, inadequate available staffing, natural disaster or any other cause, ARTIST shall not have any right to bring action or make any claim against TOWN as a result of such inability or delay.

**7. INSTALLATION AND REMOVAL.**

TOWN shall coordinate the installation and removal of SCULPTURE and shall assist ARTIST or ARTIST'S representative with installation, with a minimal workforce, to the degree that the site is a safe and workable environment. ARTIST will be responsible for the delivery of SCULPTURE to the site, and for the on-site installation, and shall be responsible for SCULPTURE during the installation. ARTIST will be responsible for, and cover all expenses concerning, the delivery of SCULPTURE to the exhibition site and its installation, as well as its removal. The TOWN shall make the final decision as to the location of the Site as described in Section 4. Town shall not be responsible for any risk of loss of the SCULPTURE during installation or removal.

**8. IDENTIFICATION PLAQUE.**

TOWN shall provide and install an identification plaque at the site of SCULPTURE to identify title, artist's name, year of creation, and construction material. Design of the plaque shall be at the full discretion of TOWN.

**9. MAINTENANCE.**

ARTIST shall maintain the SCULPTURE at ARTIST'S sole cost and expense. TOWN shall maintain the SCULPTURE site and any required BASE, but will not provide reimbursement for ARTIST'S maintenance costs.

In the event of defacing of or damage to SCULPTURE, whether by vandalism or act of God, ARTIST shall make such repairs as are necessary within one (1) week of receiving notice from TOWN of damage, or in the event repairs cannot be completed within that time, provide TOWN a written plan and timetable for the repairs within that time.

If the nature of the damage renders SCULPTURE hazardous to the public and SCULPTURE is determined not safe to remain in said location, SCULPTURE must be repaired to a condition not considered hazardous to the public within one (1) week after ARTIST receives notification from TOWN or SCULPTURE shall be removed from exhibition by ARTIST or by TOWN.

Failure to comply with this section shall be deemed grounds for termination of this Agreement.

**10. COMPENSATION AND SALES.**

Compensation to ARTIST for being chosen to exhibit SCULPTURE within the Town of Huntersville shall be provided by the Huntersville Parks and Recreation Department. ARTIST will receive \$2,000 check within 30 days after installation, as well as exposure in a brochure publicizing the Sculpture Exhibition, on the Town of Huntersville Public Art website and Facebook pages.

The TOWN will not negotiate price or arrange sale of the SCULPTURE, however the



Town through the Public Art Committee will make good faith efforts to encourage sales. The sale of the SCULPTURE is the responsibility of the ARTIST. The ARTIST will agree to a sales price of \$12,000 as part of the exhibit requirement and will pay the TOWN a fee of twenty percent (20%) of any sale of the SCULPTURE while on exhibit under the terms of this agreement at the time of sale. The funds received by the TOWN for the sale of the SCULPTURE will be used for future SculpTOURS. The parties agree that the terms of this agreement do not constitute a consignment under the "Sales of Artwork" as defined in NC General Statutes – Chapter 25C.

**11. NOTICE OF TERMINATION.**

ARTIST acknowledges that permission to exhibit the aforesaid SCULPTURE may be revoked at any time by TOWN, and ARTIST further acknowledges that said SCULPTURE may be removed, if ARTIST does not reclaim the aforesaid SCULPTURE within (30) days of Notice of Termination. TOWN or any of its agents, servants, officers, or employees may dispose of said SCULPTURE as they see fit. For purposes of the foregoing sentence, it is further agreed that a written request to reclaim the aforesaid SCULPTURE executed by TOWN and mailed to ARTIST by United States registered or certified mail, or other form of mail which offers proof of mailing and postage prepaid shall constitute "Notice of Termination".

**12. INSURANCE.**

ARTIST shall be solely responsible for providing all-risk property insurance coverage for the SCULPTURE leased to TOWN under the terms of this Agreement while such SCULPTURE is on TOWN premises, or while such SCULPTURE are being transported to or from the premises. ARTIST shall also provide commercial general liability insurance with limits not less than \$1,000,000 per occurrence naming the Town of Huntersville, NC as additional insureds. TOWN will not provide reimbursement for property insurance.

**13. INDEMNIFICATION FOR DAMAGES, TAXES AND CONTRIBUTIONS.**

ARTIST will indemnify, defend, and hold harmless TOWN, including without limitation, its officers, agents, employees, and volunteers from and against:

A. Any and all damages, costs or expenses in law or equity that may at any time arise or be asserted because of injury to property or bodily or personal injury (including death) arising out of, or in any manner connected with, ARTIST'S exhibition under the terms of this Agreement, excepting any liability arising out of the sole negligence of TOWN. Such indemnification includes any damage to the person(s), or property(ies) of ARTIST and third persons.

B. Any and all Federal, State and Local taxes, charges, fees, or contributions required to be paid with respect to ARTIST and its officers, employees and agents engaged in the performance of this Agreement (including, without limitation, unemployment insurance, social security and payroll tax withholding).

**14. APPLICABLE LAWS AND VENUE.**

This Agreement shall be construed in accordance with and governed by the laws of the State of North Carolina. Venue for any legal action pertaining to this Agreement are the state and federal courts for Huntersville, North Carolina.

**15. AMENDMENT, ASSIGNMENT, AND APPLICABILITY.**

This Agreement constitutes the entire Agreement of parties and may only be amended by written Agreement signed by all parties. This agreement binds the heirs, successors, executors, and assigns of the TOWN and ARTIST. This agreement shall not be assigned by the ARTIST without the sole, discretionary consent of the TOWN.

**16. MISCELLANEOUS.**

- a. Artist, shall comply with, and require all contractors and subcontractors to comply with, the requirements of Article 2 of Chapter 64 of the North Carolina General Statutes, "Verification of Work Authorization," sometimes known as E-verify for all contractors and subcontractors.
- b. With the execution hereof, Artist certifies that they are not on the Iran Final Divestment List created by the N.C. State Treasurer pursuant to N.C.G.S. § 147-86.58, and will not contract with anyone on such List in performance of the work hereunder.

**17. VARA PROVISIONS.**

The Artist acknowledges that removing the SCULPTURE from the Site may cause the destruction, distortion, mutilation, or other modification of the Work. The Artist acknowledges that the TOWN may desire to or be required to remove the Work. Nevertheless, the Artist consents to the installation of the SCULPTURE even though the installation of the SCULPTURE may subject the SCULPTURE to destruction, distortion, mutilation, or other modification by reason of removal. The above and foregoing provision is made pursuant to the provisions of the Visual Artist Rights Act, 17 United States Code Section 106A *et seq.* ("VARA") to evidence the intention of the parties to waive the VARA provisions.

**18. OTHER REMEDIES.**

The specification of remedies in this agreement shall not be deemed to be exclusive. The TOWN retains the right to pursue any remedy available for defective or delayed performance, including specifically the right to set off any damages for defective or delayed performance against any sum due the Artist under this agreement.

**19. ASSIGNMENT.**

This Agreement may not be assigned without the prior written approval of all of the Parties. Any purported assignment of this Agreement without such approval shall be absolutely void.

**20. AVAILABILITY OF FUNDS.**

Any and all payments to the ARTIST are dependent upon and subject to the availability of funds to the Town for the purpose set forth in this agreement.

**21. NOTICE.**

Unless otherwise provided herein, all notices required hereunder shall be given by United States registered or certified mail, or other form of mail which offers proof of mailing, postage prepaid and addressed to the party at the address below:

If to ARTIST:

Artist Name: Sam Spiczka

Artist Address: 8129 Deer Meadow Dr., Apex, NC 27539

Artist Email and Phone Number: [samspiczka@hotmail.com](mailto:samspiczka@hotmail.com) / 320.249.5267

If to TOWN:

Huntersville Parks and Recreation Assistant Director

PO Box 2879

Huntersville, NC 28070

IN WITNESS WHEREOF, the parties have executed this Agreement on the dates shown below.

\_\_\_\_\_  
Artist

\_\_\_\_\_  
Date

\_\_\_\_\_  
Town Manager

\_\_\_\_\_  
Date

This instrument has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act

\_\_\_\_\_  
Finance Director



*“Threshold”*





## **Request for Board Action**

July 15, 2025

**To:** The Honorable Mayor and Board of Commissioners

**From:** Tracy Houk, Assistant Director of Parks and Recreation

**Subject:** Purchase Agreement for the "Phoenix" Art Piece by Jim Weitzel

---

### **EXPLAIN REQUEST:**

June 9, 2025 the Public Art Commission (PAC) voted unanimously (6-0), to recommend the purchase of the sculpture "Phoenix", by Jim Weitzel, to be placed permanently in one of our parks (location TBD).

### **ACTION RECOMMENDED:**

Approve the purchase of the Phoenix sculpture.

### **FINANCIAL IMPLICATIONS:**

\$5700 from sponsorship will be used for this purchase.

### **ATTACHMENTS:**

1. Final Contract for Purchase of Phoenix





105 Gilead Road, Suite 300  
Huntersville, NC 28078  
(704) 766-2220

## CONTRACT FOR GOODS

**SELLER:** **Jim Weitzel**  
**185 Baxter Way**  
**Forest City, NC 28043**  
**828-899-7000**  
[weitzelart@aol.com](mailto:weitzelart@aol.com)

**PROJECT:** **Public Art Purchase - Phoenix**  
**SITE** **Park to be determined after**  
**LOCATION(S):** **purchase**

This Contract for good, and all exhibits, (collectively this “Contract”) is entered into this   16   day of   July  , 2025\_ by and between the Town of Huntersville, a municipal corporation of the State of North Carolina, (the “Town”) and Jim Weitzel located at 185 Baxter Way, Forest City, NC 28043\_ (the “Seller”).

### WITNESSETH:

That for and in consideration of the mutual promises set forth in this Contract, the sufficiency of which is acknowledged by the parties hereto, the parties do mutually agree as follows:

1. Sale of Goods. Pursuant to the terms and conditions of this Contract, the Seller agrees to transfer ownership and deliver possession to the Town, and the Town shall pay for and accept from the Seller, the “Goods” as shown in Exhibit C, attached hereto.
2. Purchase Price. In consideration of the Goods, Town shall pay to Seller the Purchase Price as shown in the Exhibit D attached hereto.
3. Bid Documents. If applicable, Seller and Town acknowledge that this Contract for Goods is based on bid documents submitted by Seller to Town. The bid documents shall control any terms not stated herein.
4. Standard Terms and Conditions. The Standard Terms and Conditions, attached hereto as Exhibit A, shall be a part of this Contract. The Standard Terms and Conditions are hereby incorporated by reference, and all parties agree to be bound thereby.
5. Delivery. Seller shall deliver the Goods to Town within the date specified in the bid documents. If the Contract was not subject to bidding requirements, the Seller shall deliver the Goods to the location and by the date specified in Exhibit C. Seller shall be responsible for freight, delivery, and shipping costs. Seller shall retain title to and ownership of the Goods until they are delivered to and approved by the Town.

In witness thereof, the contracting parties, by their authorized agents, affix their signatures and seals at Huntersville, North Carolina, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

**Seller**

**Town of Huntersville**

Name:

\_\_\_\_\_  
Name of Seller (type or print)

\_\_\_\_\_  
Town Manager

By:

\_\_\_\_\_  
(Signature)

Attest: \_\_\_\_\_  
Town Clerk

Title:

\_\_\_\_\_

This instrument has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act

Attest:

\_\_\_\_\_  
(Secretary, if a corporation)

\_\_\_\_\_  
Finance Director

**EXHIBIT A**  
**STANDARD TERMS & CONDITIONS**

1. **Acceptance.** Contractor's acknowledgment of the terms of this Contract constitutes an agreement to: (i) all terms and conditions set forth or referenced herein, (ii) on any attachments hereto, (iii) any applicable solicitation documentation related to this Contract (including without limitation any request for proposals or invitation for bids or Contractor's response thereto) that deal with the same subject matter as this Contract, and (iv) any other terms and conditions of a written agreement signed by Contractor and the Town that deals with the same subject matter as this Contract (collectively, the "Contract Documents"). The terms and provisions set forth in the Contract Documents shall constitute the entire agreement between Contractor and the Town with respect to the purchase by the Town of the: (i) goods ("Goods") and/or (ii) services provided or work performed ("Services") as described in the Contract Documents. The agreements set forth in the Contract Documents are sometimes referred to herein as the "Contract." In the event of any conflict between any terms and conditions of the Contract Documents, the terms and conditions most favorable to the Town shall control. No additional or supplemental provision or provisions in variance herewith that may appear in Contractor's quotation, acknowledgment, invoice, or in any other communication from Contractor to the Town shall be deemed accepted by or binding on the Town. The Town hereby expressly rejects all such provisions which supplement, modify, or otherwise vary from the terms of the Contract Documents, and such provisions are superseded by the terms and conditions stated in the Contract Documents, unless and until the Town's authorized representatives expressly assent, in writing, to such provisions. Stenographic and clerical errors and omissions by the Town are subject to correction.
2. **Entire Agreement.** These terms and conditions and any other specifications contained in any other documents referenced shall constitute and represent the complete and entire agreement between the Town and Contractor and supersede all previous communications, either written or verbal with respect to the subject matter of this Contract.
3. **Changes, Additions, Deletions.** No changes, additions, deletions, or substitutions of scope of work, specifications, terms and conditions, quantity, unit of issue, delivery date, delivery charges or price will be permitted without the prior written approval from the Town.
4. **Relationship of the Parties.** The Contractor is an independent contractor and not an employee of the Town. The conduct and control of the work will lie solely with the Contractor. The Contract shall not be construed as establishing a joint venture, partnership, or any principal-agent relationship for any purpose between the Contractor and the Town. Employees of the Contractor shall remain subject to the exclusive control and supervision of the Contractor, which is solely responsible for their compensation.
5. **Prices.** If Contractor's price or the regular market price of any of the Goods or Services covered hereunder is lower than the price stated in the Contract Documents on the date of shipment of such Goods or performance of such Services, Contractor agrees to give the Town the benefit of such lower price on any such Goods or Services. In no event shall Contractor's price be higher than the price last quoted or last charged to the Town unless otherwise agreed in writing. No charges for transportation, boxing, crating, etc. are allowable unless such charges are included in the Contract Documents.
6. **Taxes.** Any applicable taxes shall be invoiced as a separate item.
7. **Substitutions.** No substitutions or cancellations shall be permitted without prior written approval from the Town.
8. **Indemnification.** To the greatest extent allowed by North Carolina law the Contractor shall indemnify and hold harmless the Town, its officers, agents, employees and assigns from and against all claims, losses, costs, damages, expenses (including expenses of litigation and



attorneys' fees), and attorneys' fees ("Claims"). In the event that any portion of the Goods under the Contract shall be defective in any respect whatsoever, the Firm shall indemnify and save harmless the Town, its officers, agents, employees, and assigns from and against all Claims as defined herein, but only to the extent allowed by law.

Nothing contained in this Contract shall waive the Constitutional limitation on the Town indemnifying obligations of other parties.

9. **Invoices and Payment Terms.** It is understood and agreed that orders will be shipped at the established Contract prices in effect on dates orders are placed. Invoicing that does not comply with this provision will subject the Contract to cancellation. Upon satisfactory delivery of the Goods or satisfactory completion of the Work, all invoices and statements shall reference the Contract number and be submitted to: Town of Huntersville, Accounts Payable, PO Box 664, Huntersville, North Carolina, 28070. Payment terms are Net 30 days after receipt of correct, undisputed invoice or acceptance of Goods or Services, whichever is later.
10. **Anti-Discrimination and Equal Employment.** During the performance of the Contract, Contractor shall comply with all federal and state requirements concerning fair and equal employment and shall not discriminate against or deny the Contract's benefits to any person on the basis of race, religion, color, creed, national origin, age, sex (including sexual orientation, gender identity, and pregnancy), disability or handicapping condition, or genetic information.
11. **Insurance.** The Firm shall provide the insurance coverages shown on Exhibit B, attached hereto and incorporated herein by reference. The Firm shall provide the Town with a North Carolina Certificate of Insurance and such endorsements as may be required by the Contract Documents prior to the commencement of any work under the Contract and agrees to maintain such insurance until the completion of the Contract. Such certificates of insurance shall be considered part of the Contract.
12. **Ethics in Public Contracting.** By submitting their prices and acceptance of this Contract, all Contractors certify that their bids are made without collusion or fraud and that they have not offered or received any kickbacks or inducements from any other supplier, manufacturer, or subcontractor in connection with their offer, and that they have not conferred on any public employee having official responsibility for this procurement transaction any payment, loan, subscription, deposit of money, services or anything of more than nominal value, present or promised, unless consideration of substantially equal or greater value was exchanged.
13. **Applicable Laws and Courts.** All Town Contracts shall be governed in all respects by the laws of the State of North Carolina. All matters, whether sounding in contract or tort relating to the validity, construction, interpretation, and enforcement of the Contract, shall be governed in all respects by the laws of the State of North Carolina and venue shall be proper only in a court of competent jurisdiction located in Mecklenburg County, North Carolina. The Contractor represents and warrants that it shall comply with all applicable federal, state, and local laws, regulations, and orders, including, not limited to, licensure requirements.
14. **Codes and Permits.** When applicable, the Contractor shall obtain all required permits, give all required notices, and comply with all laws, ordinances, codes, rules, and regulations bearing on the conduct of the work under this contract. If the Contractor observes that the drawings and specifications are at variance therewith, he shall promptly notify the designer in writing. All work under this contract shall conform to the current North Carolina Building Code and other state and national codes as are applicable. If the Contractor performs any work knowing it to be contrary to such laws, ordinances, codes, rules and regulations, and without such notice to the Town, the Contractor shall bear all cost arising therefrom.
15. **License Requirement.** If applicable, the Contractor must be a licensed General Contractor as required by North Carolina General Statutes Section 87-1 and must have a good ethical and

professional standing with the North Carolina General Contractor's Licensing Board. The Contractor will be responsible for providing properly qualified, licensed (if required) personnel to complete the Work in accordance with the standard of care ordinarily used by members of the Contractor's profession practicing under similar circumstances and at the same time in Mecklenburg County.

16. **Strict Compliance.** The Town may at any time insist upon strict compliance with these terms and conditions notwithstanding any previous course of dealing or course of performance between the parties to the contrary.
17. **Assignment.** Contractor may not assign, pledge, or in any manner encumber Contractor's rights under this Contract or delegate the performance of any of its obligations hereunder, without Town's prior, express written consent.
18. **General Provisions.** The Town's remedies as set forth herein are not exclusive. Any delay or omission by the Town in exercising any right hereunder, or any waiver by the Town of any single breach or default hereunder, shall not be deemed to be a waiver of such right or of any other right, breach, or default.
19. **Warranties.** The Contractor warrants it shall adhere to all laws, codes, ordinances, and regulations of the United States, the State of North Carolina, the County of Mecklenburg, and the Town for the Goods outlined in this Contract and any attached specifications. Contractor warrants that any finished work completed hereunder shall also adhere to all laws, codes, ordinances, and regulations of the United States, the State of North Carolina, the County of Mecklenburg, and the Town. Contractor warrants that all Goods delivered hereunder will be free from defects in materials and workmanship and will conform strictly to the specifications, drawings, or samples specified or furnished. This warranty shall survive any inspection, delivery, acceptance, or payment by the Town for the Goods and shall run to the Town and any user of the Goods. This express warranty is in addition to Contractor's implied warranties of merchantability and fitness for a particular purpose which shall not be disclaimed. In addition to any other rights available at law or in equity, the Town shall be entitled to consequential and incidental damages.
20. **Quality and Workmanship.** All Goods delivered shall be to the satisfaction of the Town. The work shall not be considered complete nor applicable payments rendered until the Town is satisfied with the Goods provided.
21. **Default.** The Town may terminate the Contract, in whole or in part, immediately and without prior notice upon breach of the Contract by the Contractor. In addition to any other remedies available to the Town in law or equity, the Town may procure upon such terms as the Town shall deem appropriate, Goods substantially similar to those so terminated, in which case the Contractor shall be liable to the Town for any excess costs for such similar supplies or Goods and any expenses incurred in connection therewith.
22. **Termination for Convenience.** The Town shall have the right, without assigning any reason therefore, to terminate the Contract, in whole or in part, at any time at its complete discretion by providing 10 days' notice in writing from the Town to Contractor. If the Contract is terminated by the Town in accordance with this paragraph, the Contractor will be paid in an amount which bears the same ratio to the total compensation as does the Goods actually delivered or performed to the total originally contemplated in the Contract. The Town will not be liable to the Contractor for any costs for materials acquired or contracted for if such costs were incurred prior to the date of this Contract.
23. **Risk of Loss.** Risk of Loss for all supplies, materials, the Work performed, and the Project as it is being constructed, shall be on the Contractor until such time as substantial completion is achieved, and approved by the Town.

24. **No Third-Party Beneficiaries.** There shall be no intended nor incidental third-party beneficiaries of this Contract. Contractor shall include in all contracts, subcontracts, or other agreements relating to the Contract an acknowledgment by the contracting parties that the Contract creates no third-party beneficiaries.
25. **Exclusivity.** Nothing in this Contract shall require the Town to use the Contractor or prohibit the Town from soliciting third parties for the good or services provided in this Contract.
26. **Confidentiality.** The Contractor acknowledges the Town is subject public records law and no term shall be inconsistent with N.C.G.S. §132 et al.
27. **Valid Contract for Goods.** In order for a Contract of the Town to be valid, it must be executed by the Town Manager or his or her authorized designee, and must be pre-audited in that manner required by the Local Government Budget and Fiscal Control Act, as the same may be amended.
28. **Verification of Work Authorization.** Contractor shall comply with, and require all contractors and subcontractors to comply with, the requirements of Article 2 of Chapter 64 of the North Carolina General Statutes, "Verification of Work Authorization," sometimes known as E-verify, for all contractors and subcontractors.
29. **Iran Divestment List.** With the execution hereof, Contractor, certifies that they are not on the Iran Final Divestment List created by the N.C. State Treasurer pursuant to N.C.G.S. § 147-86.58, and will not contract with anyone on such List in performance of the work hereunder.
30. **Buyer.** All references to Buyer or Town, throughout these terms and conditions, shall refer to the Town of Huntersville, North Carolina.
31. **Contractor.** All references to Contractor, Seller, or Firm throughout these terms and conditions shall refer to the contractor identified on page 1 of this Contract.
32. **Authority to Sign.** Each of the Parties herein represents and warrants that the execution, delivery, and performance of this Contract has been duly authorized to execute this Contract and to bind that party of whose behalf the individual is signing.
33. **Availability of Funds.** Any and all payments to the Contractor are dependent upon and subject to the availability of funds to the Town for the purpose set forth in this agreement.
34. **Severability.** If any provision of this Contract is found to be invalid or unlawful, then remainder of this Contract shall not be affected thereby, and each remaining provision shall be valid and enforced to the fullest extent permitted by law.
35. **Companies that Boycott Israel.** With the execution hereof, Contractor, certifies that they are not on the Companies that Boycott Israel List created by the N.C. State Treasurer pursuant to N.C.G.S. § 147-86.80, and will not contract with anyone on such List in performance of the work hereunder.
36. **Governmental Immunity.** Nothing contained in this Contract shall constitute a waiver of the Town's governmental immunity or of any limitation on liability or damages created by law.

---

## ADDITIONAL TERMS AND CONDITIONS FOR FEDERAL CONTRACTS

For contracts using federal funds, the following additional terms and conditions shall apply:

1. **Davis-Bacon Act.** For all contracts in excess of \$2,000.00 for construction, alteration, or repair, including painting and decorating, of public buildings or public works, the Contractor shall comply with the Davis-Bacon Act, including payment of no less than the locally prevailing wages as determined by the Secretary of Labor. The contract shall not be valid unless the current prevailing wage as determined by the North Carolina Department of Labor is accepted. The Contractor shall also be prohibited from inducing, by any means, any person employed in the construction, completion, or repair of public work, to give up any part of the compensation to which he or she is otherwise entitled. The Town shall report all suspected or reported violations to the Federal awarding agency.
2. **Contract Work Hours and Safety Standards Act.** For contracts in excess of \$100,000 that involve the employment of mechanics or laborers, each contractor must be required to compute the wages of every mechanic and laborer on the basis of a standard work week of 40 hours. Work in excess of the standard work week is permissible provided that the worker is compensated at a rate of not less than one and a half times the basic rate of pay for all hours worked in excess of 40 hours in the work week. For construction work, no laborer or mechanic must be required to work in surroundings or under working conditions which are unsanitary, hazardous, or dangerous.
3. **Funding Agreements.** If a Federal award meets the definition of “funding agreement” under 37 C.F.R. § 401.2(a) and the Town or Contractor enter into a contract with a small business firm or nonprofit organization regarding the substitution of parties, assignment or performance of experimental, developmental, or research work under that “funding agreement,” the recipient or subrecipient must comply with the requirements of 37 C.F.R. Part 401.
4. **Clean Air Act and Federal Water Pollution Control Act.** Contractor shall comply with all applicable standards, orders, or regulations issued pursuant to the Clean Air Act and Federal Water Pollution Control Act as amended for any Contract in excess of \$150,000.00.
5. **Debarment and Suspension.** Contractor acknowledges and warrants that it is not listed on the governmentwide exclusions in the System Award Management (SAM) Exclusions, in accordance with the OMB guidelines at 2 C.F.R. § 180 for “Debarment and Suspension.”
6. **Byrd Anti-Lobbying Amendment (31 U.S.C. § 1352).** For an award exceeding \$100,000, Contractors must file the required certification. Each tier certifies to the tier above that it will not and has not used Federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any Federal contract, grant or any other award covered by 31 U.S.C. § 1352. Each tier must also disclose any lobbying with non-Federal funds that takes place in connection with obtaining any Federal award. Such disclosures are forwarded from tier to tier up to the Town.
7. **Prohibition on Certain Telecommunications and Video Surveillance Services or Equipment.** The Contractor warrants that their systems or equipment are not covered under telecommunication equipment as described in Public Law 115-232.

8. **Domestic Preference for Procurements.** As appropriate and to the extent consistent with law, the Contractor will, to the greatest extent practicable under a Federal award, provide a preference for the purchase, acquisition, or use of goods, products, or materials produced in the United States (including but not limited to iron, aluminum, steel, cement, and other manufactured products), as required under 2 C.F.R. § 200.322.
9. **Procurement of Recovered Material.** The Contractor agrees to comply with section 6002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act. The requirements of Section 6002 include procuring only items designated in guidelines of the Environmental Protection Agency (EPA) at 40 C.F.R. Part 247 that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition, where the purchase price of the item exceeds \$10,000; procuring solid waste management services in a manner that maximizes energy and resource recovery; and establishing an affirmative procurement program for procurement of recovered materials identified in the EPA guidelines.
10. **Energy Policy and Conservation Act.** Contractor shall comply with all mandatory standards and policies relating to energy efficiency, which are contained in the state energy conservation plan issued in compliance with the Energy Policy and Conservation Act (42 U.S.C. 6201).
11. **Uniform Guidance Policies.** The Contractor agrees to be bound by all Town Uniform Guidance Policies, which are included herein by reference.
12. **2 C.F.R. Part 200, Appendix II.** The Contractor agrees to be bound by all of the provisions under 2 C.F.R. Part 200, Appendix II, which are included herein by reference.
13. **Equal Employment Opportunity.** Except as otherwise provided under 41 CFR Part 60, all contracts that meet the definition of “federally assisted construction contract” in 41 CFR Part 60-1.3 include, by reference, the equal opportunity clause provided under 41 CFR 60-1.4(b). The Contractor agrees to abide by 41 CFR 60-1.4(b) during the performance of the contract<sup>1</sup>.
14. **Build America, Buy America Act.** When federal funds subject to the requirements of the Build America, Buy American Act (“BABA”) are used in an infrastructure project as defined by BABA, for which the total cost of the project exceeds the federal simplified acquisition threshold, the Buy America Preference (“BAP”) as set forth in 2 C.F.R. Part § 184 shall apply to all project materials that are subject to the provisions of BABA, unless otherwise excepted.

---

<sup>1</sup> 60 CFR Part 60-1.4(b) can be accessed at: [https://www.ecfr.gov/current/title-41/subtitle-B/chapter-60/part-60-1/subpart-A/section-60-1.4#p-60-1.4\(b\)](https://www.ecfr.gov/current/title-41/subtitle-B/chapter-60/part-60-1/subpart-A/section-60-1.4#p-60-1.4(b))

**EXHIBIT B**  
**INSURANCE AND BOND REQUIREMENTS**

1. The Work under this Contract shall not commence until the Contractor has obtained all required insurance and verifying certificates of insurance have been approved in writing by the Town. The Contractor shall furnish the Town with satisfactory proof of carriage of the insurance required before written approval is granted by the Town.
2. The insurance coverage shall be provided and maintained for the duration of the Contract.
3. Except for Worker's Compensation and Professional Liability policies, the Town shall be named as additional insured on all policies with coverage at least as broad as that provided to the named insureds.
4. The verifying certificates shall document that coverages afforded under the policies will not be cancelled, reduced in amount, or coverages eliminated until at least thirty (30) days after mailing written notice, by certified mail, return receipt requested, to the insured and the Town of such alteration or cancellation.
5. If endorsements are needed to comply with the notification or other requirements of this Agreement, copies of the endorsements shall be submitted with the certificates.
6. Any deductible, if applicable to loss covered by insurance provided, is to be borne by the Contractor.
7. The Contractor is required to provide and maintain the following minimum insurance coverage:

a. **Worker's Compensation and Employer's Liability.**

The Contractor shall provide and maintain, until final acceptance, Workers' Compensation insurance, as required by law, as well as employer's liability coverage with minimum limits of \$1,000,000.

b. **Commercial General Liability (CGL) Insurance.**

The Contractor shall provide and maintain, commercial general liability insurance, including coverage for premises operations, independent contractors, completed operations, products and contractual exposures, as shall protect such contractors from claims arising out of any bodily injury, including accidental death, as well as from claims for property damages which may arise from operations under this contract, whether such operations be by the Contractor or by any subcontractor, or by anyone directly or indirectly employed by either of them and the minimum limits of such insurance shall be as follows:

|                                    |                                                  |
|------------------------------------|--------------------------------------------------|
| Bodily Injury:                     | \$1,000,000 per occurrence/\$2,000,000 aggregate |
| Property Damage:                   | \$1,000,000 per occurrence/\$2,000,000 aggregate |
| Products/<br>Completed Operations: | \$1,000,000 per occurrence/\$2,000,000 aggregate |

Such coverage for completed operations must be maintained for at least two (2) years following final acceptance of the Work performed under the contract.

The commercial general liability insurance policy shall provide that such insurance is primary to and non-contributory with any liability insurance carried by the additional insureds and provide a severability of interests clause.

c. **Automobile Liability.**

The Contractor shall provide and maintain automobile liability coverage including coverage for owned, hired, and non-owned vehicles, with limits no less than \$1,000,000 per accident for bodily injury and property damage.

d. **Builder's Risk/Course of Construction.**

For construction projects, the Contractor shall provide and maintain builder's risk coverage utilizing an "All Risk" (Special Perils) coverage form, with limits equal to the completed value of the project and no coinsurance penalty provisions.

This coverage is not required for road maintenance projects.

e. **Professional Liability.**

The Contractor shall provide and maintain professional liability coverage with limits no less than \$2,000,000.

f. **Pollution Liability.**

The Contractor shall provide and maintain pollution liability coverage with minimum limits of \$1,000,000 per occurrence/aggregate.

g. **Umbrella Coverage.**

The Contractor shall provide and maintain umbrella coverage with minimum limits of no less than \$1,000,000 per occurrence/aggregate.

h. **Other Insurance.**

The Contractor shall obtain such additional insurance as may be required by the Town or by the General Statutes of North Carolina including motor vehicle insurance, in amounts not less than the statutory limits.

8. If the Contractor maintains broader coverage and/or higher limits than the minimum limits shown above, the Town requires and shall be entitled to the broader coverage and/or high limits maintained by the Contractor. Any available insurance proceeds in excess of the specified minimum limits of insurance and coverage shall be available to the Town.
9. The policies shall provide that any failure to comply with reporting provisions of the policies shall not affect coverage provided to the Town or its officers, officials, employees, agents, or volunteers.

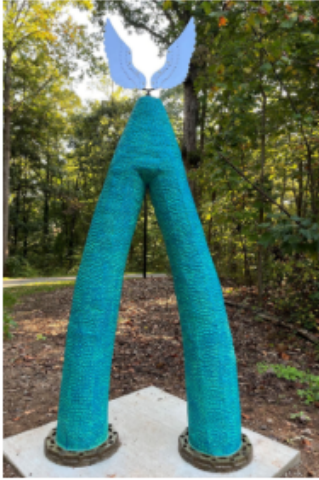
10. All liability and Workers' Compensation insurance policies shall provide that the insurance company waives all rights of recovery by way of subrogation against the Town and other insureds.
11. The insurance providers shall be North Carolina admitted insurers (licensed to do business in North Carolina) with a current A.M. Best's rating of no less than A-VIII. Notwithstanding the foregoing, if no North Carolina admitted insurance company provides the required insurance, it is acceptable to procure the required insurance from a United States domiciled carrier that meets the required Best's rating.
12. The Town reserves the right to modify these requirements, including limits, based on the nature of the risk, prior experience, insurer, coverage, or other circumstances.
13. The limits of insurance described herein shall not limit the liability of the Contractor and Contractor's officers, employees, agents, representatives, and subcontractors. The Contractor's obligation to defend, indemnify, and hold the Town and its officers, officials, employees, agents and volunteers harmless under the provisions of this paragraph are not limited to or restricted by any requirement in the Contract for Contractor to procure and maintain a policy of insurance.
14. For construction projects only, the Contractor shall require and verify that all subcontractors maintain insurance meeting all the requirements stated herein, and Contractor shall ensure that Town is an additional insured on insurance required from subcontractors.
15. For construction projects only, the Contractor shall provide a payment bond and a performance bond in a sum equal to 100% of the contract price.



## EXHIBIT C – GOODS

(insert description of goods purchased)

### "Phoenix" - Jim Weitzel



Located on The Vine

Cost: \$5,700

Materials: Bonding cement over wire lathe, polished stainless steel

Dimensions: 8' x 4' x 1'

#### About the Sculpture:

Phoenix is a part of Weitzel's current series of sculptures, "Wings," in various sizes all made of thick sculpted copper, with steel, wood, and sometimes leather additions. They evoke thought of birds and angels. The artist includes medallions and small plaques on these sculptures with inspirational words and poems again in continuing efforts to create art that has more to say. He adds patinas to create an aged look, referencing classic sculpture. Phoenix is an homage to the Firebird sculpture by Niki de Saint Phalle.

#### About the Artist:

Jim Weitzel grew up outside of Cleveland, Ohio and was fortunate to spend many hours at the Cleveland Museum of Art and to live just minutes away from the Dali collection that now lives in St. Petersburg, Florida. These collections have had a lasting effect on the work that he produces. Weitzel attended the Columbus College of Art and Design in Columbus, Ohio, and graduated in 1979. For the last 40 years, he has been living in North Carolina. He has been creating art from an early age, and often says that he has two great passions in his life: "Art and [his] role working with individuals recovering from mental and emotional difficulties." The two are interconnected, each giving strength to the other.

It is Weitzel's ambition to create large scale public work and at the same time shine a light on the plight of those who deal with lives disrupted by these conditions. He also has a great interest in art history and use references of past artists in his works, whether inspiration comes from the Dada movement, Picasso, David Smith, Native American art, or ancient Greek, Roman or Egyptian creative works. Through these roots, he strives to have his work be more than just objects and to have a deeper meaning that connects us to a spiritual life and our fellow man.

## EXHIBIT D- FEE SCHEDULE

Date: 7/16/25

Jim Weitzel  
185 Baxter Way  
Forest City, NC 28043  
828- 899-7000  
weitzelart@aol.com

| Salesperson | Job | Payment<br>Terms | Due Date |
|-------------|-----|------------------|----------|
|             |     | Due on receipt   |          |

| Qty | Description | Unit Price | Line Total |
|-----|-------------|------------|------------|
|-----|-------------|------------|------------|

|   |                            |  |         |
|---|----------------------------|--|---------|
| 1 | SCULPTURE CALLED "PHOENIX" |  | \$5,700 |
|---|----------------------------|--|---------|

Subtotal  
Sales Tax  
Total \$5,700

Thank you for your business!

---

Company Name

Date

---

Print Name

Title

---

Signature



## **Request for Board Action**

July 15, 2025

**To:** The Honorable Mayor and Board of Commissioners

**From:** Michael Jaycocks, Director of Parks and Recreation

**Subject:** Budget Amendment for Art Exhibit

---

### **EXPLAIN REQUEST:**

Appropriate Sponsorship revenue (103505.9999) of \$5,700 to the Non-capitalized equipment expense account (106200.0280). These funds will be used to purchase a current SculpTOUR art exhibit from Jim Weitzel named The Phoenix.

### **ACTION RECOMMENDED:**

Approve Budget Amendment

### **FINANCIAL IMPLICATIONS:**

No net impact to fund balance; offsetting revenue and expense.

### **ATTACHMENTS:**

None



## **Request for Board Action**

July 15, 2025

**To:** The Honorable Mayor and Board of Commissioners

**From:** Nathan Farber, Senior Planner

**Subject:** Call for Public Hearing on Petition #R25-07 Home2Hilton

---

### **EXPLAIN REQUEST:**

Call a public hearing for Tuesday, August 5, 2025, at 6:00p.m. at Huntersville Town Hall, Huntersville, NC 28078 for Petition R25-07, a request by PM Patel to rezone +/- 4.69 acres from Corporate Business and General Residential to Highway Commercial with a Conditional District.

### **ACTION RECOMMENDED:**

Call Hearing

### **FINANCIAL IMPLICATIONS:**

N/A

### **ATTACHMENTS:**

None



## **Request for Board Action**

July 15, 2025

**To:** The Honorable Mayor and Board of Commissioners

**From:** Nathan Farber, Senior Planner

**Subject:** Call a Public Hearing on Petition #TA25-09 Solar Ordinance Changes

---

### **EXPLAIN REQUEST:**

Call a public hearing for Tuesday, August 5, 2025, at 6:00 p.m. at Huntersville Town Hall, Huntersville, NC 28078, on petition #TA25-09, a request by Burkert USA Corporation to amend the Article 9.54 of the Zoning Ordinance.

### **ACTION RECOMMENDED:**

Call a Hearing

### **FINANCIAL IMPLICATIONS:**

N/A

### **ATTACHMENTS:**

None



## **Request for Board Action**

July 15, 2025

**To:** The Honorable Mayor and Board of Commissioners

**From:** Emily Sloop, Town Attorney

**Subject:**

---

### **EXPLAIN REQUEST:**

The Town Board previously directed staff to update the Rules of Procedure to redesignate functions of the Board of Adjustment to the Planning Board

### **ACTION RECOMMENDED:**

### **FINANCIAL IMPLICATIONS:**

### **ATTACHMENTS:**

1. Planning Board ROP 4-23-25 EAS\_
2. Planning Board ROP Clean 7-10-25

# **Town of Huntersville Planning Board Rules of Procedure**

1. **Board:** The official name of this Board shall be the Town of Huntersville Planning Board, which shall be referred to as the Board.

2. **Authority and Responsibility**

- a. **Authority:** The Board shall be appointed by the Huntersville Town Board of Commissioners (“Town Board”) and governed by ~~the N.C.G.S. §Chapter~~ 160D ~~of the North Carolina General Statutes~~, and the Town of Huntersville Zoning Ordinances, Subdivision Ordinance~~s~~ and Code of Ordinances.
- b. **Responsibility:** The Board will have the following powers and duties to be carried out in accordance with these regulations.

i. **Advisory:**

- ~~1. Serve as the advisory board on all requests for changes in the zoning regulations and ordinances of the Town of Huntersville.~~
- ~~2.1.~~ Hear all requests for ~~rezonings~~ ~~changes or other zoning action~~ and ~~shall, upon such hearings,~~ make advisory recommendations to the Town Board as to any requested ~~changes or action regarding rezonings.~~ ~~this ordinance.~~
- ~~3.2.~~ Hear and make advisory recommendations on proposed amendments to the text of the Town’s development~~se~~ regulations; ~~to propose, as needed, amendments to change the text of these regulations.~~
- ~~Make recommendations to the Town Board or other governmental agencies consistent with the Board’s charged obligation to provide for proper planning for the future growth of the Town and its environs.~~
- ~~4.3.~~ Perform any other related duties that the Town Board may direct.

**Commented [ES1]:** They also provide recommendations on other development regulations that require a recommendation per 160D. I removed the first item bc it is duplicative.

ii. **Quasi-judicial:**



1. Hear and decide appeals according to [N.C.G.S. § 160D](#), and the procedures of the Town of Huntersville Zoning Ordinance, Article 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.
2. Hear and decide applications for variances ~~from the terms of this ordinance~~ according to the [applicable statutes](#), 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 [on the variance](#) by the Board.
3. 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.

### 3. Membership

- a. **Composition:** ~~In accordance with N.C.G.S. § 160D-301,~~ [T](#)he Board shall consist of a total of nine regular members (“Regular Member(s)”) and ~~two~~[three](#) alternate members (“Alternate Member(s)”). All members shall reside in the Town of Huntersville or its planning jurisdiction. The number of members shall be determined by the Town Board. The number of members who reside in the Extra-territorial Jurisdiction Area (“ETJ”) shall be determined by the Town Board in accordance with N.C.G.S. § 160D-307 and applicable state statutes.
  - i. **Regular Members:** Regular Members are entitled to participate in the agenda items ~~on the table at that time~~ as the acting Board. ~~Members shall~~

~~consist of no more than eight (8) members who reside within the corporate limits, and no less than one (1) extraterritorial member to meet the requirement of N.C.G.S. § 160D-307 for proportional representation.~~

Commented [ES2]: Duplicative

- ii. **Alternate Members:** Alternate Members may not participate in an agenda item unless they are sitting in substitution of a Regular Member. Alternate Members shall consist of no less than two (2) members who reside within the corporate limits, with the remaining Alternate Member residing in either the corporate limits or the ETJ.
- b. **Appointment:** All Members shall be appointed by the Town Board ~~according to their Rules of Procedure~~. According to statute, ETJ members shall be appointed by the Mecklenburg County Board of Commissioners upon recommendation by the Town Board.
- c. **Terms:** All Members of the Board shall be appointed to a three (3) year term of office, limited to two (2) consecutive terms, unless the term limit is waived by the Town Board. Former members may be reappointed after remaining off the Board for at least one (1) year. All mid-term vacancies, for any reason, will be appointed according to the Town Board Rules of Procedure. The expiration date of each term shall be when a successor is appointed and qualifies, and the term of the office of the succeeding member shall begin on the following meeting that the succeeding member is appointed and qualifies. The Town Board may appoint certain members for more or less than three (3) years so that the terms of all members shall not expire at the same time.
- d. **Attendance:**
  - i. **Notification:** All members who will be unable to attend a regular meeting of the Board must contact the Chair or Clerk at least 24 hours prior to the scheduled meeting.
  - ii. **Forfeiture:** Any member, while serving as a Regular Member, attending fewer than seventy-five percent (75%) of the Regular meetings in a twelve (12) consecutive month period or who misses three (3) consecutive regular meetings, may be asked to forfeit their position by the Town Board. Upon request, the member must relinquish the position.

~~e.—~~ **Additional Roles:** All Board members are eligible members of the Board of Adjustment and will serve on a rotating basis for cases or sets of cases (if multiple cases are heard at a single meeting). Those not scheduled to serve shall serve as alternates.

~~f.e.~~ **Conduct:** All members are subject to the Code of Conduct and Social Media Policy as adopted by the Town Board.

~~g.f.~~ **Removal:** Members of the Board may be removed by the Town Board for cause, including but not limited to, violation of the Town's Code of Ethics, Social Media Policy, or of the Rules stated herein.

#### 4. Officers and Staff

##### a. Officers

- i. **Chair:** The Chair shall be elected by a majority of the Board for a one (1) year term and may be reelected for subsequent terms. The Chair shall preside at all meetings of the Board and have all the duties normally conferred on such an office. The Chair is a voting member of the Board.
- ii. **Vice-Chair:** The Vice-Chair shall be elected by a majority of the Board for a one (1) year term and may be reelected for subsequent terms. In the Chairman's absence, the Vice Chairman shall preside, and when presiding, shall have the right to vote upon all questions. If both the Chair and Vice-Chair are absent or recused, another member decided by majority vote of the Board members present shall preside. The Vice-Chair is a voting member of the Board.

- b. ~~Secretary~~**General Duties of Staff:** The Planning Director or his/her designee(s) shall serve as ~~Secretary~~liaison staff to the Board and shall: ~~k~~Keep the minutes and records of the Board; prepare the agenda for regular and special meetings; provide notice of meetings; attend to correspondence of the Board; and provide technical assistance to the Board. The minutes shall reflect all the important facts pertaining to each meeting and hearing, including the members present, absent, or recused

for each matter before the Board; the vote of each voting member of the Board upon the final determination of any question before the Board; and the resolution of every matter acted upon by the Board. The minutes shall be kept at the office of the Planning Department. The Secretary is authorized to administer oaths to witnesses (who may either swear or affirm) in any matter coming before the Board.

## **5. Meetings**

- a. **Regular:** Regular meetings of the Board shall be held once a month at Town Hall, or as otherwise permitted in a public manner, at a regular date and time determined by the Board. The Board shall adopt an annual schedule of regular meetings at its organizational meeting or as soon thereafter as a quorum is established.
- b. **Special:** Special meetings may be called by the Chair, Vice-Chair, or five or more members of the Board provided that a minimum of forty-eight (48) hours of notice is given prior to the meeting and all other legal notifications required under state statutes have been met. A written notice stating the business to be transacted signed by the member(s) calling the meeting must be delivered to each member, the Planning Director, and his/her designee, by mail, email, in hand to each member or to be left at his usual dwelling or place of business. All North Carolina Open Meetings laws must be met. Only the business stated in the written notice may be transacted at the special meeting so called. The Planning Director or his/her designee shall maintain a roster containing contact information for each Board member.
- c. **Organizational:** At the regular Planning Board meeting in April~~March~~, the Board shall elect from its members a Chairman and Vice Chairman for a term of one year. In the event there is no regular meeting in April~~March~~, or the Board does not otherwise elect a Chairman and Vice Chairman, the previous Chairman and Vice Chairman shall hold the position until the election occurs. Officeholders, however, shall be limited to Regular Members.~~An organizational meeting shall be~~

~~held at the regular Board meeting each March, or as soon thereafter as a quorum is established, the Board shall elect from its members a Chair and Vice-Chair and adopt an annual schedule of regular meetings. The previous Chairman and Vice-Chairman shall hold the position until the election occurs. Officeholders shall be limited to Regular Members.~~

**Electronic Meetings:** ~~Electronic~~

~~i. Electronic M~~meetings for a regular, special, or emergency meeting as a remote, electronic meeting using technology such as Zoom, Ring Central, or another virtual or teleconferencing platform may be held when a State of Emergency has been declared in accordance with N.C.G.S. § 166A-19.20 that is applicable within the Town limits ~~or upon a consensus from the Town Board when no State of Emergency is in effect. Under such conditions, an electronic meeting shall be treated as though it were a meeting at which all of the Board members who are simultaneously communicating are physically present and maintain connection to the meeting for the purposes of quorum and voting.~~ Any electronic meeting held under this rule must comply with the requirements of N.C.G.S § 166A-19.24 and N.C.G.S. § 143-318.13.

~~ii. If no State of Emergency is in effect in accordance with N.C.G.S. § 166A-19.20 that is applicable within the Town limits, the Planning Board may hold a regular, special, or emergency meeting as a remote, electronic meeting using technology such as Zoom, Ring Central, or another virtual or teleconferencing platform only upon a consensus from the Town Board allowing the remote meeting. The Planning Board may not hold a virtual meeting under this subsection if there is a quasi-judicial matter on the agenda.~~

~~Any electronic meeting held under this rule must comply with the requirements of N.C.G.S § 166A-19.24 and N.C.G.S. § 143-318.13. Under such conditions, an electronic meeting shall be treated as though it were a meeting at which all of the Board members who are simultaneously communicating are physically present.~~

d.

A member of the public body participating by simultaneous communication under this section shall be counted as present for quorum purposes only during the period while simultaneous communication is maintained for that member.

Votes of each member made during a remote meeting under this section shall be counted as if the member were “physically present” only during the period while simultaneous communication is maintained for that member.

The Planning Board may not hold a virtual meeting under this subsection if there is a quasi-judicial matter on the agenda.

d.

- e. **Standing or Ad Hoc Committee’s:** The Board may form standing or ad hoc committee’s. Any committee shall follow these Rules of Procedure. (#25)

- f. **Public Access and Notifications:** All regular meetings, special meetings, and hearings of this Board shall be open to the public as provided in the North Carolina Open Meetings Law. All minutes of meetings shall be public records as provided in the North Carolina General Statutes.

6. **Public Comments:** The Planning Board shall adhere to the Town of Huntersville Public Comment Policy adopted by the Town Board of Commissioners.
7. **Quorum:** A simple majority of appointed members shall constitute a quorum. A member, who leaves a meeting, whether excused or unexcused, shall be counted as present for purposes of determining whether a quorum is present.
8. **Auxiliary Rules:** The Board shall operate according to Robert’s Rules of Order to the extent not contrary to these Rules of Procedure. The Chairperson, or Vice-Chair in the absence of the Chair, subject to these rules, shall decide all points of procedure unless otherwise directed by a majority of the Board in session at that time. For all quasi-judicial

~~matters~~hearings, the Board shall operate according to N.C.G.S. § 160D-406 for quasi-judicial procedure.

## 9. Order of Business

- a. **Agenda:** Items of business shall appear on the agenda. The Planning Director or designee shall prepare the agenda for the meeting. The agenda shall be distributed to all Board members and made available to the public. During its consideration of the agenda, Board members shall confine their discussion and comments to those items that appear on the agenda

- b. **Advisory Items**

- i. **Order of Business:** The general order of business shall be as follows:

1. Call to Order, Determination of Quorum
    2. Notice of changes to the agenda
    - 2.3. Adoption of agenda
    4. Approval of minutes of previous meetings
    - 3.5. Action Agenda

- a. **Advisory Items:**

- i. Public comments
        - ii. Action Agenda
          1. Presentation and/or recommendation by staff
          2. Presentation by applicant (not to exceed 15 minutes)
          3. Board questions
          4. Motion
          5. Board discussion
          6. Decision

- b. **Quasi-judicial Items:**

- i. Determination of Standing
        - ii. Submission of witness list
        - iii. Administering of oath

- iv. Staff preliminary statement
- v. Applicant argument
- vi. Other parties with standing for/against present argument(s)
- vii. Other parties who lack standing may be recognized by Chair to present ~~argument~~
- viii. All parties with standing may present rebuttals ~~and cross examine witnesses~~
- ix. Board questions
- x. Chair will close public discussion
- xi. Board will publicly discuss without further input from public. Board may seek ~~clarification input, cross-examination, and rebuttals may be made by parties with standing.~~
- xii. Motion
- xiii. Board discussion
- xiv. Decision

#### 4.6. Other Business

#### 7. Adjournment

### 10. Conflict of Interest

- a. **Advisory Definition:** Members of the Planning Board shall not vote on any advisory decision regarding a development regulation where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member. An appointed board member shall not vote on any zoning amendment if the landowner of the property subject to a rezoning petition or the applicant for a text amendment is a person with whom the member has a close familial, business, or other associational relationship. Conflicts of interest shall include, but are not limited to, (a) a close



~~familial, business or other associational relationship with a person affected by the matter before the Board, or (b) a financial interest in the outcome of the matter.~~

- b. **~~Ex Parte Communications~~Quasi-Judicial:** For the purposes of quasi-judicial hearings, due process must be maintained. A member 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. This includes, but is not limited to, not compromising the constitutional right of any affected party to an impartial decision maker, not entering the hearing with a fixed opinion that is not susceptible to change and not participating in any undisclosed ex parte communications. Ex pParte communications are communication with a decision maker about a pending matter that occurs outside of the formal hearing and without the knowledge or participation of all parties involved.
- c. **Declaration:** When a member believes that he or she has a conflict of interest related to a specific matter, he or she shall declare it prior to any consideration of the matter. The member shall state the nature of the conflict to the Board, and the Board shall take action by a majority vote in determining whether ~~or not~~ to excuse the member from participation during consideration of and voting on that matter.
- d. **Recusal:** The excuse of a member due to a conflict of interest shall not constitute an absence and shall not affect the determination that a quorum is present.
- Participation:** An excused member ~~must~~ exit remain in the meeting room and, ~~but~~ shall not participate in the discussion of, and shall not vote on, the matter.
- e.

## 11. Action by Board

- a. **Actions:** All actions of the Board shall be in the form of a motion, duly seconded, and voted upon by all members present. If no quorum is present, the only motion permitted is a motion to adjourn, including a motion to adjourn to a specified date and time which may be other than the regular meeting date and time.
- b. **Voting:** Voting shall be done by a show of hands. Voting by proxy shall not be permitted. The abstention of any member who is physically present or has withdrawn without being excused by the Board due to a conflict of interest or other declared reason shall be recorded as an affirmative vote when voting on advisory matters.
- c. **Advisory Decisions:** Advisory items ~~motions~~ may be passed by a simple majority of affirmative votes. In the event an advisory motion fails, a follow-up motion reflecting the position that the Board is recommending to the Town Board should be made. The Board shall advise and comment on whether the proposed text or map amendments are consistent with the adopted Huntersville Community Plan and other adopted long-range plans that are applicable.
- d. **Quasi-judicial Decisions:** ~~Except for variances, Q~~quasi-judicial items may be passed by a simple majority of affirmative votes. Variances require a four-fifths (4/5) majority of affirmative votes. In accordance with N.C.G.S. § 160D-406(j) all decisions shall include findings of fact on the matter based on substantial, competent, material evidence in record.
- e. **Deferral:** Per the Town of Huntersville Zoning Ordinance Article 11.4.7 (b), ~~t~~The Planning Board may defer action on a request one time for one of the following reasons: the public hearing remains open; ordinance required information is not completed; the petitioner agrees and/or requests a deferral. The Planning Board may defer action on a request one additional time not limited to the reasons listed above, provided the Planning Board state the reason for deferral and it be related to address ordinance standards. Deferrals should be no earlier than forty-eight (48) hours and should include the date and time the item is being deferred to.

12. **Adoption ~~and~~ Amendment:** These Rules shall at all times be consistent with all ordinances of the Town of Huntersville and laws of the State of North Carolina. Should any provisions of these Rules be inconsistent with such ordinances or laws of the State of North Carolina, said ordinances and laws shall control.

The Town Board, by a majority vote, shall adopt the Rules of Procedure. These Rules may, within the limits allowed by law, be amended at any time by an affirmative vote of two-thirds (2/3rds) of the Town Board, or an affirmative vote of the majority of the Town Board, provided that such amendments were presented in writing at a regular or special meeting before the meeting at which the vote is taken.

Adopted, as amended, this \_\_\_\_ day of \_\_\_\_\_ 2025.

\_\_\_\_\_  
\_\_\_\_\_, Mayor, Town of Huntersville

ATTEST:

\_\_\_\_\_  
Town Clerk

# **Town of Huntersville Planning Board Rules of Procedure**

1. **Board:** The official name of this Board shall be the Town of Huntersville Planning Board, which shall be referred to as the Board.

## 2. **Authority and Responsibility**

- a. **Authority:** The Board shall be appointed by the Huntersville Town Board of Commissioners (“Town Board”) and governed by Chapter 160D of the North Carolina General Statutes, and the Town of Huntersville Zoning Ordinance, Subdivision Ordinance, and Code of Ordinances.
- b. **Responsibility:** The Board will have the following powers and duties to be carried out in accordance with these regulations.

### i. **Advisory:**

1. Hear all requests for rezonings and make advisory recommendations to the Town Board as to any requested rezonings.
2. Hear and make advisory recommendations on proposed amendments to the text of the Town’s development regulations.
3. Perform any other related duties that the Town Board may direct.

### ii. **Quasi-judicial:**

1. Hear and decide appeals according to N.C.G.S. § 160D, and the procedures of the Town of Huntersville Zoning Ordinance, Article 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.
2. Hear and decide applications for variances according to the applicable statutes, standards, and procedures herein. Appropriate conditions, which must be reasonably related to the condition or

circumstance that gives rise to the need for a variance, may be imposed on the variance by the Board.

3. 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.

### 3. Membership

- a. **Composition:** The Board shall consist of a total of nine regular members (“Regular Member(s)”) and two alternate members (“Alternate Member(s)”). All members shall reside in the Town of Huntersville or its planning jurisdiction. The number of members shall be determined by the Town Board. The number of members who reside in the Extra-territorial Jurisdiction Area (“ETJ”) shall be determined by the Town Board in accordance with N.C.G.S. § 160D-307 and applicable state statutes.
  - i. **Regular Members:** Regular Members are entitled to participate in the agenda items as the acting Board.
  - ii. **Alternate Members:** Alternate Members may not participate in an agenda item unless they are sitting in substitution of a Regular Member. Alternate Members shall consist of no less than two (2) members who reside within the corporate limits, with the remaining Alternate Member residing in either the corporate limits or the ETJ.
- b. **Appointment:** All Members shall be appointed by the Town Board. According to statute, ETJ members shall be appointed by the Mecklenburg County Board of Commissioners upon recommendation by the Town Board.
- c. **Terms:** All Members of the Board shall be appointed to a three (3) year term of office, limited to two (2) consecutive terms, unless the term limit is waived by the Town Board. Former members may be reappointed after remaining off the Board for at least one (1) year. All mid-term vacancies, for any reason, will be

appointed according to the Town Board Rules of Procedure. The expiration date of each term shall be when a successor is appointed and qualifies, and the term of the office of the succeeding member shall begin on the following meeting that the succeeding member is appointed and qualifies. The Town Board may appoint certain members for more or less than three (3) years so that the terms of all members shall not expire at the same time.

d. **Attendance:**

- i. **Notification:** All members who will be unable to attend a regular meeting of the Board must contact the Chair or Clerk at least 24 hours prior to the scheduled meeting.
- ii. **Forfeiture:** Any member, while serving as a Regular Member, attending fewer than seventy-five percent (75%) of the Regular meetings in a twelve (12) consecutive month period or who misses three (3) consecutive regular meetings, may be asked to forfeit their position by the Town Board. Upon request, the member must relinquish the position.

e. **Conduct:** All members are subject to the Code of Conduct and Social Media Policy as adopted by the Town Board.

f. **Removal:** Members of the Board may be removed by the Town Board for cause, including but not limited to, violation of the Town's Code of Ethics, Social Media Policy, or of the Rules stated herein.

#### 4. **Officers and Staff**

a. **Officers**

- i. **Chair:** The Chair shall be elected by a majority of the Board for a one (1) year term and may be reelected for subsequent terms. The Chair shall preside at all meetings of the Board and have all the duties normally conferred on such an office. The Chair is a voting member of the Board.
- ii. **Vice-Chair:** The Vice-Chair shall be elected by a majority of the Board for a one (1) year term and may be reelected for subsequent terms. In the Chairman's absence, the Vice Chairman shall preside, and when presiding, shall have the right to vote upon all questions. If both the Chair and Vice-

Chair are absent or recused, another member decided by majority vote of the Board members present shall preside. The Vice-Chair is a voting member of the Board.

- b. **Secretary:** The Planning Director or his/her designee(s) shall serve as Secretary to the Board and shall: keep the minutes and records of the Board; prepare the agenda for regular and special meetings; provide notice of meetings; attend to correspondence of the Board; and provide technical assistance to the Board. The minutes shall reflect all the important facts pertaining to each meeting and hearing, including the members present, absent, or recused for each matter before the Board; the vote of each voting member of the Board upon the final determination of any question before the Board; and the resolution of every matter acted upon by the Board. The minutes shall be kept at the office of the Planning Department. The Secretary is authorized to administer oaths to witnesses (who may either swear or affirm) in any matter coming before the Board.

## 5. Meetings

- a. **Regular:** Regular meetings of the Board shall be held once a month at Town Hall, or as otherwise permitted in a public manner, at a regular date and time determined by the Board. The Board shall adopt an annual schedule of regular meetings at its organizational meeting or as soon thereafter as a quorum is established.
- b. **Special:** Special meetings may be called by the Chair, Vice-Chair, or five or more members of the Board provided that a minimum of forty-eight (48) hours of notice is given prior to the meeting and all other legal notifications required under state statutes have been met. A written notice stating the business to be transacted signed by the member(s) calling the meeting must be delivered to each member, the Planning Director, and his/her designee, by mail, email, in hand to each member or to be left at his usual dwelling or place of business. All North Carolina Open Meetings laws must be met. Only the business stated in the written notice may be transacted at the special meeting so called. The Planning Director or



his/her designee shall maintain a roster containing contact information for each Board member.

- c. **Organizational:** At the regular Planning Board meeting in April the Board shall elect from its members a Chairman and Vice Chairman for a term of one year. In the event there is no regular meeting in April or the Board does not otherwise elect a Chairman and Vice Chairman, the previous Chairman and Vice Chairman shall hold the position until the election occurs. Officeholders, however, shall be limited to Regular Members.
- d. **Electronic Meetings:** Meetings for a regular, special, or emergency meeting as a remote, electronic meeting using technology such as Zoom, Ring Central, or another virtual or teleconferencing platform may be held when a State of Emergency has been declared in accordance with N.C.G.S. § 166A-19.20 that is applicable within the Town limits or upon a consensus from the Town Board when no State of Emergency is in effect. Any electronic meeting held under this rule must comply with the requirements of N.C.G.S § 166A-19.24 and N.C.G.S. § 143-318.13. Under such conditions, an electronic meeting shall be treated as though it were a meeting at which all of the Board members who are simultaneously communicating are physically present.

A member of the public body participating by simultaneous communication under this section shall be counted as present for quorum purposes only during the period while simultaneous communication is maintained for that member.

Votes of each member made during a remote meeting under this section shall be counted as if the member were “physically present” only during the period while simultaneous communication is maintained for that member.

The Planning Board may not hold a virtual meeting under this subsection if there is a quasi-judicial matter on the agenda.

- e. **Standing or Ad Hoc Committees:** The Board may form standing or ad hoc committees. Any committee shall follow these Rules of Procedure.
  - f. **Public Access and Notifications:** All regular meetings, special meetings, and hearings of this Board shall be open to the public as provided in the North Carolina Open Meetings Law. All minutes of meetings shall be public records as provided in the North Carolina General Statutes.
6. **Public Comments:** The Planning Board shall adhere to the Town of Huntersville Public Comment Policy adopted by the Town Board of Commissioners.
7. **Quorum:** A simple majority of appointed members shall constitute a quorum. A member who leaves a meeting, whether excused or unexcused, shall be counted as present for purposes of determining whether a quorum is present.
8. **Auxiliary Rules:** The Board shall operate according to Robert's Rules of Order to the extent not contrary to these Rules of Procedure. The Chair, or Vice-Chair in the absence of the Chair, subject to these rules, shall decide all points of procedure unless otherwise directed by a majority of the Board in session at that time. For all quasi-judicial matters, the Board shall operate according to N.C.G.S. § 160D-406 for quasi-judicial procedure.
9. **Order of Business**
- a. **Agenda:** Items of business shall appear on the agenda. The Planning Director or designee shall prepare the agenda for the meeting. The agenda shall be distributed to all Board members and made available to the public. During its consideration of the agenda, Board members shall confine their discussion and comments to those items that appear on the agenda
  - b. **Advisory Items**
    - i. **Order of Business:** The general order of business shall be as follows:
      - 1. Call to Order, Determination of Quorum
      - 2. Notice of changes to the agenda
      - 3. Adoption of agenda
      - 4. Approval of minutes of previous meetings
      - 5. Action Agenda

**a. Advisory Items:**

- i. Public comments
- ii. Action Agenda
  - 1. Presentation and/or recommendation by staff
  - 2. Presentation by applicant (not to exceed 15 minutes)
  - 3. Board questions
  - 4. Motion
  - 5. Board discussion
  - 6. Decision

**b. Quasi-judicial Items:**

- i. Determination of Standing
- ii. Submission of witness list
- iii. Administering of oath
- iv. Staff preliminary statement
- v. Applicant argument
- vi. Other parties with standing for/against present argument(s)
- vii. Other parties who lack standing may be recognized by Chair to present
- viii. All parties with standing may present rebuttals and cross examine witnesses
- ix. Board questions
- x. Chair will close public discussion
- xi. Board will publicly discuss without further input from public. Board may seek clarification
- xii. Motion
- xiii. Board discussion
- xiv. Decision

6. Other Business

7. Adjournment

## 10. Conflict of Interest

- a. **Advisory:** Members of the Planning Board shall not vote on any advisory decision regarding a development regulation where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member. An appointed board member shall not vote on any zoning amendment if the landowner of the property subject to a rezoning petition or the applicant for a text amendment is a person with whom the member has a close familial, business, or other associational relationship.
- b. **Quasi-Judicial:** For the purposes of quasi-judicial hearings, due process must be maintained. A member 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. Ex parte communications are communication with a decision maker about a pending matter that occurs outside of the formal hearing and without the knowledge or participation of all parties involved.
- c. **Declaration:** When a member believes that he or she has a conflict of interest related to a specific matter, he or she shall declare it prior to any consideration of the matter. The member shall state the nature of the conflict to the Board and the Board shall take action by a majority vote in determining whether to excuse the member from participation during consideration of and voting on that matter.
- d. **Recusal:** The excuse of a member due to a conflict of interest shall not constitute an absence and shall not affect the determination that a quorum is present.

- e. **Participation:** An excused member must exit the meeting room and shall not participate in the discussion of, and shall not vote on, the matter.

## **11. Action by Board**

- a. **Actions:** All actions of the Board shall be in the form of a motion, duly seconded, and voted upon by all members present. If no quorum is present, the only motion permitted is a motion to adjourn, including a motion to adjourn to a specified date and time which may be other than the regular meeting date and time.
- b. **Voting:** Voting shall be done by a show of hands. Voting by proxy shall not be permitted. The abstention of any member who is physically present or has withdrawn without being excused by the Board due to a conflict of interest or other declared reason shall be recorded as an affirmative vote when voting on advisory matters.
- c. **Advisory Decisions:** Advisory items may be passed by a simple majority of affirmative votes. In the event an advisory motion fails, a follow-up motion reflecting the position that the Board is recommending to the Town Board should be made. The Board shall advise and comment on whether the proposed text or map amendments are consistent with the adopted Huntersville Community Plan and other adopted long-range plans that are applicable.
- d. **Quasi-judicial Decisions:** Except for variances, quasi-judicial items may be passed by a simple majority of affirmative votes. Variances require a four-fifths (4/5) majority of affirmative votes. In accordance with N.C.G.S. § 160D-406(j) all decisions shall include findings of fact on the matter based on substantial, competent, material evidence in record.
- e. **Deferral:** Per the Town of Huntersville Zoning Ordinance Article 11.4.7 (b), the Planning Board may defer action on a request one time for one of the following reasons: the public hearing remains open; ordinance required information is not completed; the petitioner agrees and/or requests a deferral. The Planning Board may defer action on a request one additional time not limited to the reasons listed above, provided the Planning Board state the reason for deferral and it be related

to address ordinance standards. Deferrals should be no earlier than forty-eight (48) hours and should include the date and time the item is being deferred to.

**12. Adoption and Amendment:** These Rules shall at all times be consistent with all ordinances of the Town of Huntersville and laws of the State of North Carolina. Should any provisions of these Rules be inconsistent with such ordinances or laws of the State of North Carolina, said ordinances and laws shall control.

The Town Board, by a majority vote, shall adopt the Rules of Procedure. These Rules may, within the limits allowed by law, be amended at any time by an affirmative vote of two-thirds (2/3rds) of the Town Board, or an affirmative vote of the majority of the Town Board, provided that such amendments were presented in writing at a regular or special meeting before the meeting at which the vote is taken.

Adopted, as amended, this \_\_\_\_\_ day of \_\_\_\_\_ 2025.

\_\_\_\_\_  
Mayor, Town of Huntersville

ATTEST:  
  
\_\_\_\_\_  
Town Clerk



## Request for Board Action

July 15, 2025

**To:** The Honorable Mayor and Board of Commissioners

**From:** Lauren Speight, Senior Planner

**Subject:** Public Hearing on Petition #R25-06 12300 McCord Road

---

### **EXPLAIN REQUEST:**

Conduct public hearing for Petition #R25-06 12300 McCord Road, a request by Robert and Heather Dubiel to rezone +/- 11.265 acres from General Residential (GR) to Transitional Residential (TR) as a general rezoning.

### **ACTION RECOMMENDED:**

Conduct public hearing

### **FINANCIAL IMPLICATIONS:**

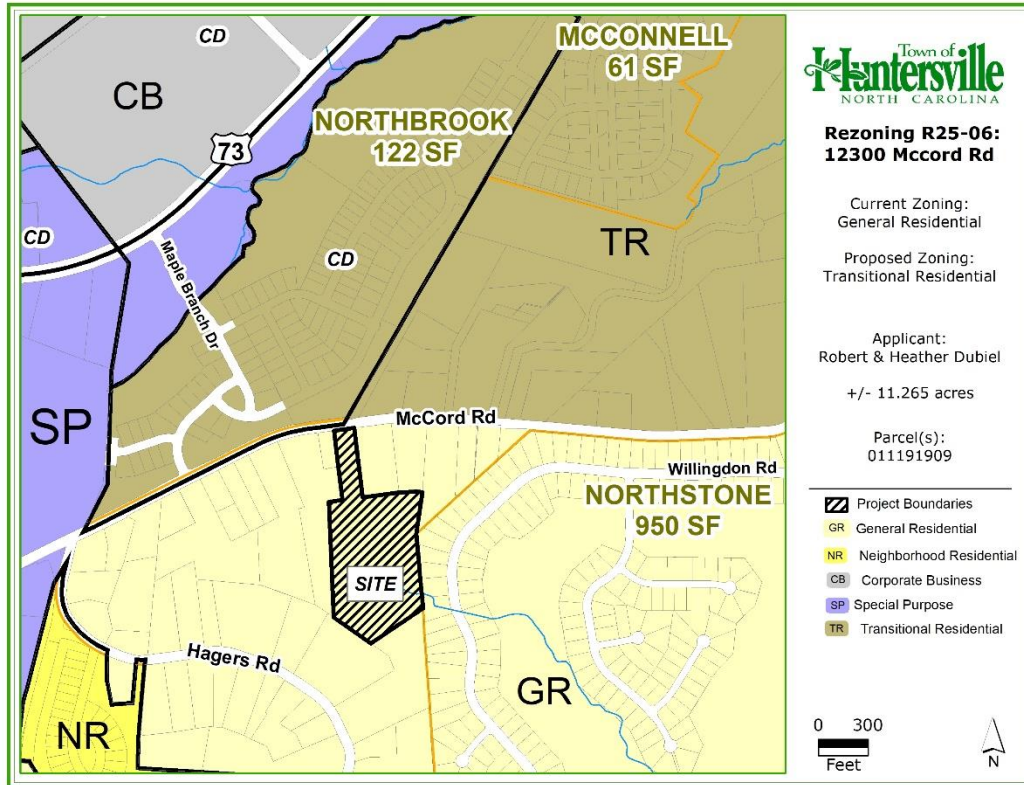
N/A

### **ATTACHMENTS:**

1. R25-06 12300 McCord - PH - 7-15-25
2. General Application

## Petition R25-06 12300 McCord Road

### PART 1: PROJECT SUMMARY



**Applicant and Property Owner:** Robert and Heather Dubiel

**Property Address:** 12300 McCord Road

**Project Size:** (+/-) 11.265 acres

**Parcel Numbers:** 011191909

**Current Zoning:** General Residential (GR)

**Current Land Use:** Single Family Residential

**Proposed Zoning:** Transitional Residential (TR)

**Proposed Land Use:** Use Permitted By Right in Transitional Residential Zoning District

- Purpose: Petition #R25-06 is a request by Robert and Heather Dubiel to rezone +/- 11.265 acres located at 12300 McCord Road (Parcel ID 011191909) from General Residential to Transitional Residential District.
- Adjoining Zoning and Land Uses.
  - North: Transitional Residential. Existing Single Family Residential.
  - South: General Residential. Existing Single Family Residential.
  - East: General Residential. Existing Single Family Residential.
  - West: General Residential. Existing Single Family Residential.
- 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: TRANSPORTATION ISSUES

#### Traffic Impact Analysis (TIA)

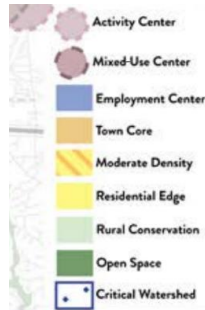
- A Town TIA Determination of Need Form will be required at the time of the submission of future development applications.



### PART 3: 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 Core and Moderate Density”



##### **Town Core**

The Town Core designation includes a variety of neighborhoods containing a mix of residential housing types, including single-family homes, townhomes, and apartments. Their design focuses on traditional neighborhood planning principles, including short blocks, connected streets, streetscape standards, and other features that improve walkability. These areas are denser than the “Moderate Density” and “Residential Edge” character areas and may include non-residential development as specified in small area plans and at other sites that meet locational criteria.



##### **Moderate Density**

This area is meant to accommodate a mix of conventional residential subdivisions with larger lots and traditional neighborhood development with a mix of lot sizes, including smaller unit types and occasional attached housing. Average gross density is generally 1-3 units per acre. It may have some smaller-scale commercial or nonresidential activity at key intersections. Exact density of future development should vary based on context and site constraints including potential conflicts with adjacent development, access, and the presence of natural and/or cultural resources.

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 Core Character Areas of the Huntersville 2040 plan as shown above. The proposed rezoning allows compatible density with the surrounding properties.
- **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 Core Character Area.

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 Transitional Residential (TR) would be consistent with the overall character of adjacent development. Development to the north of the subject property is currently zoned Transitional Residential and

2. **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.

3. 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:

Any proposed uses and future site plan shall comply with the minimum regulations of the Zoning, Subdivision, and other Town Ordinances and regulations.

**PART 4: STAFF RECOMMENDATION**

The application to reclassify the zoning the property is consistent with the character area recommendations of the Huntersville 2040 Plan. Therefore, Staff recommends approval of the rezoning and any future applications for the site shall be compliant with the minimum standards of all applicable local, state, and federal ordinances and regulations.

**PART 5: PUBLIC HEARING COMMENTS**

A Public Hearing is scheduled for July 15, 2025.

**PART 6: PLANNING BOARD RECOMMENDATION**

Planning Board is scheduled for July 22, 2025.

**PART 7: TOWN BOARD CONSIDERATION**

Town Board consideration is scheduled for August 19, 2025.

**PART 8: ATTACHMENTS/ENCLOSURES**

Attachments

1. Rezoning Application

**PART 10: CONSISTENCY STATEMENT – R25-06, 12300 McCord Road,**

| Planning Department                                                                                                                                                                                                                                                                                                                                                                                                                     | Planning Board                                                                                                                                                                                                                                                                                                                                       | Board of Commissioners                                                                                                                                                                                                                                                                                                                           |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>APPROVAL: In considering the proposed rezoning application R25-06, 12300 McCord Road, staff recommends approval as it is consistent with Policies LU 1.1 and LU 2.1 of the 2040 Huntersville Community Plan.</p> <p>It is reasonable and in the public interest to amend the Zoning Ordinance because the proposed rezoning is consistent with the envisioned uses and development pattern set forth in the 2040 Community Plan.</p> | <p>APPROVAL: In considering the proposed rezoning application R25-06, 12300 McCord Road, the Planning Board recommends approval based on the Plan being consistent with <u>(insert applicable plan reference)</u>.</p> <p><u>It is reasonable and in the public interest to approve the Rezoning Plan because... (Explain)</u></p>                   | <p>APPROVAL: In considering the proposed rezoning application R25-06, 12300 McCord Road, the Town Board recommends approval based on the Plan being consistent with <u>(insert applicable plan reference)</u>.</p> <p><u>It is reasonable and in the public interest to approve the Rezoning Plan because... (Explain)</u></p>                   |
| <p>DENIAL: N/A</p>                                                                                                                                                                                                                                                                                                                                                                                                                      | <p>DENIAL: In considering the proposed rezoning application R25-06, 12300 McCord Road, the Planning Board recommends denial based on the Plan being <u>(consistent OR inconsistent) with (insert applicable plan reference)</u>.</p> <p><u>It is not reasonable and in the public interest to approve the Rezoning Plan because... (Explain)</u></p> | <p>DENIAL: In considering the proposed rezoning application R25-06, 12300 McCord Road, the Town Board recommends denial based on the Plan being <u>(consistent OR inconsistent) with (insert applicable plan reference)</u>.</p> <p><u>It is not reasonable and in the public interest to approve the Rezoning Plan because... (Explain)</u></p> |



# 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 04/23/25

Name of Project 12300 McCord Farmhouse Phase # (if subdivision) \_\_\_\_\_

Project Address 12300 McCord Road

Parcel Identification Number(s) (PIN) 011191909

Current Zoning District GR Proposed District (for rezoning only) TR(CD)

Property Size (acres) 11.265 Street Frontage (feet) 125.07

Current Land Use Single Family Residence

Proposed Land Use(s) Farmhouse Cluster

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

Rezone property from GR to TR to allow a code-compliant Farmhouse Cluster.  
Existing home will be part of the cluster. Site plan will be submitted in the  
near future.

## 4. Site Plan Submittals

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

## 5. Outside Agency Information

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

## 6. Applicant

Printed Name Robert + Heather Dubiel

Phone 571-420-8222

☐ Corporation ☐ Limited Liability Company ☐ Trust ☐ Partnership

☒ Other: home owner

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

Signature

Robert Dubiel / Heather Dubiel

Title

Homeowners

Email rdubiele@gmail.com

Address of Applicant 12300 McCord Rd Huntersville, NC 28078

## 7. Property Owner (if different than applicant)

\*Printed Name

Phone

☐ Corporation ☐ Limited Liability Company ☐ Trust ☐ Partnership

☐ Other:

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

Signature

Title

Email

Address of Property Owner

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

Every owner of each parcel included in this application, or the owner (s) duly authorized agent, must sign this application. If signed by an agent on behalf of the Owner, this application MUST be accompanied by a notarized Limited Power of Attorney signed by the property owner (s), specifically authorizing the agent to act on the owner (s) behalf in signing this application. Failure of each owner, or their duly authorized agent, to sign, or failure to include the authority of the agent signed by the property owner, will result in an INVALID APPLICATION. If additional space is needed for signatures, attach the Town of Huntersville Signature Addendum Form.

## 8. Development/Design Firm Contact Information

Development Firm

Name of Contact

Phone

Email

Design Firm

Name of Contact

Phone

Email

## Contact Information

Town of Huntersville  
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>



## 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: Robert and Heather Dubiel

Project Name: 12300 McCord Rd Farm House Cluster

Project Address: 12300 McCord Rd, Huntersville, NC 28078

Project Description (including square footage for each proposed land use):  
Rezone property from GR to TR(CD) / Farmhouse Cluster

### Applicant

Printed Name Robert Dubiel Phone 571-420-8222

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

Signature Robert Dubiel

Title Homeowner Email rdubielcsp@gmail.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

July 15, 2025

**To:** The Honorable Mayor and Board of Commissioners

**From:** Lauren Speight, Senior Planner

**Subject:** Public Hearing on Petition #TA25-01: Residential Uses and Structures

---

### **EXPLAIN REQUEST:**

Conduct public hearing for Petition #TA25-01, a request by the Huntersville Planning Department to amend Articles 3, 4, 9, and 12 of the Huntersville Zoning Ordinance. The purpose of the amendment is to revise terms and definitions for residential uses and structures.

### **ACTION RECOMMENDED:**

Conduct public hearing

### **FINANCIAL IMPLICATIONS:**

N/A

### **ATTACHMENTS:**

1. TA25-01 Staff Report PH 7.15.25
2. TA25-01 Text Amendment Application
3. TA25-01 Ordinance Draft for PH

## TA25-01 Residential Uses

### PART 1: DESCRIPTION

TA24-01 is a request by the Huntersville Planning Department to amend Articles 3, 4, 5, 8, 9, and 12 of the Huntersville Zoning Ordinance. The purpose of the amendment is to revise terms, definitions, and criteria for residential uses and structures.

### PART 2: BACKGROUND

Currently, there is overlap among the existing definitions of residential uses and the definitions of residential structures, particularly for multi-family and apartment homes. Per NCGS 160D-601 (d), this application does not propose any reduction of currently permitted uses to fewer than is currently allowed.

A variety of changes are proposed to better clarify where various residential buildings are permitted as well as corresponding lot and building requirements. If a person is interested in developing a property, the current organization of the Zoning Ordinance requires users to check multiple articles to confirm if a specific attached or multi-family building type is permitted.

The current definition of a multi-family home (use) is a dwelling or group of dwellings on one lot, containing separate living units for **three or more families**. By this definition, tri-plexes and greater are multi-family home **uses**.

The current definition of an apartment house is **two or more dwelling units** placed one on top of another and/or side by side and sharing common walls and common floors and ceilings, and which are located on a single lot of record. By the current definition of an apartment house, duplex buildings and greater can also be an apartment house.

An attached house is currently defined as a rowhouse, townhouse, duplex, triplex, or quadriplex houses, generally developed side by side where land is sold with the dwelling unit. Attached dwellings on individually deeded lots are excluded from the definition of (apartment) multi-family dwellings. By this definition, tri-plex buildings and greater can also be an attached house building type per the definition. However, attached house and apartment house building types have different requirements in Article 4. Attached house (duplex, triplex, quadplex buildings are intended to be more compatible with single family detached homes in scale, massing, and placement and the units are not intended to be sold with the with the dwelling unit.

To remedy the overlap created by these definitions this amendment application proposes the following:

- Residential building types previously used in the uses permitted by right, with condition, or accessory have been changes to “residential uses” as the use type.
- Residential building types have been itemized as allowed per each zoning district to be specifically “detached house”, “duplex”, “triplex”, “quadplex”, “townhome”, or “apartment”.
- The term “attached house” is proposed to be removed and replaced with “duplex”, “triplex”, “quadplex”, and “apartment”, as applicable per zoning district.



## TA25-01 – Staff Report 7/15/2025

- In response to removing the term attached house, the section with percentages of duplex, triplex, quadplex, apartment, etc. allowed as a part of a major subdivision has been updated. However, there is no proposed modification to the allowed percentage of duplex, triplex, quaplex, townhome, or apartment units allowed.
- The building and lot types for duplexes, triplexes, and quadplexes have been added to Article 4.
- The building and lot types for townhomes have been added to Article 4.
- The building type requirements for a detached home are proposed to be modified to indicate homes shall generally be parallel to frontage requirements. Lots created in an exempt subdivision of an acre or more are excluded from this requirement. This is consistent with all other building types.
- Duplexes, triplexes, and quadplexes are not currently allowed accessory dwellings. This amendment proposes to better clarify the only lots allowed an accessory dwelling must have a detached home or townhome as the principal structure.
- Accessory dwellings must be registered when permitted per the current ordinance. However, accessory dwellings must have zoning approval for building permit issuance. Article 9.1.8 is proposed to be removed to reduce administrative duplication.
- The regulation of ownership of the primary and accessory dwellings is proposed to be removed from Article 9.1.4.
- The “storefront” building type does not exist. This has been changed to “shopfront” throughout the Ordinances.
- The definitions of “residential use”, “dwelling unit”, and “dwelling” in Article are all modified to be clearer and correspond with changes in Article 3.

Separately, per HB 488, the North Carolina Residential Building Code will apply to one- to four-unit dwellings. This proposed application also seeks to improve the efficiency of processing such applications in the near future.

### PART 3: RELEVANT SECTIONS OF THE HUNTERSVILLE 2040 COMMUNITY PLAN

TA25-01 is consistent with the following Huntersville 2040 Community Plan policies:

- **LU-2: Encourage residential development that follows the pattern outlined in the future land use map.** Staff Comment: There are no proposed changes to which zoning districts that allow residential uses currently permitted by the Zoning Ordinance. The proposed amendment seeks to better streamline the process for development applicants ranging from single-family homes to apartments to understand development requirements and efficiently navigate the permitting process.
- **LU-3: Manage residential growth in the eastern and western parts of Huntersville’s planning jurisdiction.** Staff Comment: Staff propose no change in allowed density of single-family detached or duplex homes in the Rural or Transitional Residential Zoning Districts. This amendment further seeks to specify that only single-family detached or duplex homes are the permitted residential building types permitted, by-right, in these zoning districts.
- **LU-5.3: Support infill housing options near services, shopping, employment, and transit stations.** Staff Comment: As articulated earlier in this report, the current Ordinance for an attached house or

multi-family house includes overlap that is not conducive to efficiently support infill development. This amendment proposes to itemize the specific residential building types permitted in each zoning district and includes corresponding lot and building type requirements.

- **LU-7.1: Require all new development to adhere to the following design principles: In Mixed-use Centers, Activity Centers, Town Core, and Moderate Density Areas, streets and sidewalk are meant to be attractive and inviting. New development in these area shall follow these principles: All buildings shall front a public street or open space. Streets should be connected, have short blocks and sidewalks on both sides of streets. Improve connectivity, particularly for pedestrians and vehicles. Parking lots, if required, should be predominantly located behind buildings screened from view and larger lots should be broken by buildings and or landscape features. Accommodate a mix of uses and/or housing types** Staff Comment: The proposed amendment establishes that single family detached homes shall be generally parallel to the frontage requirement (public street). Further, the standards for townhome, duplex, triplex, and quadplex building types require a pedestrian focus for the frontage condition with parking required in the side or rear. Duplex, triplex, and quadplex building are proposed to have the main pedestrian access from the public street. Landscaping is proposed to be required for parking areas per Article 5.
- **LU-10.1: Align housing options with resident needs and promote attainable housing options.** Staff Comment: Current zoning districts within the Town Core support moderate density and also allow a variety of housing types. This amendment seeks to better clarify the requirements for attainable housing options, such as duplex, triplex, and quadplex buildings.
- **LU-10.3: Consider allowances for “house” scale missing middle housing.** Staff Comment: Proposed requirements for duplex, triplex, and quadplex building types are intended to be comparable to those of a single-family home to best support the efficiency of review and probability of development.

#### PART 4: STAFF RECOMMENDATION

This application seeks to improve the ease of use of the Ordinance to determine permitted residential uses and structures. With the revised terms and definitions, staff propose criteria for the new building type categories that support the character of development intended by the Huntersville 2040 to support quality development that is appropriate for the underlying zoning districts.

Staff recommends approval of the proposed text amendment due to its consistency with policies LU-2, LU-3, LU-5.3, LU-7.1, LU-10.1, and LU-10.3 of the Huntersville 2040 Plan. TA25-01 proposed to better clarify allowed residential uses, structures, and development criteria.

#### PART 5: PUBLIC HEARING

The Public Hearing is scheduled for July 15, 2025.

#### PART 6: PLANNING BOARD RECOMMENDATION

The Planning Board review is scheduled for July 22, 2024.

#### PART 7: ATTACHMENTS

1. Text Amendment Application
2. Proposed Ordinance

| PART 8: STATEMENT OF CONSISTENCY – TA25-01                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                   |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Planning Department                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Planning Board                                                                                                                                                                                                                                                                                                                        | Board of Commissioners                                                                                                                                                                                                                                                                                                            |
| <p><b>APPROVAL:</b> In considering the proposed amendment TA25-01, Planning Staff recommends approval based on consistency with policies LU-2, LU-3, LU-5.3, LU-7.1, LU-10.1, and LU-10.3 of the Huntersville 2040 Plan.</p> <p>It is reasonable and in the public interest to approve the application because clarifies overlap of residential use and structure definitions; provide specific and objective parameters for new building type categories; and, encourages an appropriate mixture of housing types.</p> | <p><b>APPROVAL:</b> In considering the proposed amendment TA25-01, the Planning Board recommends approval based on the amendment being consistent with <u>(insert applicable plan reference)</u></p> <p>It is reasonable and in the public interest to amend the Zoning Ordinance because...(Explain)</p>                             | <p><b>APPROVAL:</b> In considering the proposed amendment TA25-01, the Town Board recommends approval based on the amendment being consistent with <u>(insert applicable plan reference)</u></p> <p>It is reasonable and in the public interest to amend the Zoning Ordinance because...(Explain)</p>                             |
| <p><b>DENIAL:</b> N/A</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | <p><b>DENIAL:</b> In considering the proposed amendment TA25-01, the Planning Board recommends denial based on the amendment being <u>(consistent OR inconsistent)</u> with <u>(insert applicable plan reference)</u>.</p> <p>It is not reasonable and in the public interest to amend the Zoning Ordinance because.... (Explain)</p> | <p><b>DENIAL:</b> In considering the proposed amendment TA25-01, the Town Board recommends denial based on the amendment being <u>(consistent OR inconsistent)</u> with <u>(insert applicable plan reference)</u>.</p> <p>It is not reasonable and in the public interest to amend the Zoning Ordinance because.... (Explain)</p> |



## Text Amendment Application

Date of Application May 1, 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

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

### Description of Change

Proposed text amendment will affect the following: See attached

Ordinance(s): \_\_\_\_\_ Article(s): \_\_\_\_\_ Section(s): \_\_\_\_\_

Current Ordinance

---

---

---

Proposed Text

---

---

---

Reason for Proposed  
Change

The purpose of this amendment is to revise  
terms, definitions, and criteria for residential  
uses and structures.

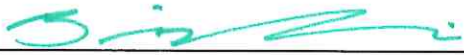
Attach additional pages if needed.

**NOTE:** If the proposed text amendment effects property located along Hwy 73; is 2000 feet from an adjoining municipality, and/or the Mountain Island and Lake Norman Watersheds, additional peer review is required.

## Applicant

Printed Name Town of Huntersville Planning Department

☐ Corporation ☐ Limited Liability Company ☐ Trust ☐ Partnership ☒ Other: \_\_\_\_\_

Signature  Date 5/1/25

Title Planning Director Email planning@huntersville.org

Address of Applicant 105 Gilead Road, Huntersville, NC

## 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: \_\_\_\_\_

## Contents

|                                                                                                       |    |
|-------------------------------------------------------------------------------------------------------|----|
| Article 3 .....                                                                                       | 2  |
| 3.2.1 RURAL DISTRICT (R) .....                                                                        | 2  |
| 3.2.2 TRANSITIONAL RESIDENTIAL DISTRICT (TR) .....                                                    | 9  |
| 3.2.3 GENERAL RESIDENTIAL DISTRICT (GR) .....                                                         | 17 |
| 3.2.4 NEIGHBORHOOD RESIDENTIAL DISTRICT (NR) .....                                                    | 19 |
| 3.2.5 NEIGHBORHOOD CENTER DISTRICT (NC) .....                                                         | 21 |
| 3.2.6 TOWN CENTER DISTRICT (TC) .....                                                                 | 24 |
| 3.2.7 HIGHWAY COMMERCIAL DISTRICT (HC) .....                                                          | 27 |
| 3.2.8 CAMPUS INSTITUTIONAL DISTRICT (CI) .....                                                        | 31 |
| 3.2.9 CORPORATE BUSINESS (CB) .....                                                                   | 34 |
| 3.2.10 SPECIAL PURPOSE DISTRICT (SP) .....                                                            | 36 |
| 3.2.11 TRADITIONAL NEIGHBORHOOD DEVELOPMENT DISTRICTS (TND-U AND TND-R) .....                         | 39 |
| 3.2.12 PASSENGER VEHICLE SALES DISTRICT (VS) .....                                                    | 45 |
| 3.2.13 TRANSIT-ORIENTED DEVELOPMENT - RESIDENTIAL (TOD-R) .....                                       | 49 |
| 3.2.14 TRANSIT-ORIENTED DEVELOPMENT - EMPLOYMENT (TOD-E) .....                                        | 56 |
| Article 4 .....                                                                                       | 59 |
| 4.7 Lot Type / Apartment Building .....                                                               | 59 |
| 4.8 Building Type / Apartment Building .....                                                          | 61 |
| 4.9 Lot Types / Detached House .....                                                                  | 64 |
| 4.10 Building Type / Detached House .....                                                             | 66 |
| 4.11 Lot Type / Townhome .....                                                                        | 67 |
| 4.12 Building Type / Townhome .....                                                                   | 71 |
| 4.15 Lot Type / Duplex, Triplex, Quadplex .....                                                       | 71 |
| 4.16 Building Type / Duplex, Triplex, Quadplex .....                                                  | 77 |
| Article 5 .....                                                                                       | 78 |
| 5.5 Street Design Specifications .....                                                                | 78 |
| Article 8 .....                                                                                       | 81 |
| 8.16 Standards For Residential Lot Widths, Alleys, Garages And Parking In Residential Districts ..... | 81 |
| Article 9 .....                                                                                       | 83 |
| 9.1 Accessory Dwelling .....                                                                          | 83 |
| Article 12 .....                                                                                      | 84 |

|                                        |           |
|----------------------------------------|-----------|
| <b>12.2.1 General Definitions.....</b> | <b>84</b> |
|----------------------------------------|-----------|

## Article 3

### 3.2.1 RURAL DISTRICT (R)

**Intent:** The Rural District is provided to encourage the development of neighborhoods and rural compounds that set aside natural vistas and landscape features for permanent conservation. The density of development is regulated on a sliding scale; permitted densities rise with increased open space preservation. Development typologies associated with the Rural District are farms, the single house, the conservation subdivision, the farmhouse cluster, and the residential neighborhood. The section number in parenthesis following listed use indicates the ordinance section of development conditions.

#### a. **Permitted Uses.**

##### **Uses permitted by right.**

- bed and breakfast inn
- boarding or rooming houses for up to two roomers
- family care home
- ~~single-family detached homes~~ [residential uses](#)

##### **Uses permitted with conditions.**

- cemeteries, (9.7)
- religious institutions, (9.8)
- commercial communication towers, (9.9)
- ~~duplexes up to 10% of dwelling units in development, (9.13)~~
- ~~duplexes up to 10% of dwelling units in development, (9.13)~~
- essential services 1 and 2, (9.14)
- government buildings up to 5,000 sq. ft. of gross floor area; fire stations are permitted in government buildings up to 15,000 sq. ft. of gross floor area
- neighborhood and outdoor recreation, (9.21)
- parks, (9.29)
- plant nurseries, (9.46)
- riding academies and/or commercial stables, (9.33)
- schools, (9.35)
- transit shelters, (9.39)
- banquet facility, (9.59)
- dormitory for a bona fide farm, (9.62)

##### **Uses permitted with Special Use Permit.**

## TA25-01: Residential Uses

- agricultural industry, (9.3)
- solar energy facility, major, (9.54)
- wind energy facility, major, (9.53)
- wind energy facility, minor, accessory (9.53)

### b. Permitted Building and Lot Types.

- ~~attached house~~ duplex
- civic building
- detached house

### c. Permitted Accessory Uses.

- accessory dwelling, (9.1))
- daycare home (small), (9.11)
- home occupations, (9.19)
- marinas, (9.42)
- solar energy facility, minor residential (9.54)
- solar facility, minor non-residential (9.54)
- accessory uses permitted in all districts (8.11)

### d. General Requirements.

1. **Frontage** on a public street is required for all lots in the Rural District except those comprising a Farmhouse Cluster (see Special Requirements, paragraph e), this section), those comprising a Conservation Subdivision (see Special Requirements, paragraph f), or those specifically exempted in Article 8.1.
2. **Development** in the Rural District shall meet the following standards:
  1. Non-residential lots outside of planned developments and lots in exempt subdivisions not approved as Farmhouse Clusters or Conservation Subdivisions require a minimum lot size of 20,000 sq. ft. and a minimum lot width of 90'; no open space requirement. Further, individual lots of less than 20,000 sq. ft. and/or 90' width, existing prior to the effective date of this ordinance, are construed to be conforming.
  2. Except as provided in a. above, Farmhouse Cluster and Conservation Subdivision Standards, density in the Rural zoning district shall be as follows:

|                    |                                                                                                                                                          |     |             |
|--------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------|-----|-------------|
| Percent Open Space | 0% unless tract is within a proposed greenway, in which case the greenway shall, at a minimum, be reserved as open space per the subdivision regulations | 25% | 45% or more |
|--------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------|-----|-------------|



TA25-01: Residential Uses

|                      |                             |     |     |
|----------------------|-----------------------------|-----|-----|
| Units per Gross Acre | Less than .3 units per acre | .30 | .90 |
|----------------------|-----------------------------|-----|-----|

3. For every 1% additional open space over 25%, density can be increased by .03 units per gross acre to a maximum of .90 units per gross acre.
4. Open space which is improved, dedicated and accepted by a public agency for public use shall be counted as 1.5 times the actual acreage as an incentive to provide improved public open space. Written proof of willingness to accept the open space by a public agency shall be presented at all stages of the approval process. Access shall at least consist of trails built to public standards meandering through the open space with public access points readily available and public access signs posted at those locations and where the trail intersects with roads shown on the Thoroughfare Plan. Other improvements, such as parks, shall be in accordance with applicable governmental standards.
5. In determining density permissible on a tract of land, fractions shall be dropped.
6. Lot sizes shall average at least 15,000 sq. ft., but in no case shall any lot be less than 8,000 sq. ft. The front yard setback for residential lots shall be a minimum of 25'. The side yard setback shall be 8' and the rear yard setback shall be a minimum of 25'.
7. Lot widths shall average at least 70' feet (excluding cul-de-sac lots), but in no case shall any lot be less than 60' wide. On cul-de-sac or turn-arounds, lots shall have at least 80% of the minimum lot width required when measured to a point 50' back from the street right-of-way. Further, these lots shall have a minimum 35' of frontage along the street right-of-way.
8. In residential subdivisions, lots should not have a depth greater than 4 times the width at the build-to or setback line except where physical dimensions of the tract provide no other alternative layout or where the open space is for a required buffer. Emphasis shall be on quality of design as opposed to reduction of development costs.
9. In order to preserve the low intensity development character found in the Rural zoning district, along existing state-maintained roads and future thoroughfares a visually opaque landscaped buffer of native vegetation at least 80 feet in width shall be required for major subdivisions unless a more restrictive buffer is established elsewhere in these regulations. The buffer shall be in common area and shall be counted towards meeting open space requirements.
10. In major residential subdivisions, a landscaped median at least 20' in width shall be required at all entrances into the subdivision.

TA25-01: Residential Uses

11. Open space shall not be located in private residential lots, unless specifically allowed by this ordinance.

12. Duplexes are permitted in major subdivisions. The aggregate number of dwelling units contained in the duplex house type shall not exceed ten (10) percent of the total number of dwelling units in a project.

~~11. New buildings shall comply with the requirements of Article 4 for the lot and building types unless otherwise specified by this Ordinance.~~

Formatted: Indent: Left: 1.5", No bullets or

3. **Open Space.** Designated open space includes that parcel or parcels of land, which shall be set aside in perpetuity and shall have no buildings or permanent structures constructed within its perimeters except as provided for in this section. There are four types of open space in the Rural District – agriculture, common, natural, and recreation. Open space shall meet the provisions of this section and the provisions for open space established in Article 7, Part B.

1. Areas containing buildings and other impervious surfaces in excess of 100 sq. ft., shall not be counted as open space. This shall include, but not be limited to, barns, storage buildings, parking lots, clubhouses and tennis courts,
2. Open Space that is dedicated and accepted by the general public shall be maintained and managed by the Town of Huntersville or Mecklenburg County. The town and county have the right to accept or deny the dedication of open space to the public.
3. In the Conservation Subdivision, open space may also include portions of private building lots subject to a conservation or open space easement.
4. Open space preservation shall be irrevocable. A metes and bounds description of the space to be preserved and limits on use shall be recorded on the subdivision plat, in homeowner covenants, and on individual deeds when open space lands are not held entirely in common. Alternative means of permanent open space preservation may include acceptance by a land conservation trust or a unit of government. Private management alternatives which ensure the open space preservation required by this section will also be permitted. Restrictive covenants shall limit uses to the continuation of certain agricultural activities (pastureland, crop cultivation) or recreation uses that preserve the view from public streets of rural heritage features to be preserved. Upon verification by the town that restriction of development has been established by a permanent and irrevocable instrument, a letter so nothing shall be simultaneously issued to the property owner(s) and to the Mecklenburg County Tax Administrator, Office of Real Estate Appraisal.

4. **Compatibility with Surrounding Development.**

#### TA25-01: Residential Uses

1. Along existing streets, new buildings shall respect the general spacing of structures, building mass and scale, and street frontage relationships of existing buildings.
    - New buildings which adhere to the scale, massing, volume, spacing, and setback of existing buildings along fronting streets exhibit demonstrable compatibility.
    - New buildings which exceed the scale and volume of existing buildings may demonstrate compatibility by varying the massing of buildings to reduce perceived scale and volume. The definition of massing in Article 12 illustrates the application of design techniques to reduce the visual perception of size and integrate larger buildings with pre-existing smaller buildings.
    - A single-family detached house established on a lot of one acre or more that is created according to the provisions of Article 8.1, paragraph 1, need not adhere to the spacing, massing, scale, and street frontage relationships of existing buildings along an existing street or road, but shall, at a minimum, observe a front setback of 40 feet and a lot width of 90 feet. This paragraph shall take precedence over the requirement of Article 4: Lot Types/Detached House for placement of a building on its lot.
    - Nothing in this subsection shall be interpreted to conflict with the building design element provisions as found in N.C.G.S. 160D-702(b) for structures subject to the North Carolina Residential Code.
  2. On new streets, allowable building and lot types will establish the development pattern.
  5. See Section 8.16, Standards for Residential Lot Widths, Alleys, Garages and Parking in Residential Districts.
- e. **Special Requirements: Farmhouse Cluster Developments.** A **Farmhouse Cluster** permits the subdivision of land for up to six house lots accessed by way of a shared private drive when the following conditions have been met:
1. Minimum project size and frontage on public road: 10 acres with a minimum of 30 feet of frontage on a public road either by fee simple ownership or by exclusive easement.
  2. There shall be no more than two farmhouse cluster developments permitted per tract.
  3. Private drives shall be paved in accordance with the Town of Huntersville construction standards. The private street right-of-way or easement shall be sufficient width to accommodate drainage/water quality treatment associated with

#### TA25-01: Residential Uses

the private drive. Further, the recorded easement shall have at least 30' of frontage on a public street. In the event two farmhouse clusters are established, the private drive serving those farmhouse clusters may be connected provided:

1. The subdivision plat and associated deeds shall clearly state such drive shall remain private and will not be taken over by a public entity in the future unless such street complies with the construction standards of that public entity.
2. Where feasible, there shall be two means of ingress and egress into the combined farmhouse cluster development. Only in the event the original tract does not have the adequate frontage on a public road to obtain two driveway permits would one private drive be allowed to serve the combined farmhouse cluster development;
4. An association of all property owners shall be established for maintenance of all commonly held spaces, if any. Where there are no commonly held spaces except for a shared driveway or private street, a legally binding shared driveway and/or private street use and maintenance agreement shall be filed at the Register of Deeds of Mecklenburg County. Furthermore, the shared driveway or private road shall be shown, along with all appropriate and necessary easements, on a recorded plat and a note shall be attached thereto stipulating the use and maintenance of the driveway and referencing the recorded agreement(s).
5. The location of building sites shall be determined through a site analysis which identifies features listed in Article 7 to be preserved as open space;
6. No minimum lot size or width is required, so long as the project meets all other standards of the district. Detached garages in farmhouse clusters shall be placed in the side or rear yard of home lots. Farmhouse clusters must include an opaque vegetative buffer from the public street for the placement of detached garages in the side yard of home lots.
7. At least 50% of the tract shall be designated as open space. Open space preservation shall be irrevocable. A metes and bounds description of the space to be preserved and limits on use shall be recorded on the subdivision plat and on individual deeds when open space lands are not held entirely in common. Open space lands may be part of a deeded lot so long as it reflects an irrevocable conservation or open space easement requiring such portions of individual lots to remain and be used as open space as provided in this section.
8. Permitted uses of open space lands to be preserved shall correspond generally to physical conditions at the time of subdivision approval. Restrictive covenants shall limit uses to the continuation of certain agricultural activities (pastureland, crop cultivation) or recreation uses that preserve the view from public streets of rural heritage features to be preserved. For example, fields or pasture land preserved as required open space may continue to support cultivation or grazing; however

## TA25-01: Residential Uses

existing woodlands may not be clear-cut. In order to ensure septic tanks are located on the most suitable soils, septic fields may be located in common open space provided a maintenance easement is established for access.

9. Private building lots, or any portion thereof, shall not be used to satisfy tree save requirements or open space requirements.
  10. The project shall provide an 80-foot landscaped buffer along the property street frontage. The buffer shall consist of:
    1. Vegetated plantings consisting of four (4) trees per 1,000 sq/ft of buffer area; 75% large maturing; 50% evergreen; 25% small maturing and five (5) shrubs per 1,000 sq/ft; 75% evergreen; or
    2. Softscape (i.e. street trees, meadow, or pastures) and hardscape elements (i.e. stone walls or split rail fencing). Residential structures must not be visible from the public road using an opaque screening (Article 7.6.2).
  11. Where a farmhouse cluster would eliminate a planned street connection or a street connection indicated on a plan adopted by the Town of Huntsville or the Charlotte-Mecklenburg Thoroughfare Plan, and no alternate alignment can reasonably provide the connection, the design of the farmhouse cluster shall provide for said connection by the dedication of right-of-way for streets less than 70 feet in width and by the reservation of right-of-way for streets 70 feet or wider.
  12. A Farmhouse Cluster requires an approved **Farmhouse Cluster subdivision plan**, according to the requirements of the Huntersville Subdivision Ordinance including approval by the Planning Staff and shall meet all other requirements for review and approval, which may include preliminary plan approval prior to approval of a final plat.
- f. **Special Requirements: Conservation Subdivisions.** A **Conservation Subdivision** permits single-family building lots to be divided from a parent tract(s) according to a streamlined subdivision approval process. The approval process, coupled with exemption from most zoning and subdivision requirements, is available to owners who voluntarily place conservation easements on their land in favor of an established lands conservancy. A land division can be approved as a Conservation Subdivision when the following conditions are met:
1. An irrevocable conservation easement held by a conservation organization is placed upon the tract(s) to be subdivided, and documentation of the conservation easement, including a boundary description of the area subject to the conservation easement is submitted with the subdivision application.
  2. Limits on location and extent of land disturbance and building construction are set out in the conservation easement(s), which shall at a minimum preserve the rural appearance of the land when viewed from public roads and from abutting properties.

#### TA25-01: Residential Uses

3. Treatment of floodplain(s) and required water quality buffers, as described in the conservation easement(s), conform to the minimum standards of the Huntersville Zoning and Subdivision Ordinances.
4. Minimum project size: 40 acres.
5. Maximum gross density: 1 dwelling unit per 20 acres.
6. No new public streets are to be created through the development process.
7. All parcels within the conservation subdivision will have frontage on an existing public road right-of-way or will be provided access to a permanent 20-foot wide access easement that connects to the public right-of-way. Permanent access easement(s) may be either exclusive or non-exclusive, however landlocked parcel(s) may not be created. Documentation of lot access shall be submitted with the subdivision application.
8. The holder of the conservation easement will be held responsible for enforcement of the terms of the conservation easement.
9. Where the parent tract(s) abuts or includes a segment of a thoroughfare that is shown on the adopted Comprehensive Transportation Plan and for which an engineered alignment has been selected, any right of way reservation required by the subdivision regulations shall be made, either by the filing of a deed or the filing of a plat map.
10. Documentation of the above, including a copy of the recorded conservation easement with metes and bounds description, shall be provided with the subdivision application and shall entitle the subdivider to choose to divide the property by deed, as a metes and bounds subdivision, or by final plat approval and recordation according to the requirements of Subdivision Ordinance Section 6.520 for a minor subdivision.
11. A Conservation Subdivision and the lots and homes built therein are exempt from the following ordinance provisions: • Requirement that each building lot have frontage on a public street. • Requirement to provide open space. • Requirements of Article 4: Lot Types/Detached House, which section describes the placement of a building on its lot. • Requirements for the placement and size of residential garages set out in Section 8.16, paragraphs .1 and .6. All other standards of Section 8.16 shall apply. • Requirement to plant street trees along existing public road(s) where existing, mature trees are to be preserved as a condition of the conservation easement. • Requirement to construct or escrow funds for sidewalks or alternative pedestrian paths along existing public road(s).

#### **3.2.2 TRANSITIONAL RESIDENTIAL DISTRICT (TR)**

**Intent:** The Transitional Residential District serves as a bridge between rural zones and more urbanized development. It is provided to encourage the development of neighborhoods and rural compounds that set aside significant natural vistas and landscape features for permanent

## TA25-01: Residential Uses

conservation. Density of development is regulated on a sliding scale; permitted densities rise with increased open space preservation. Development typologies associated with the Transitional District are farms, the single house, the conservation subdivision, the farmhouse cluster, and the residential neighborhood. The section number in parenthesis following listed use indicates the ordinance section of development conditions.

### a. Permitted Uses.

#### Uses permitted by right.

- bed and breakfast inns
- boarding or rooming houses for up to two roomers
- family care home
- ~~single family detached homes~~ [residential uses](#)

#### Uses permitted with conditions.

- cemeteries, (9.7)
- religious institutions, (9.8)
- ~~duplexes up to 20% of dwelling units in development, (9.13)~~
- essential services 1 and 2, (9.14)
- government buildings up to 5,000 sq. ft. of gross floor area; fire stations are permitted in government buildings up to 15,000 sq. ft. of gross floor area
- neighborhood and outdoor recreation, (9.21)
- parks, (9.29)
- plant nurseries, (9.46)
- riding academies and/or commercial stables, (9.33)
- schools, (9.35)
- transit shelters, (9.39)

#### Uses permitted with Special Use Permit.

- agricultural industry, (9.3)
- dormitory for a bona fide farm (9.62)
- energy facility, major, (9.54)
- wind energy facility, major, (9.53)
- wind energy facility, minor, accessory, (9.53)

### b. Permitted Building and Lot Types.

- ~~attached house~~ [duplex](#)
- civic building
- detached house

### c. Permitted Accessory Uses.

- accessory dwelling, (9.1)
- daycare home (small), (9.11)
- home occupations, (9.19)
- marinas, (9.42)
- solar energy facility, minor residential (9.54)

## TA25-01: Residential Uses

- solar facility, minor non-residential (9.54)
- accessory uses permitted in all districts (8.11)

### d. General Requirements.

1. **Frontage** on a public street is required for all lots in the Transitional Residential District except those comprising a Farmhouse Cluster (see Special Requirements, paragraph e), this section), those comprising a Conservation Subdivision (see Special Requirements, paragraph f), or those specifically excepted in Article 8.1.
2. **Development** in the Transitional Residential District shall meet the following standards:

1. Non-residential lots outside of planned developments and lots in exempt subdivisions not approved as Farmhouse Clusters or Conservation Subdivisions require a minimum lot size of 20,000 sq. ft. and a minimum lot width of 90'; no open space requirement. Further, individual lots of less than 20,000 sq. ft. and/or 90' width, existing prior to the effective date of this ordinance, are construed to be conforming.
2. Except as provided in a. above, Farmhouse Cluster and Conservation Subdivision Standards, density in the Transitional zoning district shall be as follows:

|                      |     |             |
|----------------------|-----|-------------|
| Percent Open Space   | 20% | 40% or more |
| Units per Gross Acre | .5  | 1.5         |

3. For every 1% additional open space over 20%, density can be increased by .05 units per gross acre to a maximum of 1.5 units per gross acre.
4. Open space which is improved, dedicated and accepted by a public agency for public use shall be counted as 1.5 times the actual acreage as an incentive to provide improved public open space. In order to obtain credit the open space should align with the Town and County's future land use plans. Written proof of willingness to accept the open space by a public agency shall be presented at all stages of the approval process. Access shall at least consist of trails built to public standards meandering through the open space with public access points readily available and public access signs posted at those locations and where the trail intersects with roads shown on the Thoroughfare Plan. Other improvements, such as parks, shall be in accordance with applicable governmental standards.
5. In determining density permissible on a tract of land, fractions shall be dropped. In mixed-use developments, areas used for nonresidential purposes shall be subtracted from the tract acreage to determine density permitted.



#### TA25-01: Residential Uses

6. Lot sizes shall average at least 7,500 sq. ft., but in no case shall any lot be less than 6,000 sq. ft. The front yard setback for residential lots shall be a minimum of 20'. The side yard setback shall be 6' and the rear yard setback shall be a minimum of 25'.
  7. Lot widths shall average at least 60 feet (excluding cul-de-sac lots), but in no case shall any lot be less than 50' wide. On cul-de-sac or turn-arounds, lots shall have at least 80% of the minimum lot width required when measured to a point 50' back from the street right-of-way. Further, these lots shall have a minimum 25' of frontage along the street right-of-way. No more than 50% of the lots in a subdivision shall be one width. A 10' differential in lot widths is required. At least 2 lot widths shall be required for subdivisions of 50 or less lots and at least 3 lot widths shall be required for subdivisions over 50 lots in size.
  8. In residential subdivisions, lots should not have a depth greater than four (4) times the width at the build-to or setback line except where physical dimensions of the tract provide no other alternative layout or where the open space is for a required buffer. Emphasis shall be on the quality of design as opposed to reduction of development costs.
  9. In order to preserve the low intensity development character found in the Transitional Residential zoning district, along existing state-maintained roads and future thoroughfares a visually opaque landscaped buffer of native vegetation at least 80 feet in width shall be required for major subdivisions unless a more restrictive buffer is established elsewhere in these regulations. The buffer shall be in common area and shall be counted towards meeting open space requirements.
  10. In major residential subdivisions, a landscaped median at least 20' in width shall be required at all entrances into the subdivision.
  11. Open space shall not be located in private residential lots, unless specifically allowed by this ordinance.
  12. Duplexes are permitted in major subdivisions. The aggregate number of dwelling units contained in the duplex house type shall not exceed twenty (20) percent of the total number of dwelling units in a project.
  11. New buildings shall comply with the requirements of Article 4 for the lot and building types unless otherwise specified by this Ordinance.
3. **Open Space.** Designated open space includes that parcel or parcels of land, which shall be set aside in perpetuity and shall have no buildings or permanent structures constructed within its perimeters except as provided for in this section. There are five types of open space in the Transitional Residential District: urban, agricultural,

Formatted: Indent: Left: 1.5", No bullets or

#### TA25-01: Residential Uses

common, natural, and recreational. Open space shall meet the provisions of this section and the provisions for open space established in Article 7, Part B.

1. Areas containing buildings and other impervious surfaces in excess of 100 sq. ft., shall not be counted as Open Space. This shall include, but not be limited to, barns, storage buildings, parking lots, clubhouses and tennis courts,
2. Open Space that is dedicated and accepted by the general public shall be maintained and managed by the Town of Huntersville or Mecklenburg County. The town and county have the right to accept or deny the dedication of open space to the public.
3. In the Conservation Subdivision, open space may also include portions of private building lots subject to a conservation or open space easement.
4. Open space preservation shall be irrevocable. A metes and bounds description of the space to be preserved and limits on use shall be recorded on the subdivision plat, in homeowner covenants, and on individual deeds when open space lands are not held entirely in common. Alternative means of permanent open space preservation may include acceptance by a land conservation trust or a unit of government. Private management alternatives which ensure the open space preservation required by this section will also be permitted. Restrictive covenants shall limit uses to the continuation of certain agricultural activities (pastureland, crop cultivation) or recreation uses that preserve the view from public streets of rural heritage features to be preserved. Upon verification by the town that restriction of development has been established by a permanent and irrevocable instrument, a letter so noting shall be simultaneously issued to the property owner(s) and to the Mecklenburg County Tax Administrator, Office of Real Estate Appraisal.

#### 4. **Compatibility with Surrounding Development.**

1. Along existing streets, new buildings shall respect the general spacing of structures, building mass and scale, and street frontage relationships of existing buildings.
  - New buildings which adhere to the scale, massing, volume, spacing, and setback of existing buildings along fronting streets exhibit demonstrable compatibility.
  - New buildings which exceed the scale and volume of existing buildings may demonstrate compatibility by varying the massing of buildings to reduce perceived scale and volume. The definition of massing in Article 12 illustrates the application of design techniques to reduce the visual perception of size and integrate larger buildings with pre-existing smaller buildings.

## TA25-01: Residential Uses

- A single-family detached house established on a lot of one acre or more that is created according to the provisions of Article 8.1, paragraph 1, need not adhere to the spacing, massing, scale, and street frontage relationships of existing buildings along an existing street or road, but shall, at a minimum, observe a front setback of 40 feet and a lot width of 90 feet. This paragraph shall take precedence over the requirement of Article 4: Lot Types/Detached House for placement of a building on its lot.
- Nothing in this subsection shall be interpreted to conflict with the building design element provision as found in N.C.G.S. 160D-702(b) for structures subject to the North Carolina Residential Code.

2. On new streets, allowable building and lot types will establish the development pattern.

5. See Section 8.16, Standards for Residential Lot Widths, Alleys, Garages and Parking in Residential Districts.

- e. **Special Requirements: Farmhouse Cluster Developments.** A **Farmhouse Cluster** permits the subdivision of land for up to six house lots accessed by way of a shared private drive when the following conditions have been met:

1. Minimum project size and frontage on public road: 10 acres with a minimum of 30 feet of frontage on a public road either by fee simple ownership or by exclusive easement.
2. There shall be no more than two farmhouse cluster developments permitted per tract.
3. Private drives shall be paved in accordance with the Town of Huntersville construction standards. The private street right-of-way or easement shall be of sufficient width to accommodate drainage/water quality treatment associated with the private drive. Further, the recorded easement shall have at least 30' of frontage on a public street. In the event two farmhouse clusters are established, the private drive serving those farmhouse clusters may be connected provided:
  1. The subdivision plat and associated deeds shall clearly state such drive shall remain private and will not be taken over by a public entity in the future unless such street complies with the construction standards of that public entity.
  2. Where feasible, there shall be two means of ingress and egress into the combined farmhouse cluster development. Only in the event the original tract does not have the adequate frontage on a public road to obtain two driveway permits would one private drive be allowed to serve the combined farmhouse cluster development;

#### TA25-01: Residential Uses

4. An association of all property owners shall be established for maintenance of all commonly held spaces, if any. Where there are no commonly held spaces except for a shared driveway or private street, a legally binding shared driveway and/or private street use and maintenance agreement shall be filed at the Register of Deeds of Mecklenburg County. Furthermore, the shared driveway or private road shall be shown, along with all appropriate and necessary easements, on a recorded plat and a note shall be attached thereto stipulating the use and maintenance of the driveway and referencing the recorded agreement(s).
5. The location of building sites shall be determined through a site analysis which identifies features to be preserved as open space;
6. No minimum lot size or width is required, so long as the project meets all other standards of the district. Detached garages in farmhouse clusters shall be placed in the side or rear yard of home lots. Farmhouse clusters must include an opaque vegetative buffer from the public street for the placement of detached garages in the side yard of home lots.
7. At least 50% of the tract shall be designated as open space. Open space preservation shall be irrevocable. A metes and bounds description of the space to be preserved and limits on use shall be recorded on the subdivision plat and on individual deeds when open space lands are not held entirely in common. Open space lands may be part of a deeded lot so long as it reflects an irrevocable conservation or open space easement requiring such portions of individual lots to remain and be used as open space as provided in this section.
8. Permitted uses of open space lands to be preserved shall correspond generally to physical conditions at the time of subdivision approval. Restrictive covenants shall limit uses to the continuation of certain agricultural activities (pastureland, crop cultivation) or recreation uses that preserve the view from public streets of rural heritage features to be preserved. For example, fields or pasture land preserved as required open space may continue to support cultivation or grazing; however existing woodlands may not be clear-cut. In order to ensure septic tanks are located on the most suitable soils, septic fields may be located in the common open space provided a maintenance easement is established for access.
9. Private building lots, or any portion thereof, shall not be used to satisfy tree save requirements or open space requirements.
10. The project shall provide an 80-foot landscaped buffer along the property street frontage. buffer shall consist of:
  1. Vegetated plantings consisting of four (4) trees per 1,000 sq/ft of buffer area; 75% large maturing; 50% evergreen; 25% small maturing and five (5) shrubs per 1,000 sq/ft; 75% evergreen; or

## TA25-01: Residential Uses

2. Softscape (i.e. street trees, meadow, or pastures) and hardscape elements (i.e. stone walls or split rail fencing). Residential structures must not be visible from the public road using an opaque screening (Article 7.6.2).
  11. Where a farmhouse cluster would eliminate a planned street connection or a street connection indicated on a plan adopted by the Town of Huntsville or the Charlotte-Mecklenburg Thoroughfare Plan, and no alternate alignment can reasonably provide the connection, the design of the farmhouse cluster shall provide for said connection by the dedication of right-of-way for streets less than 70 feet in width and by the reservation of right-of-way for streets 70 feet or wider.
  12. A Farmhouse Cluster requires an approved **Farmhouse Cluster subdivision plan**, according to the requirements of the Huntersville Subdivision Ordinance including approval by the Planning Staff and shall meet all other requirements for review and approval, which may include preliminary plan approval prior to approval of a final plat.
- f. **Special Requirements: Conservation Subdivisions.** A **Conservation Subdivision** permits single-family building lots to be divided from a parent tract(s) according to a streamlined subdivision approval process. The approval process, coupled with exemption from most zoning and subdivision requirements, is available to owners who voluntarily place conservation easements on their land in favor of an established lands conservancy. A land division can be approved as a Conservation Subdivision when the following conditions are met:
1. An irrevocable conservation easement held by a conservation organization is placed upon the tract(s) to be subdivided, and documentation of the conservation easement, including a boundary description of the area subject to the conservation easement is submitted with the subdivision application.
  2. Limits on location and extent of land disturbance and building construction are set out in the conservation easement(s), which shall at a minimum preserve the rural appearance of the land when viewed from public roads and from abutting properties.
  3. Treatment of floodplain(s) and required water quality buffers, as described in the conservation easement(s), conform to the minimum standards of the Huntersville Zoning and Subdivision ordinances.
  4. Minimum project size: 40 acres.
  5. Maximum gross density: 1 dwelling unit per 20 acres.
  6. No new public streets are to be created through the development process.
  7. All parcels within the conservation subdivision will have frontage on an existing public road right-of-way or will be provided access to a permanent 20-foot wide access easement that connects to the public right-of-way. Permanent access easement(s) may be either exclusive or non-exclusive, however landlocked parcel(s)

## TA25-01: Residential Uses

may not be created. Documentation of lot access shall be submitted with the subdivision application.

8. The holder of the conservation easement will be held responsible for enforcement of the terms of the conservation easement.
9. Where the parent tract(s) abuts or includes a segment of a thoroughfare that is shown on the adopted thoroughfare plan and for which an engineered alignment has been selected, any right of way reservation required by the subdivision regulations shall be made, either by the filing of a deed or the filing of a plat map.
10. Documentation of the above, including a copy of the recorded conservation easement with metes and bounds description, shall be provided with the subdivision application and shall entitle the subdivider to choose to divide the property by deed, as a metes and bounds subdivision, or by final plat approval and recordation according to the requirements of Subdivision Ordinance Section 6.520 for a minor subdivision.
11. A Conservation Subdivision and the lots and homes built therein are exempt from the following ordinance provisions: • Requirement that each building lot have frontage on a public street. • Requirement to provide open space. • Requirements of Article 4: Lot Types/Detached House, which section describes the placement of a building on its lot. • Requirements for the placement and size of residential garages set out in Section 8.16, paragraphs .1, and .6. All other standards of Section 8.16 shall apply. • Requirement to plant street trees along existing public road(s) where existing, mature trees are to be preserved as a condition of the conservation easement. • Requirement to construct or escrow funds for sidewalks or alternative pedestrian paths along existing public road(s).

### 3.2.3 GENERAL RESIDENTIAL DISTRICT (GR)

**Intent:** The General Residential District is coded to permit the completion and conformity of conventional residential subdivisions already existing or approved in sketch plan form prior to the effective date of these regulations. The application of the General Residential District is not intended for development projects in the Huntersville jurisdiction which are initiated after the effective date of this ordinance (November 19, 1996).

#### 1. Permitted Uses.

##### Uses permitted by right.

- ~~single family homes~~ [residential uses](#)
- family care home

##### Uses permitted with conditions.

- cemeteries, (9.7)
- religious institutions, (9.8)
- duplexes on corner lots, (9.13)

## TA25-01: Residential Uses

- essential services 1 and 2, (9.14)
- government buildings up to 5,000 sq. ft. of gross floor area
- neighborhood and outdoor recreation, (9.21)
- parks, (9.29)
- schools, (9.35)
- transit shelters, (9.39)

### **Uses permitted with Special Use Permit.**

- wind energy facility, minor, accessory (9.53)

### **• Permitted Building and Lot Types.**

- civic building
- **duplex**
  - detached house
  - other building types previously approved by the Board of Commissioners as elements of a cluster development plan

### **2. Permitted Accessory Uses.**

- accessory dwellings, (9.1)
- day care home (small), (9.11)
- home occupations, (9.19)
- marinas, (9.42)
- solar facility, minor non-residential (9.54)
- solar energy facility, minor residential (9.54)
- accessory uses permitted in all districts (8.11)

### **3. General Requirements.**

1. Development density, amount and location of open space, arrangement of streets and lots, yard dimensions, and access to existing roads shall be controlled by the most recently approved subdivision plan (sketch, preliminary, or plat) unless the lot size and width in question is less than 50% of the standards found in (d)(3) below. If below 50% of the lot area and width, then Section 11.5.5 of these regulations shall apply. Any modifications to an approved subdivision plan shall maintain the density of the original plan.
2. Developments in the general residential district which are approved but not yet built are permitted minor modifications through the administrative process; such developments, if redesigned, must conform to all of the requirements of this ordinance for the GR District (3, below) or may petition for a district change according to Section 11.4.
3. In the absence of a subdivision sketch or preliminary plan approved prior to the effective date of this ordinance, the following lot dimensions shall apply:

TA25-01: Residential Uses

| Minimum Lot Size | Minimum Lot Width | Minimum Front Yard | Minimum Rear Yard | Minimum Side Yards | Minimum Corner Lot Side Yard |
|------------------|-------------------|--------------------|-------------------|--------------------|------------------------------|
| 20,000           | 90'               | 40'                | 50'               | 10'                | 20'                          |

~~4. New buildings shall comply with the requirements of Article 4 for the lot and building types unless otherwise specified by this Ordinance.~~

Formatted: List Paragraph, No bullets or numbering

### 3.2.4 NEIGHBORHOOD RESIDENTIAL DISTRICT (NR)

**Intent:** The Neighborhood Residential District provides for residential infill development around the Town Core, Activity Centers and Mixed-Use Centers and their logical extensions identified in adopted long range plans. Streets in the Neighborhood Residential District must be interconnected, according to Article 5, Streets, and Urban Open Space provided according to Article 7. A range of housing types is encouraged. Low-intensity business activity is permitted in mixed-use and commercial buildings at residential scale, according to locational criteria. The intensity to which permitted uses may be built is regulated by the building type which corresponds to the use.

#### 1. Permitted Uses.

**Uses permitted by right.**

- bed and breakfast inns
- boarding or rooming houses for up to four roomers
- congregate housing designed within the “civic” building type
- family care home
- ~~single family homes~~ residential uses

**Uses permitted with conditions.**

- cemeteries, (9.7)
- religious institutions, (9.8)
- commercial use in a mixed-use building<sup>1</sup>, located on an arterial or at the intersection of a local street and a larger capacity street
- commercial use, in a detached house building type, located within 1/4 mile of a Town Center district and fronting a major or minor thoroughfare (Includes properties in which any portion falls within the 1/4 mile boundary) (9.51)
- essential services 1 and 2, (9.14)
- government buildings up to 5000 sq. ft. of gross floor area
- neighborhood and outdoor recreation, (9.21)
- parks, (9.29)
- retirement communities (9.50)



## TA25-01: Residential Uses

- schools, (9.35)
- transit-oriented parking lots as a principal use, (9.49)
- transit shelters, (9.39)
- ~~multi-family homes (9.64)~~

### **Uses permitted with Special Use Permit.**

- wind energy facility, minor, accessory, (9.53)

### **2. Permitted Building and Lot Types.**

- apartment
- attached house
- civic building
- detached house (Commercial uses up to 4,500 sq. ft. of first floor area)
- mixed-use<sup>1</sup>, up to 3,000 sq. ft. of first floor area

### **3. Permitted Accessory Uses.**

- accessory dwelling, (9.1)
- day care home (small), (9.11)
- home occupation, (9.19)
- marinas, (9.42)
- solar facility, minor non-residential (9.54)
- solar energy facility, minor residential (9.54)
- accessory uses permitted in all districts (8.11)

### **4. General Requirements.**

1. Along existing streets, new buildings shall respect the general spacing of structures, building mass and scale, and street frontage relationships of existing buildings.
  1. New buildings which adhere to the scale, massing, volume, spacing, and setback of existing buildings along fronting streets exhibit demonstrable compatibility.
  2. New buildings which exceed the scale and volume of existing buildings may demonstrate compatibility by varying the massing of buildings to reduce perceived scale and volume. The definition of massing in Article 12 illustrates the application of design techniques to reduce the visual perception of size and integrate larger buildings with pre-existing smaller buildings.
  3. Subsection 3.2.4(d)(1)(a)-(b) shall not apply to development on parcels where multifamily structures are an allowable use and the development contains two or more affordable housing units for families or individuals with incomes below eighty percent (80%) of the area median income.
  4. A single-family detached house established on a lot of one acre or more that is created according to the provisions of Article 8.1, paragraph 1, need not adhere to the spacing, massing, scale, and street frontage relationships of

## TA25-01: Residential Uses

existing buildings along an existing street or road, but shall, at a minimum, observe a front setback of 40 feet and a lot width of 90 feet. This paragraph shall take precedence over the requirement of Article 4: Lot Types/Detached House for placement of a building on its lot.

5. Nothing in this subsection shall be interpreted to conflict with the building design element provision as found in N.C.G.S. 160D-702(b) for structures subject to the North Carolina Residential Code.
2. On new streets, allowable building and lot types will establish the development pattern.
- ~~3.~~ In major subdivisions, the aggregate number of dwelling units contained in ~~attached houses~~ duplex, triplex, quadplex, townhome, apartment buildings, and mixed-use<sup>1</sup> buildings shall not exceed ~~30~~ thirty percent (30%) of the total number of dwelling units in a project.
- ~~4.5.~~ Every building lot shall have frontage upon a public street except as provided in Section 8.1.
- ~~5.6.~~ The percentage of ~~attached~~ dwelling units contained in duplex style buildings is not limited within a retirement community development. ~~is not limited when duplex style buildings are used.~~
- ~~7.~~ See Section 8.16, Standards for Residential Lot Widths, Alleys, Garages and Parking in Residential Districts.
- ~~6.~~ ~~New buildings shall comply with the requirements of Article 4 for the lot and building types unless otherwise specified by this Ordinance.~~

<sup>1</sup> The mixed-use building duplicates the shopfront building type and has at least two occupiable stories; at least 50% of the habitable area of the building shall be in residential use, the remainder shall be in commercial use. However, when an existing residential building is redeveloped to a mixed-use, at least 40% of the habitable area shall be in residential use.

### 3.2.5 NEIGHBORHOOD CENTER DISTRICT (NC)

**Intent:** The Neighborhood Center District is provided for the location of shops, services, small workplaces, civic and residential buildings central to a neighborhood or grouping of neighborhoods and within walking distance of dwellings. A neighborhood center shall be developed on an interconnected pattern of streets and is limited to approximately 1/4 mile in radius. Uses in the neighborhood center will have a primary market area of 1 mile and buildings compatible with surrounding residences. If a neighborhood center is the focus of a planned transit stop, it should be designed to serve the neighborhood's residential base plus transit riders.

#### 1. Permitted Uses.

##### Uses permitted by right.

- bed and breakfast inns

**Formatted:** Outline numbered + Level: 2 + Numbering Style: 1, 2, 3, ... + Start at: 5 + Alignment: Left + Aligned at: 0.75" + Tab after: 1" + Indent at: 1"

## TA25-01: Residential Uses

- boarding or rooming houses for up to six roomers
- civic, fraternal, cultural, community, or club facilities
- commercial uses
- congregate housing designed within the “civic” building type
- family care home
- indoor amusement
- indoor recreation
- single family homes

### Uses permitted with conditions.

- cemeteries, (9.7)
- religious institutions, (9.8)
- commercial marinas, (9.43)
- day care center, (9.11)
- essential services 1 and 2, (9.14)
- government buildings up to 6,000 sq. ft. of first floor area
- neighborhood gasoline stations, excluding major service and repair of motor vehicles (9.22)
- parking lot as principal use (9.28)
- parks, (9.29)
- schools, (9.35)
- temporary mobile food sales (9.37)
- temporary outdoor sales of seasonal agricultural products and customary accessory products (example: farmers’ markets, Christmas tree/pumpkin sales), (9.37)
- transit-oriented parking lots as a principal use, (9.49)
- transit shelters, (9.39)
- ~~multi-family homes (9.64)~~

### Uses permitted with Special Use Permit.

- wind energy facility, minor, accessory, (9.53)

## 2. Permitted Building and Lot Types.

- apartment
- ~~attached house~~ townhome

### • ~~duplex~~

### • ~~triplex~~

### 2. • ~~quadplex~~

- civic
- detached house
- mixed-use<sup>1</sup> up to 6,000 sq. ft. of first floor area
- ~~storefront~~ shopfront up to 6,000 sq. ft. of first floor area
- workplace up to 6,000 sq. ft. of first floor area

**Formatted:** Font: Not Bold

**Formatted:** Outline numbered + Level: 1 + Numbering  
Style: Bullet + Aligned at: 0.25" + Tab after: 0.5" +  
Indent at: 0.5"

**Formatted:** Font: Not Bold

3. **Permitted Accessory Uses.**

- accessory dwelling, (9.1)
- day care home (small), (9.11)
- drive through windows, excluding those associated with restaurants, (9.12)
- home occupation, (9.19)
- marinas accessory to residential uses, (9.42)
- solar facility, minor non-residential (9.54) • solar energy facility, minor residential (9.54)
- stalls or merchandise stands for outdoor sale of goods at street front (encroachment onto sidewalk may be permitted by agreement with town); outdoor storage expressly prohibited<sup>2</sup>.
- accessory uses permitted in all Districts (8.11)

4. **General Requirements.**

1. Along existing streets, new buildings shall respect the general spacing of structures, building mass and scale, and street frontage relationships of existing buildings.

1. New buildings which adhere to the scale, volume, spacing, and setback of existing buildings along fronting streets exhibit demonstrable compatibility.
2. Buildings which exceed the scale and volume of existing buildings may demonstrate compatibility by varying the massing of buildings to reduce perceived scale and volume. The definition of massing in Article 12 illustrates the application of design techniques to reduce the visual perception of size and integrate larger buildings with pre-existing smaller buildings.
3. Subsection 3.2.5(d)(1)(a)-(b) shall not apply to development on parcels where multifamily structures are an allowable use and the development contains two or more affordable housing units for families or individuals with incomes below eighty percent (80%) of the area median income.
4. Nothing in this subsection shall be interpreted to conflict with the building design element provision as found in N.C.G.S. 160D-702(b) for structures subject to the North Carolina Residential Code.

2. On new streets, allowable building and lot types will establish the development pattern.

~~3.~~—In major subdivisions and planned developments, the aggregate number of dwelling units contained in ~~attached houses~~duplex, triplex, quadplex, townhome, apartment buildings, and mixed-use<sup>1</sup> buildings shall not exceed ~~30~~ thirty percent (30%) of the total number of dwelling units in a project.

~~4.~~—

5. New Construction favors retail first floor, office or residential second floor
6. Maximum radius of neighborhood center = 1/4 mile

Formatted: Space After: 0 pt, Line spacing: single

Formatted: Outline numbered + Level: 2 + Numbering Style: 1, 2, 3, ... + Start at: 5 + Alignment: Left + Aligned at: 0.75" + Tab after: 1" + Indent at: 1"

## TA25-01: Residential Uses

7. Incremental development of a neighborhood center is to be expected with individual sites developed in accordance with an approved, locational explicit, town plan.

8. Every building lot shall have frontage upon a public street or urban open space.

9. See Section 8.16, Standards for Residential Lot Widths, Alleys, Garages and Parking in Residential Districts.

~~9. New buildings shall comply with the requirements of Article 4 for the lot and building types unless otherwise specified by this Ordinance.~~

<sup>1</sup>The mixed-use building duplicates the shopfront building type and has at least two occupiable stories; at least 50% of the habitable area of the building shall be in residential use, the remainder shall be in commercial use. However, when an existing residential building is redeveloped to a mixed-use, at least 40% of the habitable area shall be in residential use.

<sup>2</sup>Items for outdoor sales are returned to building at end of each business day; goods not brought in at close of business day are considered outdoor storage.

### 3.2.6 TOWN CENTER DISTRICT (TC)

**Intent:** The Town Center District provides for revitalization, reuse, and infill development in Huntersville's traditional town center. A broad array of uses is expected in a pattern which integrates shops, restaurants, services, work places, civic, educational, and religious facilities, and higher density housing in a compact, pedestrian-oriented environment. The Town Center anchors the surrounding residential neighborhoods while also serving the broader community. The district is coded to accommodate the higher overall intensity of development required to support a rail transit station. It is to be expected that the Town Center District will be expanded over time through the zoning change process to an approximate 1/2 mile radius to meet growth in demand for downtown facilities and services.

- **Permitted Uses.**

**Uses permitted by right.**

- bed and breakfast inns
- boarding or rooming houses for up to six roomers
- civic, fraternal, cultural, community, or club facilities
- commercial uses
- congregate housing designed within the "civic" building type
- family care home
- government buildings
- hotels
- indoor amusement
- nightclubs, music clubs, bars, and similar entertainment facilities
- ~~single family homes~~  
~~residential uses~~

Formatted: Indent: Left: 1", No bullets or numbering

## TA25-01: Residential Uses

### Uses permitted with conditions.

- automobile and/or motorcycle sales, automobile service and repair, up to 2 acres in size, with a principal building of at least 8,000 sq. ft., all damaged vehicles and auto parts to be screened opaque (9.25)
- cemeteries, (9.7)
- religious institutions, (9.8)
- essential services 1 and 2, (9.14)
- neighborhood gasoline stations, excluding major service and repair of motor vehicles (9.22)
- parking lot as principal use (9.28)
- parks, (9.29)
- schools, (9.35)
- temporary mobile food sales (9.37)
- temporary outdoor sales of seasonal agricultural products and customary accessory products (example: farmers' markets, Christmas tree/pumpkin sales), (9.37)
- transit-oriented parking lots as a principal use, (9.49)
- transit shelters, (9.39)
- ~~multi-family homes (9.64)~~

### Uses permitted with Special Use Permit.

- wind energy facility, minor, accessory, (9.53)

### • Permitted Building and Lot Types.

- apartment
- ~~attached house~~ ~~townhome~~

### • ~~duplex~~

Formatted: Font: Not Bold

### • ~~triplex~~

Formatted: Font: Not Bold

### • ~~quadplex~~

- civic
- detached house
- mixed-use<sup>1</sup> up to 50,000 sq. ft. of first floor area; larger buildings may be permitted with a conditional rezoning
- ~~storefront~~ ~~shopfront~~ up to 50,000 sq. ft. of first floor area; larger buildings may be permitted with a conditional rezoning
- workplace up to 50,000 sq. ft. of first floor area; larger buildings may be permitted with a conditional rezoning

### • Permitted Accessory Uses.

- accessory dwelling, (9.1)
- day care home (small), (9.11)
- drive through windows, excluding those associated with restaurants, (9.12)
- home occupation, (9.19)

## TA25-01: Residential Uses

- solar facility, minor non-residential (9.54) • solar energy facility, minor residential (9.54)
  - stalls or merchandise stands for outdoor sale of goods at street front (encroachment onto sidewalk may be permitted by agreement with town); outdoor storage expressly prohibited<sup>2</sup>
  - accessory uses permitted in all districts, (8.11)
- **General Requirements.** Along existing streets, new buildings shall respect the general spacing of structures, building mass and scale, and street frontage relationships of existing buildings.
    1. buildings which adhere to the scale, massing, volume, spacing, and setback of existing buildings along fronting streets exhibit demonstrable compatibility.
    2. buildings which exceed the scale and volume of existing buildings may demonstrate compatibility by varying the massing of buildings to reduce perceived scale and volume. The definition of massing in Article 12 illustrates the application of design techniques to reduce the visual perception of size and integrate larger buildings with pre-existing smaller buildings.
    3. Subsection 3.2.6(d)(1)(a)-(b) shall not apply to development on parcels where multifamily structures are an allowable use and the development contains two or more affordable housing units for families or individuals with incomes below eighty percent (80%) of the area median income.
    4. Nothing in this subsection shall be interpreted to conflict with the building design element provision as found in N.C.G.S. 160D-702(b) for structures subject to the North Carolina Residential Code.

On new streets, allowable building and lot types will establish the development pattern.

~~4.~~ In major subdivisions and planned developments, the aggregate number of dwelling units contained in ~~attached houses~~ duplex, triplex, quadplex, townhome, apartment buildings, and mixed-use<sup>1</sup> buildings shall not exceed ~~thirty~~ percent (30%) of the total number of dwelling units in a project.

~~2.~~  
~~3.2.~~ New construction favors retail on first floor, office and/or residential on upper floors.

~~4.3.~~ Every building lot shall have frontage upon a public street or urban open space.

~~5.4.~~ **Minimum Height.** Mixed-Use, Storefront and Workplace Buildings. New construction shall be a minimum of two stories for buildings fronting on the following roads:

- Gilead Road- From Sherwood Drive to Old Statesville Road (NC 115)
- Huntersville-Concord Road- From Old Statesville Road (NC 115) to Main Street

**Formatted:** List Paragraph, Outline numbered + Level: 2 + Numbering Style: 1, 2, 3, ... + Aligned at: 0.75" + Tab after: 1" + Indent at: 1"

## TA25-01: Residential Uses

- Old Statesville Road (NC 115) - From 400 feet north of the intersection of Gilead Road/Huntersville-Concord Road to Greenway Drive
- Main Street- From Huntersville-Concord Road to Greenway Drive

5. See Section 8.16, Standards for Residential Lot Widths, Alleys, Garages and Parking in Residential Districts.

6. ~~New buildings shall comply with the requirements of Article 4 for the lot and building types unless otherwise specified by this Ordinance.~~

<sup>1</sup> The mixed-use building duplicates the shopfront building type and has at least two occupiable stories; at least 50% of the habitable area of the building shall be in residential use, the remainder shall be in commercial use. However, when an existing residential building is redeveloped to a mixed-use, at least 40% of the habitable area shall be in residential use.

<sup>2</sup> Items for outdoor sales are returned to building at end of each business day; goods not brought in at close of business day are considered outdoor storage.

### **3.2.7 HIGHWAY COMMERCIAL DISTRICT (HC)**

**Intent:** The Highway Commercial District is established to provide primarily for auto-dependent uses in areas not amenable to easy pedestrian access and a comfortable pedestrian environment. It is expected that the Highway Commercial District will serve not only the Huntersville Community, but interstate travelers as well. Because of the scale and access requirements of uses in this category, they often cannot be compatibly integrated within the Town Center or Neighborhood Center Districts. Development at district boundaries must provide a compatible transition to uses outside the district; property boundaries adjacent to freeways or expressways will require a 50-foot foliated buffer yard; and frontages on major or minor arterials will require formal street tree planting.

#### **1. Permitted Uses.**

##### **Uses permitted by right.**

- amusement facilities: all indoor uses
- armories for meetings and training of military organizations
- auction sales
- boarding or rooming houses for up to six roomers
- religious institutions
- civic, fraternal, cultural, community, or club facilities
- commercial uses
- contractor offices and accessory storage yards, excluding the storage of general construction equipment and vehicles
- family care home
- government buildings
- indoor and outdoor recreation
- nightclubs, music clubs, bars, and similar entertainment facilities



## TA25-01: Residential Uses

- pawnshops and second-hand shops
- single family homes
- vocational and technical schools
- wholesale sales with related office, storage and warehousing entirely within an enclosed building; truck terminals not permitted

### Uses permitted with conditions.

- adult establishments, (9.2)
- amusement facilities, outdoor, limited to par 3 golf courses, golf driving ranges, and archery ranges, (9.5)
- car wash, (9.6)
- commercial marinas, (9.43)
- day care center, (9.11)
- essential services 1 and 2, (9.14)
- gasoline service stations, including service and repair of motor vehicles, (9.22)
- hotels, (9.45)
- parks, (9.29)
- temporary outdoor sales of seasonal agricultural products (example: Christmas tree/pumpkin sales), (9.37)
- temporary mobile food sales, (9.37)
- transit-oriented parking lots as a principal use, (9.49)
- transit shelters, (9.39)
- vehicle and boat service, rental, cleaning, mechanical repair, and body repair, (9.25; 9.26)
- ~~multi-family homes (9.64)~~

### Uses permitted with special use permit.

- crematoriums, accessory, (9.56)
- halfway houses (9.55)
- wind energy facility minor, accessory, (9.53)

## 2. Permitted Building Types.

- apartment
- ~~attached house~~ duplex

### • triplex

### • quadplex

### 2. • townhome

- civic
- detached house
- highway commercial; up to 65,000 sq. ft. of first floor area on major thoroughfare; up to 15,000 sq. ft. of first floor area on minor thoroughfare.<sup>1</sup>
- mixed-use<sup>2</sup> up to 65,000 sq. ft. of first floor area on major thoroughfare; up to 15,000 sq. ft. on minor thoroughfare
- shopfront, up to 65,000 sq. ft. of first floor area on major thoroughfare; up to 15,000 sq. ft.

Formatted: Font: Not Bold

Formatted: Outline numbered + Level: 1 + Numbering  
Style: Bullet + Aligned at: 0.25" + Tab after: 0.5" +  
Indent at: 0.5"

Formatted: Font: Not Bold

## TA25-01: Residential Uses

of first floor area on minor thoroughfare; second floor apartments or offices encouraged for most uses.

- workplaces; up to 65,000 sq. ft. of first floor area on major thoroughfare; up to 15,000 sq. ft. of first floor area on minor thoroughfare; second floor apartments or offices encouraged for most uses.

### 3. Permitted Accessory Uses.

- commercial outdoor kennels, (9.10)
- drive through windows associated with any use (9.12)
- helistop, (9.18)
- home occupations, (9.19)
- outdoor storage, excluding construction equipment, (9.26)
- solar facility, minor non-residential (9.54) • solar energy facility, minor residential (9.54)
- stalls or merchandise stands for outdoor sale of goods at street front; outdoor storage must be behind building and screened from view from public spaces<sup>3</sup>
- warehousing accessory to merchandise showroom, within an enclosed building
- accessory uses permitted in all districts, (8.11)

### 4. General Requirements.

1. Along existing streets, new buildings shall respect the general spacing of structures, building mass and scale, and street frontage relationships of existing buildings.

1. New buildings which adhere to the scale, massing, volume, spacing, and setback of existing buildings along fronting streets exhibit demonstrable compatibility.
2. New buildings which exceed the scale and volume of existing buildings may demonstrate compatibility by varying the massing of buildings to reduce perceived scale and volume. The definition of massing in Article 12 illustrates the application of design techniques to reduce the visual perception of size and integrate larger buildings with pre-existing smaller buildings.
3. Subsection 3.2.7(d)(1)(a)-(b) shall not apply to development on parcels where multifamily structures are an allowable use and the development contains two or more affordable housing units for families or individuals with incomes below eighty percent (80%) of the area median income.
4. Nothing in this subsection shall be interpreted to conflict with the building design element provision as found in N.C.G.S. 160D-702(b) for structures subject to the North Carolina Residential Code.

On new streets, allowable building and lot types will establish the development pattern.

2. In major subdivisions and planned developments, the aggregate number of dwelling units contained in attached houses, apartment buildings, and mixed-use<sup>2</sup> buildings

## TA25-01: Residential Uses

shall not exceed ~~30~~thirty percent (30%) of the total number of dwelling units in a project.

3. Notwithstanding the limitations of 3), above,

1. In a pedestrian-oriented development organized around a system of streets and blocks, and anchored with retail, restaurant, and entertainment uses, 100 percent of the dwelling units which are located in the same block with commercial uses may be contained in attached houses, apartment buildings, and mixed-use<sup>2</sup> buildings. To qualify under this paragraph, at least one parking space per dwelling unit must be replaced in a parking deck which is located on the interior of the block, and at least 20% of the habitable first floor area in each block must be devoted to commercial uses. Habitable first floor area includes all first floor building area that is used for interior human activity (including storage areas of retail shops, kitchen areas and pantries for restaurants, and similar uses). Habitable first floor area does not include the first floor of a parking deck nor outdoor areas used for restaurant seating or retail display. Hotels, light manufacturing and assembly facilities, and laboratories and associated research facilities are permitted within the development, but may not be used to meet the 20% minimum first floor commercial requirement. The higher density residential environment permitted by this exception provides a full-time population which animates the streets, supports the businesses on a daily basis, and accesses goods and services without sole dependence on private vehicles.
2. Within a Mixed-Use Node, the aggregate number of dwelling units contained in ~~attached houses~~duplex, triplex, quadplex, apartment buildings, and mixed-use<sup>2</sup> buildings shall not exceed 80% subject to the following requirements:
  1. Housing density shall decrease in intensity on streets further away from the Commercial Use(s); apartment buildings and mixed-use<sup>2</sup> buildings housing density shall not exceed 18 units per acre; attached housing density shall not exceed 8 units per acre; detached housing density shall not exceed 3 units per acre.
  2. A minimum of 50% of the node acreage must be for residential use.
  3. All mixed-use<sup>2</sup> buildings shall count towards the residential acreage requirements.
  4. An approved Mixed-Use Node that contains less than 100 acres may be expanded to include parcels that are adjacent to the approved Mixed-Use Node and its major thoroughfare. The number and type of dwelling units permitted at an expanded Mixed-Use Node shall not exceed the overall allowable density as prescribed herein.

## TA25-01: Residential Uses

4. Where screening is required by Article 9 for activities involving any sale, use, repair, storage, or cleaning operation, the specified standard of Section 7.5 shall apply.
5. Any Highway Commercial District shall be bordered on at least one side by a major or minor thoroughfare.
6. Abutting Interstate 77, the specified buffer requirement of Section 7.5 applies.
7. The arrangement of multiple buildings on a single lot shall establish building facades generally parallel to the frontage property lines along existing streets and proposed interior streets.
8. Every building lot shall have frontage upon a public street or urban open space except as follows: in specific locations where factors beyond developer control, such as a limited access highway, an existing development, or the location of an existing intersection, prohibit completing a street connection in the Highway Commercial District, a private drive may be substituted for the interior street which cannot be connected to the public network.
9. See Section 8.16, Standards for Residential Lot Widths, Alleys, Garages and Parking in Residential Districts.
- ~~9. New buildings shall comply with the requirements of Article 4 for the lot and building types unless otherwise specified by this Ordinance.~~

<sup>1</sup> Maximum first floor area for highway commercial buildings may be exceeded only where massing of building is varied to reduce perceived scale and volume.

<sup>2</sup> The mixed-use building duplicates the shopfront building type and has at least two occupiable stories; at least 50% of the habitable area of the building shall be in residential use, the remainder shall be in commercial use.

<sup>3</sup> Items for outdoor sales are returned to building at end of each business day; goods not brought in at close of business day are considered outdoor storage.

### 3.2.8 CAMPUS INSTITUTIONAL DISTRICT (CI)

**Intent:** The campus institutional district is established to provide for large institutional complexes which are already in place and for new institutional complexes on 15 acres or more which, because of the scale of the buildings or the nature of the use, cannot be fully integrated into the fabric of the community. Campus districts, unlike town districts, are buffered from neighboring properties; nonetheless, buildings in the campus district that front a town street shall relate to the street as prescribed by building type. Campus districts are intended primarily for existing institutions, as most new institutional projects can and should be designed within the fabric of the town.

#### • Permitted Uses.

**Uses permitted by right.**

Formatted: Indent: Left: 1", No bullets or numbering

## TA25-01: Residential Uses

- academic institutions, including elementary, middle, and high schools, technical, vocational, college, and university
- religious institutions and religious institution-related facilities
- ~~single family and multi-family homes on the premises which are intended for use by employee(s) of the institution or of companies providing on-site services to the institution~~
- governmental complexes, including indoor and outdoor recreation, but excluding correctional and waste management facilities
- health institutions, including hospitals and congregate care facilities with accessory shopfronts, sheltered workshops, and similar uses
- family care home, unlimited as to number of residents

- [residential uses on the premises which are intended for use by employee\(s\) of the institution or of companies providing on-site services to the institution](#)

### **Uses permitted with conditions.**

- day care centers, (9.11)
- essential services 1 and 2, (9.14)
- parks, (9.29)
- temporary outdoor sales of seasonal agricultural products (example: Christmas tree/pumpkin sales), (9.37)
- transit-oriented parking lots as a principal use, (9.49)
- transit shelters, (9.39)

•

### **Uses permitted with Special Use Permit.**

- halfway houses (9.55)
- wind energy facility, minor, accessory, (9.53)

- **Permitted Building and Lot Types.**

- apartment
- ~~attached house duplex~~

- [triplex](#)

- [quadplex](#)
  - civic building
  - detached house
  - mixed-use<sup>1</sup>
  - shopfront
  - workplace

- **Permitted Accessory Uses.**

- commercial uses and structures that are clearly accessory to a permitted principal use
- helistop, (9.18)
- home occupations, (9.19)
- solar energy facility, minor residential (9.54)

## TA25-01: Residential Uses

- solar facility, minor non-residential (9.54)
- accessory uses permitted in all districts, (8.11)
- **General Requirements.**
  1. Along existing streets, new buildings shall respect the general spacing of structures, building mass and scale, and street frontage relationships of existing buildings.
    1. New buildings which adhere to the scale, volume, spacing, and setback of existing buildings along fronting streets exhibit demonstrable compatibility.
    2. New buildings which exceed the scale and volume of existing buildings may demonstrate compatibility by varying the massing of buildings to reduce perceived scale and volume. The definition of massing in Article 12 illustrates the application of design techniques to reduce the visual perception of size and integrate larger buildings with pre-existing smaller buildings.
    3. Subsection 3.2.8(d)(1)(a)-(b) shall not apply to development on parcels where multifamily structures are an allowable use and the development contains two or more affordable housing units for families or individuals with incomes below eighty percent (80%) of the area median income.
    4. Where necessary scale of building prevents design compatibility, buffer standards of Section 7.5 shall apply.
  2. On new streets, allowable building and lot types will establish the development pattern.
  3. The interior of new campus developments shall be laid out along a street pattern and maintain well defined open space to give prominence to important structures and allow for assembly and pedestrian circulation; quadrangles are recommended.
  4. Every building lot shall have frontage upon a public street, or urban open space; buildings fronting urban open space shall provide for vehicular access from a rear alley or street.
  5. The arrangement of multiple buildings on a single lot shall establish building facades generally parallel to the frontage property lines along existing streets and proposed interior streets.
  - ~~5. New buildings shall comply with the requirements of Article 4 for the lot and building types unless otherwise specified by this Ordinance.~~

<sup>1</sup> The mixed-use building duplicates the shopfront building type and has at least two occupiable stories; at least 50% of the habitable area of the building shall be in residential use, the remainder shall be in commercial use. However, when an existing residential building is redeveloped to a mixed-use, at least 40% of the habitable area shall be in residential use.

Formatted: Indent: Left: 1", No bullets or numbering

### **3.2.9 CORPORATE BUSINESS (CB)**

**Intent:** The Corporate Business district is established to provide for large business or light industrial uses and parks which are already in place and for new business or light industrial uses or parks which, because of the scale of the buildings or the nature of the use, cannot be fully integrated into the fabric of the community. The predominant use is that of the workplace. Some institutional uses such as schools and religious institutions may be appropriate if they are sited properly and temporary. The corporate business district, unlike town districts, is buffered from neighboring properties; nonetheless, buildings in the corporate business district that front a town street shall relate to the street as prescribed by building type. Individual workplace buildings oriented to the street and scaled for compatibility with the surrounding environment are also permitted in the Highway Commercial district and, on a smaller scale, in the Town Center, Neighborhood Center, and TND Districts. Such workplaces should not be reclassified to the Corporate Business District. The corporate district is reserved for uses which require very large buildings and/or large parking and loading facilities such as warehouse/distribution operations.

#### **1. Permitted Uses.**

##### **Uses Permitted by Right.**

- office
- distributive businesses
- inns
- laboratories and research facilities
- manufacturing and assembly, excluding heavy manufacturing
- government buildings
- warehouses, except mini-warehouse storage
- wholesale sales
- vocational and technical schools

##### **Uses Permitted With Conditions.**

- automotive country club, (9.57)
- day care center, (9.11)
- commercial communication tower, (9.9)
- essential services 1 and 2, (9.14)
- hotels and motels, (9.45)
- schools, (9.35)
- parks, (9.29)
- temporary mobile food sales, (9.37)
- transit-oriented parking lots as a principal use, (9.49)
- transit shelters, (9.39)

##### **Uses Permitted with Special Use Permit.**

- wind energy facility, minor (accessory) (9.53)

**2. Permitted Building and Lot Types.**

- apartment
- ~~attached house~~duplex

• ~~triplex~~

• ~~quadplex~~

~~2.~~• ~~townhomes~~

- civic building
- highway commercial, up to 65,000 sq. ft. of first floor area
- mixed-use, up to 6,000 sq. ft. of first floor area<sup>1</sup>
- shopfront, as accessory to workplace
- workplace

**3. Permitted Accessory Uses.**

- ~~attached single family and multi-family homes~~residential uses in a duplex, triplex, quadplex, townhome, or apartment intended for use by personnel employed for security or maintenance
- ~~residential uses in a duplex, triplex, quadplex, townhome, or apartment~~~~attached single family and multi-family homes~~ in a corporate business development of 400 acres or more, with an approved, vested plan so long as (a) the gross land area of the ~~attached single family and/or multi-family housing development(s)~~residential use does not exceed 8 percent of the gross land area in the corporate business development; and (b) the number of ~~attached single family and/or multi-family~~residential housing developments within the corporate business development is limited to 3
- helistop, (9.18)
- home occupations, (9.19)
- outdoor storage, excluding the storage of construction equipment, (9.26)
- retail, restaurant, personal services, branch banks, conference facilities, clinics, indoor recreation and similar workplace support uses up to 10 percent of gross floor area within the business or light industrial park or 70,000 sq. ft., whichever is less
- solar energy facility, minor residential (9.54)
- solar facility, minor non-residential (9.54)
- accessory uses permitted in all districts, (8.11)

**4. General Requirements.**

1. Along existing streets, new buildings shall respect the general spacing of structures, building mass and scale, and street frontage relationships of existing buildings.
  1. New buildings which adhere to the scale, massing, volume, spacing, and setback of existing buildings along fronting streets exhibit demonstrable compatibility.
  2. New buildings which exceed the scale and volume of existing buildings may demonstrate compatibility by varying the massing of buildings to reduce perceived scale and volume. The definition of massing in Article 12

**Formatted:** Font: Not Bold

**Formatted:** Outline numbered + Level: 1 + Numbering Style: Bullet + Aligned at: 0.25" + Tab after: 0.5" + Indent at: 0.5"

**Formatted:** Font: Not Bold



## TA25-01: Residential Uses

illustrates the application of design techniques to reduce the visual perception of size and integrate larger buildings with pre-existing smaller buildings.

3. Subsection 3.2.9(d)(1)(a)-(b) shall not apply to development on parcels where multifamily structures are an allowable use and the development contains two or more affordable housing units for families or individuals with incomes below eighty percent (80%) of the area median income.
4. Buffer standards included in Article 7, Part A shall apply.
2. On new streets, allowable building and lot types will establish the development pattern.
3. Rezoning to the CB district shall only include one or more tracts of land or development sites that total fifteen acres or more in size except that proposals for less than fifteen acres adjoining an existing CB district may be considered.
4. The interior of new business and light industrial parks shall be laid out along a street pattern and shall maintain well defined open space to give prominence to important structures and allow for assembly and pedestrian circulation; quadrangles are recommended.
5. Every building lot shall have frontage upon a public street or urban open space unless an 80' buffer as provided in Article 7 is established; buildings fronting urban open space shall provide for vehicular access from a rear alley or street.
6. The arrangement of multiple buildings on a single lot shall have building facades established generally parallel to the frontage property lines along existing streets and proposed interior streets.
- ~~6. New buildings shall comply with the requirements of Article 4 for the lot and building types unless otherwise specified by this Ordinance.~~

<sup>1</sup> The mixed-use building duplicates the shopfront building type and has at least two occupiable stories; at least 50% of the habitable area of the building shall be in residential use, the remainder shall be in commercial use. However, when an existing residential building is redeveloped to a mixed-use, at least 40% of the habitable area shall be in residential use.

### **3.2.10 SPECIAL PURPOSE DISTRICT (SP)**

**Intent:** The Special Purpose District is established to accommodate uses that may constitute health or safety hazards, have greater than average impacts on the environment, or diminish the use and enjoyment of nearby property by generation of noise, smoke, fumes, odors, glare, commercial vehicle traffic, or similar nuisances. Because uses permitted in the SP District vary as to their impacts on the community, they may likewise vary as to effective mitigating conditions. Therefore, the SP district exists as a General Zoning District, but will frequently benefit from application as a Parallel Conditional Zoning District.

## TA25-01: Residential Uses

- **Permitted Uses.**

**Uses Permitted by Right.**

- abattoirs
- agricultural industries
- amusement facilities: all indoor uses
- commercial uses including office
- contractor offices and accessory storage yards
- foundries
- Indoor Recreation
- laboratories
- lumber mills and storage yards
- heavy manufacturing
- outdoor theatres
- power generation plants
- railroad freight yards, repair shops, and marshalling yards
- repair of products of heavy manufacturing operations
- all other uses permitted by right in the CB District
- mini-warehouse storage

**Uses Permitted with a Special Use Permit.**

- airports, (9.4)
- correctional facilities, (9.41)
- essential services 3, (9.15)
- halfway houses (9.55)
- hazardous or infectious material incineration, handling, or storage, (9.17)
- off-site LCID and C&D landfills, (9.23)
- quarries, (9.31)
- raceways and drag strips, (9.32)
- sanitary landfill, (9.34)
- solar energy facility, major, (9.54)
- solar energy facility free-standing, minor, non-residential, (9.54)
- solar energy facility, minor non-residential (9.54)
- solar energy facility, minor residential as follows: located on the façade elevation facing public street or common access; or located on the roof slope above the façade of the structure facing public street or common access, (9.54)
- solid waste incineration, (9.36)
- transfer station for organic and inorganic waste products, (9.38)
- other environmentally sensitive uses not expressly permitted in the SP or other districts, (9.24)
- wind energy facility, major, (9.53)
- wind energy facility, minor, accessory, (9.53)

**Uses Permitted with Conditions.**

## TA25-01: Residential Uses

- amusement facilities, outdoor, (9.5)
- commercial communication towers, (9.9)
- commercial kennels, indoor and outdoor (9.10)
- essential services 1 and 2, (9.14)
- inorganic residential household waste, intake and transfer off-site, (9.16)
- internet sweepstakes, (9.58)
- residential recycling center, (9.16)
- yard waste intake and processing, (9.16)
- junk yards, (9.20)
- outdoor storage, (9.26)
- outdoor storage of construction equipment, (9.27)
- petroleum storage facilities, (9.30)
- temporary mobile food sales, (9.37)
- transit-oriented parking lots as a principal use, (9.49)
- transit shelters, (9.39)
- trucking terminals, (9.40)
- all other uses permitted with conditions in the CB District

- **Permitted Building and Lot Types.**

- [duplex](#)

- [triplex](#)

- [quadplex](#)

- [townhome](#)

- workplace
  - highway commercial

- **Permitted Accessory Uses.**

- [residential uses permitted in the CB District](#)

- day care center, (9.11)
  - helistop, (9.18)
  - outdoor storage, (9.26)
  - outdoor storage of construction equipment, (9.27)
- accessory uses permitted in all districts, (8.11)
- modular home display as accessory to modular home sales office
- solar energy facility, minor residential (9.54)
- solar facility, minor non-residential (9.54)

- **General Requirements.**

1. Along existing streets, new buildings shall respect the general spacing of structures, building mass and scale, and street frontage relationships of existing buildings.

- New buildings which adhere to the scale, massing, volume, spacing, and setback

Formatted: Font: Not Bold

Formatted: Font: Not Bold

## TA25-01: Residential Uses

of existing buildings along fronting streets exhibit demonstrable compatibility.

- New buildings which exceed the scale and volume of existing buildings may demonstrate compatibility by varying the massing of buildings to reduce perceived scale and volume. The definition of massing in Article 12 illustrates the application of design techniques to reduce the visual perception of size and integrate larger buildings with pre-existing smaller buildings

- Buffer standards of Section 7.5 shall apply

2. On new streets, allowable building and lot types will establish the development pattern.

3. The arrangement of multiple buildings on a single lot shall establish building facades generally parallel to the frontage property lines along existing streets and proposed interior streets.

~~3. New buildings shall comply with the requirements of Article 4 for the lot and building types unless otherwise specified by this Ordinance.~~

### **3.2.11 TRADITIONAL NEIGHBORHOOD DEVELOPMENT DISTRICTS (TND-U AND TND-R)**

**Intent:** The Traditional Neighborhood Development Districts are provided for the development of new neighborhoods and the revitalization or extension of existing neighborhoods, which are structured upon a fine network of interconnecting pedestrian-oriented streets and other public spaces. Traditional Neighborhood Developments (TND's) offer a mixture of housing types and prices, prominently sited civic or community building(s), and stores/offices/workplaces to provide a balanced mix of activities. Religious institution and pre-school/elementary school facilities are encouraged. A Traditional Neighborhood Development (TND) has a recognizable center and clearly defined edges; optimum size is a quarter mile from center to edge. A TND-U is urban in form, is an extension of the existing developed area of the town, and complies with density measures of the Neighborhood Residential (NR) District. Minimum size of a TND-U is 40 acres. A TND-R will resemble a rural village, will usually be surrounded by a rural landscape, and must comply with the density limits and bonuses of the Rural and Transitional District. Minimum size of a TND-R is 65 acres.

#### **• Permitted Uses.**

##### **Uses permitted by right.**

- bed and breakfast inns
- boarding or rooming houses for up to six roomers
- civic, fraternal, cultural, community, or club facilities
- commercial uses
- congregate housing
- conference facilities
- family care home

## TA25-01: Residential Uses

- government buildings
- hotels
- **residential uses**
  - multi-family homes
  - single family homes

### Uses permitted with conditions.

- cemeteries, (9.7)
- religious institutions, (9.8)
- commercial marinas, (9.43)
- day care centers, (9.11)
- essential services 1 and 2, (9.14)
- neighborhood gasoline stations, excluding major service and repair of motor vehicles (9.22)
- parking lot as principal use (9.28)
- schools, (9.35)
- transit-oriented parking lots as a principal use, (9.49)
- transit shelters, (9.39)
- stalls or merchandise stands for outdoor sale of goods at street front (encroachment onto sidewalk may be permitted by agreement with town); outdoor storage expressly prohibited<sup>1</sup>.

### Uses permitted with Special Use Permit.

- wind energy facility, minor, accessory, (9.53)

### • Permitted Building and Lot Types.

- apartment
- attached house duplex

### • triplex

### • quadplex

- civic
- detached house
- mixed-use<sup>2</sup> up to 6,000 sq. ft. of first floor area; up to 65,000 sq. ft. of first floor area within 2,000 feet of a freeway interchange or the intersection of two major thoroughfares
- storefront shopfront up to 6,000 sq. ft. of first floor area; up to 65,000 sq. ft. of first floor area within 2,000 feet of a freeway interchange or the intersection of two major thoroughfares
- workplace up to 6,000 sq. ft. of first floor area; up to 65,000 sq. ft. of first floor area within 2,000 feet of a freeway interchange or the intersection of two major thoroughfares

### • Permitted Accessory Uses.

- accessory dwelling, (9.1)
- day care home (small), (9.11)
- drive through windows, excluding those associated with restaurants, (9.12)

Formatted: Font: Not Bold

## TA25-01: Residential Uses

- home occupation, (9.19)
- marinas accessory to residential uses, (9.42)
- solar energy facility, minor residential (9.54)
- solar facility, minor non-residential (9.54)
- accessory uses permitted in all districts, (8.11)

- **General Requirements.**

1. Along existing streets, new buildings shall respect the general spacing of structures, building mass and scale, and street frontage relationships of existing buildings.
  1. New buildings which adhere to the scale, massing, volume, spacing, and setback of existing buildings along fronting streets exhibit demonstrable compatibility.
  2. New buildings which exceed the scale and volume of existing buildings may demonstrate compatibility by varying the massing of buildings to reduce perceived scale and volume. The definition of massing in Article 12 illustrates the application of design techniques to reduce the visual perception of size and integrate larger buildings with pre-existing smaller buildings.
  3. Subsection 3.2.11(d)(1)(a)-(b) shall not apply to development on parcels where multifamily structures are an allowable use and the development contains two or more affordable housing units for families or individuals with incomes below eighty percent (80%) of the area median income.
  4. Nothing in this subsection shall be interpreted to conflict with the building design element provision as found in N.C.G.S. 160D-702(b) for structures subject to the North Carolina Residential Code.
2. On new streets, allowable building and lot types will establish the development pattern.
3. A master plan in compliance with Traditional Neighborhood Development standards shall be provided with the subdivision sketch plan submittal for a general district TND or with the conditional district plan for reclassification to a parallel conditional TND zoning district. The master plan shall include a topographic survey and shall show the location and hierarchy of streets and public open spaces, location of residential, commercial, and civic building lots, street sections and/or plans, a master sign program, an outline of any additional regulatory intentions, phasing, and any other information, including building elevations, which may be required to evaluate the interior pedestrian environment and conditions at project edges.
4. See Section 8.16, Standards for Residential Lot Widths, Alleys, Garages and Parking in Residential Districts.
- ~~4. New buildings shall comply with the requirements of Article 4 for the lot and building types unless otherwise specified by this Ordinance.~~

- **TND Development Provisions.**

1. **Minimum Development Size:**

Generally 40 acres in the TND-U

Generally 65 acres in the TND-R

*To allow for the gradual accretion of a TND, which may include the participation of several property owners over an extended period of time, a partial TND of less than the minimum number of acres may be considered for approval, so long as the project shows an integrated design for at least the minimum size and the potential to become a TND-U of at least 40 acres, or a TND-R of at least 65 acres.*

2. **Maximum Development Size:** 200 acres

*Tracts larger than 200 acres shall be developed as multiple Traditional Neighborhood Developments, each individually subject to all provisions.*

3. **Maximum Permitted Densities:** TND-U may be developed to the density permitted in the NR district (see Section 3.2.3) TND-R may be developed to the maximum density permitted in the R & TR district (see Section 3.2.1 & 3.2.2)

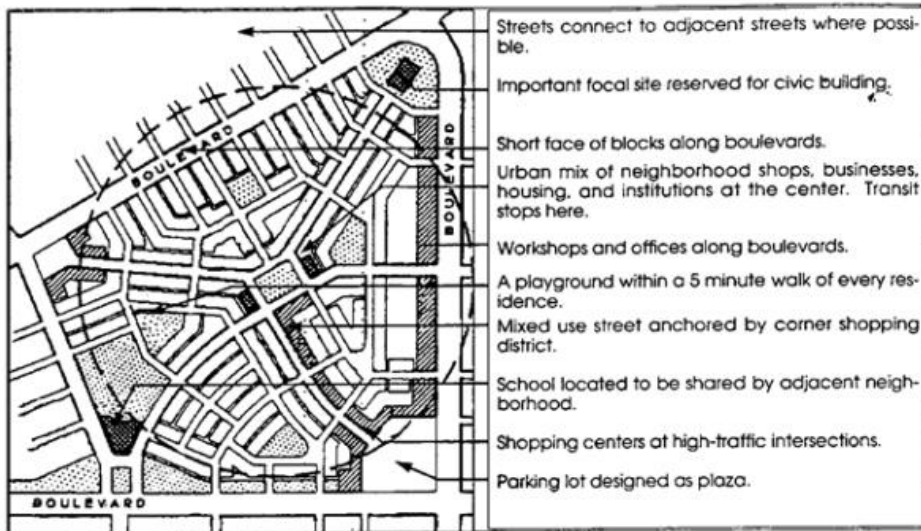
- **TND Design Provisions.**

1. **Neighborhood Form.**

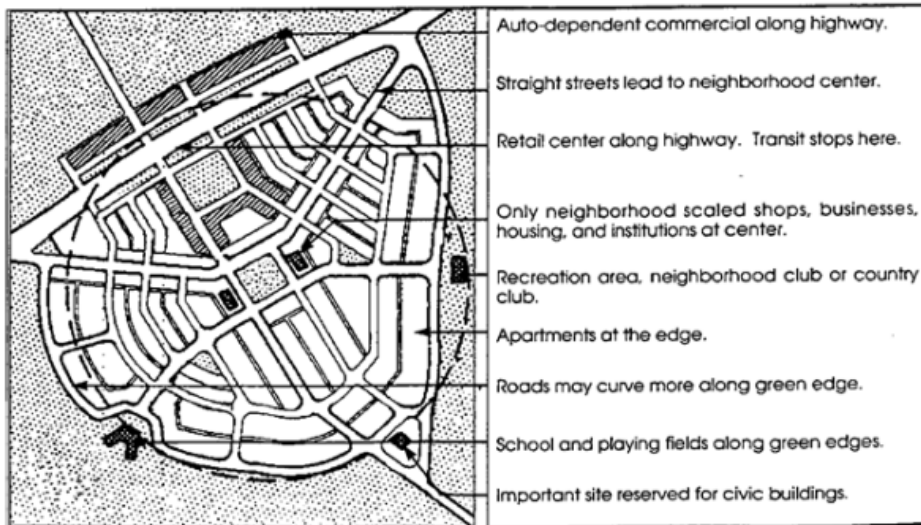
- The illustrations of Traditional Neighborhood Street Typologies in Article 5 show the general arrangement and distribution of elements in a more urban TND (designated TND-U), and in a less urban TND (designated TND-R).
- The area of the TND shall be divided into blocks, streets, lots, and open space.
- Similar land uses shall generally enfront across each street. Dissimilar categories shall generally abut at rear lot lines. Corner lots which front on streets of dissimilar use shall generally observe the setback established on each fronting street.

**Traditional Neighborhood Street Typology**

**More Urban Conditions: Typical Characteristics**



Less Urban Conditions: Typical Characteristics



## 2. Street.

- Public streets shall provide access to all tracts and lots.
- Streets and alleys shall, wherever practicable, terminate at other streets within the neighborhood and connect to existing and projected streets outside the development. Cul-de sacs



## TA25-01: Residential Uses

shall not exceed 250 feet in length, must be accessed from a street providing internal or external connectivity, shall be permanently terminated by a vehicular turnaround, and are permitted where topography makes a street connection impracticable. In most instances, a “close” or “eyebrow” is preferred to a cul-de-sac. Vehicular turnarounds of various configurations are acceptable so long as emergency access is adequately provided. • The average perimeter of all blocks within the TND should not exceed 1,350 feet. No block face should have a length greater than 500 feet without a dedicated alley or pathway providing through access. • A continuous network of rear alleys is recommended for all lots in a TND; rear alleys shall provide vehicular access to lots 50 feet or less in width. • Utilities may run along alleys. • TND streets shall be organized according to a hierarchy based on function, size, capacity, and design speed; streets and rights-of-way are therefore expected to differ in dimension. The proposed hierarchy of streets shall be indicated on the submitted sketch plan. Each street type in a TND shall be separately detailed. Street types illustrated in Article 5 represent the array of elements that are combined to meet the purposes of TND neighborhood streets: building placement line, optional utility allocation, sidewalk, planting strip, curb and gutter, optional parallel parking, and travel lane(s). Alternative methods of assembling the required street elements will be considered to allow neighborhood street designs that are most appropriate to setting and use. • To prevent the buildup of vehicular speed, disperse traffic flow, and create a sense of visual enclosure, long uninterrupted segments of straight streets should be avoided. Methods: (1) a street can be interrupted by intersections designed to calm the speed and disperse the flow of traffic (Article 5) and terminate vistas with a significant feature (building, park, natural feature); (2) a street can be terminated with a public monument, specifically designed building facade, or a gateway to the ensuing space; (3) perceived street length can be reduced by a noticeable street curve where the outside edge of the curve is bounded by a building or other vertical elements that hug the curve and deflect the view; (4) other traffic calming configurations are acceptable so long as emergency access is adequately provided.

### 3. Buildings and Lots.

• All lots shall share a frontage line with a street urban open space; lots fronting an urban open space shall be provided rear alley access. • Consistent build-to lines shall be established along all streets and public space frontages; build-to lines determine the width and ratio of enclosure for each public street or space. A minimum percentage build-out at the build-to line shall be established on the plan along all streets and public square frontages. • Building and lot types shall comply with Article 4. • Large-scale, single use facilities (conference spaces, theaters, athletic facilities, for example) shall generally occur behind or above smaller scale uses of pedestrian orientation. Such facilities may exceed maximum first floor area standards if so sited.

## TA25-01: Residential Uses

4. **Open Space.** Open space is defined as any area which is not divided into private or civic building lots, streets, rights-of-way, parking, or easements for purposes other than open space conservation. Design of urban open space shall comply with Article 7. In the TND-U, the open space requirements of the NR district shall apply. In the TND-R, the open space requirements of the R & TR districts, including rural open space, shall apply. Rural open space is site specific in its designation. Paragraphs d) 3 & 4 of Section 3.2.1 & 3.2.2, describe the site analysis required to identify qualifying rural open space.

5. **Parking and Landscaping.** Parking and landscaping shall comply with Article 6.

<sup>1</sup> Items for outdoor sales are returned to building at end of each business day; goods not brought in at close of business day are considered outdoor storage.

<sup>2</sup> The mixed-use building duplicates the shopfront building type and has at least two occupiable stories; at least 50% of the habitable area of the building shall be in residential use, the remainder shall be in commercial use. However, when an existing residential building is redeveloped to a mixed-use, at least 40% of the habitable area shall be in residential use.

### **3.2.12 PASSENGER VEHICLE SALES DISTRICT (VS)**

**Intent:** The Passenger Vehicle Sales District is established to provide large accommodations for the sale of new and used passenger vehicles and trucks not exceeding the size, weight, and configuration of the medium duty truck standard. It is intended for use in areas not amenable to easy pedestrian access, where a comfortable pedestrian environment is unlikely to be achieved. It is expected that the Passenger Vehicle Sales District will serve the passenger and small business vehicle needs of those in the Huntersville Community and in the larger region. Because of the scale of buildings and parking, and the access requirements of uses in this category, they cannot be compatibly integrated within the Town Center, Neighborhood Center, or smaller scale Highway Commercial Districts. At district boundaries, compatible transitions must be provided by the use of landscaping and/or walls. Property boundaries adjacent to freeways or expressways will require a 50-foot foliated buffer yard and frontages on major or minor arterials will require formal street tree planting.

#### **1. Permitted Uses.**

##### **Uses Permitted with Conditions.**

- essential services 1, (9.14)
- sales and leasing of vehicles not exceeding the industry standard for "medium duty trucks", (9.25)<sup>1</sup>
- sales and leasing of boats and boat accessories (9.25)
- transit shelters, (9.39)

##### **Uses Permitted with Special Use Permit.**

- wind energy facility, minor, accessory, (9.53)

## TA25-01: Residential Uses

### 2. Permitted Building Types.

- highway commercial; up to 65,000 sq. ft. of first floor area on major thoroughfare; up to 15,000 sq. ft. of first floor area on minor thoroughfare.<sup>2</sup>

### 3. Permitted Accessory Uses.

- car wash
- boat wash
- service, cleaning, mechanical repair and body repair in association with vehicle sales/leasing, including drive-in vehicle drop off facilities in compliance with Section 3.2.10 d), item 4 (9.25)
- solar facility, minor non-residential (9.54)
- warehousing accessory to merchandising and repair, within an enclosed building
- accessory uses permitted in all districts, (8.11)

### 4. General requirements and district options.

1. Along existing streets, new buildings shall respect the street frontage relationships of existing buildings in terms of building setback and orientation. On new streets, allowable building and lot types will establish the development pattern.
2. Where screening is required by Article 9 for activities involving any sale, use, repair, storage, or cleaning operation, the specified standard of Section 7.6 shall apply.
3. Any Vehicle Sales District shall be bordered on at least one side by a major or minor thoroughfare.
4. Drive-in service windows and service processing, stacking and circulation lanes, and circulation are prohibited in the established front setback of the principal building and prohibited within a 75-foot setback from the right-of-way in a principal building's side yard that abuts a major or minor thoroughfare. On-site stacking lanes for drive-in service windows shall be a minimum of 200 feet in length if accessed directly from a thoroughfare or minimum of 100 feet if accessed directly from a street of lesser capacity.
5. In the VS Zoning District only, the buffer requirement of Section 7.5 (yards abutting I-77 right-of-way) shall be met.
6. All other signs on the site and building shall conform to the standards of Article 10, Signs, including, but not limited to the prohibition of flashing signs, portable signs and fluttering signs such as pennants and pennant swags. Non-conforming signs, if present anywhere on the site, shall be removed prior to issuance of a change of use permit, issuance of grading permit, or commencement of new construction on the site.
7. Vehicles or boats for sale or lease shall not be displayed in the established front yard of the principal building on the site.

TA25-01: Residential Uses

8. In the Vehicle Sales district only, the established front yard shall be designed in accordance with the Highway Commercial Building / Lot Type found in Article 4 or a) or b) below:
  1. Vehicles for sale or lease may be displayed in the established front yard in front of the principal building in the VS district only. Such areas shall be permitted on sites where the principal building consumes at least 35% of the frontage. The Highway Commercial Building Type build to line (15'), measured to the face of the canopy (if applicable), shall be increased by no more than 10' to accommodate one row of vehicle display. An established front yard used for display of vehicle sales or leasing must be constructed of a decorative paving material (if impervious), and must be screened in accordance with 10) of this section.
  2. Notwithstanding the limitations of off-street parking in front of buildings, as described by building type and parking lot specifications, vested parking and maneuvering areas in the established front yard may be constructed in accordance with an NCDOT driveway permit.
9. Outdoor storage of vehicles in process of repair and vehicles-for-sale that are in the process of dealer preparation for buyer pick up is permitted.
  1. Such storage areas are exempt from the interior landscaping requirements for Parking Lots found in Article 6. However, the perimeter landscaping requirements of Article 6 shall apply to such storage areas.
  2. Such storage areas may only be located behind the principal building and/or its accessory buildings, and shall not be placed within 100 feet of any property line that abuts a thoroughfare or local public street.
10. In the Vehicle Sales district only, the landscaping requirements of Article 6 shall be applied as follows:
  1. Vehicle display areas shall be exempt from the interior landscaping requirements for Parking Lots found in Article 6. However, a large maturing tree shall be planted within a 200 square foot pervious area that is permanently protected from parking and maneuvering areas with all vehicles on display being located within 40' of such pervious area.
  2. Along the frontage, a vehicle display area is exempt from the large maturing tree 40' on center requirement found in Landscaping of Parking Lots in Article 6.
11. Uses in the VS District are exempt from the Article 6 *suggestion* to provide for bicycle parking.
12. The arrangement of principal buildings on a single lot shall establish building facades generally parallel to the frontage property lines along existing streets and proposed interior streets.

#### TA25-01: Residential Uses

13. Every building lot shall have frontage upon a public street or urban open space except as follows: in specific locations where factors beyond developer control, such as a limited access highway, an existing development, or the location of an existing intersection, prohibit completing a street connection in the Highway Commercial District, a private drive may be substituted for the interior street which cannot be connected to the public network.
14. Adjoining businesses shall provide for interconnectivity by way of internal street(s) or, if permitted, private drives; internal street(s) shall remain open at all times while private drive connections shall, at a minimum, remain open for public passage during business hours.
15. Businesses in the VS district are prohibited from using amplified speaker/public address systems except within fully enclosed building(s).
16. Lighting in customer parking areas shall comply with Article 6, OFF-STREET PARKING (Lighting for Parking Lots).
17. Lighting in vehicle display parking areas and storage areas may comply with the standards of Article 6 (Lighting for Parking Lots) or with all of the alternative lighting standards below:
  1. Including the base/mounting fixture the maximum height for lighting (pole mounted and wall mounted) shall be 30 feet.
  2. To prevent glare from off-site locations, all lighting fixtures shall be full cut-off. The use of drop lens, vertical burn lamps, and other equipment with similar glare producing effects are prohibited. Lighting shields or hoods shall be employed to result in lighting projection of display areas only.
  3. Floodlights are not permitted for parking lot illumination. In all applications, lighting shall be directed downward. This prohibition does not apply to floodlights allowed elsewhere in this ordinance for external illumination of permitted signs.
  4. Along the front line of the display area, lighting shall not exceed an average of 30 foot-candles, measured at grade.
  5. Uniformity shall not exceed a 3:1 ratio.
  6. All lights, except those required for security as provided herein, must be extinguished at 9 PM on all days. For reasons of security, a maximum of 1.5 foot-candles at entrances, stairways and loading docks, and 1.0 foot-candle on the rest of the site is permitted.
  7. The spillover light level from lighting on the site onto adjacent property or property across a public road shall not exceed 0.1 foot-candle measured 10' into the adjacent property from any orientation of the measuring device.

## TA25-01: Residential Uses

8. The average illumination, measured at grade, across the entire property, including the frontage, shall not exceed 30-foot candles. The site area for calculating the average illumination shall exclude the building(s).

9. Lighting fixtures that produce glare visible from adjacent property(s) and public right of way(s) are prohibited.

~~9. New buildings shall comply with the requirements of Article 4 for the lot and building types unless otherwise specified by this Ordinance.~~

<sup>1</sup> Expressly prohibited is the sale or lease of campers, motor homes, trailers, and similar vehicles.

<sup>2</sup> Maximum first floor area for highway commercial buildings may be exceeded only where massing of building is varied to reduce perceived scale and volume.

### **3.2.13 TRANSIT-ORIENTED DEVELOPMENT - RESIDENTIAL (TOD-R)**

**Intent:** The transit-oriented residential district is established to support higher density residential communities that include a rich mix of retail, restaurant, service, and small employment uses within a pedestrian village format. Land consuming uses, such as large lot housing and large retail outlets are excluded from this district. The TOD-R may be located on developable and redevelopable parcels generally found within the 1/2 mile catchment area of designated rapid transit station sites. Nothing in these regulations shall preclude application of the TOD-R beyond the 1/2 mile radius when site-specific development plans demonstrate efficient resident access to a rapid transit station. The district establishes a primarily residential village within a 10-minute walk of a designated rapid transit station that serves a residential population of sufficient size to constitute an origin and destination for purposes of rapid transit service.

#### **1. Permitted Uses.**

##### **Uses permitted by right.**

- bed and breakfast inns
- boarding or rooming houses for up to six roomers
- civic, cultural, and neighborhood recreation facilities up to 15,000 sq. ft. of gross floor area, minimum FAR of .35
- conference centers, up to 15,000 sq. ft. of gross floor area, minimum FAR of .35
- dormitories
- family care home
- financial institutions up to 6,000 sq. ft. of gross floor area
- government buildings up to 8,000 sq. ft. of gross floor area, minimum FAR of .35
- indoor motion pictures, limited to one (1) screen
- inns
- ~~multi-family homes~~ [residential uses](#)
- offices, general, medical, professional, minimum FAR of .35
- personal, professional, and technical services up to 8,000 sq. ft. of gross area, minimum FAR of .35
- research and development services, minimum FAR of .35

## TA25-01: Residential Uses

- restaurants without drive-through windows, up to 8,000 sq. ft. of gross floor area, minimum FAR of .35
- retail establishments, up to 8,000 sq. ft. of gross area, minimum FAR of .35
- greenways
- [single family homes](#)
- squares, plazas, or other formal open spaces not exceeding 1/2 acre in area
- stalls or merchandise stands for outdoor sale of goods at street front (encroachment onto sidewalk may be permitted by agreement with town); outdoor storage expressly prohibited<sup>1</sup>
- taverns and bars, up to 6,000 sq. ft. of gross floor area, minimum FAR of .35
- transit stations
- workshops and studios or the design and manufacture of art, craft and artisan products, up to 8,000 sq. ft. of gross area, minimum FAR of .35

### Uses permitted with a Special Use Permit.

- wind energy facility, minor, accessory, (9.53)

### Uses permitted with conditions.

- any non-residential use permitted by right or with conditions where size of first floor area exceeds 15,000 sq. ft., (9.47)
- any permitted non-residential use or collection of non-residential uses that exceeds the maximum permitted in the district by paragraph e) 5) of this section, (9.47)
- religious institutions, (9.8)
- day care centers, (9.11)
- essential services 1 and 2, (9.14)
- parking lot or structure as principal use, (9.49)
- schools, (9.35)
- transit shelters, (9.39)

## 2. Permitted Building and Lot Types.

- apartment
- [attached house duplex](#)

### • [Triplex](#)

### 2. [quadplex](#)

- civic
- detached house on lot of 5,000 sq. ft. or less
- mixed-use<sup>2</sup>
- [storefront shopfront](#)
- workplace

## 3. Permitted Accessory Uses.

- accessory dwelling, (9.1)
- day care home (small), (9.11)
- home occupation, (9.19)
- parking lot as an accessory to any permitted principal use, on the same lot or on an

Formatted: Outline numbered + Level: 1 + Numbering  
Style: Bullet + Aligned at: 0.25" + Tab after: 0.5" +  
Indent at: 0.5"

## TA25-01: Residential Uses

abutting lot, according to the standards of Article 6

- solar facility, minor non-residential (9.54)
- solar energy facility, minor residential (9.54)
- accessory uses permitted in all districts, (8.11)

### 4. General Requirements.

1. To integrate the larger scale of buildings in transit-oriented developments into the existing built fabric of the community, the edge conditions of paragraph f) 6), below shall be met.
2. Along existing streets, new buildings shall create a transition in spacing, mass, scale, and street frontage relationship from existing buildings to buildings in the Transit Oriented Residential district.
  1. New buildings are expected to exceed the scale and volume of existing buildings, but shall demonstrate compatibility by varying the massing of buildings to reduce perceived scale and volume. The definition of massing in Article 12 illustrates the application of design techniques to reduce the visual perception of size and integrate larger buildings with pre-existing smaller buildings.
  2. Subsection 3.2.13(d)(2)(a) shall not apply to development on parcels where multifamily structures are an allowable use and the development contains two or more affordable housing units for families or individuals with incomes below eighty percent (80%) of the area median income.
  3. Nothing in this subsection shall be interpreted to conflict with the building design element provisions as found in N.C.G.S. 160D-702(b) for structures subject to the North Carolina Residential Code.
3. On new streets, allowable building and lot types will establish the development pattern.
4. Within a TOD-R zoning district, a minimum average density of 15 dwelling units per acre shall be achieved; residential density shall be calculated by dividing the total number of housing units planned by the number of acres designated for residential use, net of streets.
5. A master subdivision sketch plan shall be provided with any application for development approval. It shall comply with the standards of this district and with the most detailed development policies and/or plans adopted by the Town Board for the station's catchment area. The master plan shall include a topographic survey and shall show the location and hierarchy of streets and public open spaces, location of residential, commercial, and civic building lots, street sections and/or plans, approximate unit count, square footage on non-residential buildings and uses, proposed building heights, an outline of any additional regulatory intentions,



## TA25-01: Residential Uses

phasing, and any other information, including building elevations, which may be required to evaluate the interior pedestrian environment and conditions at project edges. Phasing of development to provide for future horizontal and vertical intensification to meet the standards of this section is permitted. Approval of the master sketch plan will be administrative.

6. A single building on an existing lot shall comply with the standards of this district and with the most detailed development policies and/or plans adopted by the Town Board for the station's catchment area, but shall require zoning and building permits only.
7. See Section 8.16, Standards for Residential Lot Widths, Alleys, Garages and Parking in Residential Districts.
- ~~7. New buildings shall comply with the requirements of Article 4 for the lot and building types unless otherwise specified by this Ordinance.~~

Formatted: Indent: Left: 1", No bullets or numbering

### 5. Development Provisions.

1. Minimum Development Size: None
2. Maximum Development Size: None
3. Residential Density: Within a TOD-R zoning district, a minimum average density of 15 dwelling units per acre (net of streets) shall be achieved; residential density shall be calculated by dividing the total number of housing units planned by the acreage of all lots that are designated for residential use. When designing the site, higher densities (18 du/a and greater) should be concentrated within approximately 1/4 mile walking distance of the station site while lower densities (6 du/a and greater) may be placed beyond the approximate 1/4 mile walking distance. The maximum density permitted on any lot in a TOD-R is 40 units per acre (net of streets).
4. Special parking provisions for residential development in the TOD-R:

|                                               | Minimum      | Maximum       |
|-----------------------------------------------|--------------|---------------|
| • Efficiency apartment                        | 1 space/unit | 2 spaces/unit |
| • One or two bedroom apartment/attached house | 1 space/unit | 2 spaces/unit |
| • Other dwelling units                        | 1 space/unit | 2 spaces/unit |

5. Siting requirements for non-residential development: All non-residential development shall be oriented to provide direct pedestrian access from the transit station by way of the public street system, designated pedestrian paths, or any

## TA25-01: Residential Uses

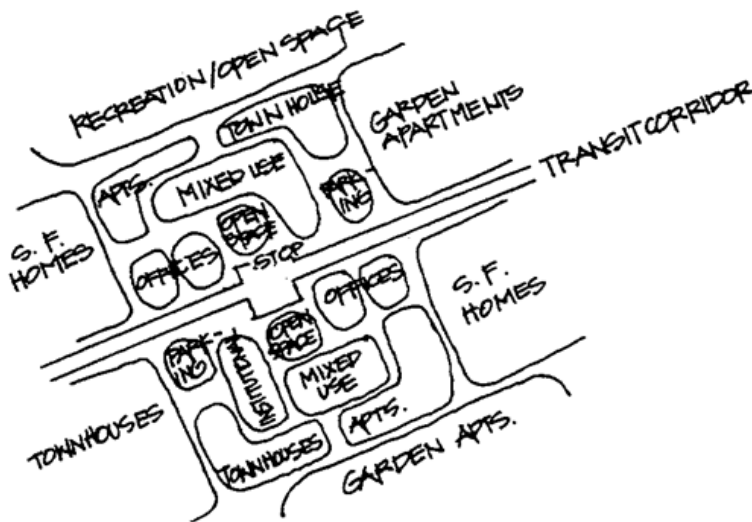
combination of the two. In addition, the locational standards below shall apply.

- Within a 1/4 mile walking distance of the station site, a master subdivision sketch plan may include up to 10,000 sq. ft. of retail/services/commercial/office development for each 250 dwelling units master planned in the 1/2 mile catchment area.
- If placed in a TOD-R district, religious institutions without shared parking, schools, and neighborhood recreation facilities, up to the maximum size permitted in the district, should be located between the 1/4 mile and 1/2 mile walk of the station site.
- Without regard to station proximity, day care centers and religious institutions with shared parking provisions that meet the size provisions of the TOD-R are permitted.

### 6. Design Provisions.

#### 1. Neighborhood Form.

- The illustration below shall guide the general arrangement and distribution of uses in the project.



Reprinted with permission from PAS Report Number 468, copyright December, 1996 by the American Planning Association, Suite 1600, 122 S. Michigan Ave., Chicago, IL 60603-6107

## TA25-01: Residential Uses

- The area of the project shall be divided into blocks, streets, lots, and open space.
- Similar land uses shall generally enfront across each street. Dissimilar categories shall generally abut at rear lot lines. Corner lots which front on streets of dissimilar use shall approximate the setback established on each fronting street.

### 2. Streets.

- Public streets shall provide access to all tracts and lots.
- Streets and alleys shall, wherever practicable, terminate at other streets within the neighborhood and connect to existing and projected streets outside the development. Cul-de-sacs shall not exceed 250 feet in length, must be accessed from a street providing internal or external connectivity, shall be permanently terminated by a vehicular turnaround, and are permitted only where topography makes a street connection impracticable. In most instances, a “close” or “eyebrow” is preferred to a cul-de-sac. Vehicular turnarounds of various configurations are acceptable so long as emergency access is adequately provided.
- No block face may exceed 500 feet in length without a dedicated alley or pathway providing through access for pedestrians.
- Utilities shall run along alleys where alleys are provided.
- Streets shall be organized according to a hierarchy based on function, size, capacity, and design speed; streets and rights-of-way are therefore expected to differ in dimension. The proposed hierarchy of streets shall be indicated on the submitted master subdivision sketch plan. Each street type shall be separately detailed. Street types illustrated in Article 5 represent the array of elements that are combined to meet the purposes of neighborhood streets: building placement line, optional utility allocation, sidewalk, planting strip, curb and gutter, optional parallel parking, and travel lane(s). Alternative methods of assembling the required street elements will be considered to allow neighborhood street designs that are most appropriate to setting and use. Proposed routing for private vehicles and feeder buses entering and leaving the station area shall be shown.
- To prevent the buildup of vehicular speed, disperse traffic flow, and create a sense of visual enclosure, long uninterrupted segments of straight streets should be avoided. Methods: (1) a street can be interrupted by intersections designed to calm the speed and disperse the flow of traffic (Article 5) and terminate vistas with a significant feature (building, park, natural feature); (2) a street can be terminated with a public monument, specifically designed building facade, or a gateway to the ensuing space; (3) perceived street length can be reduced by a noticeable street curve where the outside edge of the curve is bounded by buildings or other vertical

## TA25-01: Residential Uses

elements that hug the curve and deflect the view; (4) other traffic calming configurations are acceptable so long as emergency access is adequately provided.

### 3. **Buildings and Lots.**

- Every building lot shall share a frontage line with a street, or urban open space; lots fronting directly onto a formal open space (i.e., without intervening street) shall be provided rear alley access.
- Consistent build-to lines shall be established along all streets and urban open space frontages; build-to lines determine the width and ratio of enclosure for each public street or space. A minimum percentage build-out at the build-to line shall be established on the plan along all streets and urban open space frontages.
- Building and lot types shall comply with Article 4. However, notwithstanding the height restrictions of Article 4, Building and Lot Types, new buildings in the Transit-Oriented Residential district are limited to thirteen (13) stories or one hundred eighty-two 182 feet in height, whichever is greater. New buildings in the Transit-Oriented Residential District within one (1) mile of the Town Center Zoning District are limited to four (4) stories or forty six (46) feet in height, whichever is greater. Minimum building height is twenty-six (26) feet, measured at the eave line.
- Large-scale, single use facilities (conference spaces, theaters, athletic facilities, for example) shall occur behind or above smaller scale uses of pedestrian orientation. Such facilities may exceed maximum first floor area standards if so sited.

### 4. **Open Space.** Open space is defined as any area which is not divided into private or civic building lots, streets, rights-of-way, parking, or easements that diminish the utility or aesthetic quality of the space. Design of urban open space shall comply with Article 7.

### 5. **Parking Lot Landscaping.** Parking lot landscaping shall comply with Article 6.

### 6. **District Edge Conditions.** Along any boundary of a TOD-R district that abuts a pre-existing subdivision of 20 or more single-family detached homes, one of the following edge conditions shall apply to abutting lot boundaries, however no buffer or wall shall be allowed to block extension of a street from existing development into a planned TOD-R development.

1. A free-standing structure or the end unit of an attached structure on lots along the common boundary shall be limited to two stories or 26 feet in height, whichever is less, or
2. A semi-opaque buffer shall be constructed along the common boundary, on the site of the developing use. The width of the buffer shall at a minimum equal 1/2 the height of the abutting building in the TOD-R district, or

## TA25-01: Residential Uses

3. A 6' masonry wall may be constructed by the developer along the common lot boundaries, in which case the width of the buffer may be reduced to the width of the wall.

<sup>1</sup> Items for outdoor sales are returned to building at end of each business day; goods not brought in at close of business day are considered outdoor storage.

<sup>2</sup> The mixed-use building duplicates the shopfront building type and has at least two occupiable stories; at least 50% of the habitable area of the building shall be in residential use, the remainder shall be in commercial use. However, when an existing residential building is redeveloped to a mixed-use, at least 40% of the habitable area shall be in residential use.

### **3.2.14 TRANSIT-ORIENTED DEVELOPMENT - EMPLOYMENT (TOD-E)**

**Intent:** The transit-oriented employment district is established to accommodate general office uses and office support services in a highly pedestrianized setting. General office, characterized by 40 to 70 employees per acre, is the predominant use. Uses that employ relatively few workers, such as warehousing and distribution, are excluded from this district. The TOD-E may be located on developable parcels within the 1/2 mile catchment area of rapid transit stations. The district establishes an employment node within a 10-minute walk of a designated transit rapid station that serves a workforce of sufficient size to constitute a destination for purposes of rapid transit service.

#### **1. Permitted Uses.**

##### **Uses Permitted by Right.**

- financial services
- commercial uses, other than those specifically permitted in this section
- conference centers, up to 15,000 sq. ft. of gross floor area
- greenways
- government offices
- inns
- light manufacturing, (9.48)
- ~~multi-family homes in mixed-use buildings~~ [residential uses](#)
- offices
- professional, personal, and technical services
- squares, plazas, or other urban open spaces not exceeding 1/2 acres in area
- ~~single-family attached homes in mixed-use buildings~~
- transit stations
- workshops and studios for the design and manufacture of art, craft, and artisan products, up to 8,000 sq. ft. of gross area

##### **Uses Permitted with Conditions.**

- day care center, (9.11)
- essential services 1 and 2, (9.14)
- hospitals, (9.48)
- light manufacturing, (9.48)
- parking lot or parking structure as a principal use, (9.48)

**Uses Permitted with a Special Use Permit.**

- wind energy facility, minor, accessory, (9.53)

**2. Permitted Building and Lot Types.**

- civic building
- highway commercial (for conference facilities only), minimum FAR of .35
- mixed-use<sup>1</sup>
- shopfront
- workplace, minimum FAR of .35

**3. Permitted Accessory Uses.**

- home occupations, (9.19)
- parking lot as an accessory to any permitted principal use, on the same lot or on an abutting lot according to the standards of Article 6
- retail, restaurant, bars and taverns, personal services, clinics and similar workplace support uses up to 20 percent of first floor area of any building, or of a multi-building project taken as a whole
- solar energy facility free-standing, minor, non-residential, (9.54)
- solar energy facility,, minor non-residential (9.54)
- solar energy facility, minor residential (9.54)
- warehousing, (9.48)
- accessory uses permitted in all districts, (8.11)

**4. General Requirements.**

1. Along existing streets, new buildings shall create a transition in spacing, mass, scale, and street frontage relationship from existing buildings to buildings in the Transit-Oriented Employment district.
  1. New buildings are expected to exceed the scale and volume of existing buildings, but shall demonstrate compatibility by varying the massing of buildings to reduce perceived scale and volume. The definition of massing in Article 12 illustrates the application of design techniques to reduce the visual perception of size and integrate larger buildings with pre-existing smaller buildings.
  2. Subsection 3.2.14(d)(1) shall not apply to development on parcels where multifamily structures are an allowable use and the development contains two or more affordable housing units for families or individuals with incomes below eighty percent (80%) of the area median income.
2. On new streets, allowable building and lot types will establish the development pattern.
3. A master subdivision sketch plan in compliance with this district shall be provided with any application for development approval. It shall comply with the standards of

## TA25-01: Residential Uses

this district and with the most detailed development policies and/or plans adopted by the Town Board for the station's catchment area. The master plan shall include a topographic survey and shall show the location and hierarchy of streets and public open spaces, location of residential, commercial, and civic building lots, street sections and/or plans, approximate square footage of office/commercial buildings and uses, residential unit count, proposed building heights, an outline of any additional regulatory intentions, phasing, and any other information, including building elevations, which may be required to evaluate the interior pedestrian environment and conditions at project edges. Phasing of development to provide for future horizontal and vertical intensification to meet the standards of this section is permitted. Approval of the master sketch plan will be administrative.

4. A single building on an existing lot shall comply with the standards of this district and with the most detailed development policies and/or plans adopted by the Town Board for the station's catchment area, but shall require zoning and building permits only.

~~4. New buildings shall comply with the requirements of Article 4 for the lot and building types unless otherwise specified by this Ordinance.~~

### 5. Design Provisions.

1. Every building shall share a frontage line with a street, or urban open space; lots fronting directly onto an urban open space (i.e., without intervening street) shall be provided rear alley access.
2. New construction favors general office uses, with accessory retail, personal services, restaurant, and similar uses located at street level and residential uses permitted on third and higher floors.
3. Notwithstanding the height restrictions of Article 4, Building and Lot Types, new buildings in the Transit Oriented Employment district are limited to seven stories or 80 feet in height, whichever is greater. Minimum building height is 26 feet, measured at the eave line.
4. Minimum permitted Floor Area Ratio (FAR) is .35; preferred FAR will range from .5 to 1.5.
5. Special parking provisions for residential development in the TOD-E:

|                                | Minimum              | Maximum             |
|--------------------------------|----------------------|---------------------|
| • Office/Commercial uses       | 1 space/1000 sq. ft. | 1 space/500 sq. ft. |
| • Efficiency apartment         | 1 space/unit         | 2 spaces/unit       |
| • One or two bedroom apartment | 1 space/unit         | 2 spaces/unit       |

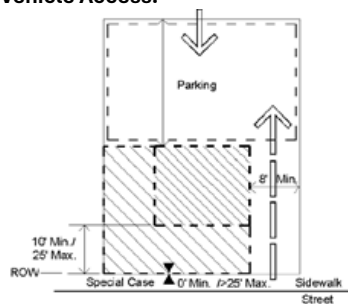
6. **District Edge Conditions.** Along any boundary of a TOD-E district that abuts a pre-existing subdivision of 20 or more single-family detached homes, one of the following edge conditions shall apply to abutting lot boundaries, however no buffer or wall shall be allowed to block extension of a street from existing development into a planned TOD-E development. • A free-standing structure or the end unit of an attached structure on lots along the common boundary shall be limited to two stories or 26 feet in height, whichever is less, or • A semi-opaque buffer shall be constructed along the common boundary, on the site of the developing use. The width of the buffer shall at a minimum equal 1/2 the height of the abutting building in the TOD-E district, or • A 6' masonry wall may be constructed by the developer along the common lot boundaries, in which case the width of the buffer may be reduced to the width of the wall.

<sup>1</sup> The mixed-use building duplicates the shopfront building type and has at least two occupiable stories; at least 50% of the habitable area of the building shall be in residential use, the remainder shall be in commercial use. However, when an existing residential building is redeveloped to a mixed-use, at least 40% of the habitable area shall be in residential use.

## Article 4

### 4.7 Lot Type / Apartment Building

#### Building Placement/Parking/Vehicle Access.



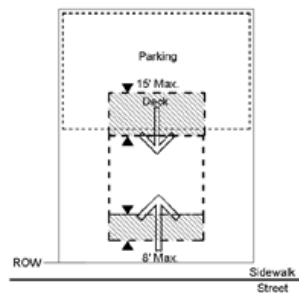
1. Buildings shall be placed on the lot within the zone represented within the hatched area.
2. In most cases, the build to line will be 15' behind street ROW. Special site conditions such as topography, pattern of lot widths, or setbacks of existing buildings permit a larger setback. In urban conditions, apartments may be set up to the property line at the sidewalk, including corner conditions.



#### TA25-01: Residential Uses

3. Building facades shall be generally parallel to front property lines. All buildings shall front onto a public street. All ground floor residential units with exterior access shall front a public street, unless specifically exempted by one of the provisions of Section 8.1.
4. Parking shall be located to the rear of the building.
5. Points of permitted access to the parking indicated by arrows.
6. Hedges, garden walls, or fences may be built on property lines or as the continuation of building walls. A garden wall, fence, or hedge (min. 3' in height) shall be installed along any street frontage adjacent to parking areas.
7. Trash containers shall be located in the rear parking area (see Parking Regulations).
8. Mechanical and utility equipment at ground level shall be placed in the side or rear yard and shall be screened from view by opaque screening from grade level along any public street or adjacent property (Article 7.6.2). Buildings that front on more than one public street may have mechanical and utility equipment located within a street facing yard, provided it is visually screened using compatible building materials and design as the principal structure. This is applicable only where no other reasonable option exists as determined by the Administrator. Examples of features limiting the location of mechanical and utility equipment may include, but not limited to, the physical layout of existing building, the presence of easements, elevation changes, etc.

#### Encroachment/Pedestrian Access.



1. For buildings set back from sidewalk, balconies, stoops, stairs, open porches, bay windows, and awnings are permitted to encroach into setback area up to 8'.
2. Attached decks are permitted to encroach into the rear setback up to 15 feet.
3. For buildings set up to the sidewalk, upper level balconies, bay windows and their supports at ground level may encroach a maximum of 5'0" over the sidewalk.

## TA25-01: Residential Uses

4. Main pedestrian access to the building and to individual units is from the street (indicated by larger arrow), unless specifically exempted by one of the provisions of Section 8.1. Secondary access may be from parking areas (indicated by smaller arrow).

**Description.** The apartment building is a residential building accommodating several households. In traditional towns, this building type coexists with a variety of other building types. A successful contemporary design permits its integration with other residential types through the coordination of site and building design (see Architectural Regulations). Apartment complexes should be one or more separated buildings similar in their scale on the public street to large detached housing. Where possible, structures shall be designed to terminate vistas or serve as key focal points in the neighborhood.

### Special Conditions:

1. The intention of buildings in all locations must be to relate the principal facade to the sidewalk and public space of the street.
2. Corners: Setback at street corners will generally replicate frontage conditions. However, side setbacks on a minor street may be less than the front dimension.
3. Within the limits described, front and side setbacks will vary depending upon site conditions. Setbacks should be used in a manner which encourages pedestrian activity. Squares or spatially defined plazas within building setback areas can act as focal points for pedestrians.

~~3-4.~~ Two or more apartment buildings on one lot constitutes a major subdivision and shall comply with all applicable requirements, including the Multi-Building Sites approval process found in Section 6.800 of the Subdivision Ordinance.

Formatted: List Paragraph, No bullets or numbering

Formatted: Not Strikethrough

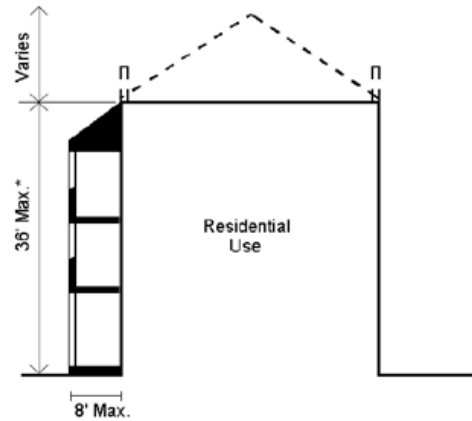
Formatted: Not Strikethrough

Formatted: Space After: 8 pt, Line spacing: Multiple  
1.16 li

## 4.8 Building Type / Apartment Building

### Permitted Height and Uses.

## TA25-01: Residential Uses



1. Building height shall be measured as the vertical distance from the highest finished grade relative to the street frontage, or, if alternate frontage conditions from the constructed portion of a greenway along or within the project boundary, are provided, as permitted under Section 8.1.4, height may be measured from the highest finished grade of the side of the building opposite the greenway alternative frontage, up to the eaves. If building height is measured from the highest finished grade of the side of the building opposite the greenway alternative frontage, no more than one (1) additional story on the greenway side of the building may result from this arrangement.
2. The height of parapet walls may vary depending upon the need to screen mechanical equipment.
3. Building height to the ridge may vary depending on the roof pitch.
4. Permitted uses are indicated above.

### Architectural Standards.

#### Principles.

- A. To perpetuate the unique building character of the town and its environs, and to re-establish its local identity, development shall generally employ building types that are sympathetic to the historic architectural vocabulary of the area in their massing and external materials.
- B. The front elevations facing the street, and the overall massing shall communicate an emphasis on the human scale and the pedestrian environment.
- C. Each building should be designed to form part of a larger composition of the area in which it is situated. Adjacent buildings should thus be of similar scale, height, and configuration.

#### TA25-01: Residential Uses

- D. Building silhouettes should be generally consistent. The scale and pitch of roof lines should thus be similar across groups of buildings.
- E. Apartment Building Architectural Standards Principles A-D shall not apply to the residential portion of development on parcels where multifamily structures are an allowable use and the development contains two or more affordable housing units for families or individuals with incomes below eighty percent (80%) of the area median income.
- F. Porches should form a predominant motif of house designs and be located on the front or to the side of the dwelling. When attached to the front, they should extend over at least 15% of the front facade. All porches should be constructed of materials in keeping with those of the main building.
- G. Front loaded garages, if provided, shall meet the standards of Section 8.16.
- H. At a minimum, the Americans with Disabilities Act standards for accessibility shall be met.

#### Configurations.

- A. Main roofs on residential buildings shall either be flat or symmetrical gables or hips with a pitch of between 4:12 and 12:12. Monopitch (shed) roofs are allowed only if they are attached to the wall of the main building. No monopitch shall be less than 4:12. All accessory buildings shall have roof pitches that conform to those of the main building.
- B. Balconies should generally be simply supported by posts and beams. The support of cantilevered balconies should be assisted by visible brackets.
- C. Two wall materials may be combined horizontally on one facade. The “heavier” material should be below.
- D. Exterior chimneys should be finished in brick or stucco.

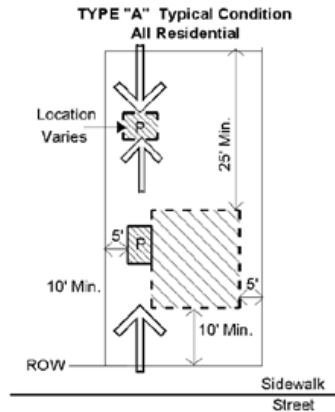
#### Techniques.

- A. Overhanging eaves may expose rafters.
- B. Flush eaves should be finished by profiled molding or [guttergutters](#)



## 4.9 Lot Types / Detached House

### Building Placement/Parking/Vehicle Access.

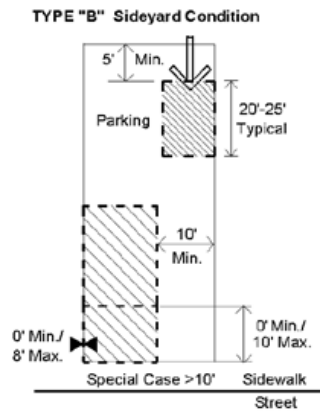


1. Buildings shall be placed on the lot within zone represented by the hatched area except in R<sub>1</sub> & TR<sub>1</sub> and GR<sub>1</sub> zones, where min. front setback is 20'. Along new streets, the build-to line shall be a minimum of 10' behind street ROW. Along existing streets, front build-to lines of new buildings shall be equal to the average setbacks of existing buildings on the same side of the street within 300'. Where the average setback of existing buildings within 300' exceeds 50' the setback of any new building may vary up to 20' from the setback of an adjacent building, existing or proposed, in order to negotiate a gradual transition to a different building setback. Only in the most exceptional circumstances having to do with extreme topography or very special design composition may these rules of residential building placement be varied.
2. Garages may be detached (entered from front or rear), or attached to the main dwelling, with or without habitable rooms above. Front loaded garages, if provided, shall meet the standards of Section 8.16.
3. A detached garage may be located only in the rear yard.
4. Points of permitted front or rear access to parking indicated by arrows. On corner lots, sideyard access is also permitted.
5. Main pedestrian access to the building is from the street. Secondary access may be from parking areas.
6. For buildings set back from the sidewalk, balconies, stoops, stairs, open porches, bay windows, and, and awnings are permitted to encroach into the front setback area up to 8'.
- 6-7. Building facades shall be generally parallel to front property lines or alternative frontage per approved plans.

Formatted: List Paragraph, No bullets or numbering

~~7. Sideyard setback is 12' in the R zone & 6' in the TR zone.~~

**Building Placement/Parking/Vehicle Access.**



1. Generally, buildings shall be placed on the lot within zone represented by the hatched area. The build-to line will range from 0' to 10' behind street ROW. Special site conditions such as extreme topography may require a larger setback. ~~Sideyard houses are not permitted on in-fill sites abutting existing all-yard houses.~~
2. A detached garage may be located only in the rear yard. ~~Attached garages are not permitted on sideyard houses.~~
3. Points of permitted rear access to parking indicated by arrow.
4. Main pedestrian access to the building is from the street. Secondary access may be from parking areas.
5. For buildings set up to the sidewalk, balconies and upper level bay windows may encroach over the sidewalk up to 5'.
6. For buildings set back from the sidewalk, balconies, stoops, stairs, open porches, bay windows, and, and awnings are permitted to encroach into the front setback area up to 8'.
7. Commercial Use in a Detached House (NR district) shall comply with the following:
  - a. Parking shall be located in the side or rear yards only. If provided in the side yards, the parking area shall not exceed 25% of the frontage line and shall not be in the yards adjacent to a street.
  - b. Parking areas on adjacent mixed-use lot shall be connected whenever practical.

## TA25-01: Residential Uses

- c. Trash containers shall be located in the rear yard. If adjacent to existing single-family residential uses, trash containers shall be limited to residential rollout containers only (no dumpsters).
  - d. Mechanical equipment at ground level shall be placed on the parking lot side of the building away from buildings on adjacent sites and shall be screened from view by an opaque screen.
8. Mechanical equipment shall not encroach into any required setback.

**Description.** The [single-family](#) detached house may coexist with other, similarly scaled buildings along town streets. When other building types are integrated with the detached house, the scale of the detached house type and lot shall control. Civic buildings, however, may exceed the scale of the detached house. Where possible, structures shall be designed to terminate vistas or serve as key focal points in the neighborhood.

### Special Conditions.

1. The intention of buildings in all locations must be to relate the principal facade to the sidewalk and public space of the street.
2. Setback at street corners will generally replicate frontage conditions. However, side setbacks on a minor street may be less than the front dimension.
3. Within the limits described, these regulations apply to all houses built on public streets. For detached homes on large lots accessed by a private drive in Rural Neighborhoods, building placement and site planning will be dictated by landscape features and landscape preservation.

## 4.10 Building Type / Detached House

### Permitted Height/Uses/Encroachments.



1. Building height shall be measured as the vertical distance from the highest finished grade relative to the street frontage, up to the eaves.

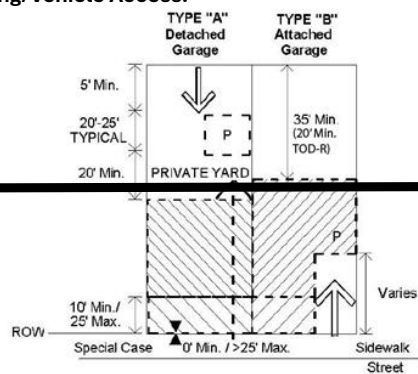
#### TA25-01: Residential Uses

2. Building height of main dwelling to ridge may vary depending on the roof pitch.
3. Permitted uses are indicated above.
4. Maximum footprint for a building housing a detached accessory dwelling is 650 square feet or 50% of first floor area of principal residence, whichever is greater.
5. Balconies, stoops, stairs, open porches, bay windows, and awnings are permitted to encroach into setback area up to 8'.
6. Decks, balconies, and porches are permitted to encroach into the rear yard setback as provided in Section 8.8.9.



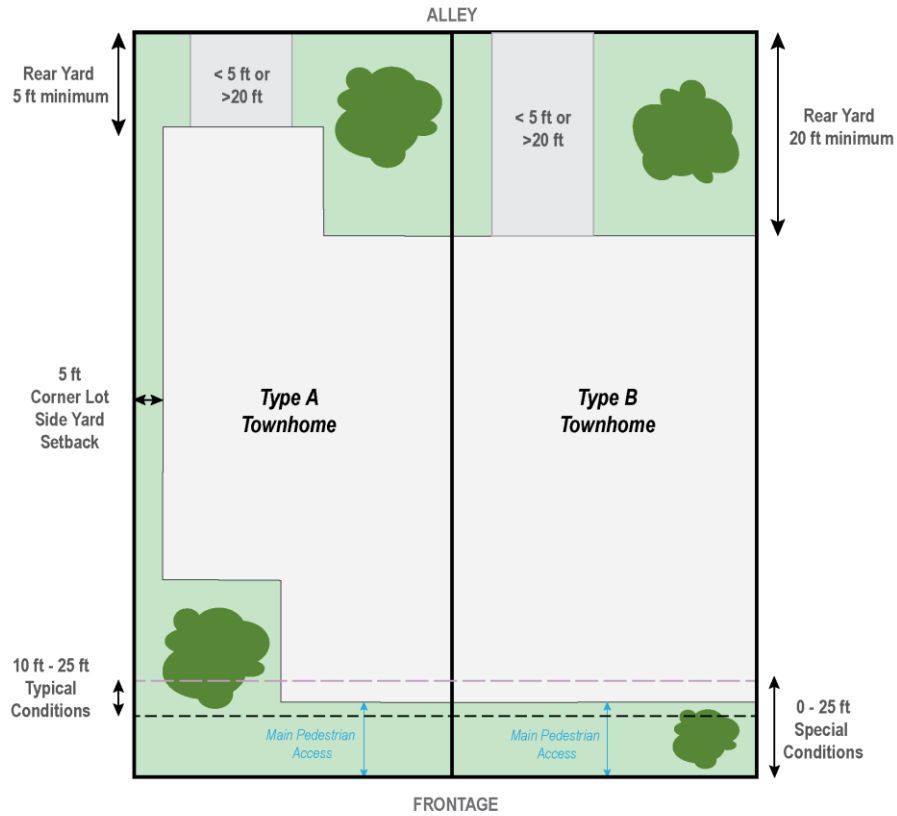
#### 4.11 Lot Type / Attached HouseTownhome

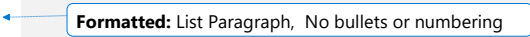
##### Building Placement/Parking/Vehicle Access.





***Townhomes - Attached Garage***





- 69

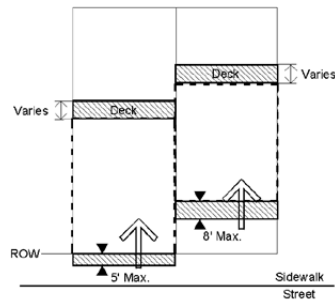
## TA25-01: Residential Uses

~~3.4. Vehicular access for Townhomes shall be provided through a private drive, alley, or parking lot at the rear of the structure.~~

~~4. Front loaded garages, if provided, shall meet the standards of Section 8.16.~~

~~5. Points of permitted access to parking indicated by arrows.~~

### Encroachment/Pedestrian Access.



1. For buildings set up to the sidewalk, balconies and ~~upper level~~ upper-level bay windows are permitted to encroach over the sidewalk area up to 5'.
2. For buildings set back from sidewalk, balconies, stoops, stairs, open porches, bay windows, and awnings are permitted to encroach into the front setback area up to 8'.
3. Main pedestrian access to the building is from the street (indicated by larger arrow). Secondary access may be from parking areas (indicated by smaller arrow).
4. Decks must be constructed only in an established rear yard and are permitted to encroach into the rear setback up to 15'.
5. Mechanical equipment shall not encroach into any required setback.

~~**Description.** The attached house is a rowhouse, a townhouse, or a duplex. Traditional southern homes in Savannah and Charleston provide the historic model. Dilworth Crescent in Charlotte provides a good contemporary example. Generally, building plans will have narrow frontages with the plan depth being greater than its width. Where possible, structures shall be designed to terminate vistas or serve as key focal points in the neighborhood.~~

### Special Conditions.

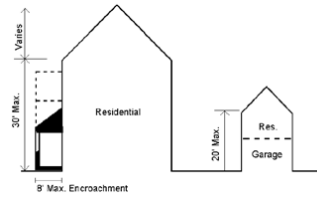
1. The intention of buildings in all locations must be to relate the principal facade to the sidewalk and public space of the street.
2. Setback at street corners will generally replicate frontage conditions. However, side setbacks on a minor street may be less than the front dimension.

## TA25-01: Residential Uses

3. Front and side setbacks will vary depending upon site conditions. Setbacks should be used in a manner which encourages pedestrian activity.

### 4.12 Building Type / Attached HouseTownhome

#### Permitted Height and Uses.



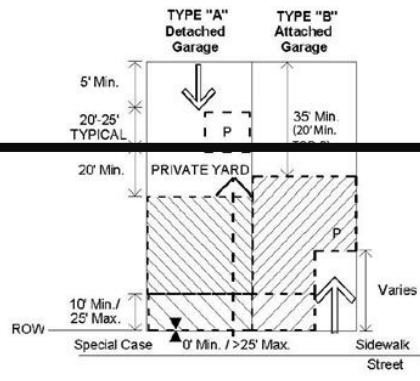
1. Building height shall be measured as the vertical distance from the highest finished grade relative to the street frontage, up to the eaves.
2. Building height to ridge will vary depending upon the roof pitch.
3. Permitted uses are indicated above.
4. Maximum footprint for a building housing a detached accessory dwelling is 650 square feet.



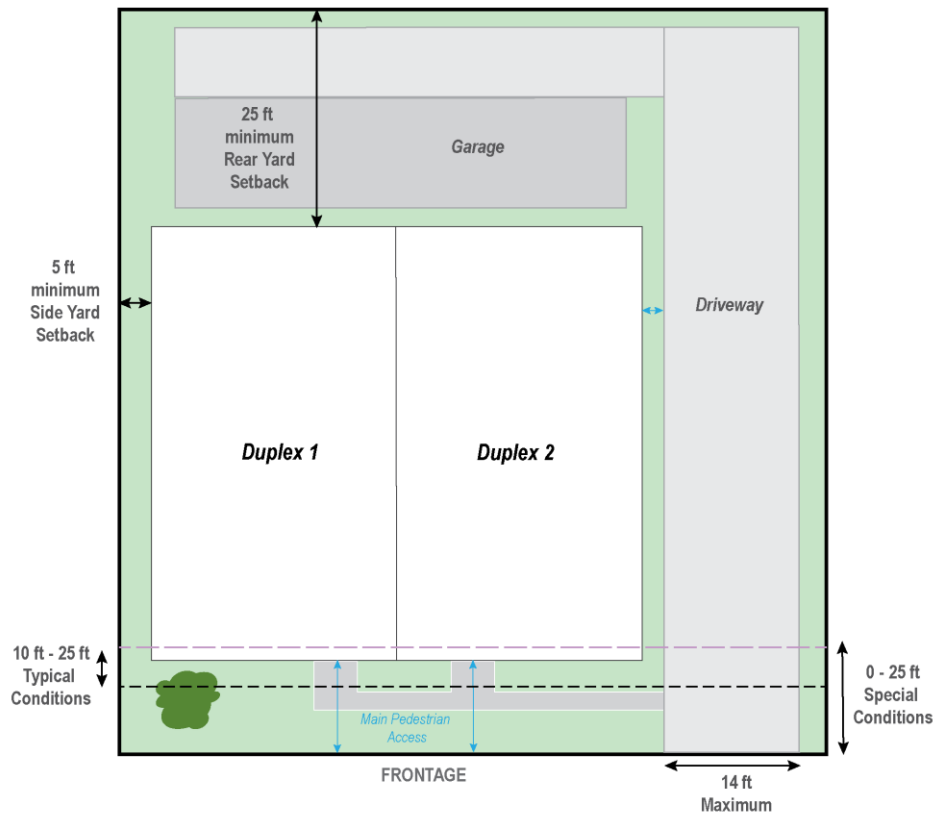
### 4.15 Lot Type / Duplex, Triplex, Quadplex

#### Building Placement/Parking/Vehicle Access.

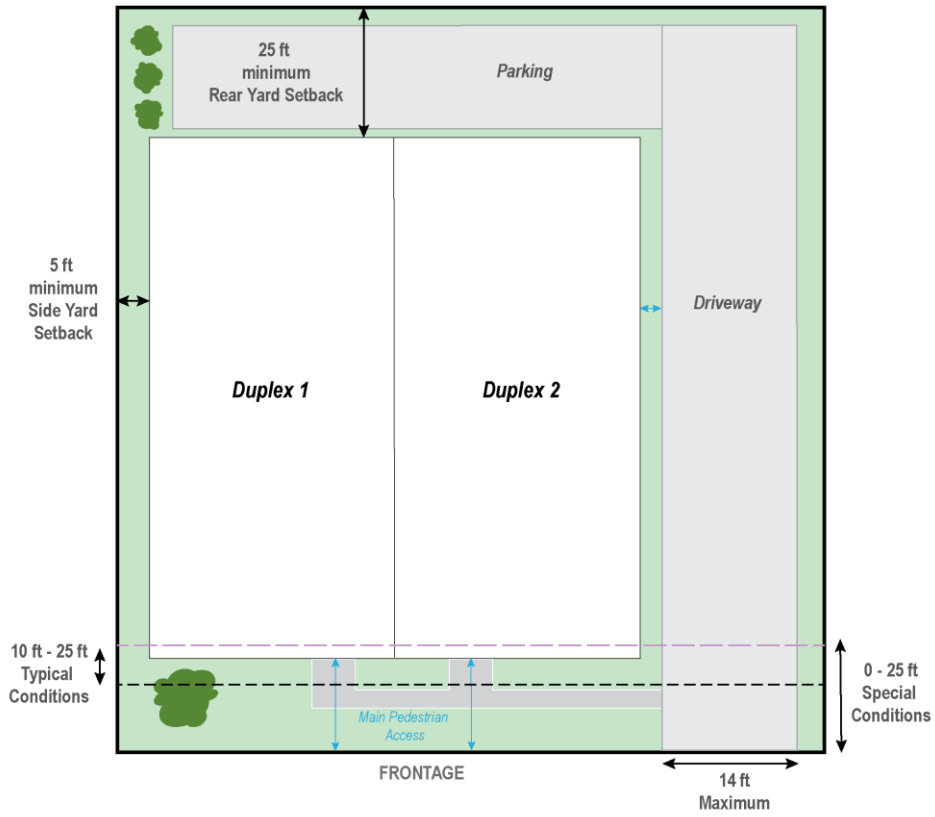
# TA25-01: Residential Uses



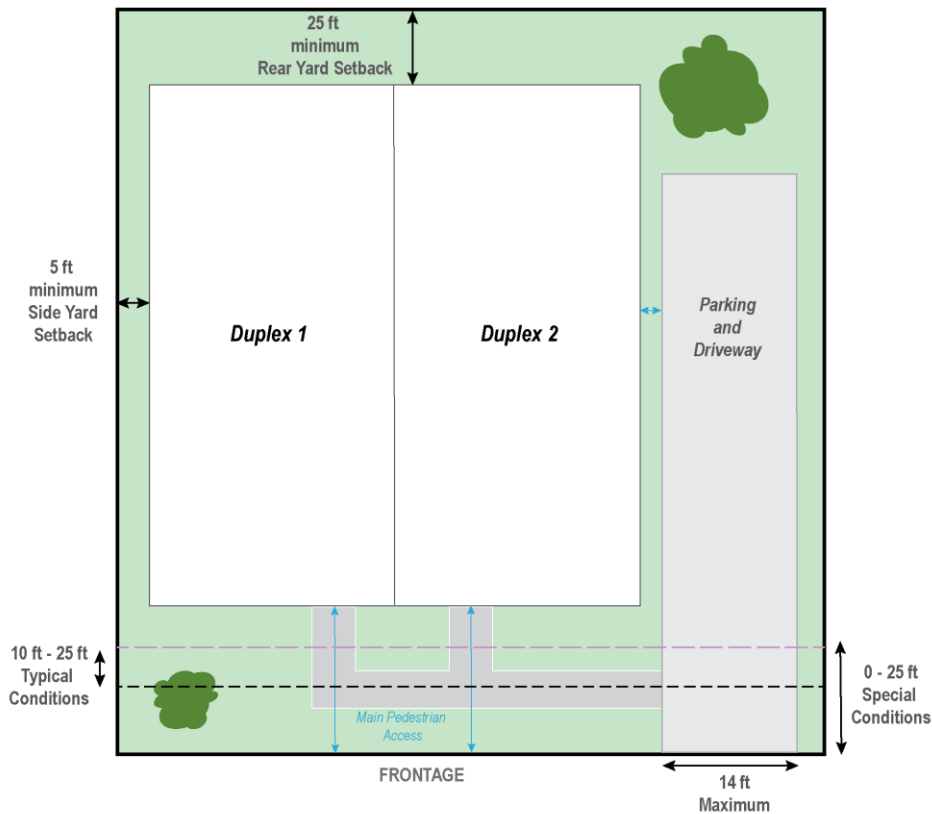
***Duplex, Triplex, and Quadplex - Rear Detached Garage (No Landscaping)***



**Duplex, Triplex, and Quadplex - Rear Parking (With  $\geq 5$  ft Landscaping)**



### Duplex, Triplex, and Quadplex - Side Parking (No Landscaping)



Duplexes, Triplexes, and Quadplexes shall demonstrate the below requirements in addition to the setbacks and lot requirements illustrated with the duplex lot type.

1. Buildings shall be placed on the lot within zone represented by the hatched area.
2. Along new streets, the build-to line will range from 10' to 25' behind street ROW. **Special** Site conditions, such as topography or lot widths, may require permit a larger setback. Along existing streets, front build-to lines shall typically be equal to the average setbacks for buildings on the same side of the street within 300 feet. However, in more urban conditions, dwellings may be set up to the property line at the sidewalk.
3. Building facades shall be generally parallel to front property lines. All buildings shall front onto a public street.

**Formatted:** Outline numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0.25" + Tab after: 0.5" + Indent at: 0.5"

**Formatted:** Outline numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0.25" + Tab after: 0.5" + Indent at: 0.5"

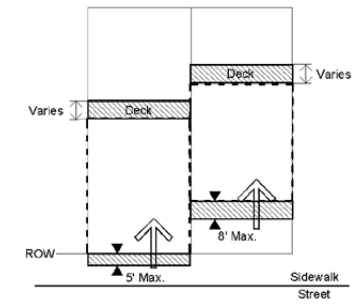
**Formatted:** Outline numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0.25" + Tab after: 0.5" + Indent at: 0.5"



## TA25-01: Residential Uses

4. Points of permitted pedestrian access to parking shall be indicated by arrows. One main pedestrian entrance shall be located along the public street.
5. One driveway shall serve all units. Driveways shall not exceed 14' in the front yard. For triplex, and quadplex house types, driveway width shall not occupy more than 50% of the public street front width of a lot as measured along the public street right-of-way.
6. Off-street parking shall be located in the side or rear yards and comply with Article 6.

### Encroachment/Pedestrian Access.



1. For buildings set up to the sidewalk, balconies and upper level bay windows are permitted to encroach over the sidewalk area up to 5'.
2. For buildings set back from the sidewalk, balconies, stoops, stairs, open porches, bay windows, and awnings are permitted to encroach into the front setback area up to 8'.
3. Main pedestrian access to the building shall be from the street. Secondary access may be from the side or rear yard.
4. Decks must be constructed only in an established rear yard and are permitted to encroach into the rear setback up to 15'.
5. Mechanical equipment shall not encroach into any required setback.

### Special Conditions/Additional Standards.

1. The intention of buildings in all locations must be to relate the principal facade to the sidewalk and public space of the street.
2. The setback at street corners will generally replicate frontage conditions. However, side setbacks on a minor street may be less than the front dimension.
3. Setbacks should be used in a manner which encourages pedestrian activity.

**Formatted:** Outline numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0.25" + Tab after: 0.5" + Indent at: 0.5"

**Formatted:** List Paragraph, No bullets or numbering

**Formatted:** Outline numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0.25" + Tab after: 0.5" + Indent at: 0.5"

**Formatted:** List Paragraph, No bullets or numbering

**Formatted:** Outline numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0.25" + Tab after: 0.5" + Indent at: 0.5"

**Formatted:** Outline numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0.25" + Tab after: 0.5" + Indent at: 0.5"

**Formatted:** Outline numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0.25" + Tab after: 0.5" + Indent at: 0.5"

**Formatted:** Indent: Left: 0"

**Formatted:** Outline numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0.25" + Tab after: 0.5" + Indent at: 0.5"

**Formatted:** Outline numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0.25" + Tab after: 0.5" + Indent at: 0.5"

**Formatted:** Outline numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0.25" + Tab after: 0.5" + Indent at: 0.5"

**Formatted:** Outline numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0.25" + Tab after: 0.5" + Indent at: 0.5"

**Formatted:** Outline numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0.25" + Tab after: 0.5" + Indent at: 0.5"

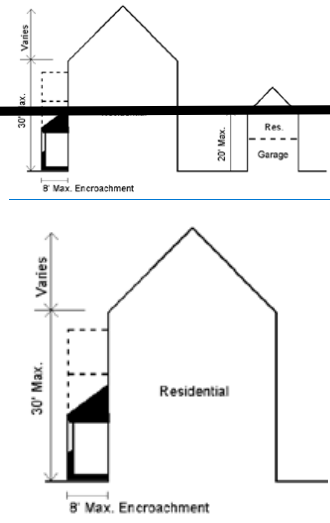
4. In the GR Zoning District, duplexes are permitted on corner lots according to the following standards:

1. The entrances to each unit shall face different streets;
2. The dwelling shall meet the minimum front yard setback from both streets upon which a unit fronts;
3. The lot shall be 1.5 time the minimum lot area for the GR district.

5. Two or more duplex, triplex, or quadplex buildings on one lot constitutes a major subdivision and shall comply with all applicable requirements, including the Multi-Building Sites approval process found in Section 6.800 of the Subdivision Ordinance.

## 4.16 Building Type / Duplex, Triplex, Quadplex

### Permitted Height and Uses.



1. Building height shall be measured as the vertical distance from the highest finished grade relative to the street frontage, up to the eaves.
2. Building height to ridge will vary depending upon the roof pitch.
3. Permitted uses are indicated above.

Formatted: List Paragraph, No bullets or numbering

Formatted: List Paragraph, No bullets or numbering

Formatted: Outline numbered + Level: 2 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0.75" + Tab after: 1" + Indent at: 1"

Formatted: Indent: Left: 0.31", Outline numbered + Level: 2 + Numbering Style: 1, 2, 3, ... + Aligned at: 0.75" + Tab after: 1" + Indent at: 1", Tab stops: 0.81", Left + Not at 1"

Formatted: Outline numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0.25" + Tab after: 0.5" + Indent at: 0.5"

Formatted: Outline numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0.25" + Tab after: 0.5" + Indent at: 0.5"

Formatted: Outline numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0.25" + Tab after: 0.5" + Indent at: 0.5"

Formatted: Normal



A: —

Formatted: Normal, No bullets or numbering

## Article 5

### 5.5 Street Design Specifications

Design should permit comfortable use of the street by motorists, pedestrians, bicyclists, and transit users. Pavement widths, posted speeds, and the number of travel lanes shall be appropriate for a multi-modal transportation network for which it will serve. The specific design of any given street must consider the context of the building-types which have frontage and the relationship of the street to the overall Town street network.

#### **Decision Making Process.**

Street design is to be tailored to the context of the area in which the street is located and shall balance the needs of those living, working, and traveling on that street. All new streets and improvements to existing streets within the Town's jurisdiction (excluding projects where multi-modal transportation is not allowed) will use the collaborative decision-making process described below:

**Step 1: Define Land Use Context.** What is the intensity and type of land use at present? What building type(s), massing and exterior features are common between the existing developments? Is there a Small Area Plan for the district? What does it involve and advise? Are there other adopted plans that are applicable?

**Step 2: Define the Transportation Context.** Identify the transportation network that will influence the street design. What is the nature of the surrounding street network? Does the street cater to the multi-modal design philosophy? What are the incorporated street elements (lanes, sidewalks, bicycle lanes, traffic-calming devices, landscaping)? Are transportation improvements expected for the area?

**Step 3: Establish Goals and Objectives.** Consider the issues and opportunities of the context (land use and transportation) and their impact on the design of the street network in order to develop goal sets for all users.

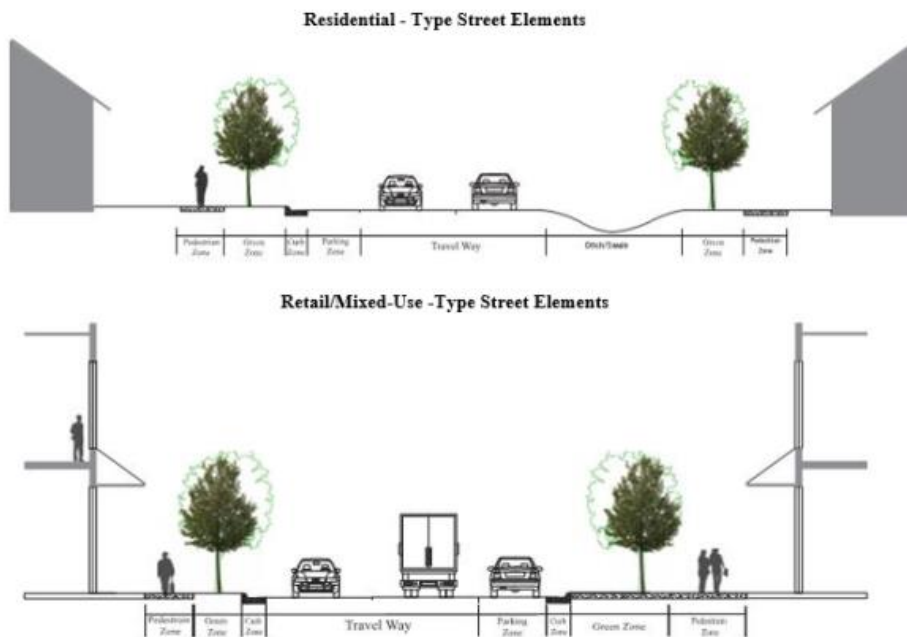
**Step 4: Prioritize Goals.** What components are acceptable and what should be modified? Do the stakeholders and larger community prefer the street network and neighborhood to change or remain the same? How would the stakeholders and larger community prefer the street network and neighborhood to change?

## TA25-01: Residential Uses

**Step 5: Develop Alternatives.** Research and test the most suitable street type and its elements using this Article. Identify the site-specific constraints (right-of-way, existing features, environmental features, topography, etc.).

**Step 6: Recommend Alternatives.** Apply the appropriate street cross-section in the Town of Huntersville Engineering and Standards and Procedure Manual. Reconfigure the cross-section according to the context-based analysis in Steps 1 and 2 to meet goals established in Step 4 and accommodate the site-specific constraints listed in Step 5.

**Elements of Street Design.** Below are cross-sections to be used for ILLUSTRATIVE PURPOSES to explain each design element discussed in this section.

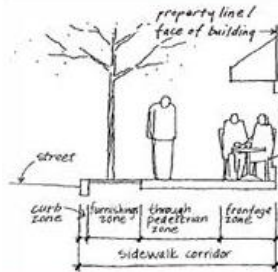


**NOTE:** On-street parking typically provided on both side of street.

1. Pedestrian Zone is the area intended for pedestrian travel. The walkway section of the pedestrian zone shall be free of all obstacles (temporary and permanent) and should be of sufficient width to allow pedestrians to walk safely and comfortably for current and future

## TA25-01: Residential Uses

pedestrian activity. At a minimum, 5 feet “free and clear” (per ADA standards) shall be



provided.

2. A sidewalk is required on both sides of public streets excluding residential-type streets in the Rural district, and the undeveloped side of residential-type streets adjacent to open space. Sidewalks are not required for alleys. On residential streets, the minimum sidewalk width shall be 5 feet. In commercial and mixed-use areas, the minimum sidewalk width is 7 feet free and clear of obstacles. When the Green Zone includes hardscaped materials (tree grates and cutouts), the minimum sidewalk width is 10 feet with 5 feet “free and clear” (per ADA standards).
3. Sidewalk widths along thoroughfares (or higher-order streets) are established on a case-by-case basis but shall not be less than 6 feet.
4. Tree-grates may be utilized for street trees; however, the grate-area may only count toward 1 foot of the “free and clear” (per ADA standards) sidewalk area. All other material placed at the base of street trees, other than concrete or asphalt, shall not count toward the minimum sidewalk width.
  1. Street trees are required on both sides of all public streets except along the undeveloped side of residential-type streets adjacent to open space. Street Trees shall be located within a Green Zone, which is the space between the sidewalk and the back of curb or back of swale where no curb and gutter is present. Typically, Green Zones are a planting strip or hardscaped amenity zone, which serves as a buffer between pedestrians and vehicles. The Green Zone may include street trees and landscaping and often includes street furnishings and utilities. To encourage tree health, Green Zones shall be provided as follows:
    1. Curb and gutter section – 7 feet in width (minimum for small-maturing street trees), 9 feet in width (minimum for large maturing street trees) per Article 7;
    2. Ditch section – 6 feet minimum outside the swale;
    3. Industrial Streets – 10 feet in width;
    4. Alleys – not required.
  2. Generally, street trees shall be planted at a spacing not to exceed 40 feet on center. Where overhead utility lines preclude the use of large-maturing street trees, small-maturing street trees may be substituted, planted 30 feet on center. Street tree spacing may be “field-adjusted” for driveways or utilities, and to comply with the Town of Huntersville Engineering Standards and Procedures Manual, but should generally maintain uniform spacing. Street trees should not be planted within 40 feet of the radius return of an intersection.
  3. Parking Zone is an area to accommodate on-street parking adjacent to uses where on-street parking provides convenience. Parking widths and layout may vary. Refer

## TA25-01: Residential Uses

to the Town's Engineering Standards and Procedures Manual for specifics on parking space widths and lengths. This area may also include transit stops and provisions for transit pullouts.

On-street parking is recommended where building type and use will generate regular parking need. Occasional on-street parking can be accommodated without additional pavement width. For streets which serve workplace and storefront buildings, on-street parking lane(s) are required and shall be marked as such. An on-street parking lane on at least one side of the street is required on streets serving apartments, ~~attached houses~~ duplex, triplex, quadplex, townhomes, and detached houses with lots 60' or less in width that are a part of a major subdivision. This parking should be on the side of the street that the use is located (if applicable). In some conditions, parking should be adjacent to urban open space. Standard curb and gutter is required where there is marked parking.

Generally, on-street parking should be parallel, and 7 to 8 feet in width; Angled parking or reverse-angle parking is only permitted as an intentional design element where appropriate.

4. **Medians.** Medians that are greater than 10 feet in width should be planted. Refer to the Engineering Standards and Procedures Manual for additional planting requirements. Pedestrian refuges may be located in the medians.
5. Traffic Control Plans depicting all regulatory, warning and street name signage as well as pavement markings shall be prepared in accordance with the guidance of the Manual on Uniform Traffic Control Devices and the Engineering Standards and Procedures Manual for all public streets. The developer is responsible for the initial installation of the signs and/or markings and the maintenance thereof until the public accepts the street for maintenance. Conflicts between street signs and tree plantings shall be avoided.

These elements may be varied only in accordance with the design principles detailed above and as approved by the Planning Director in consultation with the Town's Engineer.

## Article 8

### 8.16 Standards For Residential Lot Widths, Alleys, Garages And Parking In Residential Districts

1. Except as specifically provided in the Rural and Transitional districts, detached house types and ~~two-unit attached~~ duplex house types shall be required to have a lot width greater than 50' feet. Developers shall have the option to provide lots widths 50' feet wide or less when alley access allowing on-site parking is provided for detached house types and ~~two-unit attached~~ duplex house types. Further, developers shall also have the option to apply for a conditional district rezoning to create lot widths of 50 feet wide or less without an alley provided it can demonstrated the development can accommodate on-street parking, meet

## TA25-01: Residential Uses

all the provisions of the Zoning Ordinance including installation of street trees, and demonstrate public services such as trash pick-up can be provided.

2. Alley access for on-site parking is strongly encouraged for ~~three-unit or more attached house type~~ triplex, quadplex, and townhome building types.
3. For lots 60 feet wide or less, driveways shall be no more than 14 feet wide as measured along the public street right-of-way for a detached house and ~~two-unit attached duplex~~ 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 duplex~~ house type. For ~~three or more unit attached~~ triplex, quadplex, and townhome house types, driveway width shall not occupy more than 50% of the public street front of a lot as measured along the public street right-of-way.
4. When front entry garages are used, it is recommended to minimize emphasis on front loaded garages by having a building feature projecting from or flush with the garage, have a column to separate a two-car garage or any other technique as determined by the owner to be appropriate.
5. Driveways shall extend at least twenty (20) feet from a public right-of-way and public sidewalk easement to prevent on-site residential parking from encroaching into the public right-of-way or easement for a public sidewalk.
6. On-street parking at lot front, when specifically provided, may be counted toward all or part of the parking requirement of a dwelling unit.
7. Detached garages may only be placed in the established rear yard. Garages for more than two cars must be detached and located in the established rear yard or be attached side or rear loading.
8. Lots in subdivisions approved prior to the effective date of this ordinance, are exempt from the limitations of .1 through .2, above.
9. Vehicles used primarily for commercial purposes and with more than two axles are prohibited from parking on streets, in driveways, or on private property in residential districts. This shall not be construed as preventing the temporary parking of delivery trucks, moving vans, and similar vehicles which deliver goods or services.
10. Provisions for parking unlicensed vehicles in residentially zoned districts shall be as follows:
  1. No more than two (2) motor vehicles that do not have a current, valid license plate and are not fully enclosed in a permanent structure shall be permitted outside on any premises, provided such vehicles are registered to the occupant of the premises or immediate family member of the occupant as the record title of the vehicle.
  2. No unlicensed motor vehicle if not registered to the occupant of the premises or immediate family member of the occupant as the record title owner of the vehicle shall be permitted outside of any premises.

3. Vehicles described in paragraphs (a) and (b) are not permitted to be located within any established setback or any established side yards which abut a street or any required side yards contained in these regulations or any street right-of-way. If stored in the rear yard, it must be a minimum of five (5) feet off the rear property line.
4. Vehicles described in paragraphs (a) and (b) are not permitted on vacant or undeveloped parcels.

## Article 9

### 9.1 Accessory Dwelling

1. An accessory dwelling may be attached, within, or separate from the principal dwelling.

~~2. The principal use structure of the lot shall be a detached house or townhome or attached single-family dwelling, built to the standards of the North Carolina Housing Code.~~

~~2.~~

3. No more than one accessory dwelling shall be permitted on a single deeded lot in conjunction with the principal dwelling unit.

~~4. The accessory dwelling shall be owned by the same person as the principal dwelling.~~

~~5.4.~~ The accessory dwelling shall not be served by a driveway separate from that serving the principal dwelling unless the accessory dwelling is accessed from a rear alley and the principal dwelling is accessed from a street.

~~6.5.~~ A detached accessory dwelling shall be housed in a building not exceeding 650 square feet of first floor area (maximum footprint) or 50% of the first floor area of the principal dwelling, whichever is greater; the structure may be dwelling only or may combine dwelling with garage, workshop, studio, or similar use.

~~7.6.~~ A detached accessory dwelling shall be located in the established rear yard and meet the standards for the applicable building and lot type, Article 4, and the limitations on rear yard use of Section 8.8.

~~8.~~ An accessory dwelling must be registered with the Planning Director at the time a certificate of occupancy is obtained for the accessory dwelling.

### 9.64 Multi-Family Homes

~~Multi-family homes in the NR, NC, TC, and HC zones shall be subject to the following provisions:~~

~~1. One multi-family homes on one lot shall be subject to the following:~~

Formatted: Heading 1

Formatted: Outline numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0.25" + Tab after: 0.5" + Indent at: 0.5"

Formatted: Normal, Indent: Left: 0.5"



## TA25-01: Residential Uses

- a. ~~Minimum buffer widths for adjoining property lines excluding street rights-of-way shall be as follows:~~
- ~~(1) Five feet (5') minimum buffer width in any of the following circumstances: a) the apartment house has four dwelling units or less; b) boundaries are internal to a major subdivision containing the apartment house; or, c) the apartment house adjoins property zoned TC, TOD-R or TOD-E regardless of number of units, density, or adjoining land use.~~
  - ~~(2) Ten feet (10') minimum buffer width in either of the following circumstances: a) density is less than 10 units an acre regardless of the adjoining land use; or b) the apartment house is 10 units an acre or more and adjoins anything other than a detached house, duplex house, or attached house.~~
  - ~~(3) Twenty feet (20') minimum buffer width when density is between 10 to 15 units an acre and is adjoining a detached house, duplex house, or attached house.~~
  - ~~(4) Thirty feet (30') minimum buffer width when density is between 15 to 20 units an acre and is adjoining a detached house, duplex house, or attached house.~~
  - ~~(5) Forty feet (40') minimum buffer width when density exceeds 20 units an acre and is adjoining a detached house, duplex house, or attached house.~~
- b. ~~There shall be three (3) trees per 1000 square feet of buffer area with a minimum of 50% large maturing, minimum of 25% small maturing, and minimum of 75% evergreen. Further, there shall be ten (10) shrubs per 1000 square feet of buffer area and 100% shall be evergreen.~~

2. ~~Two or more multi-family homes on one lot constitutes a major subdivision and shall comply with all applicable requirements, including the Multi-Building Sites approval process found in Section 6.800 of the Subdivision Ordinance.~~

## Article 12

Formatted: Heading 1

### 12.2.1 General Definitions

**Abandon.** To cease the regular use or maintenance of a lot, building, or structure.

**Abutting.** Having common property boundaries or lot lines which are not separated by a street, alley, or other vehicular right-of-way such as a railroad. For the purpose of sending notices required by N.C.G.S. § 160D-602, properties are "abutting" even if separated by a street, railroad, or other transportation corridor.

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

## TA25-01: Residential Uses

all accessory structure(s) shall not exceed the total square footage of heated area located on the first floor of the principal structure.

Adjacent. Either abutting or being directly across a street.

Adjusted Tract Acreage (ATA). The net useable land area of a proposed development site as determined by deducting specific percentages of various categories of constrained land from the gross tract area. This process is further described in Article 3 under the Rural and Transitional zoning districts.

Administrative decision. Decisions made in the implementation, administration, or enforcement of development regulations that involve the determination of facts and the application of objective standards set forth in this ordinance. These are sometimes referred to as ministerial decisions or administrative determinations.

Adult Establishment. Any principal or accessory structure or use of land which meets the definition of adult establishment as set forth in North Carolina General Statute Section 14-202.10. Adult Establishment does not include Massage Therapy, as defined later in the Article. Notwithstanding the definition of “adult bookstore” provided in G.S. 14-202.10(1), for purposes of this ordinance “adult bookstore” means a retail establishment:

which receives a majority of its gross income during any calendar month from the sale or rental of (i) “publications” which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to “specified sexual activities”, as defined in G.S. 14-202.10(11), or “specified anatomical areas”, as defined in G.S., 14-202.10(10); and/or (ii) merchandise that are “sexually oriented devices”, as defined in G.S. 14-202.10(9); or

having a preponderance of its publications and/or merchandise (i) “publications” which are distinguished or characterized by their emphasis on matter depicting, describing or relating to “specified sexual activities”, as defined in G.S. 14-202.10(11), or “specified anatomical areas”, as defined in G.S., 14-202.10(10); and/or (ii) merchandise that are “sexually oriented devices”, as defined in G.S. 14-202.10(9).

As used in this definition, “publications” include books, magazines, other periodicals, movies, video-tapes, and other products offered in photographic, electronic, magnetic, digital or other imaging medium.

Agricultural industry. Commercial poultry or swine production, cattle or swine feed lots, fur bearing animal farms, commercial plant production (not retail nurseries), commercial fish or poultry hatcheries, other forms of agriculture as defined in N.C.G.S. 106-581.1, and other similar activities.

Agritourism. Any activity carried out on a farm or ranch that allows members of the general public, for recreational, entertainment, or educational purposes, to view or enjoy rural activities, including farming, ranching, historic, cultural, harvest-your-own activities, hunting, fishing, equestrian activities, or natural activities and attractions. A building or structure used for agritourism includes any building or structure used for public or private events, including, but not limited to, weddings, receptions, meetings, demonstrations of farm activities, meals, and other events that are taking place on the farm because of its farm or rural setting.

## TA25-01: Residential Uses

**Agritourism Catering Facility.** Buildings, improvements and facilities used in connection with an operation providing event-based food services for both (1) on-site agritourism facilities (whether indoors or outdoors) used for public or private events, including but not limited to weddings, receptions, meetings, demonstrations of farm activities, meals, and other events that are taking place on the farm because of its farm or rural setting; and (2) subject to Section 9.60, off-site public and private events. Personal property and equipment utilized exclusively in providing on-site catering services to agritourism facilities shall be exempt from regulation in the extraterritorial zoning jurisdiction. In order to qualify under this definition, an Agritourism Catering Facility must be located on property designated and used for bona fide farm purposes as contemplated by N.C.G.S. § 160D-903.

**Airport.** A facility intended and used as the place where one or more fixed-wing or rotary-wing aircraft is regularly stored, maintained, or repaired while not in flight, including an area that the aircraft may use to take off and land.

**Airport uses.** Fixed and rotary wing aircraft operations together with retail sales and service operations related to public, private, or general aviation, including aircraft sales, repair and storage, commercial shipping and storage, restaurants, and other uses designed to serve aviation passengers and industry.

**Amendment.** Any change by the Town Board to the text of these regulations or the official Zoning Maps.

**Amusement, commercial outdoor.** Any business establishment which is primarily engaged in providing an amusement activity such as a miniature golf course, skateboard course, water slide, mechanical ride, par 3 golf course, golf driving range, go-cart or motorcycle course, fish ranch, or similar activity to the general public, but does not include outdoor motion picture theaters.

**Amusement, commercial indoor.** Any business establishment which is primarily engaged in providing an amusement activity such as a video arcade, billiard parlor, skating rink or similar activity as a principal use to the general public, but does not include indoor motion picture theaters.

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

**Arena.** A structure or facility designed and intended to be used primarily for athletic events and containing seating for spectators of those events, but not including a raceway or drag strip.

**Automotive repair.** A building and its premises used for the storage, care, repair, or refinishing of motor vehicles including both minor and major mechanical overhauling, paint and body work. Minor repairs shall be limited to battery and tire changes, light and fuse replacement, wiper blade changes and similar activities. Also referred to as vehicle repair.

**Automotive service station.** Any premises where gasoline and other petroleum products are sold and light maintenance activities such as engine tune-ups, lubrication, minor repairs, and carburetor cleaning may be conducted. Service stations shall not include premises where heavy

## TA25-01: Residential Uses

automobile maintenance activities such as engine overhauls, automobile painting, and body work are conducted. Also referred to as retail sale of gasoline.

**Bed and Breakfast Inn.** A use that takes place within a building that, prior to such an establishment, was a single family detached residence, that consists of renting from one to six dwelling rooms on a daily basis to tourists, vacationers, and business travelers, where the breakfast meal only is provided and is available only to guests. The homeowner shall reside on site and employment shall not exceed two full time employees in addition to the owner(s).

**Beneficial Landfill.** Permitted with conditions in all districts (9.44). The purpose of a beneficial fill site is to allow the land to be recontoured for the purpose of improving land use potential or for other beneficial reuse as defined by the North Carolina Solid Waste Management Rules, 15A NCAC 02U .0103 and by Chapter 130A of the North Carolina General Statutes; involves no excavation and accepts only fill material consisting of inert debris or used asphalt or a combination of inert debris and used asphalt. Provided, however, that excavation, grading and fill activity shall not be considered a beneficial fill site within this definition if such activity (1) is confined within the boundaries of a parcel of property or development project and involves uncontaminated soil, gravel or rock originating on such property or development project, or (2) is conducted pursuant to a valid preliminary subdivision plan or final subdivision plat, a residential building permit, a commercial building permit, or any preliminary permit issued pursuant to a pending application for such a plan or permit, and involves only uncontaminated soil, gravel or rock.

**Berm.** A raised earth mound, which is planted with ornamental vegetation.

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

**Boarding house.** A dwelling unit with up to six rooms for rent to boarders, or designed and intended to be rented to boarders, but which rooms individually or collectively do not constitute separate dwelling units. No separate cooking facilities will be provided for any boarder.

**Buffer.** (See also Screening.) A strip of land with natural or planted vegetation, located between a structure or use and a side or rear property line, intended to spatially separate and visually obstruct the view of two adjacent land uses or properties from one another. A buffer area may include any required screening for the site.

**Build-to line.** A line extending through a lot which is generally parallel to the front property line and marks the location from which the principle vertical plane of the front building elevation, exclusive of porches, bay windows and similar appurtenances, must be erected; intended to create an even building façade line on a street. The build-to line is established on the record plat (final plat).

**Building.** Any structure used or intended for supporting or sheltering any use or occupancy.

**Building face.** The dominant structural feature of the elevation of any side of a building. For example, the building face of a two-story dwelling with one-story porch is the two-story elevation of the structure.

## TA25-01: Residential Uses

**Building lines.** Lines that are tangent to the exterior surface of buildings or structures, or the surfaces of cantilevered projections therefrom, parallel to front, side, and rear lot lines, and referred to as front, side, and rear building lines, respectively.

**Building site.** (See also Development.) An area of land, or property where development is undertaken.

**Bus stop shelter/Transit Shelter.** A freestanding structure less than 100 square feet, located on a bus transit route, which is designed to accommodate embarking and disembarking bus transit passengers.

**Caliper.** The size of a tree's trunk diameter as measured six (6) inches above the ground for trees four (4) inches or less, and as measured twelve (12) inches above the ground for trees larger than four (4) inches. This measurement of caliper is used to determine if *newly planted* trees meet the requirements of this ordinance.

**Canopy.** The uppermost spreading branchy layer of a tree.

**Canopy tree.** A deciduous tree with height at maturity greater than 35 feet which produces significant shade due to the size and shape of its canopy.

**Catchment Area.** The area surrounding a rapid transit station location that is within convenient walking distance of the transit stop or boarding platform. New development in a catchment area is subject to specific standards and development intensities associated with "transit oriented development" (TOD) zoning districts. When used in conjunction with a specified measurement of distance (usually 1/2 mile or 1/4 mile), that distance is measured by computing actual walking distance along existing or proposed streets and/or pedestrian walkways.

**Champion tree.** A classification the state and federal forestry agencies use to define the largest trees of a specific species.

**Change of Use.** The change in the use of a structure or land, for which a certificate of occupancy is required. Change of use shall include a change from one use to another use in the list(s) of permitted uses, and shall also include a change from one use to another use within any broad category of uses, such as from one use listed in the commercial use category to another use listed in the commercial use category, as herein defined.

**Civic, social service, or fraternal organization facility.** A building or meeting facility, which is restricted to members and guests of members of a non-profit association or corporation, including accessory uses such as recreational facilities, banquet facilities, and overnight lodging for members, but not including the sale of goods or services to the public on the premises on a regular basis, or commercial outdoor recreational or entertainment activities involving the use of animals or firearms.

**Clear cutting.** The large-scale indiscriminate removal of trees, shrubs, and undergrowth with the intention of preparing real property for non-agricultural development purposes.

## TA25-01: Residential Uses

Clinic, medical, dental, or optical. A use or structure intended or used primarily for the testing and treatment of human physical or mental disorders.

Clinic, veterinary. A use or structure intended or used primarily for the testing and treatment of the physical disorders of animals; not principally used for the overnight boarding or grooming of well animals; not permitting outdoor cages, pens, or runs for the confinement of animals unless expressly permitted in the district; and not used for the training of animals.

Commencement of construction. The first placement of permanent evidence of a structure on a site pursuant to a duly issued building permit, such as the pouring of slabs or footings or any work beyond the stage of excavation, including the relocation of a structure. "Commencement of construction" does not include the installation of streets or walkways; nor the excavation for a basement, footings, piers, or foundations, or the erection of temporary forms; nor does it include the installation on the property of temporary buildings, such as garages, sheds, or trailers, not part of the main structure nor occupied as dwelling units.

Commercial communication tower. A tower facility, either roof or ground mounted, that includes, but is not limited to, radio and television transmission towers or similar utilities, microwave towers, and cellular telephone communication towers and similar structures for wireless communication. This term shall not include radio transmission facilities for use by ham radio operators or two-way local radio facilities for business or governmental purposes.

Commercial use. A category of uses that includes retail establishments, offices, professional and personal services, light manufacturing and assembly, branch banks, financial services, health care services, indoor motion picture theatres, conference centers, laboratories and associated research facilities whose products or waste products entail no special environmental handling requirements, studios, broadcast facilities (excluding towers), inns, theatres, restaurants without drive-through windows, bars, and day care facility as a principle use. Each use permitted in the commercial use category shall also meet any applicable conditions set out in Article 9, Conditions for Certain Uses. Excluded from the commercial use category are adult uses; vehicle, boat, or manufactured home sales, service, and repair; drive-through windows as a principal or accessory use; wholesale sales; heavy manufacturing; outdoor storage; floor area that is shared with residential uses as provided in Article 4; outside commercial kennels, and other uses that, by their nature or service characteristics are auto dependent, have potential for environment degradation, or are otherwise incompatible with nearby residential use.

Comprehensive Plan. A comprehensive plan that has been officially adopted by the governing board pursuant to G.S. 160D-501.

Comprehensive Transportation Plan (CTP). The set of maps and accompanying data adopted and maintained by the Charlotte Regional Transportation Planning Organization and its successor organizations that identify the region's aspirations for a long range surface transportation system. The CTP includes maps for Highway, Transit & Freight Rail, Bicycle, and Pedestrian systems and is not financially constrained. The CTP Highway Map is the successor to the Thoroughfare Plan; roadways identified are synonymous with the term "thoroughfare."

Conditional zoning district. A zoning district in which the development and the use of the property included in the district is subject to the predetermined ordinance standards and the rules,

## TA25-01: Residential Uses

regulations, and conditions imposed as part of the legislative decision creating the district and applying it to the particular property. Conditional zoning shall not require the issuance of a special use permit or permitting process apart from the establishment of the district and its application to particular properties.

**Congregate housing.** Dependent or independent living facilities for the elderly; dormitories, orphanages, and similar uses, but not including group homes.

**Conservation Easement.** A conservation agreement as defined by N.C.G.S 121-35(1) in the form of an easement.

**Conservation Subdivision.** A tract of land 40 acres or more that is subdivided into single family building lots at a gross density not exceeding 1 dwelling unit per 20 acres, where no new streets are created through the development process and use of the land is restricted by an irrevocable conservation easement held by a conservation organization authorized by N.C.G.S. 121-35(1) et seq. The Conservation Subdivision is permitted only in the Rural and Transitional District and permits only residential home sites, Riding Academies/Commercial Stables according to Section 9.33, and customary rural land uses that are compatible with land conservation.

**Construction and Demolition (C&D) Debris.** Solid waste or debris resulting solely from construction, remodeling, repair or demolition operations on pavement, buildings, or other structures. (Inert debris, land clearing debris, and yard trash are separately defined herein.)

**Construction and Demolition (C&D) Landfill.** A facility for the land disposal of construction and demolition (C&D) debris, and wastes acceptable for disposal in a LCID Landfill; it is designed to meet the minimum standards of the State of North Carolina by utilizing acceptable landfill engineering technology.

**Correctional Facility.** A publicly or privately owned building(s), and all accessory uses and structures, used to confine, house, and supervise persons held in lawful custody including those who are serving terms of imprisonment for violations of criminal laws or who are awaiting trial for alleged violations of criminal laws, but not including temporary holding facilities that are accessory to a police station.

**Country Inn Development.** A rural development with up to two main inns and up to eight residential rental cottages accessed by private drive located on parcels of land 20 acres and larger that consists of no more than twenty-four (24) rooms for rental and or owner/staff occupancy where on a daily basis, breakfast, lunch and dinner is provided and is available only to overnight guests and special events guests. The owner/operator shall reside on site.

**Critical root zone (CRZ).** A circular region measured outward from the tree trunk representing the essential area of the roots that must be maintained in order for a tree's survival. The critical root zone is one foot of radial distance for each inch of the tree DBH, with a minimum of eight (8) feet.

**Cultural facility.** An indoor or outdoor theater, auditorium, or other building or structure designed, intended, or used primarily for musical, dance, dramatic, or other live performances, or a museum or gallery operated primarily for the display, rather than the sale, of works of art.

## TA25-01: Residential Uses

**Dangerous to others.** Within the relevant past, the individual has inflicted or attempted to inflict or threatened to inflict serious bodily harm on another, or has acted in such a way as to create a substantial risk of serious bodily harm to another, or has engaged in extreme destruction of property; and that there is a reasonable probability that this conduct will be repeated. Previous episodes of dangerousness to others, when applicable, may be considered when determining reasonable probability of future dangerous conduct. Clear, cogent, and convincing evidence that an individual has committed a homicide in the relevant past is prima facie evidence of dangerousness to others.

**Day care center.** Day care, as a principal use or an accessory use, provided on a less than 24-hour basis for either children or adults, according to the following limiting definitions.

**Child day care center.** An individual, agency, or organization providing supervision or care on a regular basis for children who are not related by blood or marriage to, and who are not the legal wards or foster children of, the supervising adult; usually serving more than 10 children at a time; not an accessory to residential use.

**Adult day care center.** An individual, agency, or organization providing supervision or care on a regular basis for more than 6 adults in a place other than their usual place of abode, on less than a 24-hour basis.

**Day care home (small, accessory use).** Day care provided on a less than 24-hour basis for either children or adults, according to the following limiting definitions.

**Child Day Care Home (small, accessory use).** Supervision or care provided on a regular basis as an accessory use within a principal residential dwelling unit, by a resident of the dwelling, for up to 6 children who are not related by blood or marriage to, and who are not the legal wards or foster children of the supervising adult.

**Adult Day Care Home (small, accessory use).** Care provided on a regular basis as an accessory use within a principal residential dwelling unit, by a resident of the dwelling, for up to 6 adults who do not reside in the dwelling.

**Deciduous.** Shrubs and trees that lose their leaves annually.

**Deck.** A platform that is open and either freestanding or attached to a building, supported by pillars or posts.

**Dependent living facility.** Nursing homes, rest homes, and homes for the aged facilities, which are designed for persons who need a wide range of health and support services, such as medical, nursing, and personal services care, central dining facilities, and transportation services.

**Density, gross residential.** The number of residential dwelling units per acre of land, determined by dividing the number of dwelling units by the total number of acres in the parcel to be developed.

**Developer.** A person, including a governmental agency or redevelopment authority, who undertakes any development and who is the landowner of the property to be developed or who has been authorized by the landowner to undertake development on that property.



## TA25-01: Residential Uses

**Development.** The carrying out of any building activity, the making of any material change in the use or appearance of any structure or land, or the subdividing of land into two or more parcels.

1. Except as provided in subsection (c) hereof, for the purposes of these regulations, the following activities or uses shall be considered "development":
  - a. The reconstruction, alteration of the size, or material change in the external appearance of a structure on land or water;
  - b. A change in the intensity of use of land, such as an increase in the number of dwelling units in a structure or on land or a material increase in the number of businesses, manufacturing establishments, offices, or dwelling units in a structure or on land;
  - c. Alteration of the shore or bank of a pond, lake, river, or other waterway;
  - d. Commencement of drilling (except to obtain soil samples), mining, or excavation on a parcel of land;
  - e. Clearing of land, including clearing or removal of vegetation and including any significant disturbance of vegetation or soil manipulation; or
  - f. Deposit of refuse, solid or liquid waste, or fill on a parcel of land.
  - g. The construction, erection, alteration, enlargement, renovation, substantial repair, movement to another site, or demolition of any structure.
  - h. The excavation, grading, filling, clearing, or alteration of land.
  - i. The subdivision of land as defined in G.S. 160D-802.
  - j. The initiation or substantial change in the use of land or the intensity of use of land.
2. "Development" includes all other activity customarily associated with it. When appropriate to the context "development" refers to the act of developing or to the result of development. Reference to any specific operation is not intended to mean that the operation or activity when part of other operations or activities are not development. Reference to particular operations is not intended to limit the generality of this definition.
3. For the purposes of these regulations the following operations or uses shall not be considered "development"; some may, however, require a building permit:
  - a. Work involving the maintenance, renewal, improvement, or alteration of any structure, if the work affects only the color or decoration of the exterior of the structure or interior alterations that do not change the use for which the structure was constructed;

#### TA25-01: Residential Uses

- b. Work involving the maintenance or replacement of existing landscaped areas and existing rights-of-way;
- c. A change in use of land or structure from a use within a specified category of use to another use in the same category;
- d. A change in the ownership or form of ownership of any parcel or structure;
- e. The creation or termination of rights of access, riparian rights, easements, covenants concerning development of land, or other rights in land unless otherwise specifically required bylaw; or
- f. The clearing of survey cuts or other paths of less than four feet in width.

**Development Approval.** An administrative or quasi-judicial approval made pursuant to this Ordinance that is written and that is required prior to commencing development or undertaking a specific activity, project, or development proposal. Development approvals include, but are not limited to, zoning permits, site plan approvals, special use permits, variances, and certificates of appropriateness. The term also includes all other regulatory approvals required by regulations adopted pursuant to this Ordinance, including plat approvals, permits issued, development agreements entered into, and building permits issued.

**Development Permit.** See Development Approval.

**Diameter at breast height (DBH).** The caliper of an existing semi-mature or mature tree measured at 4 1/2 feet above the existing ground on the uphill side of the tree.

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

**Down Zoning.** Any amendment to the zoning ordinance or zoning map that affects an area of land in one of the following ways:

1. By decreasing the development density of the land to be less dense than was allowed under its previous usage.
2. By reducing the permitted uses of the land that are specified in a zoning ordinance or land development regulation to fewer uses than were allowed under its previous usage.

No amendment to zoning regulations or a zoning map that down-zones property shall be initiated nor is it enforceable without the written consent of all property owners whose property is the subject of the down-zoning amendment, unless the down-zoning amendment is initiated by the Town Board.

TA25-01: Residential Uses

Drip line. An imaginary vertical line extending from the outer most portion of the tree canopy to the ground that defines the exterior limits of the tree canopy.

Drive-through service window. A customer service facility located within the principal structure as an accessory to an office or retail establishment which is intended to enable the customer to transact business with a sales or service representative located within the principal structure without exiting the motor vehicle. It is presumed that the motor vehicle exits the premises immediately upon the transaction of business.

Dwelling. ~~Dwelling as defined by C.S. 160D-102.~~

Formatted: No underline

Apartment. Five or more dwelling units placed one on top of another and/or side by side and sharing common walls, common floors, and ceilings located on a single lot of record.

Detached house. One dwelling unit that is developed with no parti-walls and with open yard on at least three sides, including modular homes, but not including manufactured homes, mobile homes, or recreational or motor vehicles located on an individual lot of record designed for and occupied exclusively by one family.

Duplex. Two dwelling units, including modular homes, placed one on top of another or attached side by side and sharing one or more common walls, common floors, and common ceilings on one lot of record.

Triplex. Three dwelling units, including modular homes, placed one on top of another or attached side by side and sharing one or more common walls, common floors, and common ceilings on one lot of record.

Quadplex. Four dwelling units, including modular homes, placed one on top of another or attached side by side and sharing one or more common walls, common floors, and common ceilings on one lot of record.

Townhome. A single dwelling unit with a private entrance and exit directly outside on an individual lot of record that shares one or more common walls with one or more townhomes. There shall be no more than seven (7) townhome units adjoined by common walls. There shall be a break of Common Open Space, Urban Open Space and/or a public street between sets of seven (7) townhome lots.

Manufactured or Mobile Home. A structure as defined in G.S. 143-145(7). The manufactured home building type shall be subject to the detached home lot type requirements of Article 4.

Modular Home. A structure as defined in G.S. 105-164.3 (143). The modular home building type shall be subject to the detached home lot type requirements of Article 4.

Formatted: Indent: Left: 0.5"

Dwelling unit. A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

## TA25-01: Residential Uses

Accessory dwelling. A dwelling unit which is located on the same lot as a detached or attached single family house, has a first floor area no greater than 650 square feet or 50% of the first floor area of the principal dwelling (whichever is greater), is owned by the owner of the principal dwelling unit but occupied by another. If the principal dwelling is a group home, use of an accessory dwelling shall not increase the number of residents otherwise permitted in a single group home.

~~Apartment house. Two or more dwelling units placed one on top of another and/or side by side and sharing common walls and common floors and ceilings, and which are located on a single lot of record.~~

~~Attached house. Rowhouse, townhouse, duplex, triplex, or quadriplex houses, generally developed side by side where land is sold with the dwelling unit. Attached dwellings on individually deeded lots are excluded from the definition of (apartment) multi-family dwellings.~~

~~Detached house. A dwelling unit that is developed with no parti-walls and with open yards on at least three sides, including modular homes, but not including manufactured homes, mobile homes, or recreational or motor vehicles.~~

~~Duplex house. Two dwelling units, including modular homes, placed one on top of another or attached side by side and sharing one or more common walls.~~

~~Multi-family home. A dwelling or group of dwellings on one lot, containing separate living units for three or more families.~~

~~Single-family home. An attached or detached dwelling unit located on an individual lot designed for and occupied exclusively by one family.~~

Easement-access lot. A lot of one (1) acre or more in area, created **through a division of land not subject to the Subdivision Ordinance**, for which access is provided by a private and exclusive recorded easement at least 15 feet in width connecting said lot to a public street. A driveway accessible by emergency equipment must be located on the access easement.

Elementary and secondary schools. Publicly owned or privately-owned pre-schools, elementary schools, middle schools, junior high schools, and high schools; but not including institutions, the primary function of which, is child day care.

Esplanade. A wide pedestrian walk, formal in design, which runs parallel to a waterfront. An esplanade may be made of pavers, asphalt, crushed gravel, grass, concrete, or other dust-free material.

Essential Services. Publicly or privately owned facilities or systems for the distribution of gas, electricity, steam or water, the collection and disposal of sewage or refuse; the transmission of communications; or similar functions necessary for the provision of public services. Radio transmission facilities for use by ham radio operators or two-way radio facilities for business or governmental communications shall be deemed accessory uses and not essential services,

## TA25-01: Residential Uses

provided no transmitter or antenna tower exceeds 180 feet in height. Essential Services are divided into three classes:

|         |                                                                                                                                                                                                                                                                   |
|---------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Class 1 | Transmission lines (above and below ground) including electrical, natural gas, and water/wastewater distribution lines; pumping stations, lift stations, and telephone switching facilities (up to 200 square feet).                                              |
| Class 2 | Elevated water storage tanks; package treatment plants; telephone switching facilities (over 200 square feet), substations, or other similar facilities used in connection with telephone, electric, steam, and water facilities; raw water treatment facilities. |
| Class 3 | Generation, production, or treatment facilities such as power plants, sewage treatment plants, and landfills.                                                                                                                                                     |

**Existing tree canopy.** Tree canopy that has existed for at least 2 years prior to development.

**Exterior features.** The architectural style, general design, and general arrangement of the exterior of a structure, including the kind, texture, and color of building materials, the size and scale of the building, and the type and style of all windows, doors, light fixtures, signs, and other appurtenant fixtures, and including the landscaping and natural features of the parcel containing the structure.

**Façade.** The principal vertical surface of a building which is set along a frontage line. The elevation of a façade is the vertical surface area. Façades are subject to visual definition by building height, setback or build to lines, (a line prescribed for the full width of the façade above which the façade sets back; the location of a recess line is determined by the desired height to width ratio of the enfronting space or by a desired compatibility with existing buildings), and transition lines (a line prescribed for the full width of the façade expressed by a variation of material or by a limited projection such as a cornice or balcony).

**Facility Operator.** The entity responsible for the day-to-day operation and maintenance of the Alternative Wind Energy Facility.

**Facility Owner.** The entity or entities having controlling or majority equity interest in the Alternative Wind Energy Facility, including their respective successors and assigns.

**Family.** An individual, or two or more persons related by blood, marriage, or adoption living together as a single housekeeping unit; or a group of not more than six persons not related by blood, marriage, or adoption living together as a single housekeeping unit, as in a group home.

**Family Care Home.** A home with support and supervisory personnel that provides room and board, personal care, and habilitation services in a family environment for not more than six resident persons with disabilities. Persons with disabilities shall mean a person with a temporary or permanent physical, emotional, or mental disability, including, but not limited to, an intellectual or other developmental disability, cerebral palsy, epilepsy, autism, hearing and sight impairments, emotional disturbances, and orthopedic impairments but not including persons with a mental illness who are dangerous to others as defined in G.S. 122C-3(11)(b). Family care homes are permitted in any district which allows residential use, however, no new family care home, measured

## TA25-01: Residential Uses

from the nearest property lines is permitted within a one-half mile radius of an existing family care home.

Farm, bona fide. Except as provided in G.S. 106-743.4 for farms that are subject to a conservation agreement under G.S. 106-743.2, bona fide farm purposes include the production and activities relating or incidental to the production of crops, grains, fruits, vegetables, ornamental and flowering plants, dairy, livestock, poultry, and all other forms of agriculture, as defined in G.S. 106-581.1. Activities incident to the farm include existing or new residences constructed to the applicable residential building code situated on the farm occupied by the owner, lessee, or operator of the farm and other buildings or structures sheltering or supporting the farm use and operation. For purposes of this section, "when performed on the farm" in G.S. 106-581.1(6) includes the farm within the Town and any other farm owned or leased to or from others by the bona fide farm operator, no matter where located. For purposes of this section, the production of a nonfarm product that the Department of Agriculture and Consumer Services recognizes as a "Goodness Grows in North Carolina" product that is produced on a farm subject to a conservation agreement under G.S. 106-743.2 is a bona fide farm purpose.

Farmhouse Cluster. A rural subdivision for up to six house lots accessed by private drive; permitted only in the Rural and Transitional District.

Financial institution. A use or structure where financial, pecuniary, fiscal, or monetary services are made available to the public, including but not limited to depository institutions (i.e. banks, credit unions, savings and loans, etc.), non-depository credit institutions (i.e. credit agencies, loan brokers, etc.), holding companies (but not predominantly operating companies), other investment companies, brokers and dealers in securities and commodities contracts, and security and commodity exchanges.

Fire Separation Distance. The distance measured from the building face to one of the following:

1. To the closest interior lot line.
2. To the centerline of a street, an alley or public way.
3. To an imaginary line between two buildings on the lot.

The distance shall be measured at the right angle from the face of the wall.

Flag lot. A lot of one (1) acre or more in area, created **through a division of land not subject to the Subdivision Ordinance**, for which access is provided by a narrow projection of the lot at least 15 feet in width connecting said lot to a public street. A driveway accessible by emergency equipment must be located on the lot projection.

Flood. A temporary rise in stream flow or stage that results in water over topping its banks and inundating areas adjacent to the watercourse.

Floodway. That portion of the channel and flood plain of a stream designated to provide passage for the Regulatory Flood without increasing the elevation of that flood at any point by more than one foot.

## TA25-01: Residential Uses

**Floodway encroachment lines.** The outer boundaries of the floodway.

**Floodway fringe.** The land area located between the encroachment lines of the floodway district and maximum elevation subject to inundation by the base flood as defined in Chapter 9 of the Town of Huntersville Code of Ordinances (*Floods*).

**Flood protection elevation.** The elevation shown on the Flood Area Map and to which structures and uses allowed under these regulations are to be elevated or flood proofed.

**Floor.** The top surface of an enclosed area in a building (including the basement) such as the top of the slab in concrete slab construction or the top of the wood flooring in wood frame construction.

**Floor area.** The sum of the gross horizontal areas of each floor of the principal building, and any accessory buildings or structures, measured from outside of the exterior walls or from the center line of party walls. The term does not include any area used exclusively for the surface or structured parking of vehicles or for building or equipment access, such as stairs, elevator shafts, and maintenance crawl space.

**Floor area ratio (FAR).** The total floor area of the building or buildings on a lot or parcel divided by the gross area of the lot or parcel.

**Frontage.** The lot boundary which coincides with a public thoroughfare or space. The façade of a structure facing the street. There are seven ways in which a building may address the street:

**Arcade.** A covered passage with shops on one or both sides. Generally, the façade overlaps the sidewalk while the shopfront remains setback. Sidewalk is fully covered with overhang.

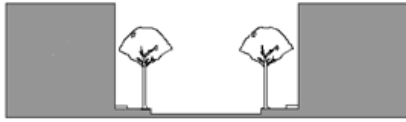


**Shopfront.** A business or retail use where the façade is aligned directly on the frontage line with the entrance at grade; typical of sidewalk retail. Shopfronts often have awnings or a colonnade. A transition line should separate the signage from the façade below.

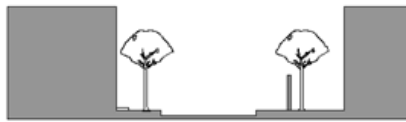


**Stoop.** The façade is aligned directly on the frontage line with the first floor elevated to secure privacy at window height. This type is suitable for residential uses such as rowhouses and apartment buildings. An easement may be necessary to accommodate an encroaching stoop.

## TA25-01: Residential Uses



**Forecourt.** The façade sets back and is replaced by a low wall at the frontage line. The forecourt is suitable for gardens and car drop offs. It should be used sparingly and in conjunction with a shopfront or stoop. Trees within the forecourt should be placed to have their canopies overhanging the sidewalks.



**Dooryard.** The façade is set back from the frontage line with an elevated garden or terrace between. This type effectively removes the front yard from the sidewalk and reinforces privacy. A roofed and elevated terrace is especially suitable for restaurants and cafes.



**Porch and Fence.** The façade is set back substantially from the frontage line with an encroaching porch. The porch should be within conversational distance of the sidewalk. The fence at the frontage line establishes the demarcation of private from public use. The fence row may be designated by a vegetative hedge or structural material, but should not be less than 2 feet nor more than 5 feet in height.



**Front lawn.** The façade is set back substantially from the frontage line. The front lawn should be visually continuous with adjacent yards and should be unfenced. The large setback provides a good buffer from heavy traffic volumes and is an appropriate design in areas where large lot single family homes are placed along a Residential Collector Street.





## TA25-01: Residential Uses

**Frontage Buildout.** The portion of lot frontage which has a building or wall running parallel to it.

**Full Cutoff Light Fixture.** A luminaire light distribution where no light is emitted above the horizontal, and where the intensity at 80 degrees from nadir is no greater than 100 candela per 1000 lamp lumens.

**Glare.** The sensation produced by luminance within the visual field that is sufficiently greater than the luminance to which the eyes are adapted to cause annoyance, discomfort, or loss in visual performance and visibility.

**Government Building.** A building, use, or facility serving as a governmental agency office, police station, fire station, library, post office, or similar facility, but not including a vehicle storage yard, correctional facility, sanitary landfill, solid waste transfer or disposal facility, wastewater treatment facility, educational or health institution, university, group home, trucking facilities and commercial driver license facilities (CDL), or housing for persons who are participating in work release programs or who have previously served and completed terms of imprisonment for violations of criminal laws.

**Grade.** The elevation of the land or land level at a specific point.

**Green Zone.** The space between the sidewalk and the back of curb or back of swale and sidewalk where no curb and gutter is present, typically a planting strip or hardscaped amenity zone, which serves as a buffer between pedestrians and vehicles. The Green Zone includes street trees and landscaping and often includes street furnishings and utilities. This is also referred to as Street Yard and Street Tree Planting Easement.

**Halfway House.** A facility providing sheltered services and/or rehabilitation for up to 6 unrelated residents (not including staff or supervisors) that is not otherwise classified as a family care home. Examples may include but are not limited to persons who are recovering from substance abuse and/or are on probation, parole or are initially placed in-lieu of more restrictive custodial confinement (such as a pretrial release program), and juveniles in order to help them readjust and transition back into mainstream society. This definition does not include persons who are dangerous to others as defined in G.S. 122C-3(11)(b).

**Hazardous materials treatment facility.** A building, structure or use of land devoted, or intended to be devoted, primarily to changing by any method, technique or process, including incineration or neutralization, the physical, chemical, or biological character of any hazardous material regulated by the Federal Resource Conservation and Recovery Act of 1976, as amended (42 U.S.C. Sec. 6901 et seq.), and the "North Carolina Solid Waste Management Act", as amended (Article 9, G.S.130A-290 et seq.), so as to neutralize such material or render it nonhazardous, safer for transport, amenable for recovery, amenable for storage or reduced in bulk. Such a use may also contain temporary storage facilities normally associated with these operations and of sufficient size to conduct a commercially feasible operation. However, under no circumstances is a hazardous materials treatment facility to be construed to be any of the following:

1. A facility which manufactures hazardous materials from component nonhazardous materials;

## TA25-01: Residential Uses

2. A facility or location for the long term or perpetual storage of hazardous materials; or
3. A facility for the treatment of hazardous materials which is clearly subordinate, incidental and related to the principal structure, building or use of land and is located on the same lot as the principal structure, building or use.

**Heavy Manufacturing.** The assembly, fabrication, or processing of goods and materials using processes that ordinarily have greater than average impacts on the environment, or that ordinarily have significant impacts on the use and enjoyment of adjacent property in terms of noise, smoke, fumes, odors, glare, or health and safety hazards; or that otherwise do not constitute "light manufacturing"; or any use where the area occupied by outdoor storage of goods and materials used in the assembly, fabrication, or processing exceeds 25 percent of the floor area of all buildings on the lot.

**Heliport.** A facility or structure that is intended or used for the landing and take-off of rotary-wing aircraft, including the regular repair, fueling, or maintenance of such aircraft, or the sale of goods or materials to users of such aircraft.

**Helistop.** A facility or structure that is intended or used for the landing and take-off of rotary-wing aircraft, but not including the regular repair, fueling, or maintenance of such aircraft, or the sale of goods or materials to users of such aircraft.

**Heritage tree.** A tree that is listed in the North Carolina Big Trees List, the *American Forest Association's Champion Tree* list, the Mecklenburg County Treasure Tree List or any tree that would meet 80% of the points of a tree on North Carolina's Big Tree List.

**Home Occupations.** A business, profession, occupation, or trade which is conducted within a residential building or accessory structure for the economic gain or support of a resident of the dwelling, and which is incidental and secondary to the residential use of the building.

**Horse Farm.** Any tract of land of three or more acres which is principally used for the breeding, training, riding, and/or maintenance of horses, and those uses which are accessory thereto, including up to one dwelling unit per each five acres and facilities for the sale of horses raised or maintained on the immediate premises.

**Hospital.** A health care facility the purpose of which is to provide for care, treatment, testing for physical, emotional, or mental injury, illness, or disability, and overnight boarding of patients, either on a for-profit or not-for-profit basis; but not including group homes.

**Hotel.** A building containing more than four individual rooms for the purpose of providing overnight lodging facilities to the general public for compensation, with or without meals, and which has common facilities for reservations and cleaning services, combined utilities, and on-site management and reception services, and all of whose rooms open onto heated corridors that are internal to the building.

**Impervious ground cover.** Any structure or ground cover consisting of asphalt, concrete, stone, brick, terrazzo, roofing, ceramic tile or any other natural or man-made material that prevents the absorption of surface water into the soil.

## TA25-01: Residential Uses

**Independent Living Facility.** Congregate living facilities, such as rest homes and homes for the aged, which are designed for older persons or disabled persons who do not require health and support services, such as medical and nursing care, central dining, and transportation service, located on the site. Each living unit may be self-contained and is physically accessible to older or disabled persons. Distinguished from apartment building(s) by the provision of some communal services.

**Indoor Recreation.** Public or private health or exercise clubs, tennis or other racquet courts, swimming pools, YMCA's, YWCA's or similar uses which are enclosed in buildings and are operated on a fee or membership basis primarily for the use of persons who do not reside on the same lot as that on which the recreational use is located. "Indoor recreation "structures may include accessory uses, such as snack bars, pro shops, and locker rooms, which are designed and intended primarily for the use of patrons of the principal recreational use.

**Inert debris.** Solid waste consisting solely of material that is virtually inert, that is likely to retain its physical and chemical structure under expected conditions of disposal, and that will not pose a threat to groundwater standards. Inert debris includes material such as concrete, brick, concrete block, uncontaminated soil, rock and gravel. Inert debris does not include manufactured products, appliances, and the like.

**Inn.** A building containing fewer than 30 individual rooms for the purpose of providing overnight lodging, food and drink to the general public for compensation, and which has common facilities for reservations, cleaning services, combined utilities, on-site management and reception.

**Interconnected.** Refers to streets which provide through access to other streets; interconnected street systems may be either rectilinear or curvilinear.

**Internet Sweepstakes.** A principal business where persons utilize electronic machines, including but not limited to computers and gaming terminals, to conduct games of chance, and where cash, merchandise or other items of value are redeemed or otherwise distributed, whether or not the value of such distribution is determined by electronic games played or by predetermined odds. Internet Sweepstakes do not include any lottery approved by the State of North Carolina.

**Jail.** A building, and all accessory uses and structures, used to confine, house, and supervise persons who are serving terms of imprisonment for violations of criminal laws or who are awaiting trial for alleged violations of criminal laws, but not including temporary holding facilities that are accessory to a police station and not including any housing or other facilities for persons who are participating in work-release programs or who have previously served and completed terms of imprisonment for violations of criminal laws.

**Junk yard.** A parcel of land on which waste material or inoperative vehicles and other machinery are collected, stored, salvaged, or sold.

**Kennel, commercial.** A use or structure intended and used for the breeding or accommodation of small domestic animals for sale or for the training or overnight boarding of animals for persons other than the owner of the lot, but not including a veterinary clinic in which the overnight boarding of animals is necessary for or accessory to the testing and medical treatment of the physical disorders of animals.

## TA25-01: Residential Uses

Kennel, private. A structure used for the outdoor accommodation of small domestic animals and not operated on a commercial basis.

Land Clearing and Inert Debris (LCID) Landfill. A facility for the land disposal of land clearing debris and inert debris, as defined herein. It is designed to meet standards of the State of North Carolina by utilizing acceptable technology for landfilling land clearing and inert debris. A clean fill operation which is conducted to improve or recontour land, using only soil, is not construed to be such a landfill.

On-site LCID landfill. A LCID landfill which is located within the confines of property being developed or in use, and used only for the disposal of acceptable materials which are generated on the property being developed or used; a disposal site that is clearly an accessory use to the development activity.

Off-site LCID landfill. A LCID landfill which is itself the principal use of a property and is used for the disposal of acceptable materials, some or all of which are generated off the site of the property being used for the landfill.

Land Clearing Debris. Waste that is generated solely through land clearing activities; such waste includes stumps, trees, limbs, brush, grass, and other naturally occurring vegetative matter.

Land Development Standards Manual. The most recent edition of the Town of Huntersville Engineering Standards and Procedures Manual which sets forth standard details for the design and construction of various aspects of development.

Land disturbing activity. Any use of land by any person that results in a change in the natural cover or topography or that may contribute to sedimentation or soil compaction that affects the critical root zone.

Landscape architect. A registered landscape architect licensed by the State of North Carolina.

Landscaping. The installation and maintenance, usually of a combination of trees, shrubs, plant materials, or other ground cover, including grass, mulch, decorative stone and similar materials, but excluding bare soil, uncultivated vegetation, impervious pavement materials, and gravel.

Large-Lot Subdivision. A major residential subdivision in which all residential lots are a minimum of 3/4 acre in size.

Large Maturing Tree. A tree whose height is greater than 35 feet at maturity and meets the specification of "American Standards for Nursery Stock" published by the American Association of Nurserymen. See also canopy tree.

Light Manufacturing. The assembly, fabrication, or processing of goods and materials using processes that ordinarily do not create noise, smoke, fumes, odors, glare, or health or safety hazards outside of the building or lot where such assembly, fabrication, or processing takes place; where such processes are housed entirely within a building; or where the area occupied by outdoor

## TA25-01: Residential Uses

storage of goods and materials used in such processes does not exceed 25 percent of the floor area of all buildings on the property.

Light Trespass. Any form of artificial illumination emanating from a light fixture or illuminated sign that penetrates other property and creates a nuisance.

Lot. A parcel of land or any combination of several parcels of land occupied or intended to be occupied by a principal use or structure, together with any accessory structures or uses and such accessways, parking area, yards, and open spaces required in these regulations.

Lot of Record. A lot described by plat or by metes and bounds which has been recorded in the office of the Register of Deeds.

### Lot Types.

Corner Lot. A lot located at the intersection of two or more streets or abutting a curved street or streets in such a way that the front building line meets either side lot line at an interior angle of less than 135°.

Interior Lot. A lot other than a corner lot with frontage on only one street.

Through Lot. A lot other than a corner lot with frontage on more than one street.

Reverse Frontage Lot. Any lot oriented to an abutting street in such a way that the intersection of the front building line, extended, and the street right of way line form an interior angle of less than 45 degrees is defined as having reverse frontage relative to said street.

Lot Width. Lot width shall be determined based on the applicable definition below:

1. The distance between the side lot lines measured along a minimum setback line established under the standards of the 1991 Huntersville Zoning Ordinance, the Mecklenburg County Zoning Ordinance, the provisions of Article 8.1, paragraph 1., or prior legally controlling regulations; or
2. The distance between the side lot lines measured along a build-to line established under the standards of the 1996 Huntersville Zoning Ordinance; or
3. Along the turnaround portion of a cul-de-sac, the distance between the side lot lines measured along a building frontage line established by legal subdivision plat or by actual building placement; or
4. If no setback is required for a lot according to this ordinance, and neither setback nor build-to line has been established on a previously recorded plat, lot width is the distance measured between the side lot lines along the street right of way.

Maintained Easement. A recorded right of way made of crushed gravel, pavement, or graded and cleared of brush, so as to permit access by vehicles.

## TA25-01: Residential Uses

Manufactured Home. A dwelling unit, other than a modular home, that is a structure, transportable in one or more sections, which in the traveling mode is eight body feet or more in width, or 40 body feet or more in length, or, when erected on site, is 320 or more square feet; and which is built on a permanent chassis and designed to be used as a dwelling, with or without permanent foundation when connected to the required utilities, including the plumbing, heating, air conditioning and electrical systems contained therein. "Manufactured home" includes any structure that meets all of the requirements of this subsection except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of HUD and complies with the standards established under the Act.

Manufactured or Mobile Home Park or Rental Community. Any parcel of land under single ownership where land is rented, and utilities are provided for the installation or placement of manufactured homes.

Manufactured or Mobile Home Subdivision. Any parcel of land which is subdivided, with utilities extended for the installation or placement of manufactured homes.

Marina, Commercial. A facility for the wet storage, launching and mooring of boats, together with all accessory structures and uses. The dry storage of boats is permitted as accessory to commercial marinas in the Highway Commercial District only, where outdoor storage shall adhere to the conditions of Section 9.26, and indoor storage shall adhere to a permitted building type.

Marine Railway. a line of track running from the shoreline into a body of water to provide a runway for a wheeled or other apparatus to lower a boat into the water.

Massage therapy. Health massage or bodywork therapy, performed by a practitioner credentialed in one of the following ways:

1. having a diploma or certificate from an institute or school of health massage, which has been accredited by either the American Massage Therapists Association, the National Therapists Association, or from an accredited college or university school of education for massage therapy; or
2. providing verification and documentation of at least 500 hours of experience in the practice of health massage/bodywork therapy and three letters of reference from state licensed health care professionals or licensed therapists on their professional letterhead.

Massing. The shape and form a building or assemblage of buildings assumes through architectural design. There are eleven elements which affect the creation of public space and the relationship between one building and another. A specific project should consider, but may not need to incorporate, all eleven elements.

**Building silhouette:** pitch and scale of a roof lines.

TA25-01: Residential Uses



**Spacing between building façades:** setbacks or notches between primary façades which frames a structure.



**Setback from property line:** building setback and/or primary façade setback from property line.



**Proportion of windows, bays, and doorways:** vertical or horizontal elements tied together in bands across façade lengths.



**Proportion of primary façade:** size of façades in area and height to width ratios.



## TA25-01: Residential Uses

**Location and treatment of entryway:** important visual commonalities between structures.



**Exterior materials used:** similar materials and treatment add to compatibility of building(s).



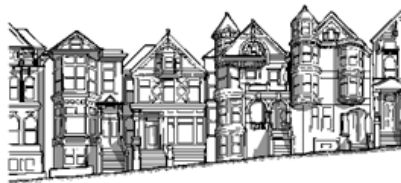
**Building scale:** building height and configuration.



**Landscaping:** ties together buildings and defines space.



**Shadow patterns that form decorative features:** the light and dark surfaces from materials used and projections from window bays and setbacks.





## TA25-01: Residential Uses

**Proportion of solids to voids:** the perceived permeability of a building façade that is created by the ratio of windows and doors to solid walls.

**Mean Sea Level.** The National Geodetic Vertical Datum (NGVD) of 1929, or other datum, to which base flood elevations shown on the Flood Insurance Rate Maps for Mecklenburg County are referenced.

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

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

**Minor Modification to development approvals.** Minor modifications that may be reviewed and approved by the Zoning Administrator or designated administrative official as provided for in these regulations.

**Minor Modification, Special Use Permit.** Minor modifications to special use permits that do not involve a change in uses permitted or the density of overall development permitted that may be reviewed and approved by the Zoning Administrator or designated administrative official.

**Minor Modification, Conditional Zoning District.** Minor modifications in conditional district standards that do not involve a change in uses permitted or the density of overall development permitted that may be reviewed and approved by the Zoning Administrator or designated administrative official.

**Mixed-Use.** The combination of both commercial and residential uses within a single building of two or more stories, wherein at least 50% of the heated floor area contains residential dwelling unit(s).

**Mixed-Use Building.** The mixed-use building duplicates the shopfront building type and has at least two occupiable stories; at least 50% of the habitable area of the building shall be in residential use, the remainder shall be in commercial use. However, when an existing residential building is redeveloped to a mixed-use, at least 40% of the habitable area shall be in residential use.

**Mixed-Use Node.** A pedestrian-oriented development consisting of a major subdivision and or a combination of major subdivisions that meet the following criteria; not less than 50 acres and not more than 100 acres, located at the intersection of two major thoroughfares (existing or proposed) as designated on the Thoroughfare Plan containing a combination of commercial uses in excess of

## TA25-01: Residential Uses

100,000 square feet and residential uses which will occupy at least 50% of the land area of the node.

~~**Mobile Home.** A movable or transportable dwelling unit, other than a modular home or manufactured home, of at least 8 feet in width and at least 32 feet in length, constructed to be transported on its own chassis and including one or more components for transporting the unit.~~

~~**Mobile Home Park.** Any site or parcel of land under single ownership where land is rented and utilities are provided for the installation or placement of mobile homes.~~

~~**Mobile Home Subdivision.** Any parcel of land which is subdivided, with utilities extended for the installation or placement of mobile homes.~~

~~**Modular Home.** A dwelling unit which is constructed in compliance with the State Building Code and composed of components substantially assembled in an off-site manufacturing plant and transported to the building site for final assembly on a permanent foundation.~~

**Mooring or Float.** An object or structure secured in the water, such as by cables, lines, chains, or anchors, and intended or used for securing one or more boats in the water.

**Motel.** A building containing more than four individual rooms for the purpose of providing overnight lodging to the general public for compensation, and which has common facilities for reservations, cleaning services, combined utilities, on-site management and reception, and some or all of whose rooms open directly on a parking area.

**Multiple Building Site.** A group of two or more nonresidential buildings established on a single development tract, having unified design of buildings and coordinated organization of open space, parking, and service areas.

**Nadir.** Lowest point on the fixture.

**Neighborhood Gasoline Station.** A building and use for the sale of gasoline primarily to non-commercial vehicle operators, having no more than two pumping canopies, and providing only minor automotive repairs.

**Neighborhood Recreation.** Public or private neighborhood tennis, or other courts, swimming pools or similar indoor and/or outdoor uses that are operated on a fee or membership basis primarily for the use of persons who reside in the neighborhood that the facility is located. "Neighborhood Recreation" structures shall include accessory uses, such as snack bars, pro shops, and locker rooms, which are designed and intended primarily for the use of patrons of the principal recreational use.

**Nightclub.** Any commercial establishment serving alcoholic beverages and/or providing entertainment for patrons, including bars, lounges, taverns, cabarets, and similar establishments.

**Nonconforming Structure.** Any structure, lawfully existing on the effective date of these regulations or on the effective date of any subsequent amendments to these regulations or the Zoning Maps

## TA25-01: Residential Uses

which render such structure nonconforming, which does not comply with all of the standards and regulations of this ordinance or any amendments thereto, whichever may be applicable.

Nonconforming Use. Any use, lawfully being made of any land, building or structure on the effective date of these regulations or on the effective date of any subsequent amendments to these regulations or the Zoning Maps which render such use nonconforming, which does not comply with all of the regulations of this ordinance or any amendments thereto, whichever may be applicable.

Nonconforming Vacant Lot. Any lot of record which does not meet the minimum area or width requirements established in these regulations or any amendment thereto, whichever may be applicable.

Non-residential use. All uses that are not a residential use.

Nursing home, rest home, or home for the aged. A facility or housing development in which an agency, organization, or individual provides care for 3 or more sick, handicapped, and/or aged persons, not related by blood or marriage to the operator. Such congregate care facilities are classified as "dependent living facilities" or "independent living facilities" depending upon the degree of support services on site.

Off-street parking. Parking which occurs on a lot and not on a street or other public right of way.

Office. A use or structure in which business or professional services are conducted or rendered.

Open Space. Any area which is not divided into private or civic building lots, streets, rights-of-way, parking, or easements for purposes other than open space conservation. Unless specifically allowed by this ordinance in Conservation Subdivisions, and Minor Subdivisions. Reference Article 7.11 Urban, Agricultural, Common, Natural and Recreational Open Space for specific qualitative criteria.

Outdoor lighting. Any light source that is installed or mounted outside of an enclosed building, but not including street lights installed or maintained along public or private streets.

Outdoor recreation. Public or private golf courses, country clubs, swimming pools, tennis courts, ball fields and ball courts which are not enclosed in buildings and are operated on a commercial or membership basis primarily for the use of persons who do not reside on the same lot as that on which the recreational use is located. "Outdoor recreation" shall include any accessory uses, such as snack bars, pro shops, and club houses which are designed and intended primarily for the use of patrons of the principal recreational use.

Overnight camping trailer park. Any lot upon which two or more overnight camp sites and/or overnight camping trailers occupied for temporary shelter, dwelling, recreation, or vacation uses may be located on a non-profit or for-profit basis.

Owner. The holder of the title in fee simple. Absent evidence to the contrary, a local government may rely on the county tax records to determine who is a landowner. The landowner may authorize a person holding a valid option, lease, or contract to purchase to act as his or her agent or representative for the purpose of making applications for development approvals.

## TA25-01: Residential Uses

Parallel conditional zoning district. A conditional zoning district in which the potential permitted use or uses are, except as limited by the conditions imposed on the district, of the same character or type as the use or uses permitted in a general use district having a parallel designation or name. Parallel conditional zoning shall not require the issuance of a special use permit or permitting process apart from the establishment of the district and its application to particular properties.

Parcel. Any quantity of land and/or water capable of being described in definitive terms with respect to its location and boundaries. It may be established as distinct from other parcels which are designated by its owner or developer as land to be used or developed as a unit, or which has been used or developed as a unit.

Park. Any land owned by the public and open for use by the general public for active or passive recreational purposes or as a refuge for wildlife.

Parking Lot. An area, not within a building, where motor vehicles may be stored for the purposes of temporary, daily, or overnight off-street parking. A parking area also includes all areas for storage and trash facilities.

Parking Zone. An area to accommodate on-street parking adjacent to uses where on-street parking provides convenience. Parking widths and layout may vary. This area may also include transit stops and provide provisions for transit pull-outs.

Participating Landowner. A landowner under lease or other property agreements with the Facility Owner or Operator pertaining to the Alternative Wind Energy Facility.

Pedestrian Access, Main. The principle architectural and functional means of a public ingress and egress into a building as part of normal and customary establishment operations.

Pedestrian Access, Secondary. An ancillary architectural and functional means of public ingress and egress into a building as part of normal and customary establishment operations.

Pedestrian Oriented Development. Any development type which accommodates the needs of the pedestrian. Such development will have parking to the side or rear of a building, will mix uses and provide them in proximity to one another, will allow the pedestrian the option of accomplishing certain trips without automobile use, and will provide a variety of interesting and detailed streetscapes which balance the need of the pedestrian and car equally.

Pedestrian Zone. The area intended for pedestrian travel. The walkway section of the pedestrian zone should be of sufficient width to allow pedestrians to walk safely and comfortably for current and future pedestrian activity.

Person. An individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, interstate body, the State of North Carolina and its agencies and political subdivisions, or other legal entity.

Pier. A structure extending into or along the water for use as a landing place for boats or as a promenade.

## TA25-01: Residential Uses

Pilot plant. A building or operation in which processes planned for use in production elsewhere can be tested, but not including the production of any good on the premises primarily or customarily for sale, or for use in production operations.

Planned commercial development. Any planned project including, shopping centers, office complex, church, institutional, business campuses and similar large complexes which have a variety of tenants or uses.

Planning Board. The Town of Huntersville Planning and Zoning Board, established by ordinance in accordance with N.C.G.S. 160D-301.

Planning Jurisdiction. The land located within the boundaries of the most recently adopted Huntersville Land Development Plan, and consistent generally with the Town's annexation sphere of influence, in which the Town may undertake planning and apply the development regulations authorized by this ordinance.

Plant Nursery. Any tract of land which is used for the growth, nurture, production, acclimation, marketing or sale (whether at wholesale or retail) of plants, flowers, fruits, vegetables, shrubbery, trees or other agricultural, ornamental or forestry products, as well as activities ancillary or incidental thereto, including, without limitation, the distribution and sale of goods and materials used in connection with those items.

Plaza. An urban open space, constructed entirely or largely of hard-surfaced paving blocks, stone, brick, or similar materials, framed on at least two sides by the vertical rise of building walls; occasionally framed by closely planted large maturing trees in lieu of buildings. May be used for occasional parking in front of a civic or public building.

Principal building or structure. A building or structure containing the principal use of the lot.

Principal use. The primary purpose or function that a lot serves or is proposed to serve.

Private courtyard. An area enclosed on at least three sides by the vertical rise of building walls providing a pedestrian open space constructed of hard-surfaced paving materials and/or landscaping. Hard-surfaced paving materials include paving blocks, stone, brick, and either concrete or asphalt that has been scored, colored, or otherwise configured to resemble pavers, stone, or brick.

Project area. Any area of land and/or water, regardless of the number of individual parcels contained therein, on which development is proposed under these regulations.

Promenade. See Esplanade.

Proposed right-of-way line. The margin of a thoroughfare's right-of-way at its ultimate intended width, determined by (1) the thoroughfare's classification and (2) dimensional requirements or locational criteria as established in the Subdivision Ordinance.

## TA25-01: Residential Uses

**Prototype production plant.** A building or operation in which goods are produced only in a quantity necessary for full investigation of the merits of a product, but not including the production of any goods on the premises primarily or customarily for sale or for use in production operations on the premises.

**Pruning.** The cutting off or removal of dead or living parts of a tree or shrub for the intentions of improving growth.

**Public utilities.** Above ground or underground publicly licensed utilities including water, sanitary sewer collection and distribution line, natural gas, cable television, storm water drainage, transit or transportation, or electrical services and any associated structures such as pumping stations, treatment plants, and transformer stations for providing to the public a utility service deemed necessary for the public health, safety, and welfare. Utility service to the public has been defined broadly to mean all consumers-industrial, commercial, or residential.

**Public utility structure.** An electricity or gas substation, water or wastewater pumping station, telephone repeater station or similar structure used as an intermediary switching, boosting, distribution, or transfer station for electricity, water, wastewater, cable television, or telephone services between the point of generation and the end user, or a public or private wastewater treatment plant or water treatment plant, but not including satellite dish antennae, facilities for the handling of solid waste, or radio, television, or microwave transmission or relay towers.

**Quadrangle.** A rectangular area, such as a courtyard, enclosed by buildings.

**Quarry.** An operation for the dredging, digging, extraction, mining, or quarrying of stone, sand, gravel, or minerals for commercial purposes.

**Quasi-judicial decision.** A decision involving the finding of facts regarding a specific application of a development regulation and that requires the exercise of discretion when applying the standards of the regulation. The term includes, but is not limited to, decisions involving variances, special use permits, certificates of appropriateness, and appeals of administrative determinations.

**Reach.** A longitudinal segment of a stream or river, such as the segment between two bridge crossings or the mouths of two tributaries to the stream or river.

**Redevelopment.** The demolition and reconstruction of a building or a portion of a building.

**Reclassification of land.** A change in the zoning district assigned to a lot pursuant to a public hearing before the Town Board and a subsequent decision by the Board. (Also, Rezoning).

**Regulatory Flood.** A flood representative of large floods reasonably characteristic of what can be expected to occur on a particular stream, with an average recurrence interval of 100 years, determined from an analysis of floods on a particular stream and other streams in the same general region.

**Religious institution.** A church, synagogue, temple, mosque, or other place of religious worship, including any accessory use or structure, such as a school, day care center, cemetery or dwelling, located on the same lot.

## TA25-01: Residential Uses

Research laboratory. A facility equipped for basic and applied research or experimental study, testing, or analysis in the natural sciences, including any educational activities associated with and accessory to such research, but not including a medical, dental, optical, or veterinary clinic, or a research facility located on the principal site of a health institution or university.

Residential cottage. A rental unit associated with Country Inn Development that consists of sleeping quarters and bathroom facilities which are typically associated with overnight stays.

Residential use. ~~The use of a~~Any detached house, duplex, triplex, quadraplex, ~~attached townhome, or multifamily dwelling apartment~~, manufactured home, mobile home, modular home, group home for up to six clients, limited residence boarding house, or dormitory by occupants primarily as a permanent dwelling unit.

Restaurant. A building or operation, the purpose of which is to accommodate the consumption of food and beverages.

Retirement Communities. Single family and attached housing under single ownership on a parcel of land designed for active adults and independent persons over age fifty-five (55) not requiring health support services such as medical and nursing care on site. Each living unit is self-contained and is physically accessible to older and disable persons. Distinguished from apartments by the provision of some communal services.

Retail establishment. A building, property, or activity the principal use or purpose of which is the sale of goods, products, or merchandise directly to the consumer.

Riding Academy. A facility the principal use of which is the provision of lessons in horseback riding on a non-profit or for-profit basis. Permitted in the Rural and Transitional District, according to the standards of Section 9.33.

Sanitary Landfill. A solid waste disposal facility designed to meet the minimum standards of the State of North Carolina wherein refuse and other waste defined by State standards is disposed of by utilizing acceptable landfill engineering technology.

Saw-mill. A mechanized facility for cutting logs into timber for carpentry.

Screening. A fence, wall, hedge, landscaping, buffer area or any combination of these provided to create a visual separation between certain land uses. A screen may be located on the property line or elsewhere on the site, as determined by the use to be screened.

Setback, established. The distance between a street line and the front building line of a principal building or structure, as constructed, projected to the side lot lines. See also Yards.

Setback, required. The minimum distance required by this ordinance or established by recorded plat between the street right-of-way line and the front building line of a principal building or structure, projected to the side lines of the lot. For flag lots, the minimum setback shall be

Formatted: Indent: Left: 0.5"

## TA25-01: Residential Uses

measured between the front property line of the buildable portion of the lot and the front building line of the principal structure, projected to the side lines of the lot.

**Shared Vehicle Zone.** The primary travel way for vehicles which can include a mixture of traffic (cars, trucks, buses, and bicycles).

**Shielded Light Fixture.** A light fixture with cutoff optics that allows no direct light emissions above a vertical cutoff angle of 90 degrees above nadir, through the light fixture's lowest light emitting part. Any structural part of the light fixture providing this cutoff angle must be permanently affixed.

**Shopfront.** A business or retail use with façade aligned directly on the frontage line and the entrance at grade. Found in sidewalk retail.

**Shopping Center.** A group of two or more retail establishments or restaurants, including all associated out parcels (whether or not they have been subdivided from the primary tract), having a unified design of buildings, coordinated parking and service areas, and developed in accordance with the requirements of the zoning district in which it is located.

**Shrub.** Vegetation that is planted for ornamental or screening purposes.

**Sign.** Any object, device, structure, or part thereof, situated outdoors, which is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, designs, symbols, fixtures, colors, illumination, or projected images. Signs do not include the flag or emblem of any nation, organization of nations, state, city, or of any fraternal, religious or civic organization; works of art which in no way identify a product; or scoreboards located on athletic fields.

**Significant tree.** Any tree other than a pine tree with a caliper of 18 inches or more.

**Silviculture.** Science and art of cultivating forest crops based on the study of life history and general characteristics of forest trees.

**Site analysis.** A site plan completed by a certified landscape architect, in conjunction with a licensed land surveyor, showing the subject property including the following features: existing tree lines, all specimen and heritage trees, topography at two foot intervals, lakes, streams, floodplain, SWIM buffers, watershed buffers, historic sites, slope analysis (0%-10%, 10%-15%, 15%-25%, >25%), natural drainage patterns, soils, site connectivity and access.

**Site plan.** A scaled drawing and supporting text showing the relationship between lot lines and the existing or proposed uses, buildings, or structures on the lot. The site plan may include site-specific details such as building areas, building height and floor area, setbacks from lot lines and street rights-of-way, intensities, densities, utility lines and locations, parking, access points, roads, and stormwater control facilities that are depicted to show compliance with all legally required development regulations that are applicable to the project and the site plan review.

**Small Maturing Trees.** A tree whose height is less than 35 feet at maturity and meets the specifications of "American Standards for Nursery Stock" published by the American Association of Nurserymen.



## TA25-01: Residential Uses

Solar Energy Facility, Major. A solar energy facility that is not a minor solar energy facility.

Solar Energy Facility, Minor. A facility for the production of electrical energy or solar heat in which all of the following are met:

1. Is located on the power beneficiary's premises; and
2. Is intended primarily to offset part or all of the beneficiary's requirements for electricity/gas; or is any non-residential rooftop facility.
3. Is secondary to the beneficiary's use of the premises for other lawful purpose(s).

Solar Farm. See Solar Energy Facility, Major.

Solar Hot Water Heater. A solar heater(s), or solar thermal system that provides heat for water, space heating, and swimming pools by collecting the sun's energy to heat air or a fluid which transfers solar heat.

Solar Panel. A device which is used to convert energy contained within the sun's rays into electricity, PV (photovoltaic) panel.

Solar Power. The conversion of solar energy into another form of energy.

Solid Waste. Any hazardous or nonhazardous garbage, refuse, sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility, or other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from industrial, institutional, commercial, agricultural, and land clearing operations. This term does not include the following:

1. Fowl and animal fecal waste;
2. Solid or dissolved material in any of the following:
  - a. Domestic sewage, and sludge generated by the treatment thereof, in sanitary sewage disposal systems which have a design capacity of more than 3,000 gallons or which discharge effluents to the surface waters;
  - b. Irrigation return flows; or
  - c. Wastewater discharges, and the sludge incidental thereto and generated by the treatment thereof, which are point sources subject to permits granted under Section 402 of the Federal Water Pollution Control Act, as amended (33 U.S.C. Sec. 1342 et seq.) and permits granted under G.S. 143-215.1 by the Environmental Management Commission;
3. Oils and other liquid hydrocarbons controlled under Article 21A of Chapter 143 of the North Carolina General Statutes;
4. Any radioactive material as defined by the North Carolina Radiation Protection Act (G.S. 104E-1 et seq.); or

## TA25-01: Residential Uses

5. Mining refuse covered by the North Carolina Mining Act (G.S. 74-46 et seq.), and regulated by the North Carolina Mining Commission (as defined under G.S. 143B-290).

**Special Use Permit.** A permit issued to authorize development or land uses in a particular zoning district upon presentation of competent, material, and substantial evidence establishing compliance with one or more general standards requiring that judgment and discretion be exercised as well as compliance with specific standards. The term includes permits previously referred to as conditional use permits or special exceptions.

**Specimen tree.** A tree (or group of trees) that may be considered important community assets due to their unique or noteworthy characteristics or values. A tree may be considered a specimen tree based on its size, age, rarity or special historical or ecological significance and may also meet the following criteria:

1. Large hardwoods (e.g. oaks, poplars, maples, etc.) and softwoods (e.g. pines sp.) in good or better condition with a DBH of 24" or greater.
2. Smaller understory trees (e.g. dogwoods, redbuds, sourwoods, persimmons, etc.) in good or better condition with a DBH of 12" or greater.
3. Lesser-sized trees of rare species or special intrinsic value as approved by staff.

**Stadium.** A structure or facility designed, intended, or used primarily for athletic events or other performances and containing seating for spectators of those events, but not including a raceway or drag strip.

**Storm Drainage Design Manual.** The most recent edition of the manual adopted by the Town Board setting forth standard details for the design and construction of storm water management systems.

**Story.** That part of a building or structure above ground level between a floor and the floor or roof next above. A mezzanine shall be considered a story if it exceeds one-third of the area of the floor immediately below. A penthouse shall be considered a story if it exceeds one-third of the area of the roof. The under roof area with dormers does not count as a story.

**Street Line.** The outer boundary of a street right-of-way.

**Street Orientation.** The direction of the architectural front façade of a building in relation to the street.

**Street, Private.** An interior circulation road designed and constructed to carry vehicular traffic from public streets within or adjoining a site to parking and service areas; it is not maintained nor intended to be maintained by the public.

**Street, Public.** A right-of-way or fee simple tract of land which has been set aside for public travel, dedicated to the public by the recording of a subdivision plat, built to public street standards, and eligible for maintenance by either the Town of Huntersville or the State of North Carolina.

**Street Right-of-Way.** Street right-of-way shall mean any public right-of-way set aside for public travel which is accepted or eligible to be accepted for maintenance by the State of North Carolina

## TA25-01: Residential Uses

or the Town of Huntersville or Mecklenburg County, if so authorized; or has been dedicated for public travel by the recording of a plat or a subdivision which has been approved or is subsequently approved by the Town of Huntersville; or has otherwise been established as a public street prior to the adoption of this ordinance.

**Street tree.** A tree planted along a street right-of-way or public access easement, excluding alleys. The tree must be a large maturing deciduous canopy tree on the approved tree list.

**Street Vista.** A view framed by buildings at the termination of the axis of a thoroughfare or large neighborhood street.

**Street Yard.** The area of land along the front property line parallel to a right-of-way reserved for tree planting and landscaping. Also called street tree planting easement or Green Zone.

**Streets.** The term “streets” generally represents a continuum of roadway types that vary in form and function serving a variety of access and mobility needs. The types range from “Freeway” to “Local” and are further described below:

**Freeway.** High volume, high speed highways with access only at interchanges. Freeways are typically constructed to Interstate Highway standards. May incorporate special management techniques and may contain specialized accommodations for multi-occupant or transit vehicles. No parallel accommodation for non-motorized users.

**Boulevard.** Moderate to high volume, moderate speed roadway. Includes median and may incorporate interchanges as appropriate. Access strongly controlled, typically provided at street intersections and may be directional in nature (i.e. not full movement.) Shall incorporate provisions for transit, bicycle, and pedestrian users depending on context.

**Other Major Thoroughfares.** Multi-lane, moderate to high volume roadway, speed limits vary according to context. Often incorporate auxiliary lanes for turning vehicles. Typically includes median, individual driveways discouraged. Shall incorporate provisions for transit, bicycle, and pedestrian users.

**Minor Thoroughfares.** Usually two-lane roadways with low to moderate speeds depending on context. Balance of mobility and access functions. May include transit user provisions, shall incorporate non-motorized users.

**Collector.** A roadway which assemble traffic from local streets, and distributes it to the nearest thoroughfare. The collector road provides direct primary access to low/medium density land uses. It is designed to carry low to moderate traffic volumes at low to moderate speeds.

**Local.** This is a two-lane roadway which provides access directly to adjoining low/medium density land uses. It also conducts traffic to local limited and collector streets which serve the area. The local road is designed to accommodate low volumes of traffic at low speeds.

**Town Streets (Town of Huntersville classification).** Town Street classification refers to the hierarchy of low speed, interconnected streets with pedestrian orientation of buildings and

## TA25-01: Residential Uses

a fine-grained section which includes street tree plantings and sidewalks on either side of pavement. The required street elements can be assembled in a variety of ways depending on the fronting uses and the function/rank of the street in the hierarchy. Streets meeting the standards of Article 5 and the Engineering Standards and Procedures Manual (ESAPM) are eligible for acceptance and maintenance by the Town as public streets. Residential alleys will generally remain private.

Thoroughfare. Any street (existing or proposed) on the adopted Comprehensive Transportation Plan (CTP) Highway Map. The words thoroughfare and arterial are used synonymously and indicate streets which are designated as freeways, expressways, boulevards, other major thoroughfare or minor thoroughfare.

Structure. Anything constructed, installed, or portable, the use of which requires a location on a parcel of land. This includes a fixed or movable building, which can be used for residential, business, commercial, agricultural, or office purposes, either temporarily or permanently. "Structure" also includes, but is not limited to, swimming pools, tennis courts, signs, cisterns, sewage treatment plants, sheds, docks, mooring areas, and similar accessory construction.

Substantial Improvement. Any repair, reconstruction, expansion, or improvement of a structure, the cost of which exceeds 50 percent of the assessed value of a structure as determined either before the expansion or improvement begins or before the damage occurred giving rise to there pair or reconstruction. "Substantial improvement" shall not include, however, any repair or improvement required to bring the structure into compliance with existing state or Town health, sanitary, safety, or building code specifications necessary to ensure safe habitation of the structure.

Temporary Storage Container. Transportable units designed and used primarily for temporary storage of building materials, household goods, personal items and other materials for use on a limited basis on residential property.

Temporary Structure. A building placed on a lot for a specific purpose which is to be removed within a specified time period. Examples of temporary structures are monitoring stations, mobile classrooms, construction trailers and guard houses, and produce stands.

Terminated Vista. A view through or along a street, open space, or other opening which is brought to a close by a building, structure, significant natural feature, park or similar public space or feature.

Textured Glass. A patterned glass which has a specific pattern or design impressed into one surface. It allows the passage of light, but varying levels of obscuration, depending on the depth and configuration of pattern.

Threshold elements. Porches, stoops, stairs, balconies, eaves, and cornices, loggias, arcades, chimneys, doors and windows, which are placed at or near the build-to line and interface between the main body of the building and the street.

Topping. Any pruning practice that results in removal of the foliage and limbs that leads to disfigurement or abnormal shape of a tree. Also known as rounding-over, heading-back, dehorning, capping, and hat racking.

## TA25-01: Residential Uses

Town Attorney. The attorney for the Town of Huntersville, duly retained by the Board of Commissioners of the Town of Huntersville.

Town Manager. The Town Manager of the Town of Huntersville.

Traditional Neighborhood. A traditional neighborhood incorporates design principles that produce compact, mixed-use, pedestrian scaled communities. The following conventions are generally employed in the design of traditional neighborhoods.

1. The neighborhood is limited in area to that which can be traversed in a 10 to 15 minute walk.
2. Residences, shops, workplaces, and civic buildings are located in close proximity.
3. A well defined and detailed system of interconnected streets serves the needs of the pedestrian and the car equally, providing multiple routes to all parts of the neighborhood.
4. Physically defined open spaces in the form of plazas, squares, and parks, in addition to finely detailed public streets, provide places for formal and informal social activity and recreation.
5. Private buildings form a clear edge, delineating the private from the public realm.
6. Civic buildings reinforce the identity of the neighborhood, providing places of assembly for social, cultural, and religious activities.

Traditional neighborhoods pursue certain objectives through their design.

1. Independence of movement for the elderly and young by bringing many activities of daily living within walking distance.
2. Reduced traffic congestion and road construction costs by reducing number and length of car trips.
3. Use or preparation for future use of alternative forms of transportation by organizing appropriate building densities.
4. Improved security of public spaces organized to stimulate informal surveillance by residents and business operators.
5. Enhanced sense of community and improved security through provision of a range of housing types and workplaces in proximity to one another.
6. Accessible places for public assembly and civic engagement by identification of suitable sites for civic buildings.

Transitional Setback or Yard. That area, if any, along a thoroughfare, which lies between (a) the minimum setback or yard line for the zoning district measured from the existing street right-of-way line and (b) the minimum setback or yard line measured from the Proposed Right-of-Way Line. There will be no transitional setback or yard when the existing street right-of-way and the proposed right-of-way line are the same.

## TA25-01: Residential Uses

Transitional use. A permitted use or structure that, by nature, level of activity, or physical scale, acts as a transition or intermediate use between two or more incompatible uses.

Transit-Oriented Parking Lot. An area directly associated with a public transit system where motor vehicles may be stored for the purposes of temporary or daily off-street parking.

Transmittance. Percentage of normally incident visible light passing directly through the glazing.

Tree save area. Area to be preserved which equals the drip line of tree(s) plus an additional 5 feet around the entire perimeter of area.

Tree survey. A description, for the purposes of identification, of the existing trees, under story vegetation, and topographical features on a site prior to development and site design.

Turbine Blade Clearance. The distance measured from the grade at the center of the tower to the lowest point of the turbine rotor or tip of the turbine blade when it reaches its lowest elevation.

Turkey Shoot. A place or event at which contestants discharge shotguns in competition for prizes.

Uniformity ratio. The ratio of average illumination to minimum illumination.

University, college and junior college. A use, whether privately-owned or publicly-owned, providing academic education beyond the high school level.

Used asphalt. Used asphalt or used asphalt mixed with dirt, sand, gravel, rock, concrete or similar non-hazardous material.

Vested right. The right to undertake and complete the development and use of the property under the terms and conditions of a development approval, including any amendments thereto, as specified in G.S. 160D-108(c) or under common law.

Vocational School. A use, whether privately-owned or publicly-owned, that trains persons in specific trades or occupations such as mechanics, stenography, or similar skills.

Warehousing. The indoor storage of goods, materials, or merchandise for shipment to, or processing on, other property.

Wastewater Treatment Facility. A facility operated by a licensed utility, in compliance with all applicable state, county, and town regulations, and intended or used for the treatment and surface or subsurface disposal of wastewater and which serves more than one use or more than four dwelling units; or a facility intended or used for the treatment and subsurface disposal of wastewater which serves only one use or up to four dwelling units.

Wind Energy Facility, Major. Wind farm that is not a minor wind energy facility.

Wind Energy Facility, Minor. A facility for the production of electrical energy in which all of the following are met:

#### TA25-01: Residential Uses

1. Is located on the power beneficiary's premises; and
2. Is intended primarily to offset part or all of the beneficiary's requirements for electricity/gas; and
3. Is secondary to the beneficiary's use of the premises for other lawful purpose(s).

Wind Farm. See Wind Energy Facility, Major.

Wind Power. The conversion of wind energy into another form of energy.

Wind Turbine, or Windmill. A wind energy conversion system that converts wind energy into electricity through the use of a wind turbine generator, and may include a nacelle, rotor, tower and pad transformer.

Wind Turbine Height. The distance measured from grade at the center of the tower to the highest point of the turbine rotor or tip of the turbine blade when it reaches its highest elevation.

Wholesale Establishment. A building, property, or activity the principal use or purpose of which is the sale of goods, products, or merchandise stored on the premises to persons who are intermediaries between the producer and the consumer.

Working Day. Any day on which the offices of the Town of Huntersville are officially open, not including Saturdays, Sundays, and other holidays designated by the Town Board.

Yard, rear, required. When required by this ordinance or established through recorded plat, a minimum distance between the rear of a principal building or structure and the lot line farthest from the street fronting the lot, projected to the side lines of the lot on which the building or structure is located.

Yard, rear, established. The distance between the rear of a principal building or structure and the lot line farthest from the street fronting the lot, projected to the side lines of the lot on which the building or structure is located.

Yard, side, required. When required by this ordinance or established by recorded plat, a minimum distance between the side lot line and the side building line, extending from the established setback to the required rear yard. For buildings not set back from the street right-of-way, the side yard shall be defined as extending from the street line to the required rear yard.

Yard, side, established. The distance between the side lot line and the side building line, extending from the established setback to the established rear yard. For buildings not set back from the street right-of-way, the side yard shall be defined as extending from the street line to the established rear yard.

Yard, tree, required. A tree or trees required to be planted in the front or rear yard of a lot to satisfy the requirements of Article 7 of the Zoning Ordinance.

#### TA25-01: Residential Uses

Yard Trash. Solid waste consisting of vegetative material resulting from landscaping and yard maintenance, such as brush, grass, tree limbs and similar material.

Zero lot line. The location of a building on a lot in such a manner that one of the building's sides rests directly on a lot line; also referred to as a sideyard house.

Zoning Administrator. The employee(s) or agent(s) designated by the Town Manager to oversee the administration and enforcement of these regulations.





## Request for Board Action

July 15, 2025

**To:** The Honorable Mayor and Board of Commissioners

**From:** Brad Priest, Assistant Planning Director

**Subject:** Public Hearing on Petition #TA25-04: Tree Mitigation Maximum

---

### **EXPLAIN REQUEST:**

Conduct public hearing on Petition #TA25-04, a request by the Huntersville Planning Department to amend Articles 7.2 and 7.4 of the Huntersville Zoning Ordinance. The purpose of the amendment is to clarify tree survey requirements and limit the amount of tree mitigation permitted.

### **ACTION RECOMMENDED:**

Conduct public hearing.

### **FINANCIAL IMPLICATIONS:**

N/A

### **ATTACHMENTS:**

1. TA25-04 Staff Report Tree Mitigation PH 7 15 25
2. Draft Ordinance - 7 7 25
3. R25-04 Text Amendment Application

## **TA25-04 Tree Save Mitigation – Maximum Mitigation Allowance and Tree Preservation Plan Clarifications Amendment**

### **PART 1: DESCRIPTION**

Petition #TA25-04 is a request by the Huntersville Planning Department to amend Articles 7.4 and 7.5 of the Huntersville Zoning Ordinance. The purpose of the amendment is to establish a maximum allowable mitigation cap for tree save standards. Additionally, the amendment clarifies submittal requirements for tree save area review and provides greater specificity regarding replanting requirements when approved tree save areas are disturbed.

### **PART 2: BACKGROUND**

Since 2003 the Town of Huntersville has had a Tree Save Ordinance that requires a specific percentage of tree canopy and large specimen trees to remain on a developed site (Article 7.4). However, also since that time, a tree mitigation option has provided flexibility from that requirement. The mitigation option allows a development to remove up to all the trees required to be saved, if the trees required to stay are “mitigated” or replaced on the site, or the cost of which are contributed to the Town’s tree fund bank.

In 2015 the Town started reviewing the tree save ordinance in an effort to encourage more mature tree save, while still allowing mitigation flexibility for developments. The reason for the review was that at the time, mitigation plantings for the removal was significantly inequitable to the value of the mature trees being removed. One large 40-inch tree was only required to be mitigated by one newly planted 2-inch tree. Since mitigation requirements were so low, it was noted that developments were very quick to mitigate trees rather than provide good faith efforts to save them. Therefore, the Planning Board appointed a committee to review and make recommendations to address the noted pattern. At the conclusion of the review the Planning Board recommended, and the Town Board approved an ordinance that increased the mitigation amount for specimen trees. Under the new ordinance, with Planning Board approval, developments could mitigate specimen trees by contributing for or replacing 30% of the caliper (linear width in inches) of each tree required to be saved. A 40-inch tree would require 12 inches of caliper (30%), or 6 2-inch trees for mitigation.

In 2020 the Planning Board again noted to staff an increase of specimen mitigation requests coming before the Board. Therefore, they again appointed a committee to discuss and recommend further changes to the ordinance to encourage mature tree save and discourage removal. At the end of the process, the Planning Board recommended, and the Town Board approved an ordinance that; increased the mitigation amount to 100% of the required tree caliper removed, removed the ability to mitigate trees by counting trees already required to be planted by other sections of the ordinance (street trees, buffers, etc.), and allowed mitigation to be administered by staff rather than the Planning Board. The desired principles of the changes were to increase the mitigation amount to be directly equal to the amount of tree caliper being removed, increase the cost of removing trees thus encouraging their saving, but at the same time providing an easier mitigation process for when it was necessary. This is how the ordinance currently reads.

Policy EOS 4.2 of the Huntersville 2040 Plan recommends to “Regularly evaluate and revise tree mitigation options to further town goals”. Planning staff has noticed that mitigation requests and tree removal over the maximums are still quite common, while developments truly designing around significant trees remain rare.

Therefore, staff brought the tree save and mitigation discussion to the Huntersville Environmental Sustainability Committee (ESC). After discussion with staff, the committee made a recommendation to the Town Board to amend the ordinance. The amendment recommended would provide a firm minimum mature tree save requirement and increase the mitigation amount for Heritage trees. The Town Board subsequently asked staff to draft such an amendment. This application therefore is in response to that request and does the following:

1. Allows up to 30% of required tree mitigation for residential development (canopy or specimen)
2. Allows up to 50% of required tree mitigation for commercial/mixed use development (specimen).
3. Raises the mitigation amount for Heritage trees (trees that meet 80% of the points to qualify for the NC Champion Tree List) to 200% of the caliper of the tree removed.
4. Clarifies what type of tree preservation plan is needed for staff tree save review (Article 7.4.2 b)
5. Clarifies that Article 7.4.5 “mitigation” is the intended replanting requirements when an approved tree save area is physically disturbed in violation of an approved tree save plan.

This amendment does not change the amount of tree save required for a development. The amount requirement (based on zoning district) has not changed since its adoption in 2003. This amendment would only add a maximum mitigation amount so that 70% of *required* residential trees would need to physically stay on the site. 50% of *required* commercial trees would also need to physically remain. For instance, if 100 specimen trees exist on a residential site in NR zoning, 10 trees are currently required to remain (10%). This ordinance would state that only 3 trees could be mitigated, and 7 trees must physically remain on the site. For further flexibility and additional mitigation, developments would have the option to request a conditional district rezoning to ask the Town Board for a modification from the requirements of the ordinance. The Board would be able to review those tree mitigation requests on a case-by-case basis.

### PART 3: RELEVANT SECTIONS OF THE HUNTERSVILLE 2040 COMMUNITY PLAN

TA-25-04 is consistent with the following Huntersville 2040 Community Plan policies.

- **EOS-3: Prioritize tree canopy preservation in the lower intensity areas.** *Staff Comment:* Capping how much tree canopy can be mitigated will encourage more mature tree preservation in all areas of Huntersville.
- **EOS-3.1: Make mature native forest an open space priority, especially near streams.** *Staff Comment:* Reducing mitigation allowance will encourage the saving of mature native forests and create opportunities for developments to provide more open space which includes mature wooded areas.
- **EOS-4: In more urban environments, encourage the preservation of heritage trees and tree canopy enhancement.** *Staff Comment:* Substantially increasing the mitigation amounts for heritage trees (200% of caliper) will encourage preservation. Mitigation would also be limited for commercial and mixed-use districts to 50% of required heritage trees, thus increasing their preservation in urban environments.
- **Big Idea Box: Increase tree canopy in areas of new development to 50%.** *Staff Comment:* Keeping mature canopy, rather than removing it and replanting (mitigating) will more effectively assist the Town to reach its 50% tree coverage goal.

#### **PART 4: STAFF RECOMMENDATION**

Over the past decade, the Town has made a focused effort to encourage the preservation of mature trees while providing flexibility for mitigation within developments. Despite these efforts, increasingly stringent mitigation requirements and ordinance adjustments have not achieved the desired level of mature tree preservation. As a result, the next recommended step is to establish a minimum, non-mitigatable standard for mature tree preservation. The proposed language aligns with the principle of allowing greater mitigation flexibility in higher-density developments—a practice also utilized in a few municipalities around our region.

Staff recommends approval of the proposed text amendment based on its consistency with policies EOS-3, EOS-3.1, EOS-4, and the “Big Idea: Tree Canopy” outlined on page 84 of the Huntersville 2040 Plan. The amendment is reasonable and in the public interest because it supports the preservation and growth of mature tree canopy, which will provide significant environmental, stormwater management, air quality, economic, and community benefits for the Town of Huntersville.

#### **PART 5: PUBLIC HEARING**

The Public Hearing is scheduled for July 15, 2025.

#### **PART 6: PLANNING BOARD RECOMMENDATION**

The Planning Board discussion is scheduled for July 22, 2025.

#### **PART 7: TOWN BOARD ACTION**

The Town Board final action consideration is scheduled for final action on August 19, 2025.

#### **PART 8: ATTACHMENTS**

1. Text Amendment Application
2. Proposed Ordinance

| PART 8: STATEMENT OF CONSISTENCY – TA25-04                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                              |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Planning Department                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Planning Board                                                                                                                                                                                                                                                                                                                                   | Board of Commissioners                                                                                                                                                                                                                                                                                                                       |
| <p><b>APPROVAL:</b> In considering the proposed amendment TA25-04, Planning Staff recommends approval based on consistency with policies EOS-3, EOS-3.1, EOS-4, and the “Big Idea: Tree Canopy” outlined on page 84 of the Huntersville 2040 Plan. The amendment is reasonable and in the public interest because it supports the preservation and growth of mature tree canopy, which will provide significant environmental, stormwater management, air quality, economic, and community benefits for the Town of Huntersville.</p> | <p><b>APPROVAL:</b> In considering the proposed amendment TA25-04, the Planning Board recommends approval based on the amendment being consistent with <u>(insert applicable plan reference)</u></p> <p>It is reasonable and in the public interest to amend the Zoning Ordinance because...<i>(Explain)</i></p>                                 | <p><b>APPROVAL:</b> In considering the proposed amendment TA25-04, the Town Board recommends approval based on the amendment being consistent with <u>(insert applicable plan reference)</u></p> <p>It is reasonable and in the public interest to amend the Zoning Ordinance because...<i>(Explain)</i></p>                                 |
| <p><b>DENIAL:</b> N/A</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | <p><b>DENIAL:</b> In considering the proposed amendment TA25-04, the Planning Board recommends denial based on the amendment being <u>(consistent OR inconsistent)</u> with <u>(insert applicable plan reference)</u>.</p> <p>It is not reasonable and in the public interest to amend the Zoning Ordinance because....<br/><i>(Explain)</i></p> | <p><b>DENIAL:</b> In considering the proposed amendment TA25-04, the Town Board recommends denial based on the amendment being <u>(consistent OR inconsistent)</u> with <u>(insert applicable plan reference)</u>.</p> <p>It is not reasonable and in the public interest to amend the Zoning Ordinance because....<br/><i>(Explain)</i></p> |

**AN ORDINANCE TO AMEND ARTICLES 7.4.2 AND 7.4.5 - TREE PRESERVATION  
MITIGATION REQUIREMENTS**

**Section 1.** Be it ordained by the Board of Commissioners of the Town of Huntersville that Article 7.4.2 b, and 7.4.2 f 2, and 7.4.5 of the Zoning Ordinance is hereby amended to be modified as follows:

Article 7.4.2 b

- b. ~~Site Analysis/Existing Features Plan.~~ **Tree Preservation 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 plan shall include the delineation and calculated area of the canopy of the site, and the caliper, location, and species of all trees 12 inches in caliper and above. The survey may include only trees 24 inches and above if the licensed professional certifies that no small maturing specimen trees under 24 inches exist on the site. See Article 12.2.1 for the definition of a Specimen Tree.** 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.

Article 7.4.2 f 2

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, **but only up to 30% of the minimum preservation area may be mitigated as described above**

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. **Heritage Tree Mitigation shall be calculated at 200% of the total caliper (DBH) of trees 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. **Mixed use zoning districts and non-residential uses may mitigate up to 50% of the specimen and heritage trees required to remain. Residential zoning districts may mitigate up to 30%.**

Article 7.4.5

**Post Site Plan Approval Disturbance Mitigation.** If a required tree save/preservation area or required undisturbed buffer yard is disturbed for any reason **after tree preservation plan approval by staff**, 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.

**Section 2.** This ordinance shall become effective upon adoption.

**PUBLIC HEARING DATE:** Tentative July 15, 2025

**PLANNING BOARD MEETING:** Tentative July 22, 2025

**TOWN BOARD DECISION:** Tentative August 19, 2025



# Text Amendment Application

Date of Application \_\_\_\_\_ 4/1/25 \_\_\_\_\_

## 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): \_\_\_\_\_ Articles 7.2 and 7.4 \_\_\_\_\_ Article(s): \_\_\_\_\_ Section(s): \_\_\_\_\_

### Current Ordinance

See current and proposed language in the exhibit attached.

### Proposed Text

### Reason for Proposed Change

Town staff and the Environmental Sustainability Committee have discussed the possibility of limiting or "capping" the amount of tree mitigation allowed in the ordinance. The text would allow only a portion of required tree save to be removed and mitigated.

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 \_\_\_\_\_ Huntersville Planning Department \_\_\_\_\_

☐ Corporation    ☐ Limited Liability Company    ☐ Trust    ☐ Partnership    ☐ Other: \_\_\_\_\_

Signature \_\_\_\_\_ **Bradley D. Priest** \_\_\_\_\_ Date \_\_\_\_\_ 4/1/25 \_\_\_\_\_

Title \_\_\_\_\_ Assistant Planning Director \_\_\_\_\_ Email \_\_\_\_\_ bpriest@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:** \_\_\_\_\_ 4/1/25 \_\_\_\_\_

**Staff Initials:** \_\_\_\_\_ BP \_\_\_\_\_



## Request for Board Action

July 15, 2025

**To:** The Honorable Mayor and Board of Commissioners

**From:** Lauren Speight, Senior Planner

**Subject:** Conduct Public Hearing on Petition #TA25-06 Revision to Buffer Standards

---

### **EXPLAIN REQUEST:**

Conduct a public hearing on Petition #TA25-06, a request by the Huntersville Planning Department to amend Articles 3.2.1, 3.2.2, 7.5, and 9.64 of the Huntersville Zoning Ordinance. The purpose of the amendment is to specify the planting standard for the 80-foot buffer required by the Rural and Transitional Residential Zoning Districts, clarify the applicability of buffer requirements, delineate performance requirements for buffers, modify the planting requirements for the 20-foot buffer for major subdivisions, and modify the buffer planting requirements for apartment developments.

### **ACTION RECOMMENDED:**

Conduct a public hearing

### **FINANCIAL IMPLICATIONS:**

N/A

### **ATTACHMENTS:**

1. TA25-06 Staff Report PH 7.15.25
2. TA25-06 Application
3. TA25-06 Ordinance Draft for PH 7.15.25

## TA25-06 Buffer Yards

### PART 1: DESCRIPTION

TA25-06 is a request by the Huntersville Planning Department to amend Articles 9.64, 3.2.1, 3.2.2, and 7.5 of the Huntersville Zoning Ordinance. The purpose of the amendment is to add specific planting requirements for the 80-foot buffer required by the Rural and Transitional Residential Zoning District and corresponding references in the R and TR Zoning Districts and relocate buffer requirements from Article 9.64 to Article 7.5.

### PART 2: BACKGROUND

The Rural and Transitional Residential zoning districts currently require a “visually opaque landscaped buffer of native vegetation of at least 80 feet in width” for major subdivisions “unless a more restrictive buffer is established elsewhere in [Town regulations].” However, Article 7.5 of the Zoning Ordinance does not establish minimum plantings requirements for an opaque 80-foot buffer. Staff received feedback from the development community it would be helpful to establish planting minimums for design. Additionally, plantings minimums specify a baseline toward meeting the intent of an opaque buffer as staff evaluate buffers during site inspections for compliance. Plantings standards for the 80-foot buffer required by the R and TR zoning districts have therefore been proposed to be added to Article 7.5 and references to these standards have proposed to be added to Article 3.2.1 and 3.2.2 respectively. Relatedly, Article 7 does not currently include definitions of opaque or semi-opaque buffer. Definitions are proposed similar to existing definitions for opaque and semi-opaque screening.

To best clarify the intent of the buffer yards included in Article 7.5 and in response to the proposed addition of definitions of opaque and semi-opaque buffers, the chart of buffer yards is proposed to be amended to include if buffer yards shall function as opaque or semi-opaque separations. Minimum planting requirements have been revised such that all opaque buffers have similar planting minimums per 1,000 square feet and all semi-opaque buffers have similar planting minimums per 1,000 square feet.

The applicability of buffer standards has been revised to include that when the design of a development would apply multiple buffers, only the most restrictive buffer yard will apply.

Article 9.64 established minimum buffer yard requirements for multi-family developments based on the density of the development and adjoining building types. The current text amendment proposes to remove Article 9.64 in its entirety and enact a minimum 30-foot buffer requirement for any apartment building development. This apartment buffer requirement would not be applicable to developments in the Town Center, Transit-Oriented Development- Residential (TOD-R) and Transit-Oriented Development-Employment (TOD-E) zoning districts.

A buffer standard is proposed for any apartment, mixed-use development, or non-residential development on a property that includes, or is the boundary, of the Town Center zoning district. This buffer is intended to provide a transition between Town Center and adjoining zoning districts.

Developments have the option to submit a Conditional District rezoning application including a request for relief from buffer requirements of Article 7.

### **PART 3: RELEVANT SECTIONS OF THE HUNTERSVILLE 2040 COMMUNITY PLAN**

TA25-06 is consistent with the following Huntersville 2040 Community Plan policies:

- **LU-9.2: Within lower intensity areas including Moderate Density, Residential Edge, Rural Conservation, and Critical Watershed areas conservation design & farmhouse clusters are encouraged.** Staff Comment: This proposed text amendment would preserve the scenic nature of roadways and improve the physical separation between the homes and thoroughfares by revising the planting standards for 80-foot buffer for farmhouse cluster and major subdivision developments in the Rural and Transitional Residential zoning districts.
- **LU-11.1: Protect and enhance the unique character of Huntersville’s neighborhoods by using planning tools to safeguard from potentially negative impacts of development and redevelopment.** Staff Comment: In response to concern from the public about dense residential development and non-residential development adjoining lower density residential development, a variety of buffer standards have been proposed to be revised with this text amendment to protect existing neighborhoods and establish specific performance standards for each use.
- **LU-12.3: Blend new development with existing neighborhoods, structures and landscapes through the use of transitions in building types and placement of open space, buffers, and other site features.** Staff Comment: This text amendment proposes minimum plantings and buffer performance standards that would support a transition between uses and blend new development with existing development, particularly existing residential development.
- **EOS-6.1: Preserve elements of rural character. Enforce existing standards and evaluate new design standards to preserve the character of scenic country roads.** Staff Comment: Establishing standards for the performance of the 80-foot buffer standards for farmhouse cluster and major subdivision developments in the Rural and Transitional Residential zoning districts help developers meet the intent of preserving rural character. Currently, the 20-foot buffer standard section is multiplied for the opaque 80-foot buffer section required for major subdivisions in the Rural and Transitional Residential zoning districts. However, the 20-foot buffer section is not intended to produce an opaque buffer, even when multiplied. In response to concern from residents about the function of buffers and developers inquiries about how to satisfy Zoning Ordinance requirements, the proposed text amendment seeks to provide more specific performance standards.

### **PART 4: STAFF RECOMMENDATION**

The appropriate separation of uses by vegetated buffers is a significant concern of the public. Per Article 7.5, existing vegetated areas should remain to become part of required buffers. Where there is no existing vegetation and where there is specific approval for disturbance replanting and/or supplementation is required. In a review of existing buffer standards, staff found it would be useful to better specify the intent of each both and ensure the corresponding minimum planting requirements are sufficient to meet the intent of the buffer. Additional performance qualifications have been added to clarify if a buffer is intended to be opaque or semi-opaque to indicate that some developments may need plantings beyond the minimums listed in Article 7.5 of the Zoning Ordinance.

## TA25-06 – Staff Report 7/15/2025

Staff recommends approval of the proposed text amendment due to its consistency with policies LU-9.2, LU-11.1, LU-12.3, and EOS-6.1 of the Huntersville 2040 Plan. TA25-06 establishes greater objectivity and measurability of compliance with the intent of buffer yard standards.

### PART 5: PUBLIC HEARING

The Public Hearing is scheduled for July 15, 2025.

### PART 6: PLANNING BOARD RECOMMENDATION

The Planning Board review is scheduled for July 22, 2024.

### PART 7: ATTACHMENTS

1. Text Amendment Application
2. Proposed Ordinance

### PART 8: STATEMENT OF CONSISTENCY – TA25-06

| Planning Department                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Planning Board                                                                                                                                                                                                                                                                                                                       | Board of Commissioners                                                                                                                                                                                                                                                                                                           |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>APPROVAL:</b> In considering the proposed amendment TA25-06, Planning Staff recommends approval based on consistency with policies LU-9.2, LU-11.1, LU-12.3, and EOS-6.1 of the Huntersville 2040 Plan.</p> <p>It is reasonable and in the public interest to approve the application because it will allow buffers to better meet their intent based on adjoining uses; provide more specific and objective parameters for buffer performance; and, better protect existing neighborhoods.</p> | <p><b>APPROVAL:</b> In considering the proposed amendment TA25-06, the Planning Board recommends approval based on the amendment being consistent with <u>(insert applicable plan reference)</u></p> <p>It is reasonable and in the public interest to amend the Zoning Ordinance because...<i>(Explain)</i></p>                     | <p><b>APPROVAL:</b> In considering the proposed amendment TA25-06, the Town Board recommends approval based on the amendment being consistent with <u>(insert applicable plan reference)</u></p> <p>It is reasonable and in the public interest to amend the Zoning Ordinance because...<i>(Explain)</i></p>                     |
| <p><b>DENIAL:</b> N/A</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | <p><b>DENIAL:</b> In considering the proposed amendment TA25-06, the Planning Board recommends denial based on the amendment being <u>(consistent OR inconsistent) with (insert applicable plan reference).</u></p> <p>It is not reasonable and in the public interest to amend the Zoning Ordinance because....<i>(Explain)</i></p> | <p><b>DENIAL:</b> In considering the proposed amendment TA25-06, the Town Board recommends denial based on the amendment being <u>(consistent OR inconsistent) with (insert applicable plan reference).</u></p> <p>It is not reasonable and in the public interest to amend the Zoning Ordinance because....<i>(Explain)</i></p> |



## Text Amendment Application

Date of Application May 1, 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

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

### Description of Change

Proposed text amendment will affect the following: See attached

Ordinance(s): \_\_\_\_\_ Article(s): \_\_\_\_\_ Section(s): \_\_\_\_\_

Current Ordinance

Proposed Text

Reason for Proposed  
Change

The purpose of this amendment is to specify the planting standards for existing required buffers; clarify the applicability of buffer requirements; specify performance standards for buffers; align the vegetation requirements with the intent of buffers; centralize buffer standards; and, modify non-residential buffer standards.

Attach additional pages if needed.

**NOTE: If the proposed text amendment effects property located along Hwy 73; is 2000 feet from an adjoining municipality, and/or the Mountain Island and Lake Norman Watersheds, additional peer review is required.**

## Applicant

Printed Name Town of Huntersville Planning Department

☐ Corporation ☐ Limited Liability Company ☐ Trust ☐ Partnership ☒ Other: \_\_\_\_\_

Signature  Date 5/1/25

Title Planning Director Email planning@huntersville.org

Address of Applicant 105 Gilead Road, Huntersville, NC

## 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 ARTICLES 9.64 Multi-Family Homes, 3.2.1 Rural District (R), 3.2.2 Transitional Residential (TR), and 7.5 Buffer Yards of the Zoning Ordinance**

**Section 1.** Be it ordained by the Board of Commissioners of the Town of Huntersville that Article 3.2.1, d, 2, h of the Zoning Ordinance is hereby amended by to add a reference to Article 7.5 for the details of the 80 ft buffer required for the Rural Zoning District:

In order to preserve the low intensity development character found in the Rural zoning district, along existing state-maintained roads and future thoroughfares a visually opaque landscaped buffer of native vegetation at least 80 feet in width shall be required for major subdivisions unless a more restrictive buffer is established elsewhere in these regulations. The buffer shall be in common area and shall be counted towards meeting open space requirements. **See Article 7 for buffer performance standards.**

**Section 2.** Be it ordained by the Board of Commissioners of the Town of Huntersville that Article 3.2.2, d, 2, h of the Zoning Ordinance is hereby amended by to add a reference to Article 7.5 for the details of the 80 ft buffer required for the Transitional Residential Zoning District:

In order to preserve the low intensity development character found in the Transitional Residential zoning district, along existing state-maintained roads and future thoroughfares a visually opaque landscaped buffer of native vegetation at least 80 feet in width shall be required for major subdivisions unless a more restrictive buffer is established elsewhere in these regulations. The buffer shall be in common area and shall be counted towards meeting open space requirements. **See Article 7 for buffer performance standards.**

**Section 3.** Be it ordained by the Board of Commissioners of the Town of Huntersville that Article 7.5 of the Zoning Ordinance is hereby amended by to be modified as follows:

**.1 Purpose.** The general purpose of buffer yards is to establish regulations protecting and preserving the appearance, character, and value of property within the town. The objectives are to exclude visual contact, create spatial separation and to minimize any adverse impacts on adjacent properties. Where topographical changes, the size and shape of existing lots of record, or other spatial conditions exist which would make adherence to the basic requirement either impossible or ineffective in meeting the purpose of the buffer yard, alternate buffer yard plans will be considered or may be required. ~~These provisions shall not apply to developments in the Town Center (TC), Transit Oriented Development—Residential (TOD-R), and Transit Oriented Development—Employment (TOD-E) zoning districts.~~

**.2 Applicability.** All applicable development plans shall comply with the provisions of this section. A change of use, expansion of existing heated square footage of a building, or and expansion of parking and loading areas will require compliance with these provisions as



prescribed per Article 11.5.6, Non-conforming landscaping and screening. **When multiple buffer categories apply to a development, the most restrictive standard shall be enforced. These provisions shall not apply to developments in the Town Center (TC) except edge conditions, Transit-Oriented Development (TOD-R), and Transit-Oriented Development – Employment (TOD-E) zoning districts.**

.3 **Function.** A buffer yard shall function as an opaque or semi-opaque barrier between the viewer and the use or structure to be buffered **at maturity**. Therefore, the exact location and arrangement of materials in the buffer yard will be determined based upon an analysis of site topography and sight lines from public spaces or private properties, which are to be protected. The density of the buffer yard is determined by the intensity of the use and the zoning district.

**a. An opaque buffer is intended to exclude all visual contact between the buffered structure or use. Performance of the buffer shall meet or exceed the following standards:**

- 1. To produce an opaque buffer, intermittent planting of deciduous and evergreen trees shall obtain a height at maturity of no less than 35 feet and have no unobstructed openings between tree canopies upon maturity.**
- 2. At installation, shrub plantings shall have a minimum height of 3 feet with an expected height at maturity at least 12 feet, and no unobstructed openings wider than four feet.**
- 3. At least 75 percent of the required trees and 100 percent of the required shrubs shall be evergreen species.**

**b. A semi-opaque buffer is intended to obscure visual contact with the buffered structure or use. It can be used as a device to reduce the perceived scale and massing of a structure and to enhance its compatibility with the existing built and natural environment. Performance of the buffer shall meet or exceed the following standards:**

- 1. To produce a semi-opaque buffer, intermittent planting of deciduous and evergreen trees shall obtain a height at maturity of no less than 35 feet and have no unobstructed openings wider than 10 feet between tree canopies upon maturity.**
- 2. At installation, shrub plantings shall have a minimum height of 3 feet, expected height of at least 6 feet at maturity, and no unobstructed openings wider than four feet.**
- 3. 100 percent of the required shrubs shall be evergreen species.**

**c.** Buffer yard plantings shall meet or exceed the following standards:

| <b>Description</b>                                                                                                                                 | <b>Condition where Buffer required</b>                                                                                                               | <b>Width</b>                                                         | <b>Trees<sup>1</sup></b>                                                                                                                                     | <b>Shrubs<sup>1</sup></b>                                          |
|----------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------|
| <b><u>Opaque</u></b> I-77 Buffer                                                                                                                   | Any property abutting I-77 right-of-way                                                                                                              | 50 feet, greater if required by the district                         | 5 trees per 1000 sq/ft of buffer area; 75% large maturing; <del>50% evergreen; 25% small maturing</del>                                                      | 8 shrubs per 1000 sq/ft <del>100%</del> 75% evergreen              |
| <b><u>Opaque</u></b> CI, CB, SP, <b><u>R,</u></b> and <b><u>TR</u></b> Buffer                                                                      | Any property zoned CI, CB, or SP <sup>2</sup><br><br><b><u>Major Subdivisions along existing state-maintained roads and future thoroughfares</u></b> | 80 feet abutting street right-of-way and property lines <sup>2</sup> | <del>5</del> 4 trees per 1000 sq/ft of buffer area; 75% large maturing; <del>50%</del> evergreen; 25% small maturing                                         | <del>8</del> 5 shrubs per 1000 sq/ft <del>100%</del> 75% evergreen |
| <b><u>Opaque</u></b> Buffer for Non-residential uses not otherwise listed                                                                          | Any developing non-residential use abutting a lesser intense use and/or district when not internal to a planned development <sup>3, 5</sup>          | 30 feet <sup>6</sup>                                                 | <del>5</del> 4 trees per 1000 sq/ft of buffer area; <del>75%</del> 50% large maturing <b><u>evergreen</u></b> ; 25% small maturing; <del>50%</del> evergreen | <del>8</del> 7 shrubs per 1000 sq/ft 100% evergreen                |
| <b><u>Semi- Opaque</u></b> Buffer for Civic Uses • schools • religious institutions • <b><u>government buildings</u></b> govnt' bldgs. • libraries | Any civic use abutting a property zoned residential or current use is residential <sup>3, 5</sup>                                                    | 30 feet <sup>6</sup>                                                 | 4 trees per 1000 sq/ft of buffer area; 50% large maturing <b><u>evergreen</u></b> ; 25% small maturing; <del>50%</del> evergreen                             | 7 shrubs per 1000 sq/ft 100% evergreen                             |
| <del>Residential</del> <b><u>Semi- Opaque</u></b> <b><u>Major</u></b>                                                                              | Any major <del>residential</del> subdivision abutting a property zoned residential or developed                                                      | <del>40</del> 30 feet minimum when density is two times              | <del>4</del> 3 trees per 1000 sq/ft of buffer area; <del>50%</del> 25% large maturing                                                                        | <del>7</del> 10 shrubs per 1000 sq/ft 100% evergreen               |

|                                                             |                                                                                                                                              |                                                                                                                                                       |                                                                                                       |                                                                 |
|-------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------|
| <b><u>Subdivision Buffer</u></b>                            | residential, not internal to a planned community <sup>4</sup>                                                                                | greater than the existing development except in Town Center zone when adjoining the Town Center zone. In all other cases 20 feet minimum is required. | <b><u>evergreen</u></b> ; 25% small maturing; <del>25% evergreen</del>                                |                                                                 |
| R, TR                                                       | Any minor residential subdivision                                                                                                            | 10 feet                                                                                                                                               | Preserve any existing trees located within the required buffer                                        | Preserve any existing shrubs located within the required buffer |
| <b><u>Semi-Opaque Apartment Buffer</u></b>                  | <b><u>Apartment building type, one building on one lot</u></b><br><br><b><u>Multi-building site development with apartment buildings</u></b> | <b><u>30 feet</u></b>                                                                                                                                 | <b><u>4 trees per 1000 sq/ft of buffer area; 75% large maturing evergreen; 25% small maturing</u></b> | <b><u>7 shrubs per 1000 sq/ft 100% evergreen</u></b>            |
| <b><u>Opaque Buffer for Town Center Edge Conditions</u></b> | <b><u>Any apartment, mixed-use, or non-residential development on the perimeter of the Town Center district</u></b>                          | <b><u>20 feet<sup>4</sup></u></b>                                                                                                                     | <b><u>5 trees per 1000 sq/ft of buffer area; 75% large maturing; 25% small maturing</u></b>           | <b><u>8 shrubs per 1000 sq/ft 100% evergreen</u></b>            |

<sup>1</sup>Minimum tree size is 2" caliper, with minimum height 8' to 10' at time of planting. Shrubs planted shall have a minimum height of 3' at installation, expected height of 6' at maturity.

<sup>2</sup>The CB, CI, and SP buffer is not required if the subject property is abutting a property zoned CB, CI, or SP. Further, a full eighty (80) foot buffer may be removed along street frontages where the building proposed addresses the public street with architecture and design consistent with the building type requirements of Article 4. The 80 foot buffer may be reduced to the width below along street frontages when the following conditions are met:

- 40 foot buffer

- Along any thoroughfare where only passenger vehicle parking is located between the building and the street, and/or the architecture of the building does not meet the building type requirements of Article 4.
- Along interior streets of existing or proposed business parks where loading, storage, truck dock, or utility areas are located between the building and the street.
- 20 foot buffer
  - Along interior streets of established or proposed business parks where only passenger vehicle parking is located in between the building and street, and/or the architecture of the building does not meet the building type requirements of Article 4.
  - Any building that meets the architectural standards of Article 4 but whose building is moved further from the street than the required build to line.
- Reduced street buffer widths may be disturbed and replanted so long as a complete visual opaque buffer is established at planting maturity between the building and street.

<sup>3</sup>Where non-residential uses are a part of a mixed-use development, buffer yards are not required between lesser intense uses.

~~<sup>4</sup>Where connectivity between subdivisions is appropriate for high quality neighborhood design, the Town Board may reduce or waive the required buffer yard.~~

<sup>54</sup>Except where non-residential uses in the HC and VS district abut residential uses, buffer yard width may be reduced to 10' if evergreen shrubs are used that will reach a minimum height of 8' at maturity. Shrubs shall be planted to create a complete visual buffer.

<sup>65</sup>The hierarchy of uses from lower intensity to higher intensity for purposes of determining buffer yards shall be as follows: Residential; Civic; Commercial/Office; Industrial.

#### **.4 Additional Buffer Yard Standards.**

1. Buffers are not required for internal property boundaries of a planned community with mixed uses, but will be required to be placed at the perimeter of the project.
2. Perimeter parking lot landscaping shall count towards the buffer requirements.
3. Berms shall be permitted as part of a successful buffer program providing that they:
  1. Are not permitted along public streets as a means of meeting the buffering requirement of this section.
  2. Have a minimum height of 2 feet, a minimum crown width of 8 feet, and a side slope with a width to height ratio of no greater than 3 to 1 (3:1) if 4 feet or less in height. Berms shall not exceed 6 feet in height and, if greater than 4 feet in height, shall have a minimum crown width of 8 feet, and a side slope with a width to height ratio of no greater than 4 to 1 (4:1). Exceptions may be made to the maximum or minimum height of berms by the zoning administrator where, in his opinion, topographical changes dictate such exception.
  3. Are designed and constructed with an undulating appearance which mimics as much as is practicable a natural topographical feature of the site.

4. Are substantially planted and covered with live vegetation. No berm shall consist entirely of turf grass, ground cover, mulch or similar material. If a berm is greater than 2 feet in height all trees shall be arranged so that they are planted within 2 vertical feet of the natural grade, unless irrigation is provided.
5. Are fully installed, planted, and stabilized prior to certification of zoning compliance.
6. Are designed to prevent standing water or to impede the flow of stormwater from adjacent properties.
7. Are free of structures, including fences, unless approved by the town as part of the landscaping requirements for a development site.
8. Are held and maintained by a legally constituted homeowners association if located in a residential development and shall not be used as part of any outdoor living space by adjacent property owners within the development.
9. Are not used for the display of vehicles or other merchandise, except that, when approved by the town, the berm and any other required landscaping area may be used as a display site for landscaping materials and plants for sale by an adjacent use.
10. Berms are not permitted where installation will destroy or damage required tree save areas.

**.5 Spacing of plantings.** Clustering and/or random spacing of plants and trees is encouraged to produce a natural appearance in the landscape to the extent that the plantings meet the screening intent of this section.

**.6 Grading and Development within the Buffer Yard Area.** No grading, clearing, or land disturbing activities shall occur within the required buffer yard area. Areas completely devoid of existing trees may be graded with slopes no greater than 3:1 as long as the future grades do not change the functionality of the required buffer yard (example: grading of a buffer yard to where the planted vegetation is below the property to be buffered). No fill or grading shall occur in any tree save area. Grading shall not create a new drainage pattern that is harmful to existing vegetation.

**.7 Alternate Buffer Yard Plan.** In the event of unusual topography or elevation of a development site, soil or other sub-surface condition on the site, or the presence of existing vegetation, the Zoning Administrator may alter the buffer yard requirements as long as the existing features of the development site comply with the spirit and intent of this Article. Such an alteration may occur only at the request of the property owner, who shall submit a plan to the Plan Reviewer showing existing site features that would buffer the proposed use and any additional buffer yard materials the property owner will plant or construct to buffer the proposed use. The Plan Reviewer shall not alter the requirements of the buffer yard unless the developer demonstrates that existing features and any additional buffer yard materials will buffer the proposed use as effectively as the required buffer yard. In deciding whether to

approve such a plan, the Plan Reviewer shall consult with the Zoning Inspector. Plans must be reviewed and approved prior to issuance of any certificate of occupancy.

.8 All buffer yards shall remain undisturbed except for the following:

Utility easements may cross a buffer yard, but may not be planted laterally in a buffer yard. To the extent possible, the path cleared shall be replaced with plant materials which are consistent with those that existed prior to the easement.

Driveways and street crossings may cross a buffer yard but may not be installed laterally in a buffer yard.

Sidewalks and other pedestrian or bicycle paths may cross a buffer yard or be placed within it if such avoid disturbing existing vegetation.

Landscaping installation, maintenance, and replacement shall be exempt.

.9 In situations where the required buffer yard width is partially or completely contained within an existing easement (e.g. power or natural gas transmission, etc.) the planting requirements of this Ordinance shall be met outside of the easement area. This area shall be identified as a buffer yard on all site, grading, erosion control, and landscape plans.

**Section 4.** Be it ordained by the Board of Commissioners of the Town of Huntersville that Article 9.64 of the Zoning Ordinance is hereby amended by to remove the subsection and add buffers for apartment developments in Article 7 of the Zoning Ordinance:

~~Multi-family homes in the NR, NC, TC, and HC zones shall be subject to the following provisions:~~

~~1. One multi-family homes on one lot shall be subject to the following:~~

~~1. Minimum buffer widths for adjoining property lines excluding street rights of way shall be as follows:~~

~~1. Five feet (5') minimum buffer width in any of the following circumstances: a) the apartment house has four dwelling units or less; b) boundaries are internal to a major subdivision containing the apartment house; or, c) the apartment house adjoins property zoned TC, TOD-R or TOD-E regardless of number of units, density, or adjoining land use.~~

~~2. Ten feet (10') minimum buffer width in either of the following circumstances: a) density is less than 10 units an acre regardless of the adjoining land use; or b) the apartment house is 10 units an acre or more and adjoins anything other than a detached house, duplex house, or attached house.~~

~~3. Twenty feet (20') minimum buffer width when density is between 10 to 15 units an acre and is adjoining a detached house, duplex house, or attached house.~~

~~4. Thirty feet (30') minimum buffer width when density if between 15+ to 20 units an acre and is adjoining a detached house, duplex house, or attached house.~~

- ~~5. Forty feet (40') minimum buffer width when density exceeds 20 units an acre and is adjoining a detached house, duplex house, or attached house.~~
- ~~2. There shall be three (3) trees per 1000 square feet of buffer area with a minimum of 50% large maturing, minimum of 25% small maturing, and minimum of 75% evergreen. Further, there shall be ten (10) shrubs per 1000 square feet of buffer area and 100% shall be evergreen.~~
- ~~2. Two or more multi-family homes on one lot constitutes a major subdivision and shall comply with all applicable requirements, including the Multi-Building Sites approval process found in Section 6.800 of the Subdivision Ordinance.~~

**Section 5.** Be it ordained by the Board of Commissioners of the Town of Huntersville that Article 3.2.1, e, 10, a of the Zoning Ordinance is hereby amended by to add a reference to Article 7.5 for the details of the 80 ft buffer for farmhouse clusters in the Rural Zoning District:

- a. Vegetated plantings consisting of ~~four~~ **five (4 5)** trees per 1,000 sq/ft of buffer area; 75% large maturing; ~~50%~~ evergreen; 25% small maturing and five (~~85~~) shrubs per 1,000 sq/ft; **100**~~75~~% evergreen; or

**Section 6.** Be it ordained by the Board of Commissioners of the Town of Huntersville that Article 3.2.2, e, 10, a of the Zoning Ordinance is hereby amended by to add a reference to Article 7.5 for the details of the 80 ft buffer required for farmhouse clusters in the Transitional Residential Zoning District:

- a. Vegetated plantings consisting of ~~four~~ **five (4 5)** trees per 1,000 sq/ft of buffer area; 75% large maturing; ~~50%~~ evergreen; 25% small maturing and five (~~85~~) shrubs per 1,000 sq/ft; **100**~~75~~% evergreen; or

**Section 7.** This ordinance shall become effective upon adoption.

**PUBLIC HEARING DATE:** July 15, 2025

**PLANNING BOARD MEETING:** July 22, 2025

**TOWN BOARD DECISION:** August 19, 2025



## Request for Board Action

July 15, 2025

**To:** The Honorable Mayor and Board of Commissioners

**From:** Lauren Speight, Senior Planner

**Subject:** Public Hearing on Petition #TA25-08

---

### **EXPLAIN REQUEST:**

Conduct public hearing for Petition #TA25-08, a request by the Huntersville Planning Department to amend the Zoning and Subdivision Ordinance. This amendment proposes revisions to requirements for permanent stormwater control measures, community meetings, existing features plans, berm standards, urban open space, farmhouse clusters, open space for minor subdivisions, and consistency with SB 166.

### **ACTION RECOMMENDED:**

Conduct public hearing.

### **FINANCIAL IMPLICATIONS:**

N/A

### **ATTACHMENTS:**

1. TA25-08 Staff Report PH 7.15.25
2. TA25-08 Text Amendment Application
3. TA25-08 Draft Ordinance for Public Hearing



## TA25-08 Miscellaneous Amendments

### PART 1: DESCRIPTION

TA25-08 is a request by the Huntersville Planning Department to amend Articles 3, 7, 8, 9, 10, 11, and 12 of the Huntersville Zoning Ordinance and Sections 2, 6, 7, 8, and 9 of the Huntersville Subdivision Ordinance. The purpose of the amendment is to revise requirements for permanent stormwater control measures, community meetings, existing features plans, berm standards, urban open space, farmhouse clusters, open space for minor subdivisions, and to provide consistency with SB 166.

### PART 2: BACKGROUND

While a significant section of this proposed amendment is intended to comply with the requirements of SB 166, this application is a comprehensive text amendment composed of staff-proposed revisions and revisions to comply with State statutes. Throughout this amendment changes are proposed to replace the term Best Management Practice (BMP) to Stormwater Control Measure (SCM). The corresponding definition of BMP is proposed to be revised to the definition of and SCM consistent with the most recent revision to the Town of Huntersville Water Quality Design Manual. Additionally, the term “built upon area” is proposed to be revised consistent with SB 166.

References to occupancy requirements throughout the Zoning and/or Subdivision Ordinances are proposed to be revised per SB 166 such that only requirements that amount to safety issues are proposed to remain. Resultingly, requirements that are not satisfied will necessitate code enforcement action by staff.

Separate from the requirements of SB 166, this amendment proposes a sunset on as-built submittals. The timely conversion of temporary stormwater control measures to permanent facilities is paramount to prevent untreated stormwater from infiltrating streams and ultimately the drinking water supply. The Town, with coordination from Mecklenburg County Stormwater Services, proposes parameters for the conversion of facilities and submission and approval of as-built packages to better protect the regional water systems.

As board members attend community meetings, an amendment is proposed to better specify that community meetings required by the Zoning and Subdivision Ordinances shall not be held on Town of Huntersville Board of Commissioners or Planning Board meeting nights. The intent is to reduce scheduling conflicts.

As berm standards are objectively and quantitatively listed in Article 7 of the Zoning Ordinance, an amendment is proposed to remove the requirement for berms proposed along thoroughfares to require additional approval by the Planning Board.

No more than 25% (twenty-five percent) of each SCM is permitted within urban open space. This amendment proposes to remove the option to exceed the limitation of 25% (twenty-five percent) with approval by the Planning Board. Developments have the option to seek rezoning from the standards of the Zoning Ordinance. The intent of urban open space, per Article 7.10 of the Zoning Ordinance, is to be planned and improved space that is accessible and usable. Occupying more than 25% (twenty-five percent) of urban open space with an SCM is contrary to the intent of urban open space.

Effective per the adoption of TA23-03 the density of minor subdivisions was limited to five residential lots. Currently, however, Farmhouse Cluster developments allow up to six residential lots per development. As such, all references categorizing farmhouse clusters are proposed to be revised such that farmhouse clusters are development type separate of minor subdivisions.

In contrast to farmhouse clusters or major subdivisions that require a new shared private driveway or new public streets, respectively, minor subdivisions are new lots along existing public streets. Currently, the Zoning Ordinance requirement that open space is not allowed in the home lots of minor subdivisions is the only Ordinance regulation that would require minor subdivisions to develop a shared maintenance agreement or create a homeowner's association. This amendment proposes to allow the open space required for minor subdivisions within home lots with the same open space restrictions and tree preservation requirements.

Existing feature plans demonstrate the pre-development landscape of a site and delineate the areas that should be preserved as tree preservation areas, open space areas, and other environmentally or culturally sensitive areas. As a part of this application, staff recommend the proposed limits of disturbance to be added to an existing features plan sheet to best ensure sensitive areas are protected.

### **PART 3: RELEVANT SECTIONS OF THE HUNTERSVILLE 2040 COMMUNITY PLAN**

TA25-08 is consistent with the following Huntersville 2040 Community Plan policies:

- **EOS-1.1: Support and enhance regulations pertaining to open space design and protection.** Staff Comment: Limiting the area of urban open space allowed to be consumed by stormwater control measures to 25% (twenty-five percent) better aligns the performance of urban open space with the intent to be improved, accessible, and usable.
- **EOS-3: Prioritize tree canopy preservation in the lower intensity areas (Residential Edge, Rural Conservation, and Critical watershed areas).** Staff Comment: Requiring existing features sheets to include proposed limits of disturbance supports tree preservation in lower-intensity areas of Town aligns with the Four-Step Process for the Rural and Transitional zoning districts supports proposed development to respect significant tree canopy and sensitive environmental areas.
- **EOS-4: In more urban environments, encourage the preservation of heritage trees and tree canopy enhancement.** Staff Comment: Requiring existing features sheets to include proposed limits of disturbance supports tree preservation in urban areas of Town by requiring plans to demonstrate proposed limits of disturbance avoid preservation areas.
- **EOS-5: Protect water quality.** Staff Comment: The proposal of a restriction for the completion of permanent stormwater control measures, inspection, and submission and approval of as-built supports the protection of water quality by ensuring stormwater leaving a developed site has been treated before entering the water system.

### **PART 4: STAFF RECOMMENDATION**

This application seeks to provide consistency with SB 166; reduce scheduling conflicts for board members to attend community meetings; reduce duplicative berm reviews with quantitative design standards; better align the use of urban open space with the intent; separate farmhouse clusters from minor subdivision plan types;

allow open space in the home lots of minor subdivisions; and, require the limits of disturbance on an existing features plan sheet to ensure better quality open space.

Several components of the proposed amendment seek to provide consistency with SB 166, improve the efficiency of plan reviews, and reduce scheduling conflicts for board members to attend community meetings. Staff recommends approval of the remaining components of the proposed text amendment due to its consistency with policies EOS-1, EOS-3, EOS-4, and EOS-5 of the Huntersville 2040 Plan.

#### PART 5: PUBLIC HEARING

The Public Hearing is scheduled for July 15, 2025.

#### PART 6: PLANNING BOARD RECOMMENDATION

The Planning Board review is scheduled for July 22, 2024.

#### PART 7: ATTACHMENTS

1. Text Amendment Application
2. Proposed Ordinance

#### PART 8: STATEMENT OF CONSISTENCY – TA25-08

| Planning Department                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Planning Board                                                                                                                                                                                                                                                                                                   | Board of Commissioners                                                                                                                                                                                                                                                                                       |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>APPROVAL:</b> In considering the proposed amendment TA25-08, Planning Staff recommends approval based on consistency with policies EOS-1.1, EOS-3, EOS-4, and EOS-5 of the Huntersville 2040 Plan.</p> <p>It is reasonable and in the public interest to approve the application because it provides consistency with SB 166; reduces scheduling conflicts for board members to attend community meetings; reduce duplicative berm reviews with quantitative design standards; better align the use of urban open space with the intent; distinguishes farmhouse clusters as a unique plan type; allows open space in the home lots of minor subdivisions; and, supports the protection of sensitive areas by requiring the propose limits of disturbance to</p> | <p><b>APPROVAL:</b> In considering the proposed amendment TA25-08, the Planning Board recommends approval based on the amendment being consistent with <u>(insert applicable plan reference)</u></p> <p>It is reasonable and in the public interest to amend the Zoning Ordinance because...<i>(Explain)</i></p> | <p><b>APPROVAL:</b> In considering the proposed amendment TA25-08, the Town Board recommends approval based on the amendment being consistent with <u>(insert applicable plan reference)</u></p> <p>It is reasonable and in the public interest to amend the Zoning Ordinance because...<i>(Explain)</i></p> |

|                                              |                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                     |
|----------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| be shown on an existing features plan sheet. |                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                     |
| <b>DENIAL:</b> N/A                           | <p><b>DENIAL:</b> In considering the proposed amendment TA25-08, the Planning Board recommends denial based on the amendment being <b><u>(consistent OR inconsistent)</u></b> with <b><u>(insert applicable plan reference)</u></b>.</p> <p>It is not reasonable and in the public interest to amend the Zoning Ordinance because....<br/>(Explain)</p> | <p><b>DENIAL:</b> In considering the proposed amendment TA25-08, the Town Board recommends denial based on the amendment being <b><u>(consistent OR inconsistent)</u></b> with <b><u>(insert applicable plan reference)</u></b>.</p> <p>It is not reasonable and in the public interest to amend the Zoning Ordinance because....<br/>(Explain)</p> |



## Text Amendment Application

Date of Application May 1, 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

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

### Description of Change

Proposed text amendment will affect the following: See attached

Ordinance(s): \_\_\_\_\_ Article(s): \_\_\_\_\_ Section(s): \_\_\_\_\_

Current Ordinance

Proposed Text

Reason for Proposed  
Change

Attach additional pages if needed.

The purpose of this amendment is to revise requirements for permanent stormwater control measures, community meetings, existing features plans, berm standards, urban open space, farmhouse clusters, open space for minor subdivisions, and to provide consistency with SB 166.

**NOTE: If the proposed text amendment effects property located along Hwy 73; is 2000 feet from an adjoining municipality, and/or the Mountain Island and Lake Norman Watersheds, additional peer review is required.**

## Applicant

Printed Name Town of Huntersville Planning Department

☐ Corporation ☐ Limited Liability Company ☐ Trust ☐ Partnership ☒ Other: \_\_\_\_\_

Signature  Date 5/1/25

Title Planning Director Email planning@huntersville.org

Address of Applicant 105 Gilead Road, Huntersville, NC

## 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: \_\_\_\_\_

## Contents

|                                                                                    |     |
|------------------------------------------------------------------------------------|-----|
| <b>3.2.1 RURAL DISTRICT (R)</b> .....                                              | 3   |
| <b>3.2.2 TRANSITIONAL RESIDENTIAL DISTRICT (TR)</b> .....                          | 12  |
| <b>3.3.2-A Critical Areas (CA-1, C A-2, CA-3, CA4)</b> .....                       | 21  |
| <b>3.3.2-B Protected Areas (PA-1, PA-2)</b> .....                                  | 29  |
| <b>3.3.3-A Critical Area (CA)</b> .....                                            | 38  |
| <b>7.4 Tree Preservation, Protection, And Removal</b> .....                        | 46  |
| <b>7.5 Buffer Yards</b> .....                                                      | 53  |
| <b>7.8 Installation Guarantees And Maintenance Sureties</b> .....                  | 59  |
| <b>7.10 Open Space - Purpose, Intent And Definitions</b> .....                     | 59  |
| <b>7.11 Urban, Agricultural, Common, Natural And Recreational Open Space</b> ..... | 62  |
| <b>8.7 Height Limitation</b> .....                                                 | 72  |
| <b>8.17 Water Quality</b> .....                                                    | 73  |
| <b>8.25 SWIM (Surface Water Improvement And Management) Stream Buffers</b> .....   | 106 |
| <b>8.26 Site Lighting</b> .....                                                    | 118 |
| <b>9.1 Accessory Dwelling</b> .....                                                | 123 |
| <b>9.35 Schools</b> .....                                                          | 123 |
| <b>10.2 Applicability</b> .....                                                    | 126 |
| <b>10.8 Temporary Signs Requiring A Permit</b> .....                               | 126 |
| <b>10.10 Signs Permitted Without A Sign Permit</b> .....                           | 127 |
| <b>11.1 Zoning Administration</b> .....                                            | 132 |
| <b>11.2 Enforcement</b> .....                                                      | 134 |
| <b>11.3 Appeals And Variances</b> .....                                            | 138 |
| <b>11.4 Amendment Process</b> .....                                                | 148 |
| <b>11.6 Zoning Compliance</b> .....                                                | 165 |
| <b>12.2.1 General Definitions</b> .....                                            | 169 |
| <b>12.2.3 Watershed Definitions</b> .....                                          | 213 |
| <b>14.4.2 Mitigation</b> .....                                                     | 218 |
| <b>2.100 DEFINITIONS</b> .....                                                     | 220 |

TA25-08: Miscellaneous Amendments

**6.200B GENERAL REQUIREMENTS..... 226**

**6.310 SKETCH PLAN NOT REQUIRED FOR MINOR SUBDIVISIONS..... 230**

**6.315 SKETCH PLAN NOT REQUIRED FOR FARMHOUSE CLUSTERS ..... 230**

**6.320 REVIEW OF MAJOR SUBDIVISION SKETCH PLAN..... 233**

**6.400 PRELIMINARY PLAN REQUIREMENTS ..... 235**

**7.290 LOTS WITHIN THE MOUNTAIN ISLAND LAKE WATERSHED PROTECTION AREA 238**

**7.295 LOTS WITHIN THE LAKE NORMAN WATERSHED PROTECTION AREA ..... 247**

**7.300 DESIGN STANDARDS FOR SWIM (SURFACE WATER IMPROVEMENT AND  
MANAGEMENT) STREAM BUFFERS ..... 250**

**8.170 STREET MARKERS AND BARRICADES ..... 262**

**9.000 ENFORCEMENT ..... 263**



### **3.2.1 RURAL DISTRICT (R)**

**Intent:** The Rural District is provided to encourage the development of neighborhoods and rural compounds that set aside natural vistas and landscape features for permanent conservation. The density of development is regulated on a sliding scale; permitted densities rise with increased open space preservation. Development typologies associated with the Rural District are farms, the single house, the conservation subdivision, the farmhouse cluster, and the residential neighborhood. The section number in parenthesis following listed use indicates the ordinance section of development conditions.

#### **1. Permitted Uses.**

##### **Uses permitted by right.**

- bed and breakfast inn
- boarding or rooming houses for up to two roomers
- family care home
- single-family detached homes

##### **Uses permitted with conditions.**

- cemeteries, (9.7)
- religious institutions, (9.8)
- commercial communication towers, (9.9)
- duplexes up to 10% of dwelling units in development, (9.13)
- duplexes up to 10% of dwelling units in development, (9.13)
- essential services 1 and 2, (9.14)
- government buildings up to 5,000 sq. ft. of gross floor area; fire stations are permitted in government buildings up to 15,000 sq. ft. of gross floor area
- neighborhood and outdoor recreation, (9.21)
- parks, (9.29)
- plant nurseries, (9.46)
- riding academies and/or commercial stables, (9.33)
- schools, (9.35)
- transit shelters, (9.39)
- banquet facility, (9.59)
- dormitory for a bona fide farm, (9.62)

##### **Uses permitted with Special Use Permit.**

## TA25-08: Miscellaneous Amendments

- agricultural industry, (9.3)
- solar energy facility, major, (9.54)
- wind energy facility, major, (9.53)
- wind energy facility, minor, accessory (9.53)

### 2. Permitted Building and Lot Types.

- attached house
- civic building
- detached house

### 3. Permitted Accessory Uses.

- accessory dwelling, (9.1))
- daycare home (small), (9.11)
- home occupations, (9.19)
- marinas, (9.42)
- solar energy facility, minor residential (9.54)
- solar facility, minor non-residential (9.54)
- accessory uses permitted in all districts (8.11)

### 4. General Requirements.

1. **Frontage** on a public street is required for all lots in the Rural District except those comprising a Farmhouse Cluster (see Special Requirements, paragraph e), this section), those comprising a Conservation Subdivision (see Special Requirements, paragraph f), or those specifically exempted in Article 8.1.
2. **Development** in the Rural District shall meet the following standards:
  1. Non-residential lots outside of planned developments and lots in exempt subdivisions not approved as Farmhouse Clusters or Conservation Subdivisions require a minimum lot size of 20,000 sq. ft. and a minimum lot width of 90'; no open space requirement. Further, individual lots of less than 20,000 sq. ft. and/or 90' width, existing prior to the effective date of this ordinance, are construed to be conforming.
  2. Except as provided in a. above, Farmhouse Cluster and Conservation Subdivision Standards, density in the Rural zoning district shall be as

TA25-08: Miscellaneous Amendments

follows:

|                      |                                                                                                                                                          |     |             |
|----------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------|-----|-------------|
| Percent Open Space   | 0% unless tract is within a proposed greenway, in which case the greenway shall, at a minimum, be reserved as open space per the subdivision regulations | 25% | 45% or more |
| Units per Gross Acre | Less than .3 units per acre                                                                                                                              | .30 | .90         |

3. For every 1% additional open space over 25%, density can be increased by .03 units per gross acre to a maximum of .90 units per gross acre.
4. Open space which is improved, dedicated and accepted by a public agency for public use shall be counted as 1.5 times the actual acreage as an incentive to provide improved public open space. Written proof of willingness to accept the open space by a public agency shall be presented at all stages of the approval process. Access shall at least consist of trails built to public standards meandering through the open space with public access points readily available and public access signs posted at those locations and where the trail intersects with roads shown on the Thoroughfare Plan. Other improvements, such as parks, shall be in accordance with applicable governmental standards.
5. In determining density permissible on a tract of land, fractions shall be dropped.
6. Lot sizes shall average at least 15,000 sq. ft., but in no case shall any lot be less than 8,000 sq. ft. The front yard setback for residential lots shall be a minimum of 25'. The side yard setback shall be 8' and the rear yard setback shall be a minimum of 25'.
7. Lot widths shall average at least 70' feet (excluding cul-de-sac lots), but in no case shall any lot be less than 60' wide. On cul-de-sac or turn-arounds, lots shall have at least 80% of the minimum lot width required when measured to a point 50' back from the street right-of-way. Further, these lots shall have a minimum 35' of frontage along the street right-of-way.

## TA25-08: Miscellaneous Amendments

8. In residential subdivisions, lots should not have a depth greater than 4 times the width at the build-to or setback line except where physical dimensions of the tract provide no other alternative layout or where the open space is for a required buffer. Emphasis shall be on quality of design as opposed to reduction of development costs.
  9. In order to preserve the low intensity development character found in the Rural zoning district, along existing state-maintained roads and future thoroughfares a visually opaque landscaped buffer of native vegetation at least 80 feet in width shall be required for major subdivisions unless a more restrictive buffer is established elsewhere in these regulations. The buffer shall be in common area and shall be counted towards meeting open space requirements.
  10. In major residential subdivisions, a landscaped median at least 20' in width shall be required at all entrances into the subdivision.
  11. Open space shall not be located in private residential lots, unless specifically allowed by this ordinance.
3. **Open Space.** Designated open space includes that parcel or parcels of land, which shall be set aside in perpetuity and shall have no buildings or permanent structures constructed within its perimeters except as provided for in this section. There are four types of open space in the Rural District – agriculture, common, natural, and recreation. Open space shall meet the provisions of this section and the provisions for open space established in Article 7, Part B.
1. Areas containing buildings and other impervious surfaces in excess of 100 sq. ft., shall not be counted as open space. This shall include, but not be limited to, barns, storage buildings, parking lots, clubhouses and tennis courts,
  2. Open Space that is dedicated and accepted by the general public shall be maintained and managed by the Town of Huntersville or Mecklenburg County. The town and county have the right to accept or deny the dedication of open space to the public.
  3. In ~~the~~ Minor Subdivisions and Conservation Subdivisions, open space may also include portions of private building lots subject to a conservation or open space easement.

## TA25-08: Miscellaneous Amendments

4. Open space preservation shall be irrevocable. A metes and bounds description of the space to be preserved and limits on use shall be recorded on the subdivision plat, in homeowner covenants, and on individual deeds when open space lands are not held entirely in common. Alternative means of permanent open space preservation may include acceptance by a land conservation trust or a unit of government. Private management alternatives which ensure the open space preservation required by this section will also be permitted. Restrictive covenants shall limit uses to the continuation of certain agricultural activities (pastureland, crop cultivation) or recreation uses that preserve the view from public streets of rural heritage features to be preserved. Upon verification by the town that restriction of development has been established by a permanent and irrevocable instrument, a letter so nothing shall be simultaneously issued to the property owner(s) and to the Mecklenburg County Tax Administrator, Office of Real Estate Appraisal.

### **4. Compatibility with Surrounding Development.**

1. Along existing streets, new buildings shall respect the general spacing of structures, building mass and scale, and street frontage relationships of existing buildings.
  - New buildings which adhere to the scale, massing, volume, spacing, and setback of existing buildings along fronting streets exhibit demonstrable compatibility.
  - New buildings which exceed the scale and volume of existing buildings may demonstrate compatibility by varying the massing of buildings to reduce perceived scale and volume. The definition of massing in Article 12 illustrates the application of design techniques to reduce the visual perception of size and integrate larger buildings with pre-existing smaller buildings.
  - A single-family detached house established on a lot of one acre or more that is created according to the provisions of Article 8.1, paragraph 1, need not adhere to the spacing, massing, scale, and street frontage relationships of existing buildings along an existing street or road, but shall, at a minimum, observe a front setback of 40

## TA25-08: Miscellaneous Amendments

feet and a lot width of 90 feet. This paragraph shall take precedence over the requirement of Article 4: Lot Types/Detached House for placement of a building on its lot.

- Nothing in this subsection shall be interpreted to conflict with the building design element provisions as found in N.C.G.S. 160D-702(b) for structures subject to the North Carolina Residential Code.

2. On new streets, allowable building and lot types will establish the development pattern.

5. See Section 8.16, Standards for Residential Lot Widths, Alleys, Garages and Parking in Residential Districts.

5. **Special Requirements: Farmhouse Cluster Developments. A Farmhouse Cluster** permits the subdivision of land for up to six house lots accessed by way of a shared private drive when the following conditions have been met:

1. Minimum project size and frontage on public road: 10 acres with a minimum of 30 feet of frontage on a public road either by fee simple ownership or by exclusive easement.
2. There shall be no more than two farmhouse cluster developments permitted per tract.
3. Private drives shall be paved in accordance with the Town of Huntersville construction standards. The private street right-of-way or easement shall be sufficient width to accommodate drainage/water quality treatment associated with the private drive. Further, the recorded easement shall have at least 30' of frontage on a public street. In the event two farmhouse clusters are established, the private drive serving those farmhouse clusters may be connected provided:
  1. The subdivision plat and associated deeds shall clearly state such drive shall remain private and will not be taken over by a public entity in the future unless such street complies with the construction standards of that public entity.
  2. Where feasible, there shall be two means of ingress and egress into the combined farmhouse cluster development. Only in the event the original tract does not have the adequate frontage on a public road to

#### TA25-08: Miscellaneous Amendments

obtain two driveway permits would one private drive be allowed to serve the combined farmhouse cluster development;

4. An association of all property owners shall be established for maintenance of all commonly held spaces, if any. Where there are no commonly held spaces except for a shared driveway or private street, a legally binding shared driveway and/or private street use and maintenance agreement shall be filed at the Register of Deeds of Mecklenburg County. Furthermore, the shared driveway or private road shall be shown, along with all appropriate and necessary easements, on a recorded plat and a note shall be attached thereto stipulating the use and maintenance of the driveway and referencing the recorded agreement(s).
5. The location of building sites shall be determined through a site analysis which identifies features listed in Article 7 to be preserved as open space;
6. No minimum lot size or width is required, so long as the project meets all other standards of the district. Detached garages in farmhouse clusters shall be placed in the side or rear yard of home lots. Farmhouse clusters must include an opaque vegetative buffer from the public street for the placement of detached garages in the side yard of home lots.
7. At least 50% of the tract shall be designated as open space. Open space preservation shall be irrevocable. A metes and bounds description of the space to be preserved and limits on use shall be recorded on the subdivision plat and on individual deeds when open space lands are not held entirely in common. Open space lands may be part of a deeded lot so long as it reflects an irrevocable conservation or open space easement requiring such portions of individual lots to remain and be used as open space as provided in this section.
8. Permitted uses of open space lands to be preserved shall correspond generally to physical conditions at the time of subdivision approval. Restrictive covenants shall limit uses to the continuation of certain agricultural activities (pastureland, crop cultivation) or recreation uses that preserve the view from public streets of rural heritage features to be preserved. For example, fields or pasture land preserved as required open space may continue to support cultivation or grazing; however existing woodlands may not be clear-cut. In order to ensure septic tanks are located

## TA25-08: Miscellaneous Amendments

on the most suitable soils, septic fields may be located in common open space provided a maintenance easement is established for access.

9. Private building lots, or any portion thereof, shall not be used to satisfy tree save requirements or open space requirements.
  10. The project shall provide an 80-foot landscaped buffer along the property street frontage. The buffer shall consist of:
    1. Vegetated plantings consisting of four (4) trees per 1,000 sq/ft of buffer area; 75% large maturing; 50% evergreen; 25% small maturing and five (5) shrubs per 1,000 sq/ft; 75% evergreen; or
    2. Softscape (i.e. street trees, meadow, or pastures) and hardscape elements (i.e. stone walls or split rail fencing). Residential structures must not be visible from ~~the~~ the public road using an opaque screening (Article 7.6.2).
  11. Where a farmhouse cluster would eliminate a planned street connection or a street connection indicated on a plan adopted by the Town of Huntsville or the Charlotte-Mecklenburg Thoroughfare Plan, and no alternate alignment can reasonably provide the connection, the design of the farmhouse cluster shall provide for said connection by the dedication of right-of-way for streets less than 70 feet in width and by the reservation of right-of-way for streets 70 feet or wider.
  12. A Farmhouse Cluster requires an approved **Farmhouse Cluster subdivision plan**, according to the requirements of the Huntersville Subdivision Ordinance including approval by the Planning Staff and shall meet all other requirements for review and approval, which may include preliminary plan approval prior to approval of a final plat.
6. **Special Requirements: Conservation Subdivisions.** A **Conservation Subdivision** permits single-family building lots to be divided from a parent tract(s) according to a streamlined subdivision approval process. The approval process, coupled with exemption from most zoning and subdivision requirements, is available to owners who voluntarily place conservation easements on their land in favor of an established lands conservancy. A land division can be approved as a Conservation Subdivision when the following conditions are met:
1. An irrevocable conservation easement held by a conservation organization is placed upon the tract(s) to be subdivided, and documentation of the



## TA25-08: Miscellaneous Amendments

conservation easement, including a boundary description of the area subject to the conservation easement is submitted with the subdivision application.

2. Limits on location and extent of land disturbance and building construction are set out in the conservation easement(s), which shall at a minimum preserve the rural appearance of the land when viewed from public roads and from abutting properties.
3. Treatment of floodplain(s) and required water quality buffers, as described in the conservation easement(s), conform to the minimum standards of the Huntersville Zoning and Subdivision Ordinances.
4. Minimum project size: 40 acres.
5. Maximum gross density: 1 dwelling unit per 20 acres.
6. No new public streets are to be created through the development process.
7. All parcels within the conservation subdivision will have frontage on an existing public road right-of-way or will be provided access to a permanent 20-foot wide access easement that connects to the public right-of-way. Permanent access easement(s) may be either exclusive or non-exclusive, however landlocked parcel(s) may not be created. Documentation of lot access shall be submitted with the subdivision application.
8. The holder of the conservation easement will be held responsible for enforcement of the terms of the conservation easement.
9. Where the parent tract(s) abuts or includes a segment of a thoroughfare that is shown on the adopted Comprehensive Transportation Plan and for which an engineered alignment has been selected, any right of way reservation required by the subdivision regulations shall be made, either by the filing of a deed or the filing of a plat map.
10. Documentation of the above, including a copy of the recorded conservation easement with metes and bounds description, shall be provided with the subdivision application and shall entitle the subdivider to choose to divide the property by deed, as a metes and bounds subdivision, or by final plat approval and recordation according to the requirements of Subdivision Ordinance Section 6.520 for a minor subdivision.
11. A Conservation Subdivision and the lots and homes built therein are exempt from the following ordinance provisions: • Requirement that each building lot

## TA25-08: Miscellaneous Amendments

have frontage on a public street. • Requirement to provide open space. • Requirements of Article 4: Lot Types/Detached House, which section describes the placement of a building on its lot. • Requirements for the placement and size of residential garages set out in Section 8.16, paragraphs .1 and .6. All other standards of Section 8.16 shall apply. • Requirement to plant street trees along existing public road(s) where existing, mature trees are to be preserved as a condition of the conservation easement. • Requirement to construct or escrow funds for sidewalks or alternative pedestrian paths along existing public road(s).

### 3.2.2 TRANSITIONAL RESIDENTIAL DISTRICT (TR)

**Intent:** The Transitional Residential District serves as a bridge between rural zones and more urbanized development. It is provided to encourage the development of neighborhoods and rural compounds that set aside significant natural vistas and landscape features for permanent conservation. Density of development is regulated on a sliding scale; permitted densities rise with increased open space preservation. Development typologies associated with the Transitional District are farms, the single house, the conservation subdivision, the farmhouse cluster, and the residential neighborhood. The section number in parenthesis following listed use indicates the ordinance section of development conditions.

#### 1. **Permitted Uses.**

##### **Uses permitted by right.**

- bed and breakfast inns
- boarding or rooming houses for up to two roomers
- family care home
- single family detached homes

##### **Uses permitted with conditions.**

- cemeteries, (9.7)
- religious institutions, (9.8)
- duplexes up to 20% of dwelling units in development, (9.13)
- essential services 1 and 2, (9.14)
- government buildings up to 5,000 sq. ft. of gross floor area; fire stations are permitted in government buildings up to 15,000 sq. ft. of gross floor area
- neighborhood and outdoor recreation, (9.21)
- parks, (9.29)

## TA25-08: Miscellaneous Amendments

- plant nurseries, (9.46)
- riding academies and/or commercial stables, (9.33)
- schools, (9.35)
- transit shelters, (9.39)

### **Uses permitted with Special Use Permit.**

- agricultural industry, (9.3)
- dormitory for a bona fide farm (9.62)
- energy facility, major, (9.54)
- wind energy facility, major, (9.53)
- wind energy facility, minor, accessory, (9.53)

### **2. Permitted Building and Lot Types.**

- attached house
- civic building
- detached house

### **3. Permitted Accessory Uses.**

- accessory dwelling, (9.1)
- daycare home (small), (9.11)
- home occupations, (9.19)
- marinas, (9.42)
- solar energy facility, minor residential (9.54)
- solar facility, minor non-residential (9.54)
- accessory uses permitted in all districts (8.11)

### **4. General Requirements.**

1. **Frontage** on a public street is required for all lots in the Transitional Residential District except those comprising a Farmhouse Cluster (see Special Requirements, paragraph e), this section), those comprising a Conservation Subdivision (see Special Requirements, paragraph f), or those specifically ~~excepted~~[exempted](#) in Article 8.1.
2. **Development** in the Transitional Residential District shall meet the following standards:
  1. Non-residential lots outside of planned developments and lots in exempt subdivisions not approved as Farmhouse Clusters or Conservation Subdivisions require a minimum lot size of 20,000 sq. ft. and a minimum lot width of 90'; no open space requirement. Further,

TA25-08: Miscellaneous Amendments

individual lots of less than 20,000 sq. ft. and/or 90' width, existing prior to the effective date of this ordinance, are construed to be conforming.

2. Except as provided in a. above, Farmhouse Cluster and Conservation Subdivision Standards, density in the Transitional zoning district shall be as follows:

|                      |     |             |
|----------------------|-----|-------------|
| Percent Open Space   | 20% | 40% or more |
| Units per Gross Acre | .5  | 1.5         |

3. For every 1% additional open space over 20%, density can be increased by .05 units per gross acre to a maximum of 1.5 units per gross acre.
4. Open space which is improved, dedicated and accepted by a public agency for public use shall be counted as 1.5 times the actual acreage as an incentive to provide improved public open space. In order to obtain credit the open space should align with the Town and County's future land use plans. Written proof of willingness to accept the open space by a public agency shall be presented at all stages of the approval process. Access shall at least consist of trails built to public standards meandering through the open space with public access points readily available and public access signs posted at those locations and where the trail intersects with roads shown on the Thoroughfare Plan. Other improvements, such as parks, shall be in accordance with applicable governmental standards.
5. In determining density permissible on a tract of land, fractions shall be dropped. In mixed use developments, areas used for nonresidential purposes shall be subtracted from the tract acreage to determine density permitted.
6. Lot sizes shall average at least 7,500 sq. ft., but in no case shall any lot be less than 6,000 sq. ft. The front yard setback for residential lots shall be a minimum of 20'. The side yard setback shall be 6' and the rear yard setback shall be a minimum of 25'.

TA25-08: Miscellaneous Amendments

7. Lot widths shall average at least 60 feet (excluding cul-de-sac lots), but in no case shall any lot be less than 50' wide. On cul-de-sac or turn-arounds, lots shall have at least 80% of the minimum lot width required when measured to a point 50' back from the street right-of-way. Further, these lots shall have a minimum 25' of frontage along the street right-of-way. No more than 50% of the lots in a subdivision shall be one width. A 10' differential in lot widths is required. At least 2 lot widths shall be required for subdivisions of 50 or less lots and at least 3 lot widths shall be required for subdivisions over 50 lots in size.
  8. In residential subdivisions, lots should not have a depth greater than four (4) times the width at the build-to or setback line except where physical dimensions of the tract provide no other alternative layout or where the open space is for a required buffer. Emphasis shall be on the quality of design as opposed to reduction of development costs.
  9. In order to preserve the low intensity development character found in the Transitional Residential zoning district, along existing state-maintained roads and future thoroughfares a visually opaque landscaped buffer of native vegetation at least 80 feet in width shall be required for major subdivisions unless a more restrictive buffer is established elsewhere in these regulations. The buffer shall be in common area and shall be counted towards meeting open space requirements.
  10. In major residential subdivisions, a landscaped median at least 20' in width shall be required at all entrances into the subdivision.
  11. Open space shall not be located in private residential lots, unless specifically allowed by this ordinance.
3. **Open Space.** Designated open space includes that parcel or parcels of land, which shall be set aside in perpetuity and shall have no buildings or permanent structures constructed within its perimeters except as provided for in this section. There are five types of open space in the Transitional Residential District: urban, agricultural, common, natural, and recreational. Open space shall meet the provisions of this section and the provisions for open space established in Article 7, Part B.
1. Areas containing buildings and other impervious surfaces in excess of 100 sq. ft., shall not be counted as Open Space. This shall include,

## TA25-08: Miscellaneous Amendments

but not be limited to, barns, storage buildings, parking lots, clubhouses and tennis courts,

2. Open Space that is dedicated and accepted by the general public shall be maintained and managed by the Town of Huntersville or Mecklenburg County. The town and county have the right to accept or deny the dedication of open space to the public.
3. In ~~the Minor Subdivisions and~~ Conservation Subdivisions, open space may also include portions of private building lots subject to a conservation or open space easement.
4. Open space preservation shall be irrevocable. A metes and bounds description of the space to be preserved and limits on use shall be recorded on the subdivision plat, in homeowner covenants, and on individual deeds when open space lands are not held entirely in common. Alternative means of permanent open space preservation may include acceptance by a land conservation trust or a unit of government. Private management alternatives which ensure the open space preservation required by this section will also be permitted. Restrictive covenants shall limit uses to the continuation of certain agricultural activities (pastureland, crop cultivation) or recreation uses that preserve the view from public streets of rural heritage features to be preserved. Upon verification by the town that restriction of development has been established by a permanent and irrevocable instrument, a letter so noting shall be simultaneously issued to the property owner(s) and to the Mecklenburg County Tax Administrator, Office of Real Estate Appraisal.

### 4. **Compatibility with Surrounding Development.**

1. Along existing streets, new buildings shall respect the general spacing of structures, building mass and scale, and street frontage relationships of existing buildings.
  - New buildings which adhere to the scale, massing, volume, spacing, and setback of existing buildings along fronting streets exhibit demonstrable compatibility.
  - New buildings which exceed the scale and volume of existing

## TA25-08: Miscellaneous Amendments

buildings may demonstrate compatibility by varying the massing of buildings to reduce perceived scale and volume. The definition of massing in Article 12 illustrates the application of design techniques to reduce the visual perception of size and integrate larger buildings with pre-existing smaller buildings.

- A single-family detached house established on a lot of one acre or more that is created according to the provisions of Article 8.1, paragraph 1, need not adhere to the spacing, massing, scale, and street frontage relationships of existing buildings along an existing street or road, but shall, at a minimum, observe a front setback of 40 feet and a lot width of 90 feet. This paragraph shall take precedence over the requirement of Article 4: Lot Types/Detached House for placement of a building on its lot.

- Nothing in this subsection shall be interpreted to conflict with the building design element provision as found in N.C.G.S. 160D-702(b) for structures subject to the North Carolina Residential Code.

2. On new streets, allowable building and lot types will establish the development pattern.

5. See Section 8.16, Standards for Residential Lot Widths, Alleys, Garages and Parking in Residential Districts.

5. **Special Requirements: Farmhouse Cluster Developments.** A **Farmhouse Cluster** permits the subdivision of land for up to six house lots accessed by way of a shared private drive when the following conditions have been met:

1. Minimum project size and frontage on public road: 10 acres with a minimum of 30 feet of frontage on a public road either by fee simple ownership or by exclusive easement.
2. There shall be no more than two farmhouse cluster developments permitted per tract.
3. Private drives shall be paved in accordance with the Town of Huntersville construction standards. The private street right-of-way or easement shall be of sufficient width to accommodate drainage/water quality treatment associated with the private drive. Further, the recorded easement shall have at least 30' of frontage on a public street. In the event two farmhouse clusters

#### TA25-08: Miscellaneous Amendments

are established, the private drive serving those farmhouse clusters may be connected provided:

1. The subdivision plat and associated deeds shall clearly state such drive shall remain private and will not be taken over by a public entity in the future unless such street complies with the construction standards of that public entity.
2. Where feasible, there shall be two means of ingress and egress into the combined farmhouse cluster development. Only in the event the original tract does not have the adequate frontage on a public road to obtain two driveway permits would one private drive be allowed to serve the combined farmhouse cluster development;
4. An association of all property owners shall be established for maintenance of all commonly held spaces, if any. Where there are no commonly held spaces except for a shared driveway or private street, a legally binding shared driveway and/or private street use and maintenance agreement shall be filed at the Register of Deeds of Mecklenburg County. Furthermore, the shared driveway or private road shall be shown, along with all appropriate and necessary easements, on a recorded plat and a note shall be attached thereto stipulating the use and maintenance of the driveway and referencing the recorded agreement(s).
5. The location of building sites shall be determined through a site analysis which identifies features to be preserved as open space;
6. No minimum lot size or width is required, so long as the project meets all other standards of the district. Detached garages in farmhouse clusters shall be placed in the side or rear yard of home lots. Farmhouse clusters must include an opaque vegetative buffer from the public street for the placement of detached garages in the side yard of home lots.
7. At least 50% of the tract shall be designated as open space. Open space preservation shall be irrevocable. A metes and bounds description of the space to be preserved and limits on use shall be recorded on the subdivision plat and on individual deeds when open space lands are not held entirely in common. Open space lands may be part of a deeded lot so long as it reflects an irrevocable conservation or open space easement requiring such portions of individual lots to remain and be used as open space as provided in this section.



## TA25-08: Miscellaneous Amendments

8. Permitted uses of open space lands to be preserved shall correspond generally to physical conditions at the time of subdivision approval. Restrictive covenants shall limit uses to the continuation of certain agricultural activities (pastureland, crop cultivation) or recreation uses that preserve the view from public streets of rural heritage features to be preserved. For example, fields or pasture land preserved as required open space may continue to support cultivation or grazing; however existing woodlands may not be clear-cut. In order to ensure septic tanks are located on the most suitable soils, septic fields may be located in the common open space provided a maintenance easement is established for access.
  9. Private building lots, or any portion thereof, shall not be used to satisfy tree save requirements or open space requirements.
  10. The project shall provide an 80-foot landscaped buffer along the property street frontage. buffer shall consist of:
    1. Vegetated plantings consisting of four (4) trees per 1,000 sq/ft of buffer area; 75% large maturing; 50% evergreen; 25% small maturing and five (5) shrubs per 1,000 sq/ft; 75% evergreen; or
    2. Softscape (i.e. street trees, meadow, or pastures) and hardscape elements (i.e. stone walls or split rail fencing). Residential structures must not be visible from the public road using an opaque screening (Article 7.6.2).
  11. Where a farmhouse cluster would eliminate a planned street connection or a street connection indicated on a plan adopted by the Town of Huntsville or the Charlotte-Mecklenburg Thoroughfare Plan, and no alternate alignment can reasonably provide the connection, the design of the farmhouse cluster shall provide for said connection by the dedication of right-of-way for streets less than 70 feet in width and by the reservation of right-of-way for streets 70 feet or wider.
  12. A Farmhouse Cluster requires an approved **Farmhouse Cluster subdivision plan**, according to the requirements of the Huntersville Subdivision Ordinance including approval by the Planning Staff and shall meet all other requirements for review and approval, which may include preliminary plan approval prior to approval of a final plat.
6. **Special Requirements: Conservation Subdivisions.** A **Conservation Subdivision** permits single-family building lots to be divided from a parent tract(s) according to a

## TA25-08: Miscellaneous Amendments

streamlined subdivision approval process. The approval process, coupled with exemption from most zoning and subdivision requirements, is available to owners who voluntarily place conservation easements on their land in favor of an established lands conservancy. A land division can be approved as a Conservation Subdivision when the following conditions are met:

1. An irrevocable conservation easement held by a conservation organization is placed upon the tract(s) to be subdivided, and documentation of the conservation easement, including a boundary description of the area subject to the conservation easement is submitted with the subdivision application.
2. Limits on location and extent of land disturbance and building construction are set out in the conservation easement(s), which shall at a minimum preserve the rural appearance of the land when viewed from public roads and from abutting properties.
3. Treatment of floodplain(s) and required water quality buffers, as described in the conservation easement(s), conform to the minimum standards of the Huntersville Zoning and Subdivision ordinances.
4. Minimum project size: 40 acres.
5. Maximum gross density: 1 dwelling unit per 20 acres.
6. No new public streets are to be created through the development process.
7. All parcels within the conservation subdivision will have frontage on an existing public road right-of-way or will be provided access to a permanent 20-foot wide access easement that connects to the public right-of-way. Permanent access easement(s) may be either exclusive or non-exclusive, however landlocked parcel(s) may not be created. Documentation of lot access shall be submitted with the subdivision application.
8. The holder of the conservation easement will be held responsible for enforcement of the terms of the conservation easement.
9. Where the parent tract(s) abuts or includes a segment of a thoroughfare that is shown on the adopted thoroughfare plan and for which an engineered alignment has been selected, any right of way reservation required by the subdivision regulations shall be made, either by the filing of a deed or the filing of a plat map.

## TA25-08: Miscellaneous Amendments

10. Documentation of the above, including a copy of the recorded conservation easement with metes and bounds description, shall be provided with the subdivision application and shall entitle the subdivider to choose to divide the property by deed, as a metes and bounds subdivision, or by final plat approval and recordation according to the requirements of Subdivision Ordinance Section 6.520 for a minor subdivision.
11. A Conservation Subdivision and the lots and homes built therein are exempt from the following ordinance provisions:
  - Requirement that each building lot have frontage on a public street.
  - Requirement to provide open space.
  - Requirements of Article 4: Lot Types/Detached House, which section describes the placement of a building on its lot.
  - Requirements for the placement and size of residential garages set out in Section 8.16, paragraphs .1, and .6. All other standards of Section 8.16 shall apply.
  - Requirement to plant street trees along existing public road(s) where existing, mature trees are to be preserved as a condition of the conservation easement.
  - Requirement to construct or escrow funds for sidewalks or alternative pedestrian paths along existing public road(s).

### 3.3.2-A Critical Areas (CA-1, CA-2, CA-3, CA4)

**Intent:** The intent of these regulations is to require higher standards in the Critical Areas of the Mountain Island Lake Watershed because of the greater risk of water quality degradation from pollution. All uses permitted in the Critical Areas are subject to the standards of both the overlay district and the underlying zoning district. In every case, the more restrictive standard controls.

#### 1. Permitted Uses.

##### **Uses permitted with conditions.**

- essential services 1 and 2, provided that there shall be no new industrial process or domestic discharges into any stream or lake in the Mountain Island Lake Watershed, but existing wastewater treatment plant(s) may expand so long as the total pollutant load per parameter is not increased beyond the effluent limits permitted as of October 1, 1993, the effective date of watershed protection regulations; agriculture, subject to the provisions of the Food Security Act of 1985 and the Food, Agricultural, Conservation and Trade Act of 1990. All agricultural activities conducted after January 1, 1993 shall maintain a minimum ten-foot vegetative buffer, or equivalent control as determined by the Soil and Water

## TA25-08: Miscellaneous Amendments

Conservation Commission, along all perennial waters indicated on the most recent versions of U.S.G.S. 1:24,000 scale topographic maps or as determined by local government studies. Agricultural activities begun after October 1, 1993 shall comply with the buffer standards of Section 3.3.3 -A(f). Animal operations greater than 100 animal units shall employ Best Management Practices by July 1, 1994 recommended by the Soil and Water Conservation Commission;

- silviculture, subject to the provisions of the Forest Practices Guidelines Related to Water Quality (02 NCAC 60C.0100 to .0209);
- residential uses permitted in the underlying district, subject to density and built-upon limits of the low-density development option; cluster development allowed in the underlying district is permitted;
- non-residential uses permitted in the underlying district, subject to the built-upon limits of the low-density development option; cluster development allowed in the underlying district is permitted.

### 2. **Prohibited Uses.**

- all uses not permitted in the underlying zoning district
- residual applications
- landfills, sanitary
- landfills, off-site demolition
- new or expanded domestic and industrial discharges
- structural **SCMBMPs** not associated with agriculture
- disposal or treatment of petroleum contaminated soils (land farming)

### 3. **Permitted Building and Lot Types.**

- building and lot types permitted in the underlying zoning district

### 4. **Permitted Accessory Uses.**

- accessory uses permitted in the underlying zoning district; uses prohibited as principle uses are also prohibited as accessory uses

### 5. **Built-Up Area (BUA) Development Standards.** For individual buildings or for development projects within the Critical Areas, the following impervious area limitations are established on a building or project basis.

Notwithstanding the above, an applicant shall be allowed to exceed the allowable Built-Up Area (density) under the water supply watershed rules if all of the following

## TA25-08: Miscellaneous Amendments

circumstances apply: (1) The property was developed prior to October 1, 1993, the effective date of the local water supply watershed program. (2) The property has not been combined with additional lots after January 1, 2021. (3) The property has not been a participant in a density averaging transaction as provided in Section 3.3.2-A(h). (4) The current use of the property is nonresidential. (5) At the election of the property owner, the stormwater from any net increase in built-upon area on the property above the preexisting development is treated in accordance with all applicable local government, State, and federal laws and regulations. (6) The remaining vegetated buffers on the property are preserved in accordance with Section 3.3.2-A(f).

|     |                                      |
|-----|--------------------------------------|
| CA1 | 6% <del>BUAB-U</del> . <sup>1</sup>  |
| CA2 | 12% <del>BUAB-U</del> . <sup>1</sup> |
| CA3 | 12% <del>BUAB-U</del> . <sup>1</sup> |
| CA4 | 24% <del>BUAB-U</del> . <sup>1</sup> |

<sup>1</sup> **Residential subdivisions shall reserve, at minimum, 1% of the lot area but in no case less than 150 sq. ft. impervious area per lot to allow for addition of future impervious areas by homeowner/occupant**

- a. **Buffer Size.** Undisturbed buffers, except as specifically provided in this section, are required in the Critical Areas along the shoreline of Mountain Island Lake, measured horizontally by a licensed land surveyor from the normal pool elevation (648' contour), and along all perennial streams, measured from the top of the bank on each side of the stream.

|                  |                                                                 |
|------------------|-----------------------------------------------------------------|
| CA1              | 100 feet or 100 year flood plain boundary, whichever is greater |
| CA2              | 100 feet or 100 year flood plain boundary, whichever is greater |
| CA3              | 100 feet or 100 year flood plain boundary, whichever is greater |
| CA4 (lake shore) | 100 feet                                                        |

- b. **Buffer Protection.** No permanent structures, impervious covers, septic tank systems or any other disturbance of existing vegetation shall be allowed within the buffer except as follows:

#### TA25-08: Miscellaneous Amendments

1. The surveyed buffer boundary must be clearly marked on-site with orange “tree-protection” or “high-hazard” fence prior to any land disturbing activities. Tree protection is required by Section 7.4(3) of this ordinance.
2. The surveyed buffer boundary must be permanently marked with an iron pin at the intersection of the watershed buffer and each property line following the completion of land disturbing activities and prior to final plat, satisfactory final inspection, and occupancy. Properties greater than 200’ in width shall be marked at a maximum of 100’ intervals.
3. No trees larger than 2-inch caliper, measured at 6 inches above the existing grade, are to be removed except for dead or diseased trees. Undergrowth and trees less than 2-inch caliper, measured at 6 inches above the existing grade, may be removed to be replaced by an effective stabilizing and filtering ground cover based upon the most recent edition of the “Charlotte-Mecklenburg Water Quality Buffer Implementation Guidelines” and as approved by the Mecklenburg County Water Quality Program.
4. Stream bank or shoreline stabilization is allowed as approved on a plan submitted to the Town Engineering Department and the Charlotte-Mecklenburg Storm Water Services.
5. Water dependent structures and public projects such as road crossings and greenway paths are allowed where no practical alternatives exist. These activities should minimize built-upon area, direct runoff away from surface waters, and maximize the utilization of nonstructural SCMBMPs and pervious materials.
6. During new development or the expansion of existing development, the Town, upon the advice of the Charlotte-Mecklenburg Storm Water Services, can require enhancement of the existing vegetation in the buffer if necessary so that the buffer can effectively perform its filtering and absorption functions. Buffer enhancement requirements shall be based on the most recent edition of the “Charlotte-Mecklenburg Water Quality Buffer Implementation Guidelines”.
7. **Mitigation of disturbed buffers required.** Should existing vegetation within the buffer be disturbed (except as allowed by this ordinance), or should vegetation added to a buffer pursuant to paragraph 6) be disturbed, the property owner shall be required to enhance the buffer in accordance with the most recent edition of the “Charlotte-Mecklenburg Water Quality Buffer

## TA25-08: Miscellaneous Amendments

Implementation Guidelines” so that the buffer can effectively perform its filtering and absorption functions.

8. Non-impervious recreational development and non-impervious pedestrian trails are allowed in the required buffer in compliance with paragraph 3), above. Pathway guidelines are available in the most recent edition of the “Charlotte-Mecklenburg Water Quality Buffer Implementation Guidelines.” If in a common area, such development and trails must be located a minimum of 30 feet from the normal pool elevation of Mountain Island Lake (648’ contour), or a minimum of 30 feet from the top of the bank on each side of all perennial streams; except for waterfront access points approved by the Town, upon the advice of Charlotte-Mecklenburg Storm Water Services.
9. Non-conforming structures and increasing built-upon area may permitted if the following criteria are met:
  - a. The existing structure (to be expanded) was built prior to the enactment of the 1993 Watershed Ordinance.
  - b. The BUA of the existing structure must cover a minimum of 10% of the 100-foot buffer on the lot.
  - c. In Critical Area 1 (CA1), which has a 6% BUA cap, the maximum allowable increase in BUA in the buffers is 2%. In Critical Area 2 (CA2) and Critical Area 3 (CA3), which have a 12% BUA cap and Critical Area 4 (CA4), which has a 24% BUA cap, the maximum allowable increase in BUA in the buffer is 4%.
  - d. Existing BUA shall not be increased within the State minimum 50-foot buffer.
  - e. ~~Best Management Practices~~Stormwater Control Measures (SCMBMPs) (including rain gardens and plantings) must be installed to achieve the following removal efficiencies for all BUA on the lot (not just the BUA in the buffer):
    1. 85% removal of Total Suspended Solids (TSS)
    2. 60% removal of Total Phosphorus (TP)
  - f. All SCMBMPs shall be installed or planted in accordance with the Charlotte-Mecklenburg Stormwater Control Measure BMP-SCM

TA25-08: Miscellaneous Amendments

Design Manual and in accordance with Huntersville's Water Quality Ordinance.

- g. Maintenance Agreements and Maintenance Plans must be recorded for all **SCMBMPs** installed and/or planted and the location of the **SCMBMP** and corresponding notes must be recorded on the deed in compliance with Huntersville's Water Quality Ordinance.
  - h. Mitigation measures, including all **SCMBMPs**, must be installed, inspected and approved and the provisions described in item g (above) satisfied prior to final plat, satisfactory final inspection, and the release of any certificates of occupancy for the structural expansion.
  - i. All structural **SCMBMPs** must be inspected and certified annually for compliance with design criteria by a qualified professional in accordance with the Huntersville Water Quality Ordinance. Inspection reports must be submitted to Mecklenburg County for approval.
  - j. Any deficiencies detected to the **SCMBMP** or any other mitigation measure must be resolved in a timely manner at the sole expense of the property owner ~~or after~~ detection ~~as and notification determined of the deficiencies~~ by the Town of Huntersville ~~staff at the sole expense of the property owner~~. Failure to ~~do so~~ remedy the deficiencies in a timely manner of detection will be in violation of the Huntersville Water Quality Ordinance and could result in the assessment of penalties.
- 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.



## TA25-08: Miscellaneous Amendments

2. Overall impervious area/amount of the paired parcel averaged-density development, calculated by built-upon area, shall not exceed the impervious that would be allowed if the parcels were developed separately. The parcel pair shall be located in the same water supply watershed and preferably in the same drainage area of the watershed. Parcel pairs may be located in the Critical Area and in the Protected Area. However, if one of the parcels is located in the Critical Area and one is located in the Protected Area, the Critical Area parcel shall not be developed beyond those impervious amounts allowed in the critical area provisions of the Huntersville Zoning Ordinance. A property in a more restricted watershed area shall not acquire impervious rights from a property in a less restricted area of the watershed. The purpose of this provision is to preserve open space in the more sensitive areas of the watershed.
3. The paired parcels may include or be developed for residential or non-residential purposes.
4. Buffers shall at least meet the appropriate minimum Huntersville Zoning Ordinance water supply watershed protection requirements on both parcels in the parcel pair.
5. The portion of the parcel(s) which is not developed as part of the paired parcel, but that is being averaged in the land area being evaluated to meet the built-upon surface area, shall remain in an undisturbed vegetated or natural state. A metes and bounds description of the space to be undisturbed and limits on use shall be recorded on the subdivision plat, in homeowner covenants, and on individual deed and shall be irrevocable. The resultant impervious area/amount for the two lots combined shall not exceed the original allowable impervious amount for each individual lot if they were developed separately. It shall be noted on the plat that the Zoning Administrator shall reserve the right to make periodic inspections to ensure compliance.
6. A Density Averaging Certificate shall be obtained from the Watershed Review Board (Board of Adjustment) to ensure that both parcels considered together meet the standards of the ordinance and that potential owners have record of how the watershed regulations were applied to the parcel pair. Only the owner(s) of both of the paired parcels may submit the application for the Density Averaging Certificate. A site plan for both of the parcels must be submitted and approved as part of the Density Averaging Certificate. If such a

#### TA25-08: Miscellaneous Amendments

certificate is granted, no change in the development proposal authorized for either parcel shall be made unless the certificate is amended. Upon issuance of such certificate, one copy will be forwarded to the North Carolina Division of Water Quality (DWQ). Included with the Density Averaging Certificate will be a site plan, registered plats for both properties, a description of both properties, and documentation reflecting the development restrictions to the parcel pair that will remain undeveloped.

7. The Watershed Review Board shall make written findings supported by appropriate calculations and documentation that the paired parcel averaged-density development plan as a whole conforms to the intent and requirements of this Article and Section, and that the proposed agreement assures protection of the public interest.
8. The undisturbed land area shall be recorded in the deed for the parcel to which it applies. The Density Averaging Certificate shall be recorded in the deed for each of the parcels in the parcel pair. Both the designated undisturbed land area and the certificate shall be noted on the subdivision plat that applies to each of the parcels.
9. Stormwater runoff from paired parcel averaged density-averaged development which meets the low-density option development requirements shall be controlled by vegetative conveyances to the maximum extent practicable and shall be approved by Charlotte-Mecklenburg Storm Water Services.
10. Stormwater runoff from paired parcel averaged density development which meets the high-density option development requirements shall be controlled on the parcel(s) where the high-density development is occurring in accordance with the criteria specified in the Huntersville Water Quality Design Manual and the Huntersville Zoning Ordinance for high-density development.
11. No parcel for which a watershed variance has been granted, or would be required, may be included as part of a parcel pair.
12. Compliance with criteria 1-12 shall be evidence that the parcel pair is consistent with the orderly and planned distribution of development throughout the watershed.

### 3.3.2-B Protected Areas (PA-1, PA-2)

**Intent:** The intent of these regulations is to allow development with fewer restrictions in protected areas 1 and 2 than in the critical areas because the risk of water quality degradation from pollution is less in the protected areas than in the critical areas. All uses permitted in the Protected Areas are subject to the standards of both the overlay district and the underlying zoning district. In every case, the more restrictive standard controls.

**Note:** Protected area 3 defines the remainder of watershed and is not subject to watershed regulation.

#### 1. Permitted Uses.

##### Uses permitted with conditions.

- Essential services 1 and 2, provided that there shall be no new industrial process or domestic discharges into any stream or lake in the Mountain Island Lake Watershed, but existing wastewater treatment plant(s) may expand so long as the total pollutant load per parameter is not increased beyond the effluent limits permitted as of October 1, 1993, the effective date of watershed protection regulations;
- Agriculture, subject to the provisions of the Food Security Act of 1985 and the Food, Agricultural, Conservation and Trade Act of 1990. All agricultural activities conducted after January 1, 1993 shall maintain a minimum ten-foot vegetative buffer, or equivalent control as determined by the Soil and Water Conservation Commission, along all perennial waters indicated on the most recent versions of U.S.G.S. 1:24,000 scale topographic maps or as determined by local government studies. Agricultural activities begun after October 1, 1993 shall comply with the buffer standards of Section 3.3.3-B(f). Animal operations greater than 100 animal units shall employ ~~Best Management Practices~~[Stormwater Control Measures](#) by July 1, 1994 recommended by the Soil and Water Conservation Commission;
- Silviculture, subject to the provisions of the Forest Practices Guidelines Related to Water Quality (02 NCAC 60C.0100 to .0209);
- Storage of hazardous materials, subject to the filing of a spill/failure containment plan with Mecklenburg County Fire Marshall and the fire department(s) with jurisdiction in the Huntersville Mountain Island Lake Watershed Overlay District;
- Residential uses permitted in the underlying district, subject to either the low density or the high- density option; cluster development allowed in the underlying district is permitted;
- Non-residential uses permitted in the underlying district, subject to either the low

TA25-08: Miscellaneous Amendments

density or the high-density option; cluster development allowed in the underlying district is permitted.

2. **Prohibited Uses.**

- All uses not permitted in the underlying zoning district
- In PA 1, off-site demolition landfills
- In PA 1, sanitary landfills
- In PA 1, wastewater treatment facilities

3. **Permitted Building and Lot Types.**

- Building and lot types permitted in the underlying zoning district

4. **Permitted Accessory Uses.**

- Accessory uses permitted in the underlying zoning district; uses prohibited as principal uses are also prohibited as accessory uses

5. **Built-Up on Area (BUA) Development Standards.** For individual buildings or for development projects within Protected Areas 1 and 2, the following impervious area limitations are established on a building or project basis.

Notwithstanding the above, an applicant shall be allowed to exceed the allowable Built-Up on Area (density) under the water supply watershed rules if all of the following circumstances apply: (1) The property was developed prior to October 1, 1993, the effective date of the local water supply watershed program. (2) The property has not been combined with additional lots after January 1, 2021. (3) The property has not been a participant in a density averaging transaction as provided in Section 3.3.2-B(i). (4) The current use of the property is nonresidential. (5) At the election of the property owner, the stormwater from any net increase in built-upon area on the property above the preexisting development is treated in accordance with all applicable local government, State, and federal laws and regulations. (6) The remaining vegetated buffers on the property are preserved in accordance with Section 3.3.2-B(f).

|                                 |                                                                                                                                         |
|---------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------|
| PA1 and PA2, low density option | 24% <del>B-U</del> BUA with curb and gutter streets <sup>1</sup><br>36% <del>B-U</del> BUA without curb and gutter streets <sup>1</sup> |
|---------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------|

TA25-08: Miscellaneous Amendments

|                                                   |                                                            |
|---------------------------------------------------|------------------------------------------------------------|
| PA1 and PA2, high density option, where permitted | 70% <del>B-U-BUA</del> with <del>SCMBMP</del> <sup>1</sup> |
|---------------------------------------------------|------------------------------------------------------------|

<sup>1</sup> **Residential subdivisions shall reserve, at minimum, 1% of the lot area but not less than 150 sq. ft. impervious area per lot to allow for addition of future impervious areas by homeowner/occupant.**

(f) **Buffer Size.** Undisturbed buffers, except as specifically provided in this section, are required in the Protected Areas along all perennial streams, measured horizontally by a licensed land surveyor from the top of the bank on each side of the stream.

|                          |                                        |
|--------------------------|----------------------------------------|
| PA1, low density option  | 50 feet                                |
| PA2, low density option  | 30 feet; 50 feet for agricultural uses |
| PA1, high density option | 100 feet                               |
| PA2, high density option | 100 feet                               |

(g) **Buffer Protection.** No permanent structures, impervious covers, septic tank systems or any other disturbance of existing vegetation shall be allowed within the buffer except as follows:

1. The surveyed buffer boundary must be clearly marked on-site with orange “tree-protection” or “high-hazard” fence prior to any land disturbing activities. Tree protection is required by Section 7.4(3) of this ordinance.
2. The surveyed buffer boundary must be permanently marked with an iron pin at the intersection of the watershed buffer and each property line following the completion of land disturbing activities and prior to ~~final plat, satisfactory final inspection, and~~ occupancy. Properties greater than 200’ in width shall be marked at a maximum of 100’ intervals.
3. No trees larger than 2-inch caliper, measured at 6 inches above the existing grade, are to be removed except for dead or diseased trees. Undergrowth and trees less than 2-inch caliper, measured at 6 inches above existing grade, may be removed to be replaced by an effective stabilizing and filtering ground cover based upon the most recent edition of the “Charlotte-Mecklenburg Water Quality Buffer Implementation Guidelines” and as approved by the Mecklenburg County Water Quality Program.

#### TA25-08: Miscellaneous Amendments

4. Stream bank or shoreline stabilization is allowed as approved on a plan submitted to the Town Engineering Department and the Charlotte-Mecklenburg Storm Water Services.
5. Water dependent structures and public projects such as road crossings and greenway paths are allowed where no practical alternatives exist. These activities should minimize built-upon area, direct runoff away from surface waters, and maximize the utilization of nonstructural **SCMBMP**s and pervious materials.
6. During new development or the expansion of existing development, the Town, upon the advice of the Charlotte-Mecklenburg Storm Water Services, can require enhancement of the existing vegetation in the buffer if necessary so that the buffer can effectively perform its filtering and absorption functions. Buffer enhancement requirements shall be based on the most recent edition of the “Charlotte-Mecklenburg Water Quality Buffer Implementation Guidelines”.
7. Mitigation of disturbed buffers required. Should existing vegetation within the buffer be disturbed (except as allowed by this ordinance) or should vegetation added to a buffer pursuant to paragraph 6) be disturbed, the property owner shall be required to enhance the buffer in accordance with the most recent edition of the “Charlotte-Mecklenburg Water Quality Buffer Implementation Guidelines” so that the buffer can effectively perform its filtering and absorption functions.
8. Non-impervious recreational development and non-impervious pedestrian trails are allowed in the required buffer in compliance with paragraph 3), above. Pathway guidelines are available in the most recent edition of the “Charlotte-Mecklenburg Water Quality Buffer Implementation Guidelines.” If in a common area, such development and trails must be located a minimum of 30 feet from the top of the bank on each side of all perennial streams; except for waterfront access points approved by the Town, upon the advice of the Mecklenburg County Water Quality Program.
9. Non-conforming structures and increasing built-upon area may be permitted if the following criteria are met:
  - a. The existing structure (to be expanded) was built prior to the enactment of the 1993 Watershed Ordinance.
  - b. BUA of the existing structure must cover a minimum of 10% of the 100-foot buffer on the lot.

TA25-08: Miscellaneous Amendments

- c. In Critical Area 1 (CA1), which has a 6% BUA cap, the maximum allowable increase in BUA in the buffers is 2%. In Critical Area 2 (CA2) and Critical Area 3 (CA3), which have a 12% BUA cap and Critical Area 4 (CA4), which has a 24% BUA cap, the maximum allowable increase in BUA in the buffer is 4%.
  - d. Existing BUA shall not be increased within the State minimum 50-foot buffer.
  - e. ~~Best Management Practices~~Stormwater Control Measures (SCMBMPs) (including rain gardens and plantings) must be installed to achieve the following removal efficiencies for all BUA on the lot (not just the BUA in the buffer):
    - 1. 85% removal of Total Suspended Solids (TSS)
    - 2. 60% removal of Total Phosphorus (TP)
  - f. All SCMBMPs shall be installed or planted in accordance with the Charlotte-Mecklenburg SCMBMP Design Manual and in accordance with Huntersville's Water Quality Ordinance.
  - g. Maintenance Agreements and Maintenance Plans must be recorded for all SCMBMPs installed and/or planted and the location of the SCMBMP and corresponding notes must be recorded on the deed in compliance with Huntersville's Water Quality Ordinance.
  - h. Mitigation measures, including all SCMBMPs, must be installed, inspected and approved and the provisions described in item g (above) satisfied prior to final plat, satisfactory final inspection and the release of any certificates of occupancy for the structural expansion.
  - i. All structural SCMBMPs must be inspected and certified annually for compliance with design criteria by a licensed N.C. engineer in accordance with the Huntersville Water Quality Ordinance. Inspection reports must be submitted to Mecklenburg County for approval.
  - j. Any deficiencies detected to the SCMBMP or any other mitigation measure must be corrected within 30 days of detection at the sole expense of the property owner. Failure to do so will be in violation of the Huntersville Water Quality Ordinance and could result in the assessment of penalties.
10. Property in the Mountain Island Lake Overlay District Protected Area (PA2), which is also part of an approved conditional zoning in the Corporate Business Zoning District, may request the Board of Commissioners to approve a modification to a

## TA25-08: Miscellaneous Amendments

perennial stream buffer draining under 50 acres without a variance subject to implementing one of the nine mitigation techniques in Section 8.25. 11(b). This provision is applicable only to those streams not indicated on the most recent version of the United States Geological Survey (USGS) 1:24,000 scale (7.5 minute) quadrangle topographic maps and therefore do not meet the criteria for a State water supply watershed buffer.

### (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 **SCMBMPs**) are used to manage storm water runoff. Structural **SCMBMPs** 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



## TA25-08: Miscellaneous Amendments

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 ~~SCMBMPs~~.

- a. All structural ~~SCMBMPs~~ shall be designed, and the plans sealed, by a North Carolina registered professional with qualifications appropriate for the type of system required as provided for in the North Carolina General Statutes.
- b. Structural ~~SCMBMPs~~ shall be designed for specific pollutant removal according to modeling techniques approved by the North Carolina Division of Water Quality. Specific requirements for these systems shall be in accordance with the design criteria and standards contained in the Land Development Standards Manual.
- c. Qualifying areas of the structural ~~SCMBMP~~ may be considered pervious when computing total built-upon area. However, if the structure is used to compute the percentage built-upon area for one site, it shall not be used to compute the built-upon area for any other site or area.
- d. The design of the structural ~~SCMBMP~~ 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 ~~SCMBMPs~~ 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~~

TA25-08: Miscellaneous Amendments

~~the storm water control structure. Certificates of occupancy shall be issued until the following have occurred: withheld pending approval of the storm water control structure by the Town Engineering Department, satisfactory field inspection, approval of the project, and passing final inspection.~~

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

(i) **Paired-Parcel Averaged-Density Development.** Paired-parcel averaged density development involves the transfer of impervious development rights between two (2) parcels not within the boundaries of the same subdivision by way of designated undisturbed natural areas. A metes and bounds description of the space to be undisturbed and limits on use shall be recorded on the subdivision plat, in homeowner covenants, and on individual deed and shall be irrevocable. The resultant impervious area/amount for the two lots combined shall not exceed the original allowable impervious amount for each individual lot if they were developed separately.

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

## TA25-08: Miscellaneous Amendments

bounds description of the space to be undisturbed and limits on use shall be recorded on the subdivision plat, in homeowner covenants, and on individual deed and shall be irrevocable. The resultant impervious area/amount for the two lots combined shall not exceed the original allowable impervious amount for each individual lot if they were developed separately. It shall be noted on the plat that the Zoning Administrator shall reserve the right to make periodic inspections to ensure compliance.

6. A Density Averaging Certificate shall be obtained from the Watershed Review Board (Board of Adjustment) to ensure that both parcels considered together meet the standards of the ordinance and that potential owners have record of how the watershed regulations were applied to the parcel pair. Only the owner(s) of both of the paired parcels may submit the application for the Density Averaging Certificate. A site plan for both of the parcels must be submitted and approved as part of the Density Averaging Certificate. If such a certificate is granted, no change in the development proposal authorized for either parcel shall be made unless the certificate is amended. Upon issuance of such certificate, one copy will be forwarded to the North Carolina Division of Water Quality (DWQ). Included with the Density Averaging Certificate will be a site plan, registered plats for both properties, a description of both properties, and documentation reflecting the development restrictions to the parcel pair that will remain undeveloped.
7. The Watershed Review Board shall make written findings supported by appropriate calculations and documentation that the paired parcel averaged-density development plan as a whole conforms to the intent and requirements of this Article and Section, and that the proposed agreement assures protection of the public interest.
8. The undisturbed land area shall be recorded in the deed for the parcel to which it applies. The Density Averaging Certificate shall be recorded in the deed for each of the parcels in the parcel pair. Both the designated undisturbed land area and the certificate shall be noted on the subdivision plat that applies to each of the parcels.
9. Stormwater runoff from paired parcel averaged density-averaged development which meets the low-density option development requirements shall be controlled by vegetative conveyances to the maximum extent practicable and shall be approved by 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

## TA25-08: Miscellaneous Amendments

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-A Critical Area (CA)

**Intent:** The intent of these regulations is to require higher standards in the Critical Area of the Lake Norman Watershed because of the greater risk of water quality degradation from pollution. All uses permitted in the Critical Area for which erosion/sedimentation control plans are required under Town of Huntersville regulations are subject to the standards of both the overlay district and the underlying zoning district. In every case the more restrictive standard controls.

#### 1. Permitted Uses.

##### Uses permitted with conditions.

- Essential services 1 and 2, provided that there shall be no new industrial process or domestic discharges into any stream or lake in the Lake Norman Watershed, but existing wastewater treatment plant(s) may expand so long as the total pollutant load per parameter will not be increased beyond the effluent limits permitted as of October 1, 1993, the effective date of watershed protection regulations;
- Agriculture, subject to the provisions of the Food Security Act of 1985 and the Food, Agricultural, Conservation and Trade Act of 1990. All agricultural activities conducted after January 1, 1993 shall maintain a minimum ten-foot vegetative buffer, or equivalent control as determined by the Soil and Water Conservation Commission, along all perennial waters indicated on the most recent versions of U.S.G.S. 1:24,000 scale topographic maps or as determined by local government studies. Agricultural activities begun after October 1, 1993 shall comply with the buffer standards of Section 3.3.3-A(f). Animal operations greater than 100 animal units shall employ ~~Best Management Practices~~[Stormwater Control Measures](#) by July 1, 1994 recommended by the Soil and Water Conservation Commission;

## TA25-08: Miscellaneous Amendments

- Silviculture, subject to the provisions of the Forest Practices Guidelines Related to Water Quality (02 NCAC 60C.0100 to .0209);
- Residential uses permitted in the underlying district, subject to either the low or high density option; cluster development allowed in the underlying district is permitted;
- Non-residential uses permitted in the underlying district, subject to either the low or high-density development option; cluster development allowed in the underlying district is permitted.

### 2. **Prohibited Uses.**

- All uses not permitted in the underlying zoning district
- Residual applications
- Landfills, sanitary
- Landfills, off-site demolition
- New or expanded domestic and industrial discharges
- Disposal or treatment of petroleum contaminated soils (land farming)
- Petroleum storage tanks as a principal use

### 3. **Permitted Building and Lot Types.**

- Building and lot types permitted in the underlying zoning district

### 4. **Permitted Accessory Uses.**

- Accessory uses permitted in the underlying zoning district; uses prohibited as principal uses are also prohibited as accessory uses

### 5. **Built-Upon Area (BUA) Development Standards.** For individual buildings or for development projects within the Lake Norman Critical Area, the following impervious area limitations are established on a building or project basis.

TA25-08: Miscellaneous Amendments

Notwithstanding the above, an applicant shall be allowed to exceed the allowable Built-Up Upon Area (density) under the water supply watershed rules if all of the following circumstances apply: (1) The property was developed prior to October 1, 1993, the effective date of the local water supply watershed program. (2) The property has not been combined with additional lots after January 1, 2021. (3) The property has not been a participant in a density averaging transaction as provided in Section 3.3.3-A(i). (4) The current use of the property is nonresidential. (5) At the election of the property owner, the stormwater from any net increase in built-upon area on the property above the preexisting development is treated in accordance with all applicable local government, State, and federal laws and regulations. (6) The remaining vegetated buffers on the property are preserved in accordance with Section 3.3.3-A(f).

|                         |                                                                       |
|-------------------------|-----------------------------------------------------------------------|
| CA, low density option  | 24% <del>B-U:BUA</del> <sup>1</sup>                                   |
| CA, high density option | 50% <del>B-U:BUA</del> with Structural <del>BMPSCM</del> <sup>1</sup> |

<sup>1</sup> **Residential subdivisions shall reserve, at minimum, 1% of the lot area but not less than 150 sq. ft. impervious area per lot to allow for addition of future impervious areas by homeowner/occupant.**

- a. **Buffer Size.** Undisturbed buffers, except as specifically provided in this section, are required along the shoreline of Lake Norman measured horizontally by a licensed land surveyor from the normal pool elevation (760' contour) and along each side of all perennial streams measured from the top of the bank on each side on the stream. Minimum buffer widths are:

|                         |          |
|-------------------------|----------|
| CA, low density option  | 50 feet  |
| CA, high density option | 100 feet |

- b. **Buffer Protection.** No permanent structures, impervious covers, septic tank systems or any other disturbance of existing vegetation shall be allowed within the buffer except as follows:
1. The surveyed buffer boundary must be clearly marked on-site with orange "tree-protection" or "high-hazard" fence prior to any land disturbing activities. Tree protection is required by Section 7.4(3) of this Ordinance.
  2. The surveyed buffer boundary must be permanently marked with an iron pin at the intersection of the watershed buffer and each property line following

## TA25-08: Miscellaneous Amendments

the completion of land disturbing activities and prior to final plat, satisfactory final inspection, and occupancy. Properties greater than 200' in width shall be marked at a maximum of 100' intervals.

3. No trees larger than 2-inch caliper, measured at 6 inches above the existing grade, are to be removed except for dead or diseased trees. Undergrowth and trees less than 2-inch caliper, measured at 6 inches above the existing grade, may be removed to be replaced by an effective stabilization and filtering ground cover based upon the most recent edition of the "Charlotte-Mecklenburg Water Quality Buffer Implementation Guidelines" and as approved by Charlotte-Mecklenburg Storm Water Services.
4. Stream bank or shoreline stabilization is allowed as approved on a plan submitted to the Town Engineering Department and the Charlotte-Mecklenburg Storm Water Services.
5. Water dependent structures and public projects such as road crossings and greenway paths are allowed where no practical alternatives exist. These activities should minimize built-upon area, direct runoff away from surface waters, and maximize the utilization of nonstructural BMPs-SCMs and pervious materials.
6. During new development or the expansion of existing development, the Town, upon the advice of the Charlotte-Mecklenburg Storm Water Services, can require enhancement of the existing vegetation in the buffer if necessary so that the buffer can effectively perform its filtering and absorption functions. Buffer enhancement requirements shall be based on the most recent edition of the "Charlotte-Mecklenburg Water Quality Buffer Implementation Guidelines".
7. **Mitigation of disturbed buffers required.** Should existing vegetation within the buffer be disturbed (except as allowed by this Ordinance) or should vegetation added to a buffer pursuant to paragraph 6) be disturbed, the property owner shall be required to enhance the buffer in accordance with the most recent edition of the "Charlotte-Mecklenburg Water Quality Buffer Implementation Guidelines" so that the buffer can effectively perform its filtering and absorption functions.
8. Non-impervious recreational development and non-impervious pedestrian trails are allowed in the required buffer in compliance with paragraph 3), above. Pathway guidelines are available in the most recent edition of the

## TA25-08: Miscellaneous Amendments

“Charlotte-Mecklenburg Water Quality Buffer Implementation Guidelines.” If in a common area, such development and trails must be located a minimum of 30 feet from the normal pool elevation of Lake Norman (760’ contour), or a minimum of 30 feet from the top of the bank on each side of all perennial streams; except for waterfront access points approved by the Town, upon the advice of the Charlotte-Mecklenburg Storm Water Services.

### 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 **BMPSCMs**) are used to manage storm water runoff. Structural **BMPSCMs** 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.**

- a. A High-Density Development Permit shall be required for new development exceeding the requirements of the low-density option.
- b. Application for a High-Density Development Permit shall be submitted as follows:
  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:



## TA25-08: Miscellaneous Amendments

- 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 **BMPSCMs**.

- a. All structural **BMPSCMs** shall be designed, and the plans sealed, by a North Carolina registered professional with qualifications appropriate for the type of system required as provided for in the North Carolina General Statutes.
- b. Structural **BMPSCMs** shall be designed for specific pollutant removal according to modeling techniques approved by the North Carolina Division of Water Quality. Specific requirements for these systems shall be in accordance with the design criteria and standards contained in the Land Development Standards Manual.
- c. Qualifying areas of the structural **BMPSCM** may be considered pervious when computing total built-upon area. However, if the structure is used to compute the percentage built-upon area for one site, it shall not be used to compute the built-upon area for any other site or area.
- d. The design of the structural **BMPSCM** shall include the appropriate easements for ingress and egress necessary to perform inspections, maintenance, repairs and reconstruction.

### 4. Posting of Financial Security Required.

- a. When Structural **BMPSCMs** are required under the High-Density Option, the approval of the High-Density Development Permit will be subject to developer compliance with Section 8.400 of the Huntersville Subdivision Ordinance.

5. **Additional Requirements.**

~~a.—Certificates of occupancy shall not be issued until the following have occurred: be withheld pending approval of approval of the storm water control structure by the Town Engineering Department, satisfactory field inspection, approval of thea project, and passing final inspection. 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.a.~~ Appeals of any order, requirement, decision or determination shall be made to and decided by the Zoning Board of Adjustment of the Town of Huntersville.

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.

#### TA25-08: Miscellaneous Amendments

3. The paired parcels may include or be developed for residential or non-residential purposes.
4. Buffers shall at least meet the appropriate minimum Huntersville Zoning Ordinance water supply watershed protection requirements on both parcels in the parcel pair.
5. The portion of the parcel(s) which is not developed as part of the paired parcel, but that is being averaged in the land area being evaluated to meet the built-upon surface area, shall remain in an undisturbed vegetated or natural state. A metes and bounds description of the space to be undisturbed and limits on use shall be recorded on the subdivision plat, in homeowner covenants, and on individual deed and shall be irrevocable. The resultant impervious area/amount for the two lots combined shall not exceed the original allowable impervious amount for each individual lot if they were developed separately. It shall be noted on the plat that the Zoning Administrator shall reserve the right to make periodic inspections to ensure compliance.
6. A Density Averaging Certificate shall be obtained from the Watershed Review Board (Board of Adjustment) to ensure that both parcels considered together meet the standards of the ordinance and that potential owners have record of how the watershed regulations were applied to the parcel pair. Only the owner(s) of both of the paired parcels may submit the application for the Density Averaging Certificate. A site plan for both of the parcels must be submitted and approved as part of the Density Averaging Certificate. If such a certificate is granted, no change in the development proposal authorized for either parcel shall be made unless the certificate is amended. Upon issuance of such certificate, one copy will be forwarded to the North Carolina Division of Water Quality (DWQ). Included with the Density Averaging Certificate will be a site plan, registered plats for both properties, a description of both properties, and documentation reflecting the development restrictions to the parcel pair that will remain undeveloped.
7. The Watershed Review Board shall make written findings supported by appropriate calculations and documentation that the paired parcel averaged-density development plan as a whole conforms to the intent and requirements of this Article and Section, and that the proposed agreement assures protection of the public interest.

## TA25-08: Miscellaneous Amendments

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.

### 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

## TA25-08: Miscellaneous Amendments

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

TA25-08: Miscellaneous Amendments

- 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:

|  |                                           |
|--|-------------------------------------------|
|  | <b>Minimum Tree Preservation Required</b> |
|--|-------------------------------------------|

TA25-08: Miscellaneous Amendments

| <b>Zoning District</b>                         | <b>Existing canopy <sup>3</sup><br/>10% of total site area</b> | <b>Existing canopy &lt;<br/>10% of total site area</b>              | <b>Heritage Trees</b> | <b>Specimen Trees</b> |
|------------------------------------------------|----------------------------------------------------------------|---------------------------------------------------------------------|-----------------------|-----------------------|
| R                                              | 50% of existing trees <sup>2, 3, 4</sup>                       | 10% of total site area (existing and planted) <sup>1, 2, 3, 4</sup> | 100% <sup>2</sup>     | 50% <sup>2,4</sup>    |
| TR                                             | 35% of existing trees <sup>2, 3</sup>                          | 10% of total site area (existing and planted) <sup>1, 2, 3</sup>    | 100% <sup>2</sup>     | 35% <sup>2</sup>      |
| GR and NR Districts                            | 10% of total site area (existing and planted) <sup>2, 3</sup>  | 10% of total site area (existing and planted) <sup>1, 2, 3</sup>    | 100% <sup>2</sup>     | 10% <sup>2</sup>      |
| TC, CI, TND, NC, TOD, HC, SP, CB, VS Districts | 0%                                                             | 0%                                                                  | 100% <sup>2</sup>     | 30% <sup>2</sup>      |

<sup>1</sup> 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.

<sup>2</sup> 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

TA25-08: Miscellaneous Amendments

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.

<sup>3</sup> 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.              |

<sup>4</sup> 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 the Zoning Administrator determines the existing vegetation does not meet or exceed the opaque



## TA25-08: Miscellaneous Amendments

~~screening standards of this Article. it is determined by the Planning Board that the vegetation is not worthy of preservation and an alternative plan is acceptable. These areas must meet or exceed the opaque screening standards as established in this Article through the use of existing vegetation and supplemental plantings.~~

Along thoroughfares, berms may be installed in a landscape easement adjacent to residential development only in areas devoid of existing vegetation ~~or vegetation not worthy of preservation and only with the approval of the Planning Board~~. Installation of berms shall not exempt development from the opaque planting requirement as listed above. If included in the landscape design, berms shall:

1. Have a minimum height of 2 feet, a minimum crown width of 8 feet, and a side slope with a width to height ratio of no greater than 3 to 1 (3:1) if 4 feet or less in height. Berms shall not exceed 6 feet in height and, if greater than 4 feet in height, shall have a minimum crown width of 8 feet, and a side slope with a width to height ratio of no greater than 4 to 1 (4:1). Exceptions may be made to the maximum or minimum height of berms by the zoning administrator where, in his opinion, topographical changes dictate such exception.
2. Be designed and constructed with an undulating appearance which mimics as much as is practicable a natural topographical feature of the site.
3. Be substantially planted and covered with live vegetation. No berm shall consist entirely of turf grass, ground cover, mulch, or similar material. If a berm is greater than 2 feet in height all trees shall be arranged so that they are planted within 2 vertical feet of the natural grade, unless irrigation is provided.
4. Be fully installed, planted and stabilized prior to certification of zoning compliance.
5. Be designed to prevent standing water or to impede the flow of stormwater from adjacent properties.
6. Free of structures, including fences, unless approved by the Town as part of the landscaping requirements for a development site.

TA25-08: Miscellaneous Amendments

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.

## TA25-08: Miscellaneous Amendments

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.

### 7.5 Buffer Yards

.1 **Purpose.** The general purpose of buffer yards is to establish regulations protecting and preserving the appearance, character, and value of property within the town. The objectives are to exclude visual contact, create spatial separation and to minimize any adverse impacts on adjacent properties. Where topographical changes, the size and shape of existing lots of record, or other spatial conditions exist which would make adherence to the basic requirement either impossible or ineffective in meeting the purpose of the buffer yard, alternate buffer yard plans will be considered or may be required. These provisions shall not apply to developments in the Town Center (TC), Transit Oriented Development – Residential (TOD-R), and Transit Oriented Development – Employment (TOD-E) zoning districts.

.2 **Applicability.** All applicable development plans shall comply with the provisions of this section. A change of use, expansion of existing heated square footage of a building, or and

TA25-08: Miscellaneous Amendments

expansion of parking and loading areas will require compliance with these provisions as prescribed per Article 11.5.6, Non-conforming landscaping and screening.

**.3 Function.** A buffer yard shall function as an opaque or semi-opaque barrier between the viewer and the use or structure to be buffered. Therefore, the exact location and arrangement of materials in the buffer yard will be determined based upon an analysis of site topography and sight lines from public spaces or private properties, which are to be protected. The density of the buffer yard is determined by the intensity of the use and the zoning district. Buffer yard plantings shall meet or exceed the following standards:

| Description                                   | Condition where Buffer required                                                                                                             | Width                                                                | Trees <sup>1</sup>                                                                           | Shrubs <sup>1</sup>                    |
|-----------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------|----------------------------------------------------------------------------------------------|----------------------------------------|
| I-77 Buffer                                   | Any property abutting I-77 right-of-way                                                                                                     | 50 feet, greater if required by the district                         | 5 trees per 1000 sq/ft of buffer area; 75% large maturing; 50% evergreen                     | 8 shrubs per 1000 sq/ft 75% evergreen  |
| CI, CB and SP                                 | Any property zoned CI, CB, or SP <sup>2</sup>                                                                                               | 80 feet abutting street right-of-way and property lines <sup>2</sup> | 4 trees per 1000 sq/ft of buffer area; 75% large maturing; 50% evergreen; 25% small maturing | 5 shrubs per 1000 sq/ft 75% evergreen  |
| Non-residential uses not otherwise listed     | Any developing non-residential use abutting a lesser intense use and/or district when not internal to a planned development <sup>3, 5</sup> | 30 feet <sup>6</sup>                                                 | 4 trees per 1000 sq/ft of buffer area; 50% large maturing; 25% small maturing; 50% evergreen | 7 shrubs per 1000 sq/ft 100% evergreen |
| Civic Uses • schools • religious institutions | Any civic use abutting a property zoned residential or current use is residential <sup>3, 5</sup>                                           | 30 feet <sup>6</sup>                                                 | 4 trees per 1000 sq/ft of buffer area; 50% large maturing; 25%                               | 7 shrubs per 1000 sq/ft 100% evergreen |

TA25-08: Miscellaneous Amendments

|                                  |                                                                                                                                                    |                                                                                                                                                                                                 |                                                                                              |                                                                 |
|----------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------|-----------------------------------------------------------------|
| • gov't<br>bldgs. •<br>libraries |                                                                                                                                                    |                                                                                                                                                                                                 | small maturing;<br>50% evergreen                                                             |                                                                 |
| Residential                      | Any major residential subdivision abutting a property zoned residential or developed residential, not internal to a planned community <sup>4</sup> | 40 feet minimum when density is two times greater than the existing development except in Town Center zone when adjoining the Town Center zone. In all other cases 20 feet minimum is required. | 3 trees per 1000 sq/ft of buffer area; 25% large maturing; 25% small maturing; 25% evergreen | 10 shrubs per 1000 sq/ft 100% evergreen                         |
| R, TR                            | Any minor residential subdivision                                                                                                                  | 10 feet                                                                                                                                                                                         | Preserve any existing trees located within the required buffer                               | Preserve any existing shrubs located within the required buffer |

<sup>1</sup>Minimum tree size is 2" caliper, with minimum height 8' to 10' at time of planting. Shrubs planted shall have a minimum height of 3' at installation, expected height of 6' at maturity.

<sup>2</sup>The CB, CI, and SP buffer is not required if the subject property is abutting a property zoned CB, CI, or SP. Further, a full eighty (80) foot buffer may be removed along street frontages where the building proposed addresses the public street with architecture and design consistent with the building type requirements of Article 4. The 80 foot buffer may be reduced to the width below along street frontages when the following conditions are met:

## TA25-08: Miscellaneous Amendments

- 40 foot buffer
  - Along any thoroughfare where only passenger vehicle parking is located between the building and the street, and/or the architecture of the building does not meet the building type requirements of Article 4.
  - Along interior streets of existing or proposed business parks where loading, storage, truck dock, or utility areas are located between the building and the street.
- 20 foot buffer
  - Along interior streets of established or proposed business parks where only passenger vehicle parking is located in between the building and street, and/or the architecture of the building does not meet the building type requirements of Article 4.
  - Any building that meets the architectural standards of Article 4 but whose building is moved further from the street than the required build to line.
- Reduced street buffer widths may be disturbed and replanted so long as a complete visual opaque buffer is established at planting maturity between the building and street.

<sup>3</sup>Where non-residential uses are a part of a mixed-use development, buffer yards are not required between lesser intense uses.

<sup>4</sup>Where connectivity between subdivisions is appropriate for high quality neighborhood design, the Town Board may reduce or waive the required buffer yard.

<sup>5</sup>Except where non-residential uses in the HC and VS district abut residential uses, buffer yard width may be reduced to 10' if evergreen shrubs are used that will reach a minimum height of 8' at maturity. Shrubs shall be planted to create a complete visual buffer.

<sup>6</sup>The hierarchy of uses from lower intensity to higher intensity for purposes of determining buffer yards shall be as follows: Residential; Civic; Commercial/Office; Industrial.

### **.4 Additional Buffer Yard Standards.**

1. Buffers are not required for internal property boundaries of a planned community with mixed uses, but will be required to be placed at the perimeter of the project.
2. Perimeter parking lot landscaping shall count towards the buffer requirements.
3. Berms shall be permitted as part of a successful buffer program providing that they:

#### TA25-08: Miscellaneous Amendments

1. Are not permitted along public streets as a means of meeting the buffering requirement of this section.
2. Have a minimum height of 2 feet, a minimum crown width of 8 feet, and a side slope with a width to height ratio of no greater than 3 to 1 (3:1) if 4 feet or less in height. Berms shall not exceed 6 feet in height and, if greater than 4 feet in height, shall have a minimum crown width of 8 feet, and a side slope with a width to height ratio of no greater than 4 to 1 (4:1). Exceptions may be made to the maximum or minimum height of berms by the zoning administrator where, in his opinion, topographical changes dictate such exception.
3. Are designed and constructed with an undulating appearance which mimics as much as is practicable a natural topographical feature of the site.
4. Are substantially planted and covered with live vegetation. No berm shall consist entirely of turf grass, ground cover, mulch or similar material. If a berm is greater than 2 feet in height all trees shall be arranged so that they are planted within 2 vertical feet of the natural grade, unless irrigation is provided.
5. Are fully installed, planted, and stabilized prior to certification of zoning compliance.
6. Are designed to prevent standing water or to impede the flow of stormwater from adjacent properties.
7. Are free of structures, including fences, unless approved by the town as part of the landscaping requirements for a development site.
8. Are held and maintained by a legally constituted homeowners association if located in a residential development and shall not be used as part of any outdoor living space by adjacent property owners within the development.
9. Are not used for the display of vehicles or other merchandise, except that, when approved by the town, the berm and any other required landscaping area may be used as a display site for landscaping materials and plants for sale by an adjacent use.
10. Berms are not permitted where installation will destroy or damage required tree save areas.

TA25-08: Miscellaneous Amendments

.5 **Spacing of plantings.** Clustering and/or random spacing of plants and trees is encouraged to produce a natural appearance in the landscape to the extent that the plantings meet the screening intent of this section.

.6 **Grading and Development within the Buffer Yard Area.** No grading, clearing, or land disturbing activities shall occur within the required buffer yard area. Areas completely devoid of existing trees may be graded with slopes no greater than 3:1 as long as the future grades do not change the functionality of the required buffer yard (example: grading of a buffer yard to where the planted vegetation is below the property to be buffered). No fill or grading shall occur in any tree save area. Grading shall not create a new drainage pattern that is harmful to existing vegetation.

.7 **Alternate Buffer Yard Plan.** In the event of unusual topography or elevation of a development site, soil or other sub-surface condition on the site, or the presence of existing vegetation, the Zoning Administrator may alter the buffer yard requirements as long as the existing features of the development site comply with the spirit and intent of this Article. Such an alteration may occur only at the request of the property owner, who shall submit a plan to the Plan Reviewer showing existing site features that would buffer the proposed use and any additional buffer yard materials the property owner will plant or construct to buffer the proposed use. The Plan Reviewer shall not alter the requirements of the buffer yard unless the developer demonstrates that existing features and any additional buffer yard materials will buffer the proposed use as effectively as the required buffer yard. In deciding whether to approve such a plan, the Plan Reviewer shall consult with the Zoning Inspector. Plans must be reviewed and approved prior to ~~issuance of any certificate of occupancy~~final plat.

.8 All buffer yards shall remain undisturbed except for the following:

Utility easements may cross a buffer yard, but may not be planted laterally in a buffer yard. To the extent possible, the path cleared shall be replaced with plant materials which are consistent with those that existed prior to the easement.

Driveways and street crossings may cross a buffer yard but may not be installed laterally in a buffer yard.

Sidewalks and other pedestrian or bicycle paths may cross a buffer yard or be placed within it if such avoid disturbing existing vegetation.

Landscaping installation, maintenance, and replacement shall be exempt.

.9 In situations where the required buffer yard width is partially or completely contained within an existing easement (e.g. power or natural gas transmission, etc.) the planting



requirements of this Ordinance shall be met outside of the easement area. This area shall be identified as a buffer yard on all site, grading, erosion control, and landscape plans.

#### 7.8 Installation Guarantees And Maintenance Sureties

1. **Installation Guarantee Required.** A final Certificate of Occupancy may be issued prior to the installation of trees and shrubs, excluding yard trees, during the non-planting season if a Cash Bond, Surety Bond or Letter of Credit is issued for 120% of the cost of materials and installation. Planting shall be completed during the next planting season.

The planting season shall run from October 15 to March 15, except for extreme weather conditions as determined by staff. ~~A final Certificate of Occupancy shall not be given during the planting season unless all of the landscaping is completely installed according to this Article. A temporary Certificate of Occupancy may be issued during the non-planting season in order to allow planting to occur during the next planting season.~~

2. **Warranty Required.** Developers shall enter into a Warranty agreement with the Town of Huntersville guaranteeing the viability of street trees and trees and shrubs planted in buffer yards for a period of 1 year following planting. The amount of the warranty shall be equal to 50% of the value of the new trees or landscape material and their installation. The warranty shall be provided when all of the required trees and shrubs have been planted.

#### 7.10 Open Space - Purpose, Intent And Definitions

Regulations are intended to provide quality open space within a subdivision, multi-building site or commercial development.

There are five types of open space Urban, Agricultural, Common, Natural, and Recreational. Encouragement is given to apply creative design and allow flexibility to aid application of open space typologies. When determining placement of open space within a subdivision evaluation should occur when siting services and infrastructure by reducing road length, utility runs, and pavement. The creation of compact neighborhoods accessible to open space amenities aid strong community identity.

##### 1. Open Space Typologies Defined.

1. Urban Open Space. Planned and improved open space, accessible and usable. For small lot subdivisions urban open space shall be provided to

TA25-08: Miscellaneous Amendments

persons living within 1/4 mile measured along rights-of-way. In large lot subdivisions, urban open space application is required at 1/2 mile.

2. Agricultural Open Space. Preserve agricultural lands and rural character that would likely be lost through conventional development approaches.
3. Common Open Space. Any portion of a land that is not part of a private lot or tract of land such as, but not limited to, area devoted to water quality/quantity measures, entryway features including the landscape material, signage and, if applicable berm and any other open space area that is not defined by one of the four other open space types.
4. Natural Open Space. Preserve forested lands, natural features, and rural character that would likely be lost through conventional development approaches.
5. Recreational Open Space. To provide for active and passive recreation, included but not limited to, implementation of associated long range Town/County plans.

Reference Article 12: Definitions for subdivision, large lot.

2. All zoning districts, except Rural, require Urban Open Space to be incorporated into the design. All open space areas outside of landscape and ~~BMP-SCM~~ (stormwater) easements and lots that are not specified as Urban Open Space shall meet one or a combination of the remaining four open space typologies, Agricultural, Common, Natural and Recreational. Article 3 and Article 7.11 shall be referenced for further information.
3. Rural Zoning shall incorporate a combination of Agricultural, Common, Natural, or Recreational open space typologies. Article 3.2.1 and Article 7.11 shall be further referenced.
4. Below is a table outlining what types of open space options are available to meet zoning district standards.

|  |  | Zoning<br>Districts | R | TR | GR | NR, NC, TC, HC, CI,<br>CB, SP, TND-U, TND-<br>R, VS, TOD-R, and<br>TOD-E | Ordinance<br>Reference |
|--|--|---------------------|---|----|----|--------------------------------------------------------------------------|------------------------|
|  |  |                     |   |    |    |                                                                          |                        |

TA25-08: Miscellaneous Amendments

| Open Space Type |                    |  |   |   |   |   |           |
|-----------------|--------------------|--|---|---|---|---|-----------|
| Common          |                    |  | X | X | X | X | 7.10.1.c. |
| Agricultural    |                    |  | X | X |   |   | 7.10.1.b. |
| Natural         |                    |  | X | X |   |   | 7.10.1.d. |
| Recreational    |                    |  | X | X |   |   | 7.10.1.e. |
| Urban -         | Types              |  |   |   |   |   | 7.11.1.f  |
|                 | Community Garden   |  |   | X |   | X |           |
|                 | Forecourt          |  |   | X |   | X |           |
|                 | Green              |  |   | X |   | X |           |
|                 | Greenbelt          |  |   | X |   | X |           |
|                 | Greenway           |  |   | X |   | X |           |
|                 | Park               |  |   | X |   | X |           |
|                 | Parkway            |  |   | X |   | X |           |
|                 | Pedestrian Passage |  |   | X |   | X |           |
|                 | Plaza              |  |   | X |   | X |           |
|                 | Promenade          |  |   | X |   | X |           |
|                 | Square             |  |   | X |   | X |           |
|                 | Woonerf            |  |   | X |   | X |           |

## 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 (**SCMBMP**) within an urban open space area can be used. Any above ground **BMPSCMs** located within an Urban Open Space must add to the overall quality of the open space, rather than detract from area devoted to **SCMBMP**. ~~To exceed the twenty-five (25) percent limitation a design may be submitted to the Planning Board for review and approval.~~ Such **SCMBMP** design shall incorporate a combination of the following design elements; but not limited to, pathways, boardwalks, ponds

TA25-08: Miscellaneous Amendments

with fountains, and landscape material. Underground **BMPSCM**s 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.

|                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                      |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------|
| <p><b>Community Gardens</b> should be centrally located and accessible to residents for participation. Maintenance of the site shall be continued year round, as the intent is for the garden to be all-season. Should the garden become abandoned then the garden area will be required to be seeded with grass and used as a recreational area. Community Gardens shall be a minimum of 500 sq. ft.</p> |   |
| <p><b>Forecourts</b> are open space areas which act as buffers between residential buildings and non-residential buildings or streets. Forecourts are entirely bounded by streets. It is recommended that forecourts be planted parallel to all street ROW's with one tree species. Such plantings shall be a minimum of 10 ft. on center and a maximum of 30 ft. on center.</p>                          |  |

TA25-08: Miscellaneous Amendments

**Greenbelts** run along the perimeter of a neighborhood or town and serve to buffer from surrounding non-compatible uses such as a highway corridor, industrial district, or from agricultural areas or adjacent towns.

Greenbelts are left natural, but may include walking trails or passive recreation. In addition, schools located adjacent to Greenbelts can provide all recreational and athletic fields within the greenbelt. Streets bordering greenbelts shall match the Residential Street standards in Article 5 and the Huntersville Engineering Standards and Procedures Manual.



TA25-08: Miscellaneous Amendments

A **Green** is typically landscaped with trees at the edge and an open expanse of grass in the center that is externally surrounded directly or indirectly by buildings.



TA25-08: Miscellaneous Amendments

**Greenways** are generally linear in nature and may bisect or border developments. They are designed to incorporate natural settings such as creeks and significant stands of trees with neighborhoods. Recreational uses shall be provided, at a minimum, trails for walking, jogging and/or bicycling. A greenway may be bound by a public street, but not required. Greenways dedicated to Town/County as identified on the adopted greenway plan will be counted toward tree save area, if relevant. Upon completion of the publicly dedicated greenway any trees removed due to construction are not required to be replaced.





TA25-08: Miscellaneous Amendments

**Parks** may be designed for passive and/or active recreational use. Parks shall be bounded by streets on a minimum of 25% of their perimeter, and are encouraged to be enclosed by streets on all sides. Mini Parks, such as, but not limited to dog parks, playgrounds, pocket parks and splash pads can be incorporated throughout a development to meet the ordinance requirements.

Where mini parks are not used, the minimum size shall be 1 acre and maximum size 3 acres. Maximum park size may exceed 3 acres, if through design, the park creates a central open space, which services an entire neighborhood or group of neighborhoods; or incorporates physical features, which are an asset to the community (i.e. lake, high ground, significant stand of trees).



TA25-08: Miscellaneous Amendments

**Parkways** are open spaces designed to incorporate natural settings such as creeks and significant stands of trees within a neighborhood. Parkway may be entirely bounded by streets or pedestrian ROW's within developed areas. Parkway differ from parks and squares in that their detailing is natural (i.e. informally planted). Parkway are used for walking, jogging or bicycling. In addition, small scale recreational features such as playground area or soccer field are appropriate in parkways. Streets bordering the parkway shall match the Residential Street standards in Article 5 and the Huntersville Engineering Standards and Procedures Manual.



A **Plaza** is an open area adjacent to a civic, commercial, or residential building/s. Plazas function as gathering places. Limited parking is also permitted. Plazas are always paved in brick or another type of paver or crushed stone. Plazas shall be level, stepped, or gently sloping (less than 5% grade). The following sizes are recommended but may be smaller or larger depending on the building or facility design. At no time shall a plaza's horizontal length or width be greater than 3 times the height of surrounding buildings. Plazas may be



TA25-08: Miscellaneous Amendments

|                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                          |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>left unplanted. If planted, trees should form the geometric frame of the plaza space or for the structure the plaza services. Spacing shall be a minimum of 10 ft. on center and a maximum of 30 ft. on center. Minimum size is 2,000 sq. ft. and maximum size is 30,000 sq. ft.</p>                                                                                                                                                              |                                                                                                                                                                          |
| <p><b>Pedestrian passageways</b> are relatively narrow public spaces located in dense areas between buildings, allowing pedestrian access to the public front. These passageways can be successful locations for store entries, window displays, café seating or public meeting space. The passageway shall incorporate fixtures such as, but not limited to fountains, benches, landscape materials, sculptures, and other decorative elements.</p> |   |
| <p>A <b>Promenade</b> is a large, linear-designed area, usually adjacent to buildings lined with trees and shrubbery, which can be used as a public walk. Typically parking surrounds a promenade.</p>                                                                                                                                                                                                                                               |                                                                                      |

TA25-08: Miscellaneous Amendments

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                      |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------|
| <p><b>Squares</b> are areas for passive recreational use. Squares shall be bounded by streets on a minimum of three sides or 75% of their perimeter. Minimum size: 500 sq. ft.; Maximum size: 1 acre. Squares may be entirely paved in crushed gravel, brick paver, or similar material, or partially paved with other areas of soft landscape. Squares are encouraged to be planted parallel to all street ROW's with one tree species planted a minimum of 10 ft. on center and at a maximum of 30 ft. on center. Geometrical tree planting layouts for internal plantings are encouraged. A close can function as a square.</p> |    |
| <p>A <b>Woonerf</b> is an access way where the primary use is by pedestrian and bicycles with secondary use by vehicles. By removing curbs and any indication of a car travel line, while at the same time adding landscaping and street furniture, the public realm for pedestrians is expanded into what was the street. Parking areas shall be dispersed.</p>                                                                                                                                                                                                                                                                   |  |

2. **Agricultural Open Space.** Shall include areas set aside for agricultural purposes such as livestock, growing fruits, vegetables, grains, forestry, etc. The goals of the agricultural open space are as follows:
  - a. To conserve areas of the town with productive soils for continued agricultural use by preserving large blocks of land large enough to allow for efficient operations.
  - b. To minimize site disturbance and erosion through retention of existing vegetation and avoiding development in sensitive farmland areas.

TA25-08: Miscellaneous Amendments

- c. To protect scenic views and elements of the town's rural character, and to minimize perceived density by minimizing views of new development from existing roads.
- d. To preserve and maintain historic and archaeological sites and structures that serve as significant visible reminders of the town's social and architectural history.

Reference Article 3 and Article 7.12 - 7.14 for further information

- 3. **Common Open Space.** Shall include all other areas that are not suitable within the other open space categories. These areas can include, but are not limited to the following:
  - a. Entryway monumentation to include the landscaped area, berm (if applicable)
  - b. Water quality/quantity feature, known as Best Management Practices (**BMPSCMS**): The required maintenance easement shall be included as common open space. **BMPSCMS** include, but are not limited to, sandfilters, detention ponds, dry ponds, rain gardens, swales, and level spreaders.

Reference Article 3 and Article 7.12 - 7.14 for further information

- 4. **Natural Open Space.** Shall include areas where natural features, such as topography, rock outcroppings, hills and valleys are not altered. Only minimal thinning of vegetation shall be permitted to promote overall health of the natural area in accordance with the tree protection regulations of Article 7. The goals of natural open space are as follows:
  - a. To conserve areas of the town with productive soils for forestry use by preserving large blocks of land large enough to allow for efficient operations.
  - b. To encourage the maintenance and enhancement of habitat for various forms of wildlife and to create new woodlands through natural succession and reforestation where appropriate.
  - c. To minimize site disturbance and erosion through retention of existing vegetation and avoiding development in sensitive areas.
  - d. To conserve open land, including those areas containing unique and sensitive features such as natural areas and wildlife habitats, streams and creeks, wetlands and floodways.

## TA25-08: Miscellaneous Amendments

- e. To protect scenic views and elements of the town's rural character, and to minimize perceived density by minimizing views of new development from existing roads.

Reference Article 3 and Article 7.12 - 7.14 for further information

- 5. **Recreational Open Space.** Shall include areas where natural features may be altered to provide for recreational activities without impacting the impervious quality of the soil except as provided herein. These activities may include ballfields, equestrian trails, hiking trails, picnicking, primitive camping, golf courses, green spaces (manicured or not), etc. Structures related to the recreation space may count towards open space provided they do not create an impervious area over 100 sq. ft. The goals of recreational open space are as follows:
  - a. To preserve and maintain historic and archaeological site and structures that serve as significant visible reminders of the town's social and architectural history.
  - b. To provide for active and passive recreational needs of town residents, including implementation of associated town long range plans.

Reference Article 3 and Article 7.12 - 7.14 for further information

### **8.7 Height Limitation**

- 1. The height of habitable buildings and components is controlled by building type (Article 4).
- 2. Structures and structural components not intended for human occupancy (including towers, steeples, flagpoles, chimneys, water tanks or similar structures) may exceed the height limit of buildings. Further, towers primarily used for manufacturing purposes that may also be occupied may exceed the height limit of buildings. Components of civic buildings which extend above the height limit shall follow the standards for the civic building type (Article 4). When adjacent to a lot or lots located in a residential district, any part of a non-civic structure which extends above the height limit must be separated from the residential lot by a distance equal to its height measured from the ground. In all other instances, any part of a non-civic structure which extends above the height limit must be separated from lot lines by a minimum distance of one foot for every four feet in height measured from the ground.



## TA25-08: Miscellaneous Amendments

3. The height limitations of this section shall not apply to public utility poles and lines, skylights, and roof structures for elevators, stairways, tanks, heating, ventilation and air-conditioning equipment, or similar equipment for the operation and maintenance of a building, and any device used to screen such structures and equipment.
4. Commercial communication towers, where permitted, may exceed the height limit for structures when the standards of Section 9.9 are met.

### **8.17 Water Quality**

1. **Purpose.** The purpose of this ordinance is to establish storm water management requirements and controls to prevent surface water quality degradation to the extent practicable in the streams and lakes within the Town Limits and Extraterritorial Jurisdiction of Huntersville and to protect and safeguard the general health, safety, and welfare of Huntersville's residents. This ordinance seeks to meet this purpose by fulfilling the following objectives:
  - a. Minimize increases in storm water runoff from development or redevelopment in order to reduce flooding, siltation and stream bank erosion, and maintain the integrity of stream channels;
  - b. Minimize increases in non-point source pollution caused by storm water runoff from development or redevelopment that would otherwise degrade local water quality;
  - c. Minimize the total volume of surface water runoff that flows from developed sites in order to replicate pre-development hydrology to the maximum extent practicable;
  - d. Reduce storm water runoff rates and volumes, soil erosion and non-point source pollution, to the extent practicable, through storm water management controls, improved site design or best management practices (**BMPSCMs**) and to ensure that these management controls are properly maintained and pose no threat to public health or safety; and
  - e. Meet the requirements of the National Pollution Discharge Elimination System (NPDES) Storm Water Permit and other requirements as established by the Clean Water Act.

This ordinance and the Huntersville Water Quality Design Manual require the use of Low Impact Development (LID) **BMPSCMs** that utilize infiltration,

TA25-08: Miscellaneous Amendments

evaporation, retention and detention as well as biological and physical processes to more closely replicate pre-development hydrology characteristics and reduce negative water quality impacts.

2. **Applicability.** This ordinance shall apply to all of the land located within the Town Limits and Extraterritorial Jurisdiction of Huntersville. The effective date of this ordinance is June 30, 2007. This ordinance governs the development and use of all land and structures. No building, structure, or land shall be used, occupied or altered, and no building, structure, or part thereof shall be erected, constructed, reconstructed, moved, enlarged, or structurally altered, unless in conformity with all the provisions of this ordinance and all other applicable regulations, except as otherwise provided by this ordinance.
3. **Exceptions to Applicability.**
  - a. All properties shall be subject to this ordinance except those properties which, as of the effective date of June 30, 2007, fit into one of the following categories:
    1. Have been issued a Certificate of Building Code Compliance;
    2. Have a valid building permit;
    3. Are included on a valid preliminary subdivision plan and/or a valid sketch plan; or
    4. Are included in a complete conditional rezoning application and subdivision sketch plan submitted by May 1, 2007.
  - b. Redevelopment of non-single family homes that disturbs less than 20,000 square feet, does not decrease existing storm water controls, is not part of a larger common plan of development or sale, and renovation and/or construction costs do not exceed 100% of the tax value of the property is not subject to the provisions of this ordinance.
  - c. Residential development activity that disturbs less than one acre of land and is not part of a larger common plan of development or sale, including new development, redevelopment or expansions, is not subject to the provisions of this ordinance.
  - d. Non-residential development activity that disturbs less than 1/2 acre of land and is not part of a larger common plan of development or sale, including



## TA25-08: Miscellaneous Amendments

new development, redevelopment or expansions, is not subject to the provisions of this ordinance.

- e. This Article shall not require private property owners to install new or increased stormwater controls for (i) preexisting development or (ii) redevelopment activities that do not remove or decrease existing stormwater controls. When a preexisting development is redeveloped, either in whole or in part, increased stormwater controls shall only be required for the amount of impervious surface being created that exceeds the amount of impervious surface that existed before the redevelopment, irrespective of whether the impervious surface that existed before the redevelopment is to be demolished or relocated during the development activity. A property owner may elect to treat the stormwater resulting from the net increase in built-upon area above the preexisting development for the purpose of exceeding allowable density under the applicable water supply watershed rules as provided in G.S. 143-214.5(d3) and as further described in Article 3.

- 4. **No Development or Redevelopment Until Compliance and Permit.** No development or redevelopment shall occur except in compliance with the provisions of this ordinance or unless exempted. No development for which a permit is required pursuant to this ordinance shall occur except in compliance with the provisions, conditions, and limitations of the permit.
- 5. **Map.** The provisions of this ordinance shall apply within the areas designated on the map titled “Post-Construction Ordinance Map of the Town of Huntersville, North Carolina” (hereafter referred to as the “Post-Construction Ordinance Map”), which is adopted simultaneously herewith. The Post-Construction Ordinance Map and all explanatory matter contained thereon accompanies and is hereby made a part of this ordinance. The Post-Construction Ordinance Map shall be kept on file by the Storm Water Administrator or designee (hereinafter referred to as the “Storm Water Administrator”) and shall be updated to take into account changes in the land area covered by this ordinance and the geographic location of all structural **BMPSCMs** permitted under this ordinance. In the event of a dispute, the applicability of this ordinance to a particular area of land or **BMPSCM** shall be determined by appeal through the Storm Water Administrator.

- ~~6.~~ **Definitions.** For the purposes of this ordinance, the following words and phrases shall be defined as specified below:

Formatted: List Paragraph

## TA25-08: Miscellaneous Amendments

Administrative Manual. A manual developed by the Storm Water Administrator and distributed to the public to provide information for the effective administration of this ordinance, including but not limited to application requirements, submission schedule, fee schedule, operation and maintenance agreements, criteria for recordation of documents, inspection report forms, requirements for submittal of bonds, and a copy of this ordinance.

Best Management Practices (BMPs). A structural or nonstructural management based practice used singularly or in combination to reduce non-point source input to receiving waters in order to achieve water quality protection goals.

- a. Non-structural BMPs – Non-engineering methods to control the amount of non-point source pollution. These may include land-use controls and vegetated buffers.
- b. Structural BMPs – Engineered structures that are designed to reduce the delivery of pollutants from their source or to divert contaminants away from a water body.
- 6. Built-Up Area (BUA). That portion of a development project that is covered by impervious or partially impervious surface including, but not limited to, buildings; pavement and gravel areas such as roads, parking lots, and paths; and recreation facilities such as tennis courts. “Built-upon area” does not include a wooden slatted deck or the water area of a swimming pool. The specific methodology for calculating BUA is contained in the Charlotte-Mecklenburg BMP Design Manual. 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.

Formatted: List Paragraph

For the purposes of this section, 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.

## TA25-08: Miscellaneous Amendments

(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.

Charlotte-Mecklenburg BMPSCM Design Manual. A document that contains designs for **BMPSCM**s. The Huntersville Water Quality Design Manual and/or this ordinance indicate the designs from the Charlotte-Mecklenburg **BMPSCM** Design Manual that are approved for use in the Town of Huntersville for compliance with this ordinance. The Charlotte-Mecklenburg **BMPSCM** Design Manual shall be approved for use in the Town of Huntersville by the North Carolina Department of Environment and Natural Resources and shall be at least as stringent as the storm water design manual approved for use in Phase II jurisdictions by the Department for the proper implementation of the requirements of the federal Phase II storm water program. All references herein to the Charlotte-Mecklenburg **BMPSCM** Design Manual are to the latest published edition or revision.

Conventional BMPSCMs. Storm water treatment devices that are not LID **BMPSCM**s as defined below in "Definitions."

Detain. To store and slowly release storm water runoff following precipitation by means of a surface depression or tank and an outlet structure. Detention structures are commonly used for pollutant removal, water storage, and peak flow reduction.

Huntersville Water Quality Design Manual. The document that contains the approved **BMPSCM** designs and other information necessary for compliance with this ordinance. The Huntersville Water Quality Design Manual shall be approved for use in the Town of Huntersville by the North Carolina Department of Environment and Natural Resources and shall be at least as stringent as the storm water design manual approved for use in Phase II jurisdictions by the Department for the proper implementation of the requirements of the federal Phase II storm water program. All references herein to the Huntersville Water Quality Design Manual are to the latest published edition or revision.

Hydrologic Abstractions. Physical processes of interception of rainfall or overland storm water flow by vegetation, evaporation from land surfaces and upper soil layers, transpiration by plants, infiltration of water into soil surfaces, and storage of water in surface depressions.

Low Impact Development (LID) Approach. A technology-based system for managing urban

## TA25-08: Miscellaneous Amendments

storm water runoff that combines a hydrologically functional site design with pollution prevention measures to compensate for land development impacts on hydrology and water quality. To be effective, the LID approach must be applied to every phase of site planning, design, development and post-construction control for the purpose of mimicking predevelopment site hydrology by storing, infiltrating, evaporating and detaining storm water runoff. Examples of the LID Approach include reducing impervious surfaces, managing storm water closer to the source and avoiding large centralized management devices, phased grading, and vegetated conveyances instead of storm drain piping.

Low Impact Development (LID) BMPSCMs. Decentralized, structural storm water treatment devices that utilize infiltration, evaporation, retention and detention as well as biological and physical processes to more closely replicate pre-development hydrology characteristics and reduce negative water quality impacts. Examples of LID BMPSCMs include bio retention systems, sand filters, and vegetated filter strips.

Mecklenburg County Land Use and Environmental Services Agency. The department or division of Mecklenburg County government (regardless of the title given to it by Mecklenburg County) which has responsibility for storm water and water quality matters, acting as the agent of the Town of Huntersville for various purposes in connection with the enforcement of this ordinance.

National Pollution Discharge Elimination System (NPDES) Permit. A permit issued pursuant to the federal Clean Water Act for the purpose of controlling discharges of pollutants to surface waters and protecting water quality. In North Carolina, NPDES Permits are issued by the N.C. Department of Environment and Natural Resources.

Non-Point Source (NPS) Pollution. Forms of pollution caused by sediment, nutrients, organic and toxic substances originating from land use activities and carried to lakes and streams by surface runoff.

Retain. To capture and hold storm water runoff following precipitation by means of surface depression allowing the water to infiltrate into the soil, thus reducing the hydrologic and pollution impacts downstream. Retention structures are commonly used for pollutant removal, water storage, and peak flow reduction.

Storm Water Administrator. The Mecklenburg County Water Quality Program Manager that has been designated by the Town of Huntersville Board of Commissioners to administer

## TA25-08: Miscellaneous Amendments

and enforce this ordinance.

Stormwater Control Measure (SCMs). A structural or nonstructural management based practice used singularly or in combination to reduce non-point source input to receiving waters in order to achieve water quality protection goals described as follows:

Formatted: Font: Not Italic

- a. Non-structural SCMs – Non-engineering methods to control the amount of non-point source pollution. These may include land-use controls and vegetated buffers.
- b. Structural SCMs – Engineered structures that are designed to reduce the delivery of pollutants from their source or to divert contaminants away from a water body.

Storm Water Management Permit. A permit required for all development and redevelopment unless exempt pursuant to this ordinance, which demonstrates compliance with this ordinance.

Total Suspended Solids (TSS). Total suspended matter in water, which is commonly expressed as a concentration in terms of milligrams per liter (mg/l) or parts per million (ppm).

### 7. Interpretation.

- a. **Meaning and Intent.** All provisions, terms, phrases, and expressions contained in this ordinance shall be construed according to the general and specific purposes set forth in Section 8.17.1, Purpose. If a different or more specific meaning is given for a term defined elsewhere in the Town of Huntersville ordinances, the meaning and application of the term in this ordinance shall control for purposes of application of this ordinance.
- b. **Text Controls in Event of Conflict.** In the event of a conflict or inconsistency between the text of this ordinance and any heading, caption, figure, illustration, table, or map, the text shall control.
- c. **Authority for Interpretation.** The Storm Water Administrator has authority to interpret this ordinance. Any person may request an interpretation by submitting a written request to the Storm Water Administrator who shall respond in writing within 30 days. The Storm Water Administrator shall keep on file a record of all written interpretations of this ordinance.
- d. **References to Statutes, Regulations, and Documents.** Whenever reference is made to a resolution, ordinance, statute, regulation, manual

## TA25-08: Miscellaneous Amendments

(including the Design and Administrative Manuals), or document, it shall be construed as a reference to the most recent edition of such that has been finalized and published with due provision for notice and comment, unless otherwise specifically stated.

- e. **Computation of Time.** The time in which an act is to be done shall be computed by excluding the first day and including the last day. If a deadline or required date of action falls on a Saturday, Sunday, or holiday observed by the Town of Huntersville, the deadline or required date of action shall be the next day that is not a Saturday, Sunday or holiday observed by the Town of Huntersville. References to days are calendar days unless otherwise stated.
- f. **Delegation of Authority.** Any act authorized by this ordinance to be carried out by the Storm Water Administrator of the Town of Huntersville may be carried out by his or her designee.
- g. **Usage.**
  - 1. **Mandatory and Discretionary Terms.** The words “shall,” “must,” and “will” are mandatory in nature, establishing an obligation or duty to comply with the particular provision. The words “may” and “should” are permissive in nature.
  - 2. **Conjunctions.** Unless the context clearly indicates the contrary, conjunctions shall be interpreted as follows: The word “and” indicates that all connected items, conditions, provisions or events apply. The word “or” indicates that one or more of the connected items, conditions, provisions or events apply.
  - 3. **Tense, Plurals, and Gender.** Words used in the present tense include the future tense. Words used in the singular number include the plural number and the plural number includes the singular number, unless the context of the particular usage clearly indicates otherwise. Words used in the masculine gender include the feminine gender, and vice versa.
- h. **Measurement and Computation.** Lot area refers to the amount of horizontal land area contained inside the lot lines of a lot or site.

### 8. Huntersville Water Quality Design Manual.

- a. **Reference to the Huntersville Water Quality Design Manual.** The Storm Water Administrator shall use the policy, criteria, and information, including

## TA25-08: Miscellaneous Amendments

technical specifications and standards, in the Huntersville Water Quality Design Manual as the basis for decisions about Storm Water Management Permits and about the design, implementation and performance of structural and non-structural storm water **BMPSCMs**. The Huntersville Water Quality Design Manual includes acceptable **BMPSCMs** for compliance with ordinance requirements, including the specific design criteria for each **BMPSCM**. **BMPSCMs** that are designed and constructed in accordance with these criteria will be presumed to meet the minimum water quality performance standards of this ordinance and the federal Phase II Storm Water Rules. Failure to construct **BMPSCMs** in accordance with these criteria may subject the violator to a civil penalty as described in this ordinance.

- b. **Relationship of the Huntersville Water Quality Design Manual to Other Laws and Regulations.** If the specifications or guidelines of the Huntersville Water Quality Design Manual are more restrictive or apply a higher standard than other laws or regulations, that fact shall not prevent application of the specifications or guidelines in the Huntersville Water Quality Design Manual.
- c. **Changes to Standards and Specifications.** Standards, specifications, guidelines, policies, criteria, or other information in the Huntersville Water Quality Design Manual in effect at the time of acceptance of a complete application shall control and shall be utilized in reviewing the application and in implementing this ordinance with regard to the application.

Amendments to the Huntersville Water Quality Design Manual. Subject to Huntersville Planning Director approval, the Huntersville Water Quality Design Manual may be updated and expanded from time to time, based on advancements in technology and engineering, improved knowledge of local conditions, or local monitoring or maintenance experience. Prior to amending or updating the Huntersville Water Quality Design Manual, proposed changes shall be generally publicized and made available for review, and an opportunity for comment by interested persons shall be provided.

### 9. Relationships to Other Laws, Regulations and Private Agreements.

- a. **Conflict of Laws.** This ordinance is not intended to modify or repeal any other ordinance, rule, regulation or other provision of law. The requirements of this ordinance are in addition to the requirements of any other ordinance, rule, regulation or other provision of law, and where any provision of this ordinance imposes restrictions different from those imposed by any other ordinance, rule, regulation or other provision of law, whichever provision is

## TA25-08: Miscellaneous Amendments

more restrictive or imposes higher protective standards for human or environmental health, safety, and welfare, shall control.

- b. **Private Agreements.** This ordinance is not intended to revoke or repeal any easement, covenant, or other private agreement. However, where the regulations of this ordinance are more restrictive or impose higher standards or requirements than such easement, covenant, or other private agreement, then the requirements of this ordinance shall govern. Nothing in this ordinance shall modify or repeal any private covenant or deed restriction, but such covenant or restriction shall not legitimize any failure to comply with this ordinance. In no case shall the Town of Huntersville be obligated to enforce the provisions of any easements, covenants, or agreements between private parties.

10. **Severability.** If the provisions of any section, subsection, paragraph, subdivision or clause of this ordinance shall be adjudged invalid by a court of competent jurisdiction, such judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision or clause of this ordinance.

### 11. Effective Date and Transitional Provisions.

- a. **Effective Date.** This ordinance shall take effect on June 30, 2007.
- b. **Violations Continue.** Any violation of the provisions of this ordinance existing as of the effective date of this ordinance shall continue to be a violation under this ordinance and be subject to penalties and enforcement unless the use, development, construction, or other activity complies with the provisions of this ordinance.

12. **Performance Criteria.** All development and redevelopment to which this ordinance applies shall comply with all the Performance Criteria of this section unless mitigation requirements are satisfied as described in Section 8.17.15 of this ordinance. The Huntersville Water Quality Design Manual contains a list of **BMPSCMs** approved for meeting these criteria. The specific design criteria for these **BMPSCMs** are contained in the Huntersville Water Quality Design Manual as well as other State and/or local design manuals as specifically referenced in Huntersville Water Quality Design Manual.

- a. **Performance Criteria for Low Density Projects.** Any project is considered low density when said project has less than or equal to 12% built upon area as determined by the methodology established in the Charlotte-Mecklenburg



## TA25-08: Miscellaneous Amendments

**BMPSCM** Design Manual. Such low density projects shall comply with each of the following standards.

1. Vegetated Conveyances. Storm water runoff from the development shall be transported from the development by vegetated conveyances to the maximum extent practicable.
2. Built-Upon Area Setbacks. All built-upon area for development and redevelopment subject to the requirements of this ordinance shall be at a minimum of 30 feet landward of all perennial and intermittent surface waters. This built-upon area setback can be located within the water quality buffer area. Surface water shall be delineated in the field by a certified professional using U.S. Army Corps of Engineers and/or N.C. Division of Water Quality methodology.
  - A. Based on a Variance issued pursuant to Section 11.3 of this ordinance, unnecessary hardships would result from the strict application of this requirement or as provided in Section 8.25.10.
  - B. Based on a determination by the Storm Water Administrator, a lack of practical alternatives exists for accomplishing the basic purpose of the project in a manner that would avoid or result in less adverse impact to surface waters considering the potential for a reduction in size, configuration, or density and all alternative designs.
3. Stream Buffers. The S.W.I.M. Stream Buffer requirements as described in Section 8.25 of this ordinance shall apply to low density projects.

- b. **Performance Criteria for High Density Projects.** Any project is considered high density when said project has greater than 12% built upon area as determined by the methodology established in the Charlotte-Mecklenburg **BMPSCM** Design Manual. Such high density projects shall comply with each of the following standards:

1. Built-Upon Area Setbacks. All built-upon area for development and redevelopment subject to the requirements of this ordinance shall be at a minimum of 30 feet landward of all perennial and intermittent surface waters. This built-upon area setback can be located within the water quality buffer area. Surface water shall be delineated in the field

## TA25-08: Miscellaneous Amendments

by a certified professional using U.S. Army Corps of Engineers and/or N.C. Division of Water Quality methodology.

- A. Based on a Variance issued pursuant to Section 11.3 of this ordinance, unnecessary hardships would result from the strict application of this requirement or as provided in Section 8.25.10.
  - B. Based on a determination by the Storm Water Administrator, a lack of practical alternatives exists for accomplishing the basic propose of the project in a manner that would avoid or result in less adverse impact to surface waters considering the potential for a reduction in size, configuration, or density and all alternative designs.
2. Stream Buffers. The S.W.I.M. Stream Buffer requirements as described in Section 8.25 of this ordinance shall apply to high density projects.
3. Storm Water Quality Treatment Volume. Storm water quality treatment systems shall treat the runoff generated from the first inch of rainfall.
4. Storm Water Quality Treatment Standard. All **BMPSCMs** used to meet these Performance Criteria shall be designed to achieve an average annual 85% Total Suspended Solids (TSS) removal for the developed area of the site. LID **BMPSCMs** or a combination of LID and Conventional **BMPSCMs** as described in the Huntersville Water Quality Design Manual shall be used to meet these water quality Performance Criteria. If a combination of LID and Conventional **BMPSCMs** is used, then at a minimum the first 50% of the runoff from the one (1) inch storm event must be treated using LID **BMPSCMs**. The remaining percentage shall be treated using Conventional **BMPSCMs** capable of achieving the above described pollutant removal efficiency. No one bio retention **BMPSCM** shall exceed 5,000 square feet of soil media surface area.
5. Storm Water Treatment System Design. General engineering design criteria for all projects shall be in accordance with 15A NCAC 2H .1008(c), as explained in the Huntersville Water Quality Design Manual.

## TA25-08: Miscellaneous Amendments

6. Storm Water Volume Control. LID **BMPSCM**s or a combination of LID and Conventional **BMPSCM**s shall be used to control and treat the increase in storm water runoff volume associated with post-construction conditions as compared with pre-construction (existing) conditions for the 2-year frequency, 24-hour duration storm event in the Rural and Transitional Zoning Districts. For all other Zoning Districts, LID **BMPSCM**s or a combination of LID and Conventional **BMPSCM**s shall be used to control and treat the increase in storm water runoff volume associated with post-construction conditions as compared with pre-construction (existing) conditions for the 1-year frequency, 24-hour duration storm event. Where any storm water **BMPSCM** employs the use of a temporary water quality storage pool as a part of its treatment system, the drawdown time shall be a minimum of 48 hours and a maximum of 120 hours.
7. Storm Water Volume Peak Control. The peak storm water runoff release rates leaving the site during post-construction conditions shall be equal to or less than the pre-development peak storm water runoff release rates for the 2-year frequency, 24-hour duration storm event and 10-year frequency, 24-hour duration storm event. The emergency overflow and outlet works for any pond or wetland constructed as storm water **BMPSCM** shall be capable of safely passing a discharge with a minimum recurrence frequency of 50 years. For detention basins, the temporary storage capacity shall be restored within 72 hours. Requirements of the Dam Safety Act shall be met when applicable.

### 13. Low Impact Development (LID) Approach. The Low Impact Development (LID)

Approach is a technology-based system for managing urban storm water runoff that combines a hydrological functional site design with pollution prevention measures to compensate for land development impacts on hydrology and water quality. To be effective, the LID Approach must be applied to every phase of site planning, design, development and post-construction control for the purpose of mimicking predevelopment site hydrology by storing, infiltrating, evaporating and detaining storm water runoff. Examples of the LID Approach include reducing impervious surfaces, managing storm water closer to the source and avoiding large centralized management devices, phased grading, and vegetated conveyances instead of storm drain piping. The principal goal of the LID Approach is to ensure maximum protection of the ecological integrity of the receiving waters by maintaining the

watershed's hydrologic regime. In contrast, the conventional approach to storm water management seeks to alter the watershed's hydrologic regime by conveying runoff into a piping system and centralized storm water management devices to quickly and efficiently remove storm water from the development site. Most development practices follow this conventional approach to storm water management. The use of the LID Approach is not required by this ordinance but is strongly encouraged. One of the post-construction components of the LID Approach is the LID **BMPSCM**, which is a single structural device that utilizes the LID principles of infiltration, evaporation, retention and detention as well as biological and physical processes to treat storm water runoff. The use of LID **BMPSCM**s is required by this ordinance unless mitigation practices are approved and implemented. The purpose of this Section of the ordinance is to encourage the use of the LID Approach along with LID **BMPSCM**s, which is most effective and efficient combination for managing storm water runoff and facilitating compliance with the Purpose of this ordinance as described in Section 8.17.1. The LID Approach and LID **BMPSCM**s are further defined and explained in the Huntersville Water Quality Design Manual.

#### 14. Standards for Storm Water Control Measures.

- a. **Evaluation According to Contents of Huntersville Water Quality Design Manual.** All storm water **BMPSCM**s required under this ordinance shall be evaluated by the Storm Water Administrator according to the policies, criteria, and information, including technical specifications, standards and the specific design criteria for each **BMPSCM** contained in the Huntersville Water Quality Design Manual. The Storm Water Administrator shall determine whether these measures will be adequate to meet the requirements of this ordinance.
- b. **Determination of Adequacy.** **BMPSCM**s that are designed, constructed, and maintained in accordance with the criteria and specifications in the Huntersville Water Quality Design Manual will be presumed to meet the minimum water quality and quantity performance standards of this ordinance. Whenever an applicant proposes to utilize a practice or practices not designed and constructed in accordance with the criteria and specifications in the Huntersville Water Quality Design Manual, the applicant shall have the burden of demonstrating that the practice(s) will satisfy the minimum water quality and quantity performance standards of this ordinance before it can be approved for use. The Storm Water Administrator

## TA25-08: Miscellaneous Amendments

may require the applicant to provide such documentation, calculations, and examples as necessary for the Storm Water Administrator to determine whether such an affirmative showing is made.

- c. **Submittal of Digital Records.** Upon submittal of as-built surveys, the location of storm drainage pipes, inlets and outlets as well as the location of all structural **BMPSCMs** must be delivered to the Storm Water Administrator in the digital format specified in the Administrative Manual.

### 15. LID Mitigation Options.

#### a. General Description.

1. Mitigation Allowed. Developments with greater than or equal to 50% built-upon area based on lot size shall be allowed to forgo the use of LID **BMPSCMs** on the development site for compliance with this ordinance provided:
  - A. A mitigation option is approved and successfully implemented for the development;
  - B. Conventional **BMPSCMs** are designed, constructed, and maintained on the development site to achieve an average annual 85% Total Suspended Solids (TSS) removal for the developed area of the site in accordance with the criteria and specifications in the Huntersville Water Quality Design Manual; and
  - C. The development site achieves full compliance with the Performance Criteria contained in Section 8.17.12(b) 1, 2, 3, 5, 6, and 7 of this ordinance.
2. LID Mitigation Options. There are two (2) LID mitigation options available to developments greater than or equal to 50% built-upon area, including off-site and buy-down mitigation. Both off-site and buy-down mitigation shall result in the construction of retrofit projects in the same river basin in the Town of Huntersville (Catawba or Yadkin) as the development site.

#### b. Criteria for Off-Site Mitigation Option.

1. Off-Site LID **BMPSCM** Construction. The owner or designee of the development site shall satisfy the off-site mitigation option by

## TA25-08: Miscellaneous Amendments

constructing a **BMPSCM** retrofit project off-site and in the same river basin in the Town of Huntersville (Catawba or Yadkin) as the development site. The project shall be designed and constructed to achieve a net mass removal of pollutants greater than or equal to the pollutant load associated with the difference between the pollutant removal efficiencies for LID versus Conventional **BMPSCMs** at the development site treating runoff from the first one (1) inch of rainfall. The Huntersville Water Quality Design Manual shall contain the criteria for satisfying this requirement.

2. Off-Site Mitigation Application. The Storm Water Administrator shall receive, review, approve, disapprove or approve with conditions an "Application for Off-Site Mitigation." The Storm Water Administrator shall design this application to include all pertinent information. This application shall be submitted with the Concept Plan Application. The Huntersville Water Quality Design Manual shall contain information regarding the proper completion and submittal of this application.
3. Criteria for Approval of Off-Site Mitigation. The criteria for approval of off-site mitigation by the Storm Water Administrator are as follows:
  - A. **BMPSCM(s)** shall be designed, constructed, and maintained in accordance with the criteria and specifications in the Huntersville Water Quality Design Manual.
  - B. **BMPSCM(s)** shall be sized for the corresponding watershed area according to the approved design standards in the Huntersville Water Quality Design Manual.
  - C. **BMPSCM(s)** shall be inspected by the Storm Water Administrator and found to be in compliance with all approved plans and specifications prior to the approval of the SCM As-Built Survey Package, passing final inspection, and release of occupancy permits for the development site.
  - D. All off-site mitigation **BMPSCMs** shall be subject to the maintenance requirements as well as installation and maintenance performance securities specified in this ordinance and the Administrative Manual.

### c. Criteria for Buy-Down Mitigation Option.

## TA25-08: Miscellaneous Amendments

1. Payment of Mitigation Fee. Buy-Down mitigation shall be satisfied by payment to the Town of Huntersville of a fee established by the Storm Water Administrator to cover the cost for installation by the Town or its designee of a mitigation project in the same river basin (Catawba or Yadkin) as the development site. The project shall be designed and constructed to achieve a net mass removal of pollutants greater than or equal to the pollutant load associated with the difference between the pollutant removal efficiencies for LID versus Conventional **BMPSCMs** at the development site treating runoff from the first one (1) inch of rainfall. The Huntersville Water Quality Design Manual shall contain the criteria for satisfying these requirements.
2. Buy-Down Mitigation Application. The Storm Water Administrator shall receive, review, approve, disapprove or approve with conditions an "Application for Buy-Down Mitigation." The Storm Water Administrator shall design this application to include all pertinent information. This application shall be submitted with the Concept Plan Application. The Huntersville Water Quality Design Manual shall contain information regarding the proper completion and submittal of this application.
3. Criteria for Approval of Buy-Down Mitigation. The criteria for approval of buy-down mitigation by the Storm Water Administrator are as follows:
  - A. The buy-down option shall not be approved by the Storm Water Administrator unless projects and/or properties are available for mitigation at the time the "Application for Buy-Down Mitigation" is received.
  - B. There is no time constraint for the Town of Huntersville to spend mitigation money; however, the Town of Huntersville shall strive to spend buy-down monies in a timely and efficient manner such that a net improvement in water quality results.
  - C. All projects constructed by the Town of Huntersville as part of this mitigation option shall be maintained by the Town of Huntersville or its designee into perpetuity.
- d. **Mitigation for Development and Redevelopment on Lots Less Than One Acre.** Development and redevelopment on a lot less than one (1) acre in size

## TA25-08: Miscellaneous Amendments

are allowed by right to forego meeting the requirements of this article, provided the following criteria are met:

1. The lot has been described by metes and bounds in a recorded deed or shown on a recorded plat prior to July 1, 2007;
2. Development and redevelopment on the lot are not part of a larger common plan of development or sale, even though multiple, separate or distinct activities take place at different times on different schedules;
3. Stream Buffer requirements are fulfilled as described in Section 8.25 of this ordinance; and
4. Mitigation is provided by fulfilling at least one (1) of the three (3) criteria described in Subsection f) below.

e. **Mitigation for Redevelopment in the Town Center Zoning District.**

Redevelopment projects in the Town Center Zoning District for the Town of Huntersville are allowed by right to forego meeting the requirements of this article, provided the following criteria are met:

1. Stream Buffer requirements are fulfilled as described in Section 8.25 of this ordinance;
2. Mitigation is provided by fulfilling at least one (1) of the three (3) criteria described in Subsection f) below; and
3. If there is no net increase in existing built-upon area, including built-upon area that is removed as part of the redevelopment, and there is no decrease in existing storm water controls, then there is no limit on the amount of disturbed area, or
4. If there is a net increase in existing built-upon area, including built-upon area that is removed as part of the redevelopment, or there is a decrease in existing storm water controls, then the amount of total disturbed area on the site must be less than one (1) acre.

f. **Criteria for Development and Redevelopment Mitigation.** One (1) of the following three (3) criteria must be fulfilled to satisfy the mitigation requirement for development and redevelopment projects described in Subsection d) and e) above:



## TA25-08: Miscellaneous Amendments

1. Storm Water Quality Treatment requirements are met on site as described in Section 8.17.12(b)(3), (4) and (5) of this ordinance with LID or Conventional **BMPSCMs** allowed;
2. Storm Water Volume and Peak Control requirements are met on site as described in Section 8.17.12(b)(6) and (7) of this ordinance; or
3. The Town is paid a mitigation fee prorated at \$60,000 per acre for all projects except single-family residential that will be prorated at \$45,000 per acre for the untreated post-project built-upon-area. This fee shall be used to cover the cost for installation by the Town or its designee of a mitigation project(s) capable of achieving a net mass removal of pollutants greater than or equal to the pollutant removal that would have been achieved by **BMPSCMs** installed at the development site in full compliance with ordinance requirements. The mitigation project(s), as determined by the Town, must be located in the same named lake or stream watershed that is receiving storm water discharge from the development site, including Lake Norman, Mountain Island Lake, McDowell Creek, Gar Creek, Ramah Creek, and Clarke Creek. An exception to the location of the mitigation project can be made if the Storm Water Administrator determines there are no viable mitigation projects in that watershed provided mitigation is done in the Town of Huntersville zoning jurisdiction.

### 16. Administration and Procedures.

#### a. Storm Water Administrator.

1. Designation. The Mecklenburg County Water Quality Program Manager has been designated as the Storm Water Administrator by the Town of Huntersville for the purpose of administering and enforcing this ordinance. Any act authorized by this ordinance to be carried out by the Storm Water Administrator of the Town of Huntersville may be carried out by his or her designee.
2. Powers and Duties. In addition to the powers and duties that may be conferred by other provisions of other laws, the Storm Water Administrator shall have the following powers and duties under this ordinance.
  - A. To review and approve or disapprove applications submitted pursuant to this ordinance.

TA25-08: Miscellaneous Amendments

- B. To make determinations and render interpretations of this ordinance.
  - C. To establish application requirements and schedules for submittal and review of applications and appeals.
  - D. To enforce this ordinance in accordance with its enforcement provisions.
  - E. To maintain records, maps, and official materials as relate to the adoption, amendment, enforcement, or administration of this ordinance.
  - F. To provide expertise and technical assistance upon request to the Huntersville Town Board.
  - G. To designate appropriate other person(s) who shall carry out the powers and duties of the Storm Water Administrator.
  - H. To provide information and recommendations relative to variances and information as requested by the Town of Huntersville in response to appeals.
  - I. To take any other action necessary to administer the provisions of this ordinance.
- b. **Administrative Manual.** For applications required under this ordinance, the Storm Water Administrator shall compile into an Administrative Manual the application requirements, submittal checklist, submission schedule, fee schedule, operation and maintenance agreements, a copy of this ordinance, and other information and materials necessary for the effective administration of this ordinance. This Administrative Manual shall be made available to the public.
- c. **Review Procedures.**
- 1. **Permit Required.** A Storm Water Management Permit is required for all development and redevelopment unless exempt pursuant to this ordinance. A permit may only be issued subsequent to a properly submitted, reviewed and approved permit application, pursuant to this Section. The content and form of the permit shall be established by the Storm Water Administrator.

## TA25-08: Miscellaneous Amendments

2. Effect of Permit. A Storm Water Management Permit shall govern the design, installation, and construction of storm water management and control practices on the site, including structural ~~BMPSCMs~~ and elements of site design for storm water management other than structural ~~BMPSCMs~~. The permit is intended to provide a mechanism for the review, approval, and inspection of the approach to be used for the management and control of storm water for the development or redevelopment site consistent with the requirements of this ordinance. Compliance after project construction is assured by the maintenance provision of this ordinance.
3. Authority to File Applications. All applications required pursuant to this ordinance shall be submitted to the Storm Water Administrator by the land owner or the land owner's duly authorized agent or anyone having interest in the property by reason of a written contract with the owner.
4. Establishment of Application Requirements, Schedules, and Fees.
  - A. The Storm Water Administrator shall establish requirements for the content and form of all applications and shall amend and update those requirements from time to time. Two (2) applications are required for submittal, including the Concept Plan Application and Storm Water Management Permit Application.
  - B. The Storm Water Administrator shall establish a submission schedule for applications. The schedule shall establish deadlines by which complete applications must be submitted for the purpose of ensuring that there is adequate time to review applications, and that the various stages in the review process are accommodated.
  - C. The Town of Huntersville shall establish permit review fees as well as policies regarding refund of any fees upon withdrawal of an application, and may amend and update the fees and policies from time to time.
5. Consultations. An applicant may request consultation(s) on a Concept Plan Application for the post-construction storm water management system to be utilized in the proposed development

project. This consultation meeting(s) should take place at the time of the preliminary plan of the subdivision or other early step in the development process. The purpose of this meeting(s) is to discuss the post-construction storm water management measures necessary for the proposed project, as well as to discuss and assess constraints, opportunities and potential approaches to storm water management designs before formal site design engineering is commenced.

6. Submittal of Applications.

- A. A Concept Plan. Application shall be submitted to the Storm Water Administrator for review prior to the submittal of the Storm Water Management Permit Application. This Concept Plan Application shall include the information necessary to evaluate the proposed development site for compliance with Performance Criteria as detailed in the Huntersville Water Quality Design Manual.
- B. A Storm Water Management Permit Application shall be submitted to the Storm Water Administrator for review following the approval of the Concept Plan Application. This Storm Water Management Permit Application shall detail how post-construction storm water runoff will be controlled and managed and how the proposed project will meet the requirements of this ordinance. The application shall also include the design of all storm water facilities and practices, supporting computations, drawings, soil analyses, calculations for each **BMPSCM**, site hydrology calculations, and other information sufficient to describe the manner, location, and type of measures for managing storm water from the development in compliance with this ordinance. All design plans submitted with the application shall be prepared by a registered North Carolina professional engineer or landscape architect. The engineer or landscape architect shall perform services only in their area of competence, and shall verify that the design of all storm water management facilities and practices meets the submittal requirements for complete applications, that the designs and plans are sufficient to comply with applicable standards and policies found in the

Huntersville Water Quality Design Manual, and that the designs and plans ensure compliance with this ordinance. The submittal shall include all of the information required in the submittal checklist established by the Storm Water Administrator. Incomplete submittals shall be treated pursuant to Section 8.17.16(c)-(7).

7. Submittal of Complete Application. Applications shall be submitted to the Storm Water Administrator pursuant to the application submittal schedule in the form established by the Storm Water Administrator, along with the appropriate fee established pursuant to this Section. An application shall be considered as timely submitted only when it contains all elements of a complete application pursuant to this ordinance, along with the appropriate fee. If the Storm Water Administrator finds that an application is incomplete, the applicant shall be notified of the deficient elements and shall be provided with an opportunity to submit a complete application. However, the submittal of an incomplete application shall not suffice to meet a deadline contained in the submission schedule established above.
8. Application Review. Within 20 working days after a complete application is submitted, the Storm Water Administrator shall review the application and determine whether the application complies with the standards of this ordinance.
  - A. If the Storm Water Administrator finds that the application complies with the standards of this ordinance, the Storm Water Administrator shall approve the application and issue a Storm Water Management Permit to the applicant. The Storm Water Administrator may impose conditions of approval as needed to ensure compliance with this ordinance. The conditions shall be included in the permit as part of the approval.
  - B. If the Storm Water Administrator finds that the application fails to comply with the standards of this ordinance, the Storm Water Administrator shall notify the applicant and shall indicate how the application fails to comply. The applicant shall have an opportunity to submit a revised application.

TA25-08: Miscellaneous Amendments

- C. A complete revised application shall be reviewed by the Storm Water Administrator within 15 working days after its re-submittal and shall be approved, approved with conditions or disapproved. If a revised application is not re-submitted within sixty (60) calendar days from the date the applicant was notified, the application shall be considered withdrawn, and a new submittal for the same or substantially the same project shall be required along with the appropriate fee.

**17. As-Built Surveys and Final Approval.** ~~Once a drainage area (as defined by the Administrative Manual) has been constructed and stabilized per the North Carolina Erosion and Sediment Control Field Manual sufficient to construct the storm water control measures (SCM), or has been idle for one (1) year with more than 24% BUA, or the design engineer approves the conversion for a SCM, the owner shall construct the permanent stormwater management facilities within six months.~~ The applicant shall certify that the completed project is in accordance with the approved plans and designs, and shall submit actual “as-built” surveys for all storm water management facilities or practices ~~after final construction is completed within 60 days of the completion of the SCM construction with continuous effort applied towards approval status of the As-Built Survey as determined by the Storm Water Administrator.~~ Failure to ~~provide~~ **construct and obtain** approved as-built surveys within the time frame specified by the Storm Water Administrator may result in assessment of penalties. ~~At the discretion of the Storm Water Administrator, performance securities or bonds may be required for storm water management facilities or practices until as-built surveys are approved.~~

As-built surveys shall show the final design specifications for all storm water management facilities and practices and the field location, size, depth, and planted vegetation of all measures, controls, and devices, as installed. The designer of the storm water management measures and plans shall certify, under seal, that the as-built storm water measures, controls, and devices are in compliance with the approved plans and designs and with the requirements of this ordinance. The exact boundary of all storm water management measures shall be shown on final plats prepared by a registered surveyor. Further, final plats shall contain the following statement: "This lot contains a storm water management structure that must be maintained in accordance with the recorded Maintenance ~~Covenant Agreement~~ as specified in the Huntersville Zoning Ordinance."

## TA25-08: Miscellaneous Amendments

Final **approved** as-built surveys and a **passing**-final inspection and approval by the Storm Water Administrator are **all** required before a project is determined to be in compliance with this ordinance and before performance securities shall be released. At the discretion of the Storm Water Administrator, certificates of occupancy may be withheld pending receipt of as-built surveys and the completion of a final inspection and approval of a project.

Upon submittal of as-built surveys, the location of storm drainage pipes, inlets and outlets as well as the location of all **SCMBMPs** must be delivered to the Storm Water Administrator in the digital format specified in the Administrative Manual.

### 18. Approvals.

- a. **Effect of Approval.** Approval authorizes the applicant to go forward with only the specific plans and activity authorized in the permit. The approval shall not be construed to exempt the applicant from obtaining other applicable approvals from local, state, and federal authorities.
  1. **Time Limit/Expiration.** A Storm Water Management Permit and accompanying plan approved under the provisions of this ordinance shall remain valid for a period of three (3) years from the date of approval. If no work on the site in furtherance of the plan has commenced within the three-year period, the permit and plan approval will become null and void and a new application will be required to develop the site. If work on the site in furtherance of the plan has commenced that involves any utility installations or street improvements except grading, the permit and plan shall remain valid and in force and the project may be completed in accordance with the approved plan.

### 19. Incentives.

- a. **Purpose.** The purpose of this Section is to set forth incentives to offset restrictions that LID may have on the development of certain sites.
- b. **Setbacks.** In order to accommodate water quality **BMPSCMs**, required setbacks, side yards and rear yards in the Rural and Transitional Zoning Districts may be reduced up to 25%. The reductions may not compromise public safety such as the site distance triangles as defined by this Zoning Ordinance. It also must not compromise buffer widths or the 30-foot setback described in Section 8.17.12 of this ordinance.

TA25-08: Miscellaneous Amendments

- c. **Sidewalks.** To reduce impervious cover and promote LID, sidewalks on one side of the street may be waived in the Rural Zoning District.
  - d. **Required Plant Reduction and Substitution.** In order to accommodate water quality **BMPSCMs**, the number of planted trees may be reduced in buffer yards by 10%, 50% of the required trees may be 1.5 inches in caliper, and all shrubs may be 24 inches in height.
  - e. **Encroachments.** Water quality **BMPSCMs** may encroach into a required buffer yard as long as the encroachment does not disturb existing vegetation. Minor understory may be disturbed in order to accommodate water quality structures. Trees and shrubs shall be placed to maximize screening where the encroachment takes place. If the encroachment runs parallel to the buffer, the width of the buffer shall be increased by the amount of the encroachment.
20. **Appeals and Variances.** An appeal to reverse or modify the order, decision, determination, or interpretation of the Storm Water Administrator or any other designated administrative officer as well as a request for variance from any of the requirements contained in this ordinance shall comply with the procedures and standards of Section 11.3 of this ordinance.
21. **Posting of Financial Security.** Approval of a Storm Water Management Permit Application shall be subject to the owner ~~executing an Operation and Maintenance Agreement Covenant~~ and filing a surety bond, ~~or~~ letter of credit, or making other financial arrangements in favor of Mecklenburg County as agent for the Town of Huntersville acceptable to the Mecklenburg County Land Use and Environmental Services Agency guaranteeing the installation and maintenance of required **BMPSCMs** until the issuance of certificates of occupancy for seventy-five percent (75%) of all construction which might reasonably be anticipated to be built within the area which drains into the BMP, allowing credit for improvements completed prior to the submission of the final plat. At such time that this level of occupancy is achieved, written notice thereof shall be submitted by the owner to the Mecklenburg County Land Use and Environmental Services Agency. The owner shall verify the adequacy of the Maintenance ~~Covenant Agreement~~ for the **BMPSCMs** including the necessary financing to support the proposed maintenance practices. The owner shall also provide professional engineer certification that the **BMPSCM** is designed and constructed in accordance with approved plans and specifications. The Mecklenburg County Land Use and Environmental Services Agency will inspect the structural **BMPSCM** and verify the effectiveness of the Maintenance ~~Covenant~~



## TA25-08: Miscellaneous Amendments

Agreement and, if both are found to be satisfactory, the Mecklenburg County Land Use and Environmental Services Agency will notify the owner in writing within 30 days of the date of notice regarding approval of the BMPSCM. Following the issuance of this written approval, the owner can request the release of the surety bond, letter of credit or other financial arrangements guarantee at which time the maintenance responsibilities for the BMPSCMs shall revert to the Homeowners Association, property owner or other party responsible for long term maintenance as specified in the Maintenance Covenant Agreement. It shall be expressly stated within the restrictive covenants or Property Owners Association documents that it will be the responsibility of the owner or assigns to maintain BMPSCMs until such time as maintenance responsibilities have been transferred to the Homeowners Association Board of Directors, property owner or other party responsible for long term maintenance of the BMPSCMs. It shall be the sole responsibility of the owner or assigns to correct any deficiencies prior to said transfer of maintenance responsibilities.

22. **Maintenance.** The owner of each BMPSCM installed pursuant to this ordinance shall maintain and operate it so as to preserve and continue its function for controlling storm water quality and quantity at the degree or amount of function for which the BMPSCM was designed. BMPSCMs shall not be constructed on public land, within public rights-of-way, and/or within public easements without written approval from the public body with ownership/jurisdiction of the subject property. The following requirements shall be met for all BMPSCMs that have been constructed on privately-owned property and not within a public easement.

- a. **Operation and Maintenance Agreement.** Prior to the issuance of an Occupancy Permit for any building within a permitted development served by a BMPSCM, the applicant or owner of the BMPSCM shall establish a formal Operation and Maintenance Agreement approved by the Storm Water Administrator and recorded in the Office of the Register of Deeds in which the owner acknowledges the duty of the owner and all subsequent owners of the property to maintain the BMPSCM in accordance with the terms of the Agreement, including repairing and, if necessary, reconstruction of the BMPSCM. Until the transference of all property, sites, or lots served by the structural BMPSCM, the original owner or applicant shall have primary responsibility for carrying out the provisions of the Operation and Maintenance Agreement. A maintenance plan shall be included as part of the Agreement that shall state the terms, conditions, and schedule of maintenance for the structural BMPSCM as well as describe the mechanism

## TA25-08: Miscellaneous Amendments

for funding maintenance and repairs. The Operation and Maintenance Agreement shall also specify the Property Owners Association or other party responsible for maintenance of the **BMPSCM**. A Property Owners Association or similar legal entity shall have the power to compel contributions from residents of a development to cover their proportionate shares of the costs associated with **BMPSCM** maintenance. ~~At the discretion of the Storm Water Administrator, certificates of occupancy may be withheld pending receipt of an Operation and Maintenance Agreement.~~

Standard Operation and Maintenance Agreements for **BMPSCMs** shall be developed by the Storm Water Administrator and made available in the Administrative Manual. The Operation and Maintenance Agreement must be approved by the Storm Water Administrator prior to plan approval, and it shall be referenced on the final plat and shall be recorded by the applicant or owner with the Mecklenburg County Register of Deeds upon final plat approval. A copy of the recorded Operation and Maintenance Agreement shall be given to the Storm Water Administrator within fourteen (14) days following its recordation.

- b. **Inspection and Maintenance Requirements.** All **BMPSCMs** installed pursuant to the requirements of this ordinance shall be inspected by a qualified professional as designated by the Storm Water Administrator at a minimum of annually within 45 days prior to the anniversary date of the approval of the as-built survey. The purpose of these inspections is to identify maintenance and repair needs and to ensure compliance with the requirements of this ordinance. The person responsible for **BMPSCM** maintenance shall submit to the Storm Water Administrator a completed inspection report. All inspection reports shall be on forms supplied by the Storm Water Administrator and contained in the Administrative Manual. Any identified maintenance and/or repair needs shall be addressed in a timely manner. The inspection and maintenance requirement may be increased as deemed necessary by the Storm Water Administrator to ensure proper functioning of the **BMPSCM** and compliance with this ordinance.
- c. **Records of Installation and Maintenance Activities.** Parties responsible for the inspection, operation, and maintenance of a **BMPSCM** shall make records of the installation of all the maintenance and repairs and shall retain the records for at least five (5) years. Those records shall be made available

## TA25-08: Miscellaneous Amendments

to the Storm Water Administrator upon request and/or as specifically outlined in the Maintenance ~~Agreement~~Covenant.

d. **Failure to Maintain Practices.** It is unlawful for a property owner to fail to meet the requirements of the Operation and Maintenance Agreement. Any person or association that fails to meet the requirements of the Operation and Maintenance Agreement shall be subject to a civil penalty as described in Section 8.17.2~~5~~4.

e. **Maintenance Easement.** Every structural BMPSCM installed pursuant to this ordinance shall be made accessible for adequate inspection, maintenance, reconstruction and repair by a maintenance easement. The easement shall be recorded with the Mecklenburg County Register of Deeds Office and its terms shall specify who may make use of the easement and for what purposes.

23. **Deed Recordation and Indications on Plat.** The approval of the Storm Water Management Permit shall require an enforceable restriction on property usage that runs with the land, such as plat, recorded deed restrictions or protective covenants, to ensure that future development and redevelopment maintains the site consistent with the approved project plans. Stream buffers as described in Section 8.25, including the delineation of each buffer zone, must be specified on all surveys and record plats. The Operations and Maintenance Agreement pertaining to every structural BMPSCM shall be referenced on the final plat and shall be recorded with the Mecklenburg County Register of Deeds Office upon final plat approval. If no subdivision plat is recorded for the site, then the Operation and Maintenance Agreement shall be recorded with the Mecklenburg County Register of Deeds Office so as to appear in the chain of title of all subsequent purchasers under generally accepted searching principles. A copy of the recorded Operation and Maintenance Agreement shall be provided to the Storm Water Administrator within fourteen (14) days following receipt of the recorded document. A maintenance easement shall be recorded for every structural BMPSCM to allow sufficient access for adequate maintenance. The specific recordation and deed restriction requirements as well as notes to be displayed on final plats and deeds shall be contained in the Administrative Manual.

### 24. Inspections of BMPSCMs.

a. **Inspections.** As described in Section 8.17.2~~1~~2(b), the owner of a BMPSCM shall inspect said BMPSCM at a minimum of annually within 45 days prior to

## TA25-08: Miscellaneous Amendments

the anniversary date of the approval of the as-built survey. Additional inspections may be conducted by the Storm Water Administrator on any reasonable basis, including but not limited to: routine inspections; random inspections; inspections based upon complaints or other notice of possible violations; inspections of drainage basins or areas identified as higher than typical sources of sediment or other contaminants or pollutants; inspections of businesses or industries of a type associated with higher than usual dischargers of contaminants or pollutants or with discharges of a type which are more likely than the typical discharge to cause violations of State or Federal water quality standards or the NPDES Storm Water Permit; and joint inspections with other agencies inspecting under environmental and safety laws. Inspections may include, but are not limited to: reviewing maintenance and repair records; sampling discharges, surface water, groundwater, and material or water in **BMPSCMs**; evaluating the condition of **BMPSCMs** and other storm water management practices.

- b. **Right-of-Entry for Inspection.** When any new **BMPSCM** is installed on private property, the property owner shall grant to the Storm Water Administrator the right to enter the property at reasonable times and in a reasonable manner for the purpose of inspection. This includes the right to enter a property when the Storm Water Administrator has a reasonable basis to believe that a violation of this ordinance is occurring or has occurred, and to enter when necessary for abatement of a public nuisance or correction of a violation of this ordinance. The Storm Water Administrator shall take reasonable steps to inform the responsible party prior to inspecting the property.

### 25. Enforcement and Violations.

#### a. General.

1. **Authority to Enforce.** The provisions of this ordinance shall be enforced by the Storm Water Administrator, his or her designee, or any authorized agent of the Town Huntersville.
2. **Violation Unlawful.** Any failure to comply with an applicable requirement, prohibition, standard, or limitation imposed by this ordinance, or the terms or conditions of any permit or other development or redevelopment approval or authorization granted

## TA25-08: Miscellaneous Amendments

pursuant to this ordinance, is unlawful and shall constitute a violation of this ordinance.

3. Each Day a Separate Offense. Each day that a violation continues shall constitute a separate and distinct violation or offense.
4. Responsible Persons/Entities. For the purposes of this ordinance, responsible person(s) shall include but not be limited to:
  - A. Person Maintaining Condition Resulting In or Constituting Violation. An architect, engineer, builder, contractor, developer, agency, property owners' association or any other person who participates in, assists, directs, creates, causes, or maintains a condition that constitutes a violation of this ordinance, or fails to take appropriate action, so that a violation of this ordinance results or persists.
  - B. Responsibility For Land or Use of Land. The owner of the land on which the violation occurs, any tenant or occupant of the property, any person who is responsible for storm water controls or practices pursuant to a private agreement or public document, or any person, who has control over, or responsibility for, the use, development or redevelopment of the property.

b. **Remedies and Penalties.** The remedies and penalties provided for violations of this ordinance, shall be cumulative and in addition to any other remedy provided by law, and may be exercised in any order.

### 1. Remedies.

- A. Withholding of Certificate of Occupancy. The Storm Water Administrator or other authorized agent may refuse to issue a certificate of occupancy for the building or other improvements constructed or being constructed on the site and served by the storm water practices in question ~~for deficiencies of SCMs and lack of site stability pursuant to in accordance with N.C.G.S. § 160D-1110(h)~~ until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein.

## TA25-08: Miscellaneous Amendments

- B. Disapproval of Subsequent Permits and Development Approvals. As long as a violation of this ordinance continues and remains uncorrected, the Storm Water Administrator or other authorized agent may withhold and the Town of Huntersville may disapprove, any request for permit or development approval or authorization provided for by this ordinance or the zoning, subdivision, and/or building regulations for the land on which the violation occurs.
  - C. Injunction, Abatements, etc. The Town of Huntersville may institute an action in a court of competent jurisdiction for a mandatory or prohibitory injunction and order of abatement to correct a violation of this ordinance. Any person violating this ordinance shall be subject to the full range of equitable remedies provided in the General Statutes or at common law.
  - D. Correction as Public Health Nuisance, Costs as Lien, etc. If the violation is deemed dangerous or prejudicial to the public health or public safety, the Town of Huntersville may cause the violation to be corrected and the costs to be assessed as a lien against the property.
  - E. Stop Work Order. The Storm Water Administrator may issue a stop work order to the person(s) violating this ordinance. The stop work order shall remain in effect until the person has taken the remedial measures set forth in the notice of violation or has otherwise corrected the violation or violations described therein. The stop work order may be withdrawn or modified to enable the person to take the necessary remedial measures to correct such violation(s).
2. Civil Penalties. Violation of this ordinance may subject the violator to a civil penalty up to the full amount of penalty to which the Town of Huntersville is subject for violations of its Phase II Storm Water Permit. If the violator does not pay the penalty within 30 days after notice of the violation is issued by the Storm Water Administrator, the violation shall be recovered in a civil action in the nature of a debt.

### c. Procedures.

#### TA25-08: Miscellaneous Amendments

1. Initiation/Complaint. Whenever a violation of this ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint shall state fully the alleged violation and the basis thereof, and shall be filed with the Storm Water Administrator, who shall record the complaint. The complaint shall be investigated promptly by the Storm Water Administrator.
2. Inspection. The Storm Water Administrator shall have the authority, upon presentation of proper credentials, to enter and inspect any land, building, structure, or premises to ensure compliance with this ordinance.
3. Notice of Violation and Order to Correct. When the Storm Water Administrator finds that any building, structure, or land is in violation of this ordinance, the Storm Water Administrator shall notify, in writing, the property owner or other person violating this ordinance. The notification shall indicate the nature of the violation, contain the address or other description of the site upon which the violation is occurring, order the necessary action to abate the violation, and give a deadline for correcting the violation. If civil penalties are to be assessed, the notice of violation shall also contain a statement of the civil penalties to be assessed, the time of their accrual, and the time within which they must be paid or be subject to collection as a debt.

The Storm Water Administrator may deliver the notice of violation and correction order personally, by certified or registered mail, return receipt requested, or by any means authorized for the service of documents by Rule 4 of the North Carolina Rules of Civil Procedure. If a violation is not corrected within a reasonable period of time, as provided in the notification, the Storm Water Administrator may take appropriate action under this ordinance to correct and abate the violation and to ensure compliance with this ordinance.

4. Emergency Enforcement. If delay in correcting a violation would seriously threaten the effective enforcement of this ordinance or pose an immediate danger to the public health, safety, or welfare, then the Storm Water Administrator may order the immediate cessation of a violation. Any person so ordered shall cease any violation immediately. The Storm Water Administrator may seek immediate

enforcement, without prior written notice, through any remedy or penalty authorized by this ordinance.

#### 8.25 SWIM (Surface Water Improvement And Management) Stream Buffers

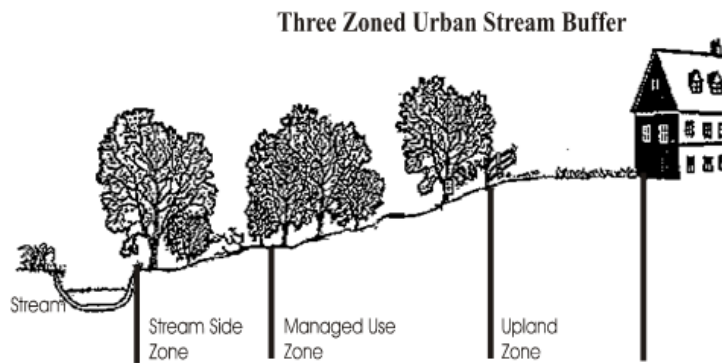
1. **Purpose.** The purpose of a stream buffer network is to filter pollutants, store floodwaters, provide habitat, and contribute to the “green infrastructure”. Stream systems are comprised of each stream and its respective drainage basin.
  - a. Streams have the primary natural functions of conveying storm and ground water, storing floodwater, and supporting aquatic life.
  - b. Vegetated lands adjacent to the stream channel in the drainage basin serve as “buffers” to protect the stream’s ability to fulfill its natural functions. Buffers have the primary natural functions of protecting water quality by filtering pollutants, providing intermittent storage for floodwaters, allowing channels to meander naturally, and providing suitable habitat for wildlife.
2. **Definitions.** For the purposes of this section, the following words and phrases shall be defined as specified below:

~~**Best Management Practices (BMPs).** A structural or nonstructural management based practice used singularly or in combination to reduce non-point source input to receiving waters in order to achieve water quality protection goals.~~

**Buffer.** A vegetated area through which storm water runoff flows in a diffuse manner so that the runoff does not become channelized and which provides for infiltration of the runoff and filtering of pollutants.

**Buffer Zones.** Buffer widths are measured in three (3) zones as shown below. The buffer width is measured horizontally and must be surveyed by a licensed land surveyor on a line parallel to the surface water, landward from the top of the bank on each side of the stream.





**Drainage Basin.** The area of land that drains to a given point on a body of water.

**Floodway.** The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than the allowable surcharge (currently one foot).

**Flood Fringe.** The land area located between the limits of the floodway and the maximum elevation subject to inundation by the base (1% chance) flood.

**Floodplain.** The low, periodically flooded lands adjacent to rivers and lakes. For land use planning purposes, the regulatory floodplain is usually viewed as all land alongside a watercourse that would be inundated by the base (1% chance) flood; the floodway plus the flood fringe.

**Mitigation.** Actions taken on-site and/or off-site to offset the effects of temporary or permanent loss of a buffer.

**Stormwater Control Measures (SCMs).** A structural or nonstructural management based practice used singularly or in combination to reduce non-point source input to receiving waters in order to achieve water quality protection goals described as follows:

Formatted: Font: Not Bold

a. **Non-structural SCMs** – Non-engineering methods to control the amount of non-point source pollution. These may include land-use controls and vegetated buffers.

Formatted: Font: Not Bold

a-b. **Structural SCMs** – Engineered structures that are designed to reduce the delivery of pollutants from their source or to divert contaminants away from a water body.

Formatted: Font: Not Bold, No underline

Formatted: Font: Not Bold

**Top of Bank.** The landward edge of the stream channel during high water, bankfull conditions at the point where water begins to overflow onto the floodplain.

### 3. Applicability.

a. All properties shall comply with the buffer requirements of this Section except those which, as of the effective date of October 19, 1999, have previously secured a right to proceed by one of the following methods, and have received written authorization to disturb the buffer from the Town's Planning Staff:

- Having been issued a Certificate of Building Code Compliance;
- Being subject to an approved major subdivision preliminary plan and/or recorded final plat;
- Being subject to a minor subdivision plat, exempt plat listed under the definition of subdivision in the Subdivision Ordinance, or described by metes and bounds in a recorded deed which:
  - If to be used for residential purposes, are one (1) acre or less in size.
  - If to be used for nonresidential purposes or mixed use purposes, are four (4) acres or less in size if located on a non-FEMA regulated floodway, or are seven (7) acres or less in size if located on a FEMA regulated floodway.
- Being subject to a site specific development plan defined under Section 2.2.2 of these zoning regulations; or
- Having otherwise secured a vested property right under state law.

TA25-08: Miscellaneous Amendments

- b. Redevelopment or expansion of uses and structures included in a), above, shall comply with the buffer requirements of this Section, however uses and structures previously approved and constructed in a buffer may remain.
  - c. A site specific development plan amended subsequent to adoption of this Section shall comply, in its amended form, with the S.W.I.M. buffer requirements, however uses and structures previously approved for construction in a buffer may remain.
  - d. Where stream buffers are also required as part of the Lake Norman or Mountain Island Lake Watershed Overlay Districts, the more stringent of the stream buffer requirements shall apply.
- 4. Buffer Delineation.** S.W.I.M. Stream Buffers, throughout the jurisdiction of the Town of Huntersville shall be delineated for the purposes of land development permits by an on-site stream delineation prepared by a certified professional using U.S. Army Corps of Engineers and/or N.C. Division of Water Quality methodology, which has been approved by the Town. Delineation by Mecklenburg County through its geographic information system (GIS) is allowed for development not requiring a land development.
- 5. Minimum Buffer Widths.** All perennial and intermittent streams draining less than 50 acres shall have a minimum 30-foot vegetated buffer including a 10-foot zone adjacent to the bank. Disturbance of the buffer is allowed; however, any disturbed area must be revegetated and disturbance of the 10-foot zone adjacent to the bank shall require stream bank stabilization using bioengineering techniques as specified in the Design Manual. All perennial and intermittent streams draining greater than or equal to 50 acres and less than 300 acres shall have a 35-foot buffer with two (2) zones, including a 20-foot stream side and 15-foot upland zone. Streams draining greater than or equal to 300 acres and less than 640 acres shall have a 50-foot buffer with three (3) zones, including a 20-foot stream side, 20-foot managed use and 10-foot upland zone. Buffers for streams draining greater than or equal to 640 acres shall be 100 feet in width or include the entire floodplain, whichever is greater. This buffer shall consist of a 30-foot stream side, 45-foot managed use and 25-foot upland zone or the entire FEMA floodplain, whichever is greater. All buffers shall be measured from the top of the bank on both sides of the stream. A summary of minimum buffer widths is provided in the table below.

**Table of Minimum Buffer Widths by Basin Size and Buffer Zone**

TA25-08: Miscellaneous Amendments

| Area Designation | Stream Side Zone | Managed Use Zone | Upland Zone                                            | Total Buffer Width each side of Stream              | Notes    |
|------------------|------------------|------------------|--------------------------------------------------------|-----------------------------------------------------|----------|
| < 50 acres       | N/A              | N/A              | 30 feet                                                | 30 feet                                             | (1), (2) |
| > 50 acres       | 20 feet          | None             | 15 feet                                                | 35 feet                                             | (2)      |
| > 300 acres      | 20 feet          | 20 feet          | 10 feet                                                | 50 feet                                             | (2)      |
| > 640 acres      | 30 feet          | 45 feet          | 25 feet or balance of floodplain, whichever is greater | 100 feet or entire floodplain, whichever is greater | (2), (3) |

**Notes:**

(1) All perennial and intermittent streams draining less than 50 acres shall have a minimum 30-foot vegetated buffer including a 10-foot zone adjacent to the bank. Disturbance of the buffer is allowed; however, any disturbed area must be revegetated and disturbance of the 10-foot zone adjacent to the bank shall require stream bank stabilization using bioengineering techniques as specified in the Design Manual.

(2) Buffer widths are surveyed horizontally on a line parallel to the surface water, landward from the top of the bank on each side of the stream.

(3) Floodplain and buffer calculations will be based upon the FEMA flood fringe and floodway encroachment lines, as locally adopted and as may be amended from time to time.

- 6. Buffer Description.** Buffer function, vegetation and use vary according to the different buffer zones and are described in the following table.

**Table of Buffer Treatment by Buffer Zone**

|                 | Stream Side Zone                        | Managed Use Zone                                        | Upland Zone                            | Notes |
|-----------------|-----------------------------------------|---------------------------------------------------------|----------------------------------------|-------|
| <b>Function</b> | Protect the integrity of the ecosystems | Provide natural filter; provide distance between upland | Prevent encroachment and filter runoff |       |

TA25-08: Miscellaneous Amendments

|                                |                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                      |
|--------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|
|                                |                                                                                                                                                                                                                                                                                                                                    | development and the stream side zone                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                      |
| <b>Vegetative Requirements</b> | <b><u>Undisturbed (no cutting, clearing or grading).</u></b> If existing tree density is inadequate, reforestation is required.                                                                                                                                                                                                    | <b><u>Limited clearing (no grading).</u></b> Existing tree density must be retained to a minimum of 8 healthy trees of a minimum 6 inch caliper per 1000 square feet. If existing tree density is inadequate, reforestation is encouraged. | <b><u>Herbaceous ground cover,</u></b> including grass, is allowed; maintenance of existing forest or reforestation is encouraged.                                                                                                                                                                                                                                                                                                                                                    | <b>(1)</b>           |
| <b>Uses</b>                    | <b><u>Very restricted.</u></b> Permitted uses limited to flood control structures and bank stabilization (where permitted) as well as installation of parallel or near perpendicular ( <sup>3</sup> 75°) water and sewer utilities and near perpendicular road crossings ( <sup>3</sup> 75°) with stabilization of disturbed areas | <b><u>Restricted.</u></b> Permitted uses limited to those allowed in the Stream Side Zone, as well as bike paths and greenway trails up to <del>120</del> feet in width.                                                                   | <b><u>Restricted.</u></b> Permitted uses limited to those allowed in Stream Side and Managed Use Zones, as well as gazebos, non-commercial storage buildings less than 150 square feet, limited grading that does not change the functionality or extent of the floodplain, and storm water structural best management practices ( <del>BMP</del> <b>SCM</b> s) if approved in accordance with Section 8.25.11 b), as a condition of a buffer width variance or if they are located a | <b>(2), (3), (4)</b> |

TA25-08: Miscellaneous Amendments

|  |                                     |  |                                                          |  |
|--|-------------------------------------|--|----------------------------------------------------------|--|
|  | as specified in<br>Section 8.25.10. |  | minimum distance of<br>100 feet from the<br>stream bank. |  |
|--|-------------------------------------|--|----------------------------------------------------------|--|

**Note:**

(1) When reforestation of disturbed buffers is required, tree planting shall be as specified in the Charlotte-Mecklenburg SWIM Stream Buffer Implementation Guidelines.

(2) Fill material cannot be brought into any required buffer. In the Upland Zone only, limited grading that does not change the extent or functional characteristics of the floodplain is permitted. Uses permitted in the buffer zones should be coordinated to ensure minimal disturbance of the buffer system. For example, if it is necessary to install utilities within the buffer, then if Greenway Trails are built they should follow these cleared areas instead of necessitating additional clearing.

(3) Notwithstanding the uses and structures permitted in the “Upland Zone”, the stricter standards of floodway regulations, if applicable, shall apply.

(4) Greenway Trails referenced in this table refer exclusively to those approved by and dedicated to the Town of Huntersville or Mecklenburg County Parks and Recreation Departments. Other paths or trails in the buffer shall be in accordance with the Charlotte-Mecklenburg SWIM Stream Buffer Implementation Guidelines.

7. **Diffuse Flow Requirement.** Diffuse flow of runoff shall be maintained in the buffer by dispersing concentrated flow through the use of level spreaders or other such devices to create sheet flow and by reestablishing vegetation. Techniques for providing diffuse flow are specified in the Charlotte-Mecklenburg **BMPSCM** Design Manual.

- Maximum drainage area size shall be no greater than 10 acres for all outfalls discharging directly into a stream buffer.
- When practical, a drop structure should be installed prior to the last section of outfall pipe discharging to a buffer. A short length of outfall pipe should be laid flat (0% Slope Energy Dissipater), prior to the riprap apron or other energy dissipater.
- Concentrated runoff from ditches or other manmade conveyances shall be diverted to diffuse flow before the runoff enters the buffer.
- Periodic corrective action to restore diffuse flow shall be taken by the property owner as necessary to impede the formation of erosion gullies.

TA25-08: Miscellaneous Amendments

8. Ponds that intersect the stream channel shall have the same buffers as the original stream. Buffer requirements do not apply to wet ponds used as structural **BMPSCMs**.

9. **Buffer Delineation.** The following buffer delineations are required:

- a. Buffer boundaries including all buffer zones must be clearly delineated on all site-specific plans for approval, on all construction plans, including grading and clearing plans, erosion and sediment control plans, and site plans.
- b. The surveyed outside buffer boundary, including all buffer zones, must be clearly marked on-site with orange “tree-protection” or “high-hazard” fence prior to any land disturbing activities. Tree protection is required by Section 7.4(3) of this ordinance. Where existing trees are to be preserved in a buffer zone, the limits of grading shall equal the drip line of those trees plus an additional five (5) feet on the upland side of the buffer. All Specimen and Heritage trees require a tree survey prior to land-disturbing activity and shall be saved in all buffer zones.
- c. The surveyed outside boundary of the buffer must be permanently marked with an iron pin at the intersection of the watershed buffer and each property line on each parcel following the completion of land disturbing activities and prior to **final plat, passing final inspection, and** occupancy. Properties greater than 200’ in width shall be marked at a maximum of 100’ intervals.
- d. Separate buffer zones must be permanently marked at highway stream crossings.
- e. Buffer boundaries including all buffer zones as well as all buffer requirements must be specified on the record plat, on individual deeds, and in property association documents for lands held in common.

10. **Buffer Impacts Permitted under Section 8.25, S.W.I.M.** The following buffer impacts are permitted, but design and construction shall comply with the specifications provided in the Charlotte-Mecklenburg Buffer Implementation Guidelines for stabilization of disturbed areas to minimize negative effects on the quality of surface waters.

- Near perpendicular (75° or greater) road crossings for connectivity or transportation links where the Town of Huntersville has granted site plan approval.
- Near perpendicular (75° or greater) utility crossings as approved by Charlotte-

## TA25-08: Miscellaneous Amendments

### Mecklenburg Utilities.

- Parallel water and sewer utility installation as approved by Charlotte-Mecklenburg Utilities, where a logical and appropriate basis for the impact is demonstrated, where disturbance of the Stream Side Zone is minimized to the maximum extent practicable, and where guidelines for restoring vegetation within buffers disturbed as a result of parallel utility installation are met. These guidelines are specified in the Charlotte-Mecklenburg Buffer Implementation Guidelines.
- Public paths and trails parallel to the creek outside the Stream side Zone and near perpendicular stream crossings in any zone. Pathways must use existing and proposed utility alignments or previously cleared areas and minimize tree cutting to the maximum extent practicable. To the extent possible, pathways shall preserve existing drainage patterns and avoid drainage structures that concentrate storm water.
- Incidental drainage improvements/repairs for maintenance.
- Individual pedestrian paths connecting homeowners to the stream in the form of narrow, pervious footpaths with minimal tree disturbance.
- New domesticated animal trails (farming) where existing trails are lost as a result of action beyond the farmer's control. Stream crossings should be constructed to minimize impacts to the Stream Side Zone and be maintained with fencing perpendicular to and through the buffer to direct animal movement.
- Mitigation approved by a state or federal agency acting pursuant to Sections 401 or 404 of the federal Clean Water Act.
- In the Corporate Business Zoning District as part of an approved conditional zoning, the Board of Commissioners may approve a modification to an intermittent stream buffer and perennial stream buffer draining under 50 acres without a variance subject to implementing one of the nine mitigation techniques in Subsection 11(b) below.

### **11. Appeals and Variances.**



## TA25-08: Miscellaneous Amendments

- a. An appeal to reverse or modify the order, decision, determination, or interpretation of the Zoning Administrator shall comply with the procedures and standards of Section 11.3 of these ordinances.

- b. **Special Variance Provisions/Mitigation Techniques.**

- When “unnecessary hardships”, as defined in Section 11.3.2 e, would result from strict adherence to the buffer width requirements and/or buffer treatment standards, a petition for variance may be filed with the Huntersville Board of Adjustment in compliance with the procedures and standards of Section 11.3.

- Site specific mitigation plans using the mitigation techniques set out below and approved by the designated agency shall be construed by the Board of Adjustment to be evidence responsive to Section 11.3.2 e), – 4 consistency with adopted plans and protection of public safety and welfare.

Specifications for these mitigation techniques are provided in the Charlotte-Mecklenburg Buffer Implementation Guidelines (for Structural **BMPSCMs**).

The techniques below are not construed to offset the requirement of Section 8.25.6 for diffuse flow.

1. Installation of Structural **BMPSCMs**. The installation of an on-site structural **BMPSCM** designed to achieve specified pollutant removal targets will allow for all proposed stream buffer impact on the specific site. The **BMPSCM** must remain outside of the Stream Side Zone and Manage Use Zone. A detailed **BMPSCM** design plan must be submitted to the Mecklenburg County Land Use and Environmental Services Agency for approval based on specifications contained in the Charlotte-Mecklenburg **BMPSCM** Design Manual. This plan must also include a long-term maintenance strategy for the **BMPSCM**, complete with the establishment of adequate financing to support the proposed maintenance practices.
2. Stream Restoration. The owner may restore and preserve the buffer area on any stream of equivalent or greater drainage area the condition of which is determined to be qualified for restoration by the Mecklenburg County Land Use and Environmental Services Agency on a 1:1 basis in linear feet of stream. This restoration shall include stream bank improvements and Stream Side and Managed Use Zone

## TA25-08: Miscellaneous Amendments

re-vegetation, in accordance with the Charlotte-Mecklenburg Buffer Implementation Guidelines, and receive approval from the Mecklenburg County Land Use and Environmental Services Agency.

3. Stream Preservation. The owner may purchase, fee simple, other stream segments at equivalent or greater drainage area on a 1:1 linear foot basis and convey fee simple and absolute title to the land to the Town of Huntersville, Mecklenburg County, or conservation trust, with a plan approved by the Mecklenburg County Land Use and Environmental Services.
4. Wetlands Restoration. On a 2:1 acreage basis for disturbed stream and buffer area (2 acres of wetland for each acre of disturbed area), the owner may provide a combination of the preservation and/or restoration of wetlands with protective easements and the implementation of structural or non-structural **BMPSCMs** to achieve specific pollutant removal targets within the impacted area. Restoration plan must be approved by the Mecklenburg County Land Use and Environmental Services.
5. Bottom Land Hardwood Preservation. On a 2:1 acreage basis for impacted stream and buffer area 2 acres of bottomland hardwood for each acre of disturbed area), the owner may provide a combination of the preservation of existing bottom land hardwood forest or other specifically approved natural heritage area by conservation easement or other legal instrument, and the implementation of structural or non-structural **BMPSCMs** to achieve specific pollutant removal targets within the impacted area. Plan to be approved by Mecklenburg County Land Use and Environmental Services Agency. Bottom land hardwood preservation shall not include minimum tree preservation otherwise required by these regulations (i.e. required buffers, required tree preservation of Section 7.4) but shall include any bottom land hardwood preserved beyond the minimums established.
6. Controlled Impervious Cover for Disturbance Landward of Stream Side Zone. The owner may commit to, and provide, a specific site development plan for the parcel with requested buffer disturbance. The plan shall limit overall site impervious cover to less than or equal to 24%. Preservation of the Stream Side Zone is still required. Plan to

## TA25-08: Miscellaneous Amendments

be approved by Mecklenburg County Land Use and Environmental Services Agency.

7. Open Space Development. The submission of a site-specific development plan that preserves 50% of the total land area as undisturbed open space. Plan to be approved by Mecklenburg County Land Use and Environmental Services Agency.
8. Mitigation Credits: The purchase of mitigation credits through the Stream Restoration Program on a 1:1 basis, utilizing linear feet of stream impacted and the prevailing rate of purchase as established by the Charlotte-Mecklenburg Buffer Implementation Guidelines. Mitigation credits purchased under any other program (i.e., U.S. Army Corp of Engineers) shall not cover this requirement unless the issuing agency agrees to relinquish the funds to the appropriate local government agency.
9. Alternative mitigation. The list of mitigation techniques shall not prevent the creative development of alternative mitigation plans that achieve the purposes of this section.

**12. Posting of financial security required.** When structural **BMPSCMs** (wet detention ponds and other **BMPSCMs**) are approved for mitigation of a buffer disturbance, the approval will be subject to the owner filing a surety bond, ~~or~~ letter of credit, or making other financial arrangements which are acceptable to the Mecklenburg County Land Use and Environmental Services Agency, in a form which is satisfactory to the County Attorney, guaranteeing the installation and maintenance of the required structural **BMPSCMs** until the issuance of certificates of occupancy for seventy-five percent (75%) of all construction which might reasonably be anticipated to be built within the area which drains into the BMPs, allowing credit for improvements completed prior to the submission of the final plat. At such time that this level of occupancy is achieved, written notice thereof must be submitted by the owner to the Mecklenburg County Land Use and Environmental Services Agency. The owner must also verify the adequacy of the maintenance plan for the **BMPSCMs** including the necessary financing to support the proposed maintenance practices. The Mecklenburg County Land Use and Environmental Services Agency will inspect the structural **BMPSCMs** and verify the effectiveness of the maintenance plan; if both are found to be satisfactory, the department will notify the owner in writing within 30 days of the date of notice.

**13. Maintenance responsibilities for structural BMPSCMs – Civil Penalties.**

Maintenance of all structural BMPSCMs will be the responsibility of the property owner or his designee. Any person who fails to maintain the required BMPSCMs in accordance with the approved maintenance plan will be subject to a civil penalty of not more than \$5000. Each day that the violation continues shall constitute a separate violation. No penalties shall be assessed until the person alleged to be in violation has been notified in writing of the violation by registered or certified mail, return receipt requested, or by other means which are reasonably calculated to give actual notice. The notice shall describe the nature of the violation with reasonable particularity, specify a reasonable time period within which the violation must be corrected, and warn that failure to correct the violation within the time period will result in assessment of a civil penalty or other enforcement action.

- 14. Request for Determination of Buffer Requirements.** When a landowner or other affected party believes that the S.W.I.M stream buffer delineation maps described in Section 8.25.4 inaccurately depict buffer requirements, he or she shall request a determination from the Storm Water Administrator. Such determinations shall be made by the Storm Water Administrator based on an on-site evaluation using the U.S. Army Corps of Engineers and N.C. Division of Water Quality methodology for stream delineation as well as information from databases maintained for stream delineation by Mecklenburg County. Such determinations can also be made at the discretion of the Storm Water Administrator in the absence of a request from a landowner or other concerned party. The buffer requirements of this ordinance shall apply based on determinations made by the Storm Water Administrator. Surface waters that appear on the maps shall not be subject to this ordinance if an on-site determination by the Storm Water Administrator shows that they fall into one of the following categories.

- a. Ditches and manmade conveyances other than modified natural streams.
- b. Manmade ponds and lakes that are not intersected by a buffered stream segment and that are located outside natural drainage ways.
- c. Ephemeral (storm water) streams.

**8.26 Site Lighting**

The purpose of the site lighting regulations is to ensure public safety and welfare and to protect the night sky. External lighting shall meet the following standards unless otherwise permitted or restricted by this ordinance.

**1. General Requirements.**

- a. At a minimum, all lighting installations shall be designed to achieve no greater than the minimal illuminance levels for the activity as recommended by the Illuminating Engineering Society of North America (IESNA).
- b. Including the base/mounting fixture, the maximum height for lighting (pole mounted and wall mounted) shall be 40 feet except for sports complex lighting as addressed in sections 9.21 and 9.35 of this ordinance.
- c. To prevent glare on off-site locations, all outdoor lighting fixtures shall be full cut-off. Where necessary to prevent light trespass or glare, accessories such as hoods and shields shall be used on fixtures. No source of glare shall be visible from any adjacent property or street.
- d. Light trespass shall be prevented by employing lighting shields, hoods, walls, or fences which control light projection. In no case shall the spillover light level from site lighting onto adjacent property or a public road exceed 1.0 foot-candle measured at the property line.
- e. Security lighting (floodlights, where permitted, wall packs, and etc.) shall be shielded and directed at a downward angle no higher than 45 degrees above straight down (half-way between straight down and straight to the side) measured perpendicular from the pole or mounting wall.
- f. Unless otherwise specified by this ordinance, uniformity ratios shall not exceed 4:1. Uniformity shall be based on average illuminance. Uniformity ratios shall only be measured for developed areas of the site for parcels greater than one acre.
- g. Parking lot lighting shall not exceed an initial maximum output of ten foot-candles as measured at ground level from any orientation of the measuring device.
- h. Unless provided elsewhere, canopy lighting shall not exceed an initial maximum output of fifteen footcandles as measured at ground level from any point underneath the canopy and from any orientation of the measuring device.
- i. An isolux lighting plan shall be required for all non-residential projects as part of the site plan approval process. Such plan shall indicate lighting levels expressed as footcandles at grade by contour diagram or grid points over the entire site and shall be sealed by a registered engineer. The zoning

## TA25-08: Miscellaneous Amendments

administrator may waive this requirement for projects located on less than one acre where specific lighting fixtures to be used are indicated on the site plan.

~~j.~~ An as-built/installed lighting certification sealed by a registered engineer stating that all site lighting is installed according to an approved site plan shall be required prior to issuance of a certificate of occupancy for all non-residential projects.

### ~~k.~~**j. Decorative lighting shall:**

1. Be focused toward the ground,
2. Be designed and installed to prevent light trespass and unnecessary glare, and
3. Only be used to highlight significant architectural or natural features.

~~l.~~**k.** Outdoor lighting not necessary for security purposes shall be turned off during non-operating hours.

~~m.~~**l.** Lighting for an outdoor amusement facility within the Special Purpose (SP) Zoning District that cannot conform to all the standards of this section may be approved with the issuance of a Special Use Permit (as outlined in Article 11.4.10), contingent on the following conditions:

1. Ensure the Special Use Permit (SUP) conforms to the standards of this article regarding safety, downward lighting, glare, offsite light trespass, uniformity ratio, and obtrusive/flashing lighting, etc., to the extent practicable.
2. All Special Use Permit applications shall be accompanied by a photometric lighting plan, graphics of all exterior lighting fixtures proposed for the facility and any other evidence of conformance with the standards of the article.
3. Upon review of the proposed lighting plan and the specific context of the associated development, the Town Board may add specific conditions to the permit related to the application to ensure that the principles of this article are followed to the extent practicable.
4. No Special Use Permit (SUP) may permit lighting levels to exceed 30 foot-candles.

**2. Light Level Standards. The following levels shall be met unless otherwise specified:**

| USES                                                          | MAX. FOOTCANDLE |
|---------------------------------------------------------------|-----------------|
| Automotive Sales                                              | 30              |
| Banks: ATM's, Parking Areas                                   | 30<br>10        |
| Civic and Institutional                                       | 10              |
| Convenience Stores, Gas Station<br>• Parking Area<br>• Canopy | 10<br>10<br>35  |
| Office Uses                                                   | 10              |
| Industrial                                                    | 15              |
| Retail, Commercial Uses                                       | 10              |
| Shopping Centers                                              | 10              |
| All other uses not listed                                     | 4               |

**3. Prohibited Lighting and Fixtures.**

- a. Drop lenses and similar lighting fixtures are prohibited.
- b. Floodlights are not permitted for illumination in non-residential districts except in loading areas of light and heavy manufacturing uses. Floodlights, when permitted in loading areas, shall:
  1. be fully shielded;
  2. be aimed at no higher than a 45 degree angle (halfway between the horizontal plane and straight down) unless a sight line graphic is submitted demonstrating that no off site glare will be created from any portion of the lighting fixture due to screening by existing topography, accessory buildings, landscaping, etc.

## TA25-08: Miscellaneous Amendments

3. be focused toward the primary building or the loading area only;
4. not be aimed toward an adjoining residential zone or conforming residential land use;
5. not emit glare or light trespass onto adjacent streets or properties.

In all applications, lighting shall be directed downward. Floodlights in residential districts shall not shine directly onto an adjacent property or public rights-of-way.

- c. Canopies and awnings used for building accents shall not be internally illuminated.
- d. Flashing, colored or obtrusive lighting is prohibited.
- e. The use of laser source light or any similar high intensity light for outdoor advertising or entertainment is prohibited.
- f. The operation of searchlights for advertising purposes is prohibited.
- g. Black lights and neon lights (including argon and similar rare gas fixtures), except for signage, are prohibited.

**4. Exemptions to these requirements.** The following shall be exempt from the lighting requirements of this ordinance:

- a. Emergency lighting, used by police, firefighting, or medical personnel, or at their direction, is exempt for as long as the emergency exists.
- b. Underwater lighting used for the illumination of swimming pools and fountains.
- c. Lighting used for nighttime street construction and repair.
- d. The lighting of official governmental flags and public civic monuments shall not be subject to these lighting standards. Such lighting shall utilize a narrow cone beam of light of no more than 150 watts.
- e. Seasonal decorations.

**5. Maintenance requirements.**

- a. All light fixtures that are required to be shielded shall be installed and maintained in such a manner that the shielding is effective as required.
- b. Anything other than routine servicing and same-type lamp replacement of any exterior lighting shall require town approval prior to installation.



## TA25-08: Miscellaneous Amendments

- c. Any damaged, broken or malfunctioning light fixture or pole which results in failure to meet any part of this ordinance shall be repaired or replaced immediately.

### **9.1 Accessory Dwelling**

1. An accessory dwelling may be attached, within, or separate from the principal dwelling.
2. The principal use of the lot shall be a detached or attached single-family dwelling, built to the standards of the North Carolina Housing Code.
3. No more than one accessory dwelling shall be permitted on a single deeded lot in conjunction with the principal dwelling unit.
4. The accessory dwelling shall be owned by the same person as the principal dwelling.
5. The accessory dwelling shall not be served by a driveway separate from that serving the principal dwelling unless the accessory dwelling is accessed from a rear alley and the principal dwelling is accessed from a street.
6. A detached accessory dwelling shall be housed in a building not exceeding 650 square feet of first floor area (maximum footprint) or 50% of the first floor area of the principal dwelling, whichever is greater; the structure may be dwelling only or may combine dwelling with garage, workshop, studio, or similar use.
7. A detached accessory dwelling shall be located in the established rear yard and meet the standards for the applicable building and lot type, Article 4, and the limitations on rear yard use of Section 8.8.

~~8. An accessory dwelling must be registered with the Planning Director at the time a certificate of occupancy is obtained.~~

### **9.35 Schools**

1. Schools shall conform principal buildings to the standards of Civic Buildings and lots, Article 4. Accessory and incidental buildings may be placed within a street fronting yard if they conform to a building and lot type permitted in the zoning district. Buildings which do not so conform shall be placed within established rear and side yards which do not abut a street.

## TA25-08: Miscellaneous Amendments

2. Permanent parking lots associated with schools shall meet the standards of Article 6, Off-Street Parking. However, areas designated for temporary bus parking that also serves as a recreational area shall not be subject to interior parking lot landscaping requirements.
3. Notwithstanding 1. and 2., above, where the safe transport of students requires functional separation of parking and circulation areas (i.e. school bus, auto drop-off, etc.), the location of parking and circulation according to building and lot type may be modified, so long as streets abutting parking and circulation areas are, to the extent practicable, detailed as plazas. Sufficient stacking lanes for drop-off and pick-up shall be provided onsite so that traffic circulation is not impeded on any public right-of-way. Stacking on Town streets may be allowed if all of the following are met:
  1. Site is zoned TND-R, TND-U or TND-Overlay;
  2. Maximum enrollment shall not exceed 360 kindergarten to 8th grade students;
  3. Two-way traffic maintained on Town streets along the entire pick up/drop-off zone;
  4. Pick-up/drop-off zone shall have a minimum width of eight (8) feet exclusive of the two-way traffic lanes.
  5. The school shall provide at a minimum a 11.5-foot-wide hardscaped area behind the back of curb. Street trees with grates are allowable, but bushes/shrubs in the area are not allowed.
  6. A traffic impact analysis, including a mandatory circulation plan and queuing analysis must be approved by the Town of Huntersville Engineering & Public Works Department prior to plan approval. Should conditions in the field vary from the analysis, the Town Engineer has the ability to modify the circulation plan.
4. Dust-free, pervious surface areas are encouraged for overflow or event parking; such areas need not conform with Article 6 if they are maintained in a natural condition (for example, as a grassed field).
5. Service areas shall be separated by an opaque screen from the view from any street and from abutting properties as described in Section 7.6 of this ordinance.

#### TA25-08: Miscellaneous Amendments

6. Where chain link and similar fencing material are installed in an established yard abutting a street, such fencing shall be planted on the exterior side with evergreen shrubs minimum 3 feet in height (expected height at maturity minimum 6 feet), 6 feet on center at installation.
7. Outdoor lighting associated with active outdoor recreational facilities shall be designed as follows:
  1. Facilities shall use fully shielded lighting fixtures except where luminaries are:
    1. Provided with internal and/or external glare control louvers and installed so as to minimize up-light and offsite light trespass; and
    2. Installed and maintained with aiming angles that permit no greater than five percent (5%) of the light emitted by each fixture to project above the horizontal.
  2. Lighting plans shall limit light trespass to the maximum extent possible. A maximum of .5 foot-candles at any location on any non-residential property, and .1 foot-candles at any location on any residential property, as measurable from any orientation of the measuring device, shall be met.
  3. Lighting shall be extinguished after 11:00 p.m. Illumination of the sports facility shall be permitted after this time only to conclude a scheduled event that was unable to conclude before this time due to unusual circumstances.
8. Elementary and Junior High Schools shall be located on streets sized to accommodate traffic volumes of background uses plus the additional traffic projected to be generated by the school(s).
9. Senior high schools shall be on a lot which abuts a minor or major thoroughfare; primary vehicular access shall be provided from the thoroughfare.
10. When permitting temporary classroom units, the entire site shall be reviewed for compliance with applicable codes (i.e. sidewalks, landscaping, turn-lanes). Applicants are encouraged to bring the site into compliance where deficiencies are identified relative to the intensification of use proposed.
11. Sufficient stacking lanes for drop-off and pick-up shall be provided onsite so that traffic circulation is not impeded on any public right-of-way.
12. In a Corporate Business zoning district, schools shall only be allowed subject to the following additional conditions:

## TA25-08: Miscellaneous Amendments

1. Schools shall only be allowed on existing lots and in existing buildings. The school buildings shall be no greater than 50,000 sq. ft. in size. Additions to buildings intended for school use will be limited to 10% of the existing floor area of the building.
2. Schools shall be limited to a temporary use. in this district The length of time allowed for the school to operate shall not to exceed three (3) years from the occupancy of the temporary building. If the school does not occupy the building within one (1) year approval, the approval will become null and void. A school may apply for an additional two (2) years in the CB district. At no time shall an individual school be located in the CB district at the same location for more than a total of five (5) years.
3. The maximum number of students shall be 300.
4. In a CB zoning district, the school site shall be designed, located, and accessed such that primary passenger vehicles routes avoid those that will be primarily used by truck/industrial traffic.

### 10.2 Applicability

Except as otherwise provided in this ordinance, it shall be unlawful to construct, enlarge, move or replace any sign or cause the same to be done, without first obtaining a sign permit for such sign from the designated permitting agency. In addition, a certificate of occupancy for the change in the use of property shall require compliance with Article 10, Signs.

Notwithstanding the above, changing or replacing the permanent copy on an existing lawful sign shall not require a permit, provided the copy change does not change the nature of the sign so as to render it in violation of this ordinance. A legal non-conforming off-premise advertising sign that changes from utilizing external illumination to internal illumination or self-luminous or from a static copy to changeable message copy shall be considered a change of nature and is in violation of this ordinance.

### 10.8 Temporary Signs Requiring A Permit

The following temporary signs shall require a permit, subject to the standards below, in lieu of on-site real estate or construction signs.

1. Temporary Planned Development Signs, provided:
  1. Only one primary sign and two secondary signs shall be allowed per street front of development.

#### TA25-08: Miscellaneous Amendments

2. The maximum sign face area of a primary sign shall not exceed 32 square feet; height of ground-mounted signs shall not exceed 6 feet.
3. The maximum sign face area of secondary signs shall not exceed 12 square feet; height of ground-mounted signs shall not exceed 6 feet.
4. Only one permit shall be required for all temporary planned development signs for each planned development. Permits shall be valid until a project is completed or for a period of one year, whichever comes first. Completion shall be evidenced by the issuance of all certificates of occupancy for a development by the Building Standards Department. If a project is not completed in one year, a new permit must be obtained. However, in no instance shall more than 5 permits be issued for a development. Additional permits shall not allow secondary signs. All secondary signs shall be removed when the first permit issued expires.
5. Temporary directional signs within a planned development, but not visible from the road(s) fronting the overall development, shall be permitted so long as such signs do not exceed 12 square feet in sign area, 6 feet in height, and are removed upon completion of the portion of the project to which the signs are giving direction.

#### **10.10 Signs Permitted Without A Sign Permit**

The following types of signs are exempt from permit requirements and allowed in all zones, but shall be in conformance with all other requirements of this ordinance.

1. Memorial signs, plaques, or grave markers.
2. Public interest signs.
3. Public information kiosks on public or private property, subject to design approval by the Board of Commissioners and written permission of the owner of property upon which the kiosk is to be placed. The text shall not be visible from adjacent properties and/or public streets.
4. On premise directional and instructional signs not exceeding 6 square feet in area, unless such sign is a monument sign, in which case it may not exceed 9 square feet. Maximum height: 5 feet.
5. Identification signs not exceeding 1 1/2 square feet in area, which indicates the name and/or address of the occupant. Maximum height: 4 feet.

#### TA25-08: Miscellaneous Amendments

6. Window signs with a total copy area not exceeding 50 percent of the window or glass door on which the sign(s) are located.
7. Incidental signs.
8. Flags. A flag that meets the criteria of a sign shall mean a piece of durable fabric no greater than 24 feet in height and 20 square feet in area, and no more than one (1) per lot, on which is displayed the logo of a corporation, election or campaign (subject to 10.10.9 below), association, or other entity. Corporate logo flags for large regional corporations or headquarters may be allowed additional height and area through a Master Signage Program. (For non-commercial flags see Article 8.18).
9. Campaign or Election signs provided that:
  1. Individual signs erected:
    1. On privately-owned property shall not exceed 16 square feet in area or 6 feet in height;
    2. In a right-of-way shall not, exceed 6 square feet in area or 3 1/2 feet in height.
  2. No signs shall be permitted in the right-of-way of any fully controlled access highway.
  3. Signs shall be no closer than 3 feet from the edge of pavement of the road and shall not obscure motorists' visibility at an intersection.
  4. Permission shall be obtained from any property owner fronting Town-maintained right-of-way where a sign is erected.
  5. If erected in the right-of-way, signs may be erected no earlier than 30 days prior to the beginning date of early voting and shall be removed within 10 days after the election or primary for which they were made. Any political sign that remains in a right-of-way of streets located within the corporate limits of the Town and maintained by the Town more than 30 days after the end of the period prescribed herein is to be deemed unlawfully placed and abandoned property, and a person may remove and dispose of such political sign without penalty.
  6. If erected on privately-owned property, signs may be erected no earlier than 90 days prior to the beginning date of early voting and shall be removed within 10 days after the election or primary for which they were made.

TA25-08: Miscellaneous Amendments

10. Real estate signs, other than the temporary signs described in Section 10.8.

1. Signs advertising a single-family home or lot, a duplex, triplex, or quadraplex, or an individual unit within an attached housing development shall not exceed 6 square feet, with a maximum height of 4 feet. Rider signs not exceeding a total of 2 square feet in sign face area shall be permitted in addition to the 6 square feet.
2. Signs advertising all other uses shall not exceed one square foot for every 5 linear feet of frontage of the advertised property, up to a maximum sign face area of 32 square feet and maximum height of 6 feet.
3. Only one sign per street front of the advertised property shall be erected.
4. Properties having a continuous frontage in excess of 850 linear feet may be allowed an additional sign so long as such sign is no closer than 850 feet from another real estate sign on the property.
5. Signs shall not be illuminated.
6. Signs shall be removed within 7 days after the sale is closed or rent or lease transaction is finalized.

11. Holiday decorations without a commercial message provided:

1. Such displays do not extend into the public right-of-way.
2. Decorations shall be installed no more than ninety (90) days before the event and removed no more than ten (10) days after the event.

12. Construction signs, other than Temporary Planned Development Signs described in Section 10.8, provided:

1. Signs located on single-family lots or duplex, triplex, or quadraplex lots shall not exceed 6 square feet in area with a maximum height of 4 feet. Rider signs not exceeding 2 square feet in area shall be permitted in addition to the 6 square feet.
2. Signs for all other uses shall not exceed one square foot for every 5 linear feet of frontage of property under construction, up to a maximum sign face area of 32 square feet and a maximum height of 6 feet.
3. Signs are confined to the site of construction.

TA25-08: Miscellaneous Amendments

4. Only one sign per street front of the property under construction shall be erected.
5. Signs shall not be illuminated.
6. Signs shall be removed within 7 days after the completion of a project.

13. Temporary farm products signs provided:

1. Signs are located on the premises where the products are sold in conjunction with a bona fide farm use.
2. Signs shall not exceed 32 square feet in area or 6 feet in height.
3. Only one sign shall be erected.
4. Signs shall be removed within 7 days of the termination of sale activities.

14. Temporary special event signs or banners for religious, charitable, civic, fraternal, or similar organizations, provided:

1. No more than one sign per street front shall be permitted per event.
2. Signs shall be located on the property on which the event will occur.
3. Signs shall not exceed 32 square feet in area or 6 feet in height.
4. Signs shall be erected no sooner than 14 days before and removed 7 days after the event.

15. Temporary banners in commercial and mixed-use districts, provided:

1. Only one banner per establishment shall be allowed at a time.
2. All banners shall be attached in total to a building wall or permanent canopy extending from a building.
3. No paper banners shall be allowed.
4. Banners shall be erected for a period not to exceed 2 weeks.
5. No more than 6 such signs per establishment shall be erected within a calendar year.
6. No banner shall extend above the second occupiable floor level of a building.
7. In addition to the banners above, Grand Openings and Going Out-of-Business banners are allowed provided that:



TA25-08: Miscellaneous Amendments

1. Banners shall be erected for a period not to exceed 30 calendar days.
  2. Total number of banners shall not exceed two (2) per property.
  3. Banners shall be subject to b, c & f above.
  4. One additional temporary ground-mounted sign shall be erected for a Grand-Opening for a period not to exceed 10 calendar days.
  5. Temporary ground-mounted sign shall be a maximum 6 feet in height and 24 sq. ft. in area.
  6. Temporary ground-mounted sign shall be located outside of the right-of-way and sight triangle.
  7. Temporary ground-mounted sign shall be exempt from Article 10.12.3.
16. Public service and advertising signs in association with athletic fields. Signs may be attached to the interior face of any fence that encloses or partially encloses an athletic playing field upon the property of a school or public park subject to the following conditions:
1. No sign face area shall be visible from any public street nor from any abutting property in a residential or mixed-use district.
  2. No sign shall extend above the top of the enclosing fence.
  3. The property owner or an authorized representative shall provide the town with a signed statement granting permission for signs to be displayed and assuming responsibility for management of the signs as well as the appropriate removal and disposal of damaged or obsolete signs.
17. Temporary Special Occasion Flag. Flag of durable fabric, unrestricted as to size, on which is displayed the emblem of a nation, state, city, or fraternal, religious, or civic organization, provided:
1. Flag shall be displayed only on the property on which the event is held or the occasion is celebrated.
  2. Flag shall be flown, mounted or displayed no sooner than 7 days prior to the event or occasion, and shall be removed within 7 days following the conclusion of the event or occasion.
18. Sidewalk Signs. Sidewalk signs such as easel or A-frame signs located near the main entrance to a non-residential use are allowed subject to the following:

## TA25-08: Miscellaneous Amendments

1. One sidewalk sign per tenant is allowed provided it is located within 5 feet of the public entry to the building.
  2. The sign location shall not interfere with pedestrian or vehicular circulation or obstruct the clear sight triangle at a street intersection (Section 8.9). There shall be a minimum sidewalk clearance of 5 feet.
  3. The sign shall not exceed 8 square feet in area and 4 feet in height.
  4. The sign may have changeable copy such as chalkboard, whiteboard, or cork.
19. Fence Wraps. Fence wraps displaying signage when affixed to perimeter fencing at a construction site are exempt from this Chapter until the certificate of occupancy is issued for the final portion of any construction at that site or 24 months from the time the fence wrap was installed, whichever is shorter. No fence wrap affixed pursuant to this section may display any advertising other than advertising sponsored by a person directly involved in the construction project and for which monetary compensation for the advertisement is not paid or required.
20. Temporary Sporting Event Sign
1. Signs shall be displayed only on the property on which the event is held.
  2. No more than one sign per street front shall be permitted per event.
  3. Signs shall not exceed 32 square feet in area or 6 feet in height.
  4. Signs shall be erected no sooner than the day of the event and may only be erected through the duration of the event.
21. Government Signs.

### 11.1 Zoning Administration

1. **Zoning Administrator.** Primary responsibility for administering and enforcing this ordinance may be assigned to one (1) or more individuals by the Town Manager. The person or persons to whom these functions are assigned shall be referred to in this ordinance as the "Zoning Administrator". The term "staff" or "Planning staff" is sometimes used interchangeably with the term "Zoning Administrator." Any function or responsibility assigned by this ordinance to the Administrator may be delegated by such person to another employee or agent acting under the Administrator's control or at his direction unless such delegation is prohibited by the Town Manager.

## TA25-08: Miscellaneous Amendments

No staff member, including the Zoning Administrator, shall make a final decision on an administrative decision pursuant to this ordinance where the outcome of that decision would have a direct, substantial, and readily identifiable financial impact on the staff member or if the applicant or other person subject to that decision is a person with whom the staff member has a close familial, business, or other associational relationship. For purposes of this section, a "close familial relationship" means a spouse, parent, child, brother, sister, grandparent, or grandchild. The term includes the step, half, and in-law relationships. If a staff member has a conflict of interest under this section, the administrative decision shall be assigned to the supervisor of the staff person or such other staff person as may be designated by Zoning Administrator.

2. **Intent and Applicability.** The Zoning Administrator shall enforce, conduct reviews, ensure zoning compliance, and manage the development approval procedures set forth in this article for the Town of Huntersville.

1. A building permit and a certificate of occupancy are required for uses permitted by right, under prescribed conditions, or subject to an approved conditional zoning district or special use permit, and all uses and structures accessory thereto.
2. A certificate of occupancy is required for changes in the use of property.

Zoning compliance, under these regulations, is required for the issuance of building permits, certificates of occupancy, sign permits, and zoning use permits.

3. **Building Permit.** No development shall occur except pursuant to a building permit, when one is required. A building permit is generally required for the activities below. Other building activities may also require a permit.

1. The addition, repair, or replacement of load bearing structures.
2. The installation, extension, or general repair of any plumbing system or an addition or change in the design of plumbing.
3. The addition, replacement, or change in the design of heating, air conditioning, or electrical wiring, devices, appliances, or equipment.
4. The addition (excluding replacement) of roofing.
5. The use of materials not permitted by the North Carolina State Building Code.

## TA25-08: Miscellaneous Amendments

6. Work on single-family residence, farm buildings, or commercial buildings exceeding \$40,000.
7. The following work, even if not in excess of \$40,000:
  - construction of deck, fireplace, pier, or storage building;
  - installation or replacement of insulation, wood stove, or hot water heater;
  - moving a building;
  - demolition of a building.
4. **Certificate of Occupancy.** A certificate of occupancy must be issued prior to the occupation, use, or change in use of any land, building, or structure, except for land used for agricultural purposes.

### 11.2 Enforcement

1. **Administration and Enforcement Procedures.** If an application for a 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.

## TA25-08: Miscellaneous Amendments

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 Board of Adjustment (the “Board of Adjustment”) as provided in Section 11.3.2. Appeals of administrative decisions made to the Board of Adjustment must be filed within 30 days from receipt of the written notice of the determination. In the absence of evidence to the contrary, written notice of the determination sent by first-class mail is deemed received on the third business day following deposit of the notice for mailing with the United States Postal Service.
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:
  1. **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.
  2. **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.
  3. **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.
  4. **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

## TA25-08: Miscellaneous Amendments

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.

5. **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.

6. **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

TA25-08: Miscellaneous Amendments

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.
7. **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 Board of Adjustment. Once the ten-day warning period has expired, each day which the violation continues shall subject the violator to additional citations to be issued by the Zoning Administrator.

The following penalties are hereby established:

|                                  |                                  |
|----------------------------------|----------------------------------|
| Warning Citation                 | Correct Violation Within 10 Days |
| First Citation                   | \$50.00                          |
| Second Citation for Same Offense | \$100.00                         |

## TA25-08: Miscellaneous Amendments

|                                                 |          |
|-------------------------------------------------|----------|
| Third and Subsequent Citations for Same Offense | \$500.00 |
|-------------------------------------------------|----------|

If the offender fails to pay the civil penalties within ten(10) days after having been cited, the Town may recover the penalties in a civil action in the nature of debt.

### 11.3 Appeals And Variances

#### 1. Board of Adjustment.

- 1. 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.
- 2. 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.



TA25-08: Miscellaneous Amendments

3. **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.
4. **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.
5. **Proceedings.**

## TA25-08: Miscellaneous Amendments

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.
6. **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.**
1. **Petition to Board of Adjustment for Appeal or Variance.**

TA25-08: Miscellaneous Amendments

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.
2. **Appeals.** The 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 Board of Adjustment. An appeal is taken by filing a Notice of Appeal with the Clerk to the 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 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 Board of Adjustment and any subsequent appeal in accordance with N.C.G.S. §

## TA25-08: Miscellaneous Amendments

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 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 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 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 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 Board of Adjustment. The official who made the decision shall be present at the hearing as a witness. The appellant shall not be limited at the hearing to matters stated in the notice of appeal. If any party or the Town would be unduly prejudiced by the presentation of matters not presented in the notice of appeal, the Board of Adjustment shall continue the hearing.
8. The Board of Adjustment may reverse or affirm, wholly or partly, or may modify the decision appealed from and shall make any order, requirement, decision, or determination that ought to be made. The Board shall have all the powers of the official who made the decision.

TA25-08: Miscellaneous Amendments

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).

**3. Standards for Granting an Appeal.**

1. The Board of Adjustment shall reverse or modify the order, decision, determination, or interpretation under appeal only upon finding an error in the application of these regulations on the part of the officer rendering the order, decision, determination, or interpretation.
2. In modifying the order, decision, determination, or interpretation, the Board of Adjustment shall have all the powers of the official from whom the appeal is taken.

4. **Filing a Variance Petition.** A petition for variance, in the form prescribed by the Board of Adjustment, shall be filed with the Clerk to the Board of Adjustment or designated administrator, accompanied by a non-refundable filing fee as established by the Town Board and a list of adjoining properties including tax parcel numbers and the name and address of each owner.

5. **Standards for Granting a Variance.** When unnecessary hardships would result from carrying out the strict letter of a zoning ordinance, the Board of Adjustment shall vary any of the provisions of the ordinance upon a showing of all of the following:

1. Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.
2. The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance. A variance may be granted when necessary and appropriate to make a reasonable accommodation under the Federal Fair Housing Act for a person with a disability.

## TA25-08: Miscellaneous Amendments

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.
6. **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.
7. **Notice and Hearing.**
  1. The Board of Adjustment shall, in accordance with rules adopted by it for such purpose, hold public hearings on any appeal or variance petition which comes before it.
  2. Notice of Hearing. – Notice of Hearings conducted pursuant to this section shall be mailed to the person or entity whose appeal, application, or request is the subject of the hearing; to the owner of the property that is the subject of the hearing if the owner did not initiate the hearing; to the owners of all parcels of land abutting the parcel of land that is the subject of the hearing; and to any other persons entitled to receive notice as provided by the zoning or subdivision ordinance. In the absence of evidence to the contrary, the Town may rely on the County tax listing to determine owners of property entitled to mailed notice. The notice must be deposited in the mail at least 10 days, but not more than 25 days, prior to the date of the hearing. Within that same time period, the Town shall also prominently post a Notice of the hearing on the site that is the subject of the hearing or on an adjacent street or highway right-of-way. The Board of Adjustment may continue an evidentiary hearing that has been convened without further advertisement.
8. **Action by the Board of Adjustment.**
  1. The concurring vote of four-fifths (4/5ths) of the board shall be necessary to grant a variance. A majority of the members shall be

## TA25-08: Miscellaneous Amendments

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.

TA25-08: Miscellaneous Amendments

4. Oaths. The Chair of the Board or any member acting as Chair and the Clerk to the Board are authorized to administer oaths to witnesses in any matter coming before the Board. Any person who, while under oath during a proceeding before the Board of Adjustment determining a quasi-judicial matter, willfully swears falsely is guilty of a Class 1 misdemeanor.
5. Subpoenas. The Board of Adjustment through the Chair, or in the Chair's absence anyone acting as Chair, may subpoena witnesses and compel the production of evidence. To request the issuance of a subpoena, the applicant, local government, and any 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 Board of Adjustment. If a person fails or refuses to obey a subpoena issued pursuant to this subsection, the Board of Adjustment or the party seeking the subpoena may apply to the General Court of Justice for an order requiring that its subpoena be obeyed, and the court shall have jurisdiction to issue these orders after notice to all proper parties.
9. **Effect of Grant of Variance or Reversal or Modification of Administrative Decision.** After the Board of Adjustment approves a variance, or reverses or modifies an order, decision, determination, or interpretation of an administrative official, the appellant or petitioner shall be responsible for obtaining a building permit and/or certificate of occupancy, as applicable, in order to proceed with the development of the subject property. All orders, decisions, determinations, and interpretations made by administrative officials under those procedures shall be consistent with the variance, reversal, or modification granted to the appellant or petitioner by the Board of Adjustment.
10. **Rehearing.** The Board of Adjustment shall refuse to hear an appeal or variance petition which has been previously denied unless it finds that there have been substantial changes in the conditions or circumstances relating to the matter.



**11. Appeal from Board of Adjustment.** Every quasi-judicial decision shall be subject to review by the superior court by proceedings in the nature of certiorari pursuant to G.S. 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.**

**1. 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.

**2. Construction.** The authority given to the Zoning Administrator to grant such waivers shall be construed to be permissive and not mandatory and the Zoning Administrator may decline to make such waiver, and instead, require that the applicant seek a variance from the Board of Adjustment. The Zoning Administrator may not grant any waiver affecting the use or zoning classification; however, this shall not be construed as limiting the zoning

## TA25-08: Miscellaneous Amendments

Administrator's duties and rights under the ordinance, and whose decisions are appealable to the Board of Adjustment.

### 11.4 Amendment Process

#### 1. Purpose and Authority.

- a. The purpose of this article is to provide a means for amending the text of these regulations and the classification of any parcel of land identified on the Official Zoning Map. The purpose is not to relieve particular hardships, nor to confer special privileges or rights on any person, but only to make adjustments necessary in response to changed conditions or changes in public policy.
- b. Upon compliance with the provisions of this article, the Town Board shall have the authority to amend or repeal the text of these regulations or the classification of any parcel of land indicated on the Official Zoning Map.

#### 2. Planning Board.

- a. **Establishment.** The Planning Board of the Town of Huntersville shall consist of nine (9) members of whom at least seven (7) members shall reside within the corporate limits, appointed by the Town Board, plus extraterritorial members determined as follows: the number of members appointed who reside in the extraterritorial zoning jurisdiction shall at a minimum meet the requirements of N.C.G.S. § 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

## TA25-08: Miscellaneous Amendments

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

## TA25-08: Miscellaneous Amendments

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 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. **Initiation.**

- a. Any amendment to the Zoning Ordinance text or Zoning Map, except for the classification of property to a conditional zoning district or MH Overlay or to down-zone property as defined by N.C.G.S. 160D-601 may be initiated:
1. By the Town Board or the Planning Board on its own resolution;

TA25-08: Miscellaneous Amendments

2. By the property owner(s), upon filing an official petition, submitting the fee established by the Town Board, and providing a list of adjoining properties including tax parcel numbers and the name and address of each owner, provided in digital form if possible;
3. By someone other than the property (if not a request to down-zone property) owner following:
  1. filing of an official petition and submission of the established fee by the initiating party; and in addition, for a map amendment, providing a list of adjoining properties including tax parcel numbers and the name and address of each owner, or, for a text amendment, submitting the prepared text and rationale for seeking the amendment;
  2. preliminary evaluation by the Planning Board to evaluate consistency of the proposal with the objectives and policies of plans adopted by the Town of Huntersville; and
  3. determination by the Town Board whether the petition should be granted a public hearing or rejected.
- b. An amendment for the reclassification of property to a conditional zoning district or a MH Overlay district, may be initiated only by the owners of all of the property to be included in the district and shall be accompanied by an official petition, the established fee, and documentation as required by paragraph 1) below and as may be required by paragraph 2), below.
  1. A petition requesting the reclassification of property to a conditional zoning district or overlay district must be accompanied by a site plan, drawn to scale, and any necessary supporting text, which shall include all data specified in paragraphs (A) through (N) below that are applicable to the project. Where the type of use or scale of proposal makes providing any of the following items unnecessary or impractical, the Planning Director may waive individual items.
    1. A boundary survey and vicinity map showing the property's total acreage, zoning classification(s), general location in relation to major streets, railroads, and/or waterways, date, and north arrow;

TA25-08: Miscellaneous Amendments

2. Existing topography on the site and within 300 feet of the boundary of the site; and the general nature of the proposed topography at four-foot contour intervals or less;
  3. All existing easements, reservations, rights-of-way, and any other restrictions on the use of the land;
  4. Number and general location of proposed structures;
  5. Proposed use of all land and structures, including the number of residential units or the total square footage of any nonresidential development;
  6. All yards, buffers, screening, and landscaping required by these regulations;
  7. Any screening, buffers, and landscaping proposed over and above that required by these regulations, as well as proposed treatment of any existing natural features;
  8. All existing and proposed points of access to public streets; the location of proposed new streets;
  9. Delineation of areas within the regulatory floodplain as shown on the Official Floodway Maps for Mecklenburg County;
  10. Proposed number and location of signs;
  11. Proposed phasing, if any, and approximate completion time for the project;
  12. The location of existing and proposed storm drainage patterns and facilities intended to serve the development;
  13. Traffic, parking, and circulation plans, showing the proposed location and arrangement of parking spaces and ingress and egress to adjacent streets, existing and proposed;
  14. A listing of adjoining properties including tax parcel numbers and the name and address of each owner, provided in digital form if possible.
2. In the course of evaluating the proposed use, the Planning Director, Planning Board or Town Board of Commissioners may request

## TA25-08: Miscellaneous Amendments

additional information from the petitioner. Information requested may include the following:

1. The location of significant trees on the petitioned property;
  2. Scale of buildings relative to adjoining properties, including sight lines;
  3. Height of structures;
  4. Exterior features of proposed development;
  5. Any other information needed to demonstrate compliance with these regulations.
3. The site plan, building elevations, perspectives, sections, and any supporting text shall constitute part of the petition for all purposes under these regulations.
- c. The Planning Department shall determine the number of copies of each petition and other required documentation to be submitted by the petitioner so that copies may be circulated to all appropriate agencies for review and comment. A statement analyzing the reasonableness of the proposed rezoning shall be prepared for each petition for a rezoning to a special or conditional use district, or a conditional district, or other small-scale rezoning.
- d. Before a public hearing may be held on a petition for a conditional zoning, the petitioner must file in the Office of the Planning Department a written report of at least one community meeting held by the petitioner. The community meeting shall not be held on Town of Huntersville Board of Commissioners or Planning Board meeting nights. Notice of such a meeting shall be provided to all of the following, using the parcel ownership information listed in the current Mecklenburg County tax records:
1. Owner of each property petitioned for rezoning
  2. Owner of each abutting property
  3. Owner of each property within 250 feet of the petitioned property
  4. Owner of each property directly across a street, easement, or right-of-way, public or private, from the petitioned property

#### TA25-08: Miscellaneous Amendments

5. Owner of each property across a street, easement, or right-of-way, and within 250 feet of the right-of-way boundary opposite the petitioned property
6. Contact person for each neighborhood association, property owner association, and homeowner association registered with the Town Planning Department that has jurisdiction over property within 2,000 feet of any portion of the rezoning site (distance scaled on a Town of Huntersville or Mecklenburg County official map). If fewer than two registered associations are identified within 2,000 feet of the rezoning site, it is the responsibility of the petitioner to identify and include unregistered associations or associations beyond 2,000 feet of the site, such that no fewer than two neighborhood, property owner, or homeowner associations are notified of the community meeting.
7. The report shall include, among other things, a listing of those persons and organizations contacted about the meeting and the manner and date of contact, the date, time, and location of the meeting, a roster of the persons in attendance at the meeting, a copy of any materials presented at the meeting, a summary of issues discussed at the meeting, including changes suggested by the participants and a description of any changes to the rezoning petition made by the petitioner as a result of the meeting. In the event the petitioner has not held at least one meeting pursuant to this paragraph, the petitioner shall file a report documenting efforts that were made to arrange such a meeting and stating the reasons such a meeting was not held. The adequacy of a meeting held or report filed pursuant to this paragraph shall be considered by the Town Board but shall not be subject to judicial review.

#### 4. **Withdrawal or Amendment of Petition.**

- a. A petition filed according to this section may be withdrawn by the petitioner at any time prior to final action by the Town Board.
- b. Once the petition has been filed, the petitioner shall not be allowed to amend it except by request to the Planning Director no later than three weeks prior to the scheduled public hearing date. No changes to the petition shall be accepted in the intervening weeks prior to the public hearing. No changes to the petition shall be made at the hearing, although potential changes



## TA25-08: Miscellaneous Amendments

proposed by the petitioner, Planning Board, Town Board, and other interested parties may be presented at the hearing and considered by the Planning Board and Town Board during their deliberations.

- c. If the Town Board deems any amendment pursuant to Section 11.4.4 requested pursuant to Section 11.4.4 (b) to be a substantial change to the petition prior to a final decision, which does not result in an intensification of the petition, it shall defer action on the petition for 30 days to allow interested parties the opportunity to comment on the amendment to the petition. Notwithstanding the foregoing, the Town Board may deny the petition.
  - d. If the Town Board deems any requested amendment to be an intensification of the petition, it shall call a new public hearing prior to final action. Notwithstanding the foregoing, the Town Board may deny the petition.
  - e. Once a development approval is issued, modifications to the development approval must be reviewed and approved in the same manner in which it the approval was originally made, including any necessary notice and public hearing. However, minor modifications to development approvals as defined by Article 12 of this ordinance may be approved by staff.
5. **Citizen Comments.** If any resident or property owner in the Town submits a written statement regarding a proposed amendment, modification, or repeal to a zoning ordinance to the Town Clerk at least two business days prior to the proposed vote on such change, the Town Clerk shall deliver such written statement to the Town Board of Commissioners. If the proposed change is the subject of a quasi-judicial proceeding under G.S. 160D-601, the Town Clerk shall provide only the names and addresses of the individuals providing written comment, and the provision of such names and addresses to all members of the board shall not disqualify any member of the board from voting.
6. **Hearing.**
- a. Notice of public hearings required under these regulations shall be in accordance with the North Carolina General Statutes.
  - b. **Conduct of Public Hearing.**
    - 1. No amendment shall be adopted until after the Town Board and Planning Board have held a public hearing on the proposed amendment.

## TA25-08: Miscellaneous Amendments

2. The hearing shall be conducted in accordance with rules and procedures established by the Mayor and Town Board.
3. When presenting a petition for the reclassification of property to a general district, the petitioner shall refrain from using any graphic materials or descriptions of the proposed use or development site design, except for those which would apply to any use or development site design permitted in the requested district.

### 7. Recommendation and Decision.

- a. The Town Board may not vote to rezone property to a conditional zoning district during the time period beginning on the date of a municipal general election and concluding on the date immediately following the date on which the Town Board holds its organizational meeting following a municipal general election unless no person spoke against the rezoning at the public hearing.
- b. No proposed amendment shall be approved unless it is first submitted to the Planning Board for a recommendation. The Planning Board may defer action on a request one time for one of the following reasons: the public hearing remains open; ordinance required information is not completed; the petitioner agrees and/or requests a deferral. Further, the Planning Board may defer action on a request one additional time not limited to the reasons listed above, provided the Planning Board state the reason for deferral and it be related to address ordinance standards. If the Planning Board does not make a written recommendation to approve, approve with conditions, deny, or recommend Town Board defer a decision on the proposed amendment, then the Planning Board shall be considered to have recommended deferral for additional deliberation. The petition, along with the recommendation of the Planning Board, shall be placed on the agenda of the Town Board at its next regular zoning meeting.

In making its written recommendation, the Planning Board shall advise and comment on whether the proposed amendment is consistent with the adopted Huntersville Community Plan and other adopted long-range plans that are applicable. The Planning Board shall provide a written recommendation to the Town Board that addresses plan consistency and other matters as deemed appropriate by the Planning Board, but a comment by the Planning Board that a proposed amendment is inconsistent with

## TA25-08: Miscellaneous Amendments

adopted plans shall not preclude consideration or approval of the proposed amendment by the Town Board.

- c. The Town Board, after receiving the recommendation of the Planning Board, shall within a reasonable time either reject the proposed amendment or approve the proposed amendment, with or without modifications. Property petitioned to be rezoned to a conditional zoning district may only be rezoned in response to and consistent with the petition of the owners of all of the property to be included in the district; therefore, modifications to such petitions must be found to be consistent with the petition of all owners of property within the petitioned area prior to the Board's decision. When adopting or rejecting any zoning amendment, the Town Board shall adopt a statement describing whether its action is consistent or inconsistent with adopted Huntersville Community Plan and other adopted long-range plans that are applicable and explaining the reasonableness of the proposed rezoning including why the action is in the public interest. That statement is not subject to judicial review.
- d. In considering any petition to reclassify property, the Planning Board in its recommendation and the Town Board in its decision shall take into consideration any identified relevant adopted land-use plans for the area including, but not limited to, comprehensive plans, strategic plans, district plans, area plans, neighborhood plans, corridor plans, and other land-use policy documents.
- e. In considering any petition to reclassify property, the Planning Board in its recommendation and the Town Board in its decision should consider:
  - 1. Whether the proposed reclassification is consistent with the overall character of existing development in the immediate vicinity of the subject property;
  - 2. The adequacy of public facilities and services intended to serve the subject property, including but not limited to roadways, transit service, parks and recreational facilities, police and fire protection, hospitals and medical services, schools, storm water drainage systems, water supplies, and wastewater and refuse disposal; and
  - 3. Whether the proposed reclassification will adversely affect a known archaeological, environmental, historical, or cultural resource.

#### TA25-08: Miscellaneous Amendments

- f. When considering a petition to reclassify property to a general district, the Planning Board and the Town Board shall not evaluate the petition based on any specific proposal for the use of the property or design of the site.
- g. In approving an amendment to reclassify property to a general district, or with the consent of the petitioner in the reclassification to a conditional zoning district, or MH Overlay district, the Town Board may change the existing classification of the property, or any part of the property covered by the petition, to the classification requested or to a classification or classifications between the existing and requested classifications, or to any higher classification in the hierarchy of zoning districts established in Section 3.1.1 of these regulations.
- h. In approving a petition to reclassify property to a conditional zoning district, specific conditions applicable to the conditional district may be proposed by the petitioner or the town or its agencies, but only those conditions mutually approved by the town and the petitioner may be incorporated into the zoning regulations or permit requirements. Conditions and site-specific standards imposed in a conditional zoning district shall be limited to those that address the conformance of the development and use of the site to Town ordinances, the officially adopted Huntersville Community Plan, other applicable adopted long-range plans and those that address the impacts reasonably expected to be generated by the development or use of the site.
- i. The Town Board may modify any proposed text amendment upon adoption of an ordinance enacting the amendment, without the withdrawal or modification of the petition or further public hearings.
- j. An approved conditional zoning district petition and all conditions which may be attached to the approval are binding on the property. All subsequent development and use of the property must be in conformance with the conditional zoning district petition and all plans, specifications, and conditions established.
- k. In approving a conditional zoning district, the Town Board may modify standards established in the Zoning or Subdivision ordinance.
- l. A conditional zoning district petition may be considered simultaneously with a subdivision sketch plan provided all submission and procedural requirements have been met.

## TA25-08: Miscellaneous Amendments

m. A Town Board member shall not vote on any zoning map or text amendment where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member. Members of appointed boards providing advice to the Town Board shall not vote on recommendations regarding any zoning map or text amendment where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member.

### 8. Effect of Denial of Petition.

- a. Any petition for the reclassification of property that has been withdrawn, denied in whole or in part, or approved to a classification other than the one originally requested, shall not be re-submitted within one year of the date of the Town Board's action on the original petition, or, in the case of a withdrawal, one year from the date the petition was withdrawn, unless a petitioner applies for a district which is "lower" in the Hierarchy of Zoning Districts in Section 3.1.1.
- b. The Town Board may allow re-submission of a petition for the reclassification of property within the one-year restricted period if it determines that, since the date of action on the prior petition, one of the following criteria has been met:
  1. There has been a similar change in the zoning district classification of an adjacent property; or
  2. The Town Board has adopted a new or amended plan for the area that changes public policy regarding how the property affected by the amendment should be developed; or
  3. Construction or expansion of a road, water line, sewer line, or other infrastructure has occurred or is to occur in such a time frame as to serve the property and comfortably accommodate the intensity of development allowed under the proposed classification; or
  4. There has been a substantial change in conditions or circumstances, outside the control of the petitioner, which justifies waiver of the one-year restriction on a new petition; this shall not include a change in the ownership of the subject property nor, in the case of a petition for reclassification to a conditional or parallel conditional zoning district,

## TA25-08: Miscellaneous Amendments

or MH Overlay district, a change in the scale or features of the development proposed in the prior petition.

- c. Any petition allowed by the Town Board under subsection (2) above must be reviewed and approved in accordance with the procedures and standards of Section 11.4, Amendment Process, of these regulations.

- 9. **When Development Not Begun Within 2 Years.** It is intended that property shall be reclassified to a conditional zoning district or a MH Overlay district only in light of firm development plans for the property. Therefore, two years after the date of approval of any petition for a conditional zoning district, or MH Overlay district, the Planning Board shall examine the progress made toward developing the property in accordance with the approved petition and any conditions attached thereto. If the Planning Board determines that construction has not commenced in furtherance of the approved petition and conditions, the Planning Board may, at its discretion, initiate a rezoning to the general zoning district consistent with the most detailed plan adopted for the area which includes the property, according to the procedures of Section 11.4, Amendment Process so long as the rezoning would not result in a down-zoning as defined by N.C.G.S. 160D-601(d).

### 10. Special Use Permit.

- a. **Purpose.** This section provides the standards and procedures for locating uses that may be compatible with the purpose and intent of a given zoning district, but nonetheless have the potential for substantial impacts on the surrounding area, including uses permitted in the same zoning district. In order to ensure that these uses would be compatible with surrounding development, consistent with the most detailed plan for the area, and in keeping with the purposes of the district in which they are proposed to be placed, they are not allowed to be established as a matter of right. They may be established only after a review of the specific proposal and approval of a special use permit.
- b. **Application.** A request for a special use permit will be considered only if requested by the owner of the property in question or an authorized agent of the property owner. Applications for all special use permits or amendments to any approved special use permit must be filed in the office of the Planning Department, accompanied by a fee established by the Town Board, and must include documentation as required by paragraph 1), below and as may be required by paragraph 2), below.

## TA25-08: Miscellaneous Amendments

1. A petition requesting a special use permit must be accompanied by a site plan, drawn to scale, and any necessary supporting text, which shall include all data specified in paragraphs (A) through (M) below that are applicable to the project. Where the type of use or scale of proposal makes providing any of the following items unnecessary or impractical, the Planning Director may waive individual items.
  1. A boundary survey and vicinity map showing the property's total acreage, zoning classification(s), general location in relation to major streets, railroads, and/or waterways, date, and north arrow;
  2. Existing topography and the general nature of the proposed topography at four-foot contour intervals or less;
  3. All existing easements, reservations, rights-of-way, and any other restrictions on the use of the land;
  4. Number and general location of proposed structures;
  5. Proposed use of all land and structures, including the number of residential units or the total square footage of any nonresidential development;
  6. All yards, buffers, screening, and landscaping required by these regulations;
  7. Any proposed screening, buffers, and landscaping over and above that required by these regulations, as well as proposed treatment of any existing natural features;
  8. All existing and proposed points of access to public streets; the location of proposed new streets;
  9. Delineation of areas within the regulatory flood plain as shown on the Official Floodway Maps for Mecklenburg County;
  10. Proposed number and location of signs;
  11. Proposed phasing, if any, and approximate completion time for the project;

TA25-08: Miscellaneous Amendments

12. The location of existing and proposed storm drainage patterns and facilities intended to serve the proposed development, for evaluation by the Town Engineer or their designee;
  13. Traffic, parking, and circulation plans, showing the proposed location and arrangement of parking spaces and ingress and egress to adjacent streets, existing and proposed;
  14. A listing of adjoining properties including tax parcel numbers and the name and address of each owner, provided in digital form if possible.
2. In the course of evaluating the proposed use, the Planning Director, Planning Board or Town Board of Commissioners may request additional information from the petitioner. Such requests shall stay consideration of the special use permit by the Planning Board or Town Board. Information requested may include the following:
    1. The location of significant trees on the petitioned property;
    2. Scale of buildings relative to adjoining properties, including sight lines;
    3. Height of structures;
    4. Exterior features of proposed development;
    5. Any other information needed to demonstrate compliance with these regulations.
  3. The site plan, building elevations, perspectives, sections, and any supporting text shall constitute part of the special use permit application for all purposes under these regulations.
- c. The Planning Department shall determine the number of copies of each petition and accompanying documentation to be submitted by the petitioner so that copies may be circulated to all appropriate agencies for review and comment.
  - d. **Withdrawal or Amendment of Special Use Permit Application.** An application for a Special Use Permit may be withdrawn or amended in the same manner as a proposed amendment to the zoning map, following the procedures of Section 11.4.4.



TA25-08: Miscellaneous Amendments

**e. Hearing.**

1. A Special Use Permit hearing will be conducted as a quasi-judicial hearing before the Town Board.
2. The applicant has the burden of producing competent, material, and substantial evidence establishing that:

- i. The proposed special use will not materially endanger the public health or safety;
- ii. The proposed special use will not substantially injure the value of abutting property or it constitutes a public necessity;
- iii. The proposed special use will be in harmony with the area in which it is located and in general conformity with the comprehensive plan and any applicable small area plan;
- iv. The proposed special use will comply with all of the lot, size, yard, and other standards which this ordinance applies to all uses permitted in the zoning district in which the property is located; and
- v. The proposed special use will comply with all general and specific standards required by the appropriate section of this ordinance for the issuance of a special use permit for this use.

1.

**1. Recommendation and Decision.**

1. In considering an application for a special use permit, the Planning Board in an advisory capacity and the Town Board, in a decision making capacity, shall consider, evaluate and may attach reasonable and appropriate conditions and safeguards to the location, nature, and extent of the proposed use and its relation to surrounding property, for the purpose of ensuring that the conditions of permit approval will be complied with and any potentially injurious effect of the special use on adjoining properties, the character of the neighborhood, or the health, safety, and general welfare of the community will be minimized.
2. Any such conditions may relate to parking areas and driveways, pedestrian and vehicular circulation systems, screening and buffer areas, intensity of site development, the timing of development, and other matters the Town Board may find appropriate or the applicant may propose. The applicant will have a reasonable opportunity to

## TA25-08: Miscellaneous Amendments

consider and respond to any additional conditions or requirements prior to final action by the Town Board.

2. **Effect of Approval.** An approved application for a special use permit and all conditions which may be attached to the approval are binding on the property. All subsequent development and use of the property must be in conformance with the special use permit and all plans, specifications, and conditions unless terminated by procedures established below.

3. **Effect of Denial.**

1. If an application for a special use permit is denied by the Town Board, a reapplication for that special use on that property may not be instituted within one year of the date of denial.
2. The Town Board may allow re-submission of the application within the one-year restricted period if it determines that, since the date of action on the prior application, one of the following criteria has been met:
  - The Town Board has adopted a new or amended plan for the area that changes public policy regarding how the subject property and/or the general area affected by the special use permit should be developed; or
  - Construction or expansion of a road, water line, sewer line, or other infrastructure has occurred or is to occur in such a time frame as to serve the property and comfortably accommodate the type and intensity of development which would be allowed under the proposed special use permit; or
  - There has been a substantial change in conditions or circumstances, outside the control of the petitioner, which justifies waiver of the one-year restriction on resubmission of a special use permit application for the property; this shall not include a change in the ownership of the subject property nor a change in the scale or features of the development proposed in the prior application.

4. **Amendment to an Approved Special Use Permit.**

## TA25-08: Miscellaneous Amendments

1. The owner of property which is subject to an approved special use permit may petition for an amendment of the special use permit and accompanying conditions by following the procedures applicable to initiation of new special use permits. However, minor modifications as defined in Article 12, which do not involve a change in uses permitted or the density of overall development permitted may be reviewed and approved administratively.
2. Evidence presented at the hearing on the proposed amendment will be limited to the effect of the proposal on the original special use permit, any plans or conditions which were a part of the original special use permit, and the present standards and requirements in this Zoning Ordinance.
5. **Appeals.** Any petition for review by the superior court shall be filed with the clerk of superior court by the later of 30 days after the decision of the Town Board is effective or is delivered to the applicant, landowner, and any person who has filed a written request for such copy with the clerk prior to the date the decision becomes effective.
6. **Recognition of Previously Approved Conditional Use Permits.** Conditional Use Permits which have been previously granted by the Board of Commissioners of the Town of Huntersville and Special Use Permits previously granted by the Mecklenburg County Board of Commissioners will be recognized for building permit and other administrative purposes for three years after the effective date of this ordinance. If after three years construction of the development has not begun or there is no valid building permit in effect for the property, the conditional or special use permit will be considered null and void. If a use approved as a conditional use or special use becomes non-conforming and discontinues operation for six consecutive months, or is displaced by structural damage as described in Section 11.5.2, the use may not be resumed nor a building permit issued without approval of the appropriate zoning classification and special use permit required under the provisions of this ordinance.

### **11.6 Zoning Compliance**

1. **Zoning Compliance.**

#### TA25-08: Miscellaneous Amendments

1. A completed application form for a Zoning Permit shall be submitted by filing a copy of the application in the office of the Zoning Administrator. All applications shall be signed by the property owner(s).
2. The Zoning Administrator shall approve the Zoning Permit unless the Zoning Administrator finds, after reviewing the application and consulting with the applicant that:
  1. The requested Permit is not within their jurisdiction according to the Permitted Uses; or
  2. The application is incomplete; or
  3. If completed as proposed in the application, the development will not comply with one (1) or more requirements of this ordinance (not including those requirements for which a variance has been granted); or
  4. If required under Article 14, no Traffic Impact Assessment has been approved by the Town.

#### **2. Site Plans; Adequate Public Facilities; and Traffic Impact Assessment.**

1. Site plans shall be required from applicants prior to issuance of any permit (building, zoning, special use permit, variance) if deemed necessary by the Zoning Administrator to determine zoning compliance. If required by Article 14, a Traffic Impact Analysis shall be submitted with the residential or nonresidential site plan.

#### **2. Residential Site Plan Requirements.**

1. Sketch site plans shall be drawn with as true an approximate scale as possible, which reviewing agents can determine that all requirements of the Ordinance are met.
2. Applicant will be required to sign the zoning form as being a true reflection of what is existing and what is being proposed.
3. Unless otherwise determined by the Zoning Administrator, the following minimum information shall be included on the site:
  1. Lot/parcel dimensions;
  2. Zoning designation;

## TA25-08: Miscellaneous Amendments

3. All property line setback/build-to-line requirements;
4. All existing physical features (structures, buildings, streets, roads, etc.);
5. Location and dimensions of proposed construction;
6. Location and dimensions of driveway and type of surface material;
7. Any additional information as required by the reviewing agents.

### 3. **Non-Residential Site Plan Requirements.**

1. A site plan for all non-residential development shall be submitted to the Zoning Administrator for review prior to issuance of required building permits.
2. All nonresidential site plans shall be submitted at a scale determined by the Zoning Administrator in order to determine zoning compliance.
3. Site plan review fees will be charged as reflected in the adopted Fee Schedule.
4. Unless otherwise determined by the Zoning Administrator, site plans shall show the following minimum information:
  1. Site data - including vicinity sketch, north arrow, engineering scale ratio, acreage, title of development, date of plan, gross floor area of all buildings, name and address of owner/developer and person or firm preparing the plan;
  2. Zoning setback/build-to lines;
  3. Location(s) and dimension(s) of all vehicular entrances, exits, drives, and fire lanes;
  4. Location, arrangement and dimension of all automobile parking spaces, width of aisles, width of bays, angle of parking and number of spaces;
  5. Location, arrangement and dimension of all truck unloading docks, ramps and spaces;
  6. Refuse collection (dumpster) container space(s) location;

TA25-08: Miscellaneous Amendments

7. Location(s) of all building(s) with exterior dimensions;
8. Location and dimensions of all fences, walls, docks, ramps, pools, patios, and surfaces areas;
9. Location of water tap(s) denoting size(s) of line(s) or well area;
10. Location of sewer tap(s) denoting size(s) of line(s) and pole(s);
11. Location of electrical service connection(s), meter(s) and pole(s);
12. Existing and proposed fire hydrant location(s);
13. Location and dimension of all easements and right-of-ways as determined by NC Department of Transportation;
14. Location(s) and size(s) of all public utility lines (water, sewer and storm sewer) within all adjacent public right-of-ways and easements;
15. Curb and gutter alignment, including street widening and storm drainage, if necessary shall be required;
16. Screening/landscaping plan shall be required showing plants with common names, sizes and numbers of plants and trees;
17. Sight distance triangle (10' x 70') shall be indicated at the intersection of all public right-of-way lines and 10' x 35' at the intersection of a right-of-way and driveway;
18. Any additional information as may be required by the reviewing agents.

**3. Authorizing Use or Occupancy Before Completion of Development Under Zoning Permit.**

1. In cases when, because of weather conditions or other factors beyond the control of the Zoning Permit recipient (exclusive of financial hardship), it would be unreasonable to require the Zoning Permit recipient to comply with all of the requirements of this ordinance prior to commencing the intended use of the property or occupying any buildings, the Administrator may authorize the commencement of the intended use or the occupancy of buildings (insofar as the requirements of this ordinance are concerned) if the permit recipient is issued a temporary certificate of occupancy.

### **12.2.1 General Definitions**

Abandon. To cease the regular use or maintenance of a lot, building, or structure.

Abutting. Having common property boundaries or lot lines which are not separated by a street, alley, or other vehicular right-of-way such as a railroad. For the purpose of sending notices required by N.C.G.S. § 160D-602, properties are "abutting" even if separated by a street, railroad, or other transportation corridor.

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

Adjacent. Either abutting or being directly across a street.

Adjusted Tract Acreage (ATA). The net useable land area of a proposed development site as determined by deducting specific percentages of various categories of constrained land from the gross tract area. This process is further described in Article 3 under the Rural and Transitional zoning districts.

Administrative decision. Decisions made in the implementation, administration, or enforcement of development regulations that involve the determination of facts and the application of objective standards set forth in this ordinance. These are sometimes referred to as ministerial decisions or administrative determinations.

Adult Establishment. Any principal or accessory structure or use of land which meets the definition of adult establishment as set forth in North Carolina General Statute Section 14-202.10. Adult Establishment does not include Massage Therapy, as defined later in the Article. Notwithstanding the definition of "adult bookstore" provided in G.S. 14-202.10(1), for purposes of this ordinance "adult bookstore" means a retail establishment:

which receives a majority of its gross income during any calendar month from the sale or rental of (i) "publications" which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to "specified sexual activities", as defined in G.S. 14-202.10(11), or "specified anatomical areas", as defined in G.S., 14-202.10(10); and/or (ii) merchandise that are "sexually oriented devices", as defined in G.S. 14-202.10(9); or

having a preponderance of its publications and/or merchandise (i) "publications" which are distinguished or characterized by their emphasis on matter depicting, describing or relating

## TA25-08: Miscellaneous Amendments

to “specified sexual activities”, as defined in G.S. 14-202.10(10), or “specified anatomical areas”, as defined in G.S., 14-202.10(11); and/or (ii) merchandise that are “sexually oriented devices”, as defined in G.S. 14-202.10(9).

As used in this definition, “publications” include books, magazines, other periodicals, movies, video-tapes, and other products offered in photographic, electronic, magnetic, digital or other imaging medium.

Agricultural industry. Commercial poultry or swine production, cattle or swine feed lots, fur bearing animal farms, commercial plant production (not retail nurseries), commercial fish or poultry hatcheries, other forms of agriculture as defined in N.C.G.S. 106-581.1, and other similar activities.

Agritourism. Any activity carried out on a farm or ranch that allows members of the general public, for recreational, entertainment, or educational purposes, to view or enjoy rural activities, including farming, ranching, historic, cultural, harvest-your-own activities, hunting, fishing, equestrian activities, or natural activities and attractions. A building or structure used for agritourism includes any building or structure used for public or private events, including, but not limited to, weddings, receptions, meetings, demonstrations of farm activities, meals, and other events that are taking place on the farm because of its farm or rural setting.

Agritourism Catering Facility. Buildings, improvements and facilities used in connection with an operation providing event-based food services for both (1) on-site agritourism facilities (whether indoors or outdoors) used for public or private events, including but not limited to weddings, receptions, meetings, demonstrations of farm activities, meals, and other events that are taking place on the farm because of its farm or rural setting; and (2) subject to Section 9.60, off-site public and private events. Personal property and equipment utilized exclusively in providing on-site catering services to agritourism facilities shall be exempt from regulation in the extraterritorial zoning jurisdiction. In order to qualify under this definition, an Agritourism Catering Facility must be located on property designated and used for bona fide farm purposes as contemplated by N.C.G.S. § 160D-903.

Airport. A facility intended and used as the place where one or more fixed-wing or rotary-wing aircraft is regularly stored, maintained, or repaired while not in flight, including an area that the aircraft may use to take off and land.

Airport uses. Fixed and rotary wing aircraft operations together with retail sales and service operations related to public, private, or general aviation, including aircraft sales, repair and



## TA25-08: Miscellaneous Amendments

storage, commercial shipping and storage, restaurants, and other uses designed to serve aviation passengers and industry.

Amendment. Any change by the Town Board to the text of these regulations or the official Zoning Maps.

Amusement, commercial outdoor. Any business establishment which is primarily engaged in providing an amusement activity such as a miniature golf course, skateboard course, water slide, mechanical ride, par 3 golf course, golf driving range, go-cart or motorcycle course, fish ranch, or similar activity to the general public, but does not include outdoor motion picture theaters.

Amusement, commercial indoor. Any business establishment which is primarily engaged in providing an amusement activity such as a video arcade, billiard parlor, skating rink or similar activity as a principal use to the general public, but does not include indoor motion picture theaters.

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

Arena. A structure or facility designed and intended to be used primarily for athletic events and containing seating for spectators of those events, but not including a raceway or drag strip.

Automotive repair. A building and its premises used for the storage, care, repair, or refinishing of motor vehicles including both minor and major mechanical overhauling, paint and body work. Minor repairs shall be limited to battery and tire changes, light and fuse replacement, wiper blade changes and similar activities. Also referred to as vehicle repair.

Automotive service station. Any premises where gasoline and other petroleum products are sold and light maintenance activities such as engine tune-ups, lubrication, minor repairs, and carburetor cleaning may be conducted. Service stations shall not include premises where heavy automobile maintenance activities such as engine overhauls, automobile painting, and body work are conducted. Also referred to as retail sale of gasoline.

Bed and Breakfast Inn. A use that takes place within a building that, prior to such an establishment, was a single family detached residence, that consists of renting from one to six dwelling rooms on a daily basis to tourists, vacationers, and business travelers, where the breakfast meal only is provided and is available only to guests. The homeowner shall reside on site and employment shall not exceed two full time employees in addition to the owner(s).

## TA25-08: Miscellaneous Amendments

**Beneficial Landfill.** Permitted with conditions in all districts (9.44). The purpose of a beneficial fill site is to allow the land to be recontoured for the purpose of improving land use potential or for other beneficial reuse as defined by the North Carolina Solid Waste Management Rules, 15A NCAC 02U .0103 and by Chapter 130A of the North Carolina General Statutes; involves no excavation and accepts only fill material consisting of inert debris or used asphalt or a combination of inert debris and used asphalt. Provided, however, that excavation, grading and fill activity shall not be considered a beneficial fill site within this definition if such activity (1) is confined within the boundaries of a parcel of property or development project and involves uncontaminated soil, gravel or rock originating on such property or development project, or (2) is conducted pursuant to a valid preliminary subdivision plan or final subdivision plat, a residential building permit, a commercial building permit, or any preliminary permit issued pursuant to a pending application for such a plan or permit, and involves only uncontaminated soil, gravel or rock.

**Berm.** A raised earth mound, which is planted with ornamental vegetation.

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

**Boarding house.** A dwelling unit with up to six rooms for rent to boarders, or designed and intended to be rented to boarders, but which rooms individually or collectively do not constitute separate dwelling units. No separate cooking facilities will be provided for any boarder.

**Buffer.** (See also Screening.) A strip of land with natural or planted vegetation, located between a structure or use and a side or rear property line, intended to spatially separate and visually obstruct the view of two adjacent land uses or properties from one another. A buffer area may include any required screening for the site.

**Build-to line.** A line extending through a lot which is generally parallel to the front property line and marks the location from which the principle vertical plane of the front building elevation, exclusive of porches, bay windows and similar appurtenances, must be erected; intended to create an even building façade line on a street. The build-to line is established on the record plat (final plat).

**Building.** Any structure used or intended for supporting or sheltering any use or occupancy.

**Building face.** The dominant structural feature of the elevation of any side of a building. For example, the building face of a two-story dwelling with one-story porch is the two-story elevation of the structure.

## TA25-08: Miscellaneous Amendments

**Building lines.** Lines that are tangent to the exterior surface of buildings or structures, or the surfaces of cantilevered projections therefrom, parallel to front, side, and rear lot lines, and referred to as front, side, and rear building lines, respectively.

**Building site.** (See also Development.) An area of land, or property where development is undertaken.

**Bus stop shelter/Transit Shelter.** A freestanding structure less than 100 square feet, located on a bus transit route, which is designed to accommodate embarking and disembarking bus transit passengers.

**Caliper.** The size of a tree's trunk diameter as measured six (6) inches above the ground for trees four (4) inches or less, and as measured twelve (12) inches above the ground for trees larger than four (4) inches. This measurement of caliper is used to determine if *newly planted* trees meet the requirements of this ordinance.

**Canopy.** The uppermost spreading branchy layer of a tree.

**Canopy tree.** A deciduous tree with height at maturity greater than 35 feet which produces significant shade due to the size and shape of its canopy.

**Catchment Area.** The area surrounding a rapid transit station location that is within convenient walking distance of the transit stop or boarding platform. New development in a catchment area is subject to specific standards and development intensities associated with "transit oriented development" (TOD) zoning districts. When used in conjunction with a specified measurement of distance (usually 1/2 mile or 1/4 mile), that distance is measured by computing actual walking distance along existing or proposed streets and/or pedestrian walkways.

**Champion tree.** A classification the state and federal forestry agencies use to define the largest trees of a specific species.

**Change of Use.** The change in the use of a structure or land, for which a certificate of occupancy is required. Change of use shall include a change from one use to another use in the list(s) of permitted uses, and shall also include a change from one use to another use within any broad category of uses, such as from one use listed in the commercial use category to another use listed in the commercial use category, as herein defined.

**Civic, social service, or fraternal organization facility.** A building or meeting facility, which is restricted to members and guests of members of a non-profit association or corporation, including accessory uses such as recreational facilities, banquet facilities, and overnight lodging for members, but not including the sale of goods or services to the public on the

## TA25-08: Miscellaneous Amendments

premises on a regular basis, or commercial outdoor recreational or entertainment activities involving the use of animals or firearms.

Clear cutting. The large-scale indiscriminate removal of trees, shrubs, and undergrowth with the intention of preparing real property for non-agricultural development purposes.

Clinic, medical, dental, or optical. A use or structure intended or used primarily for the testing and treatment of human physical or mental disorders.

Clinic, veterinary. A use or structure intended or used primarily for the testing and treatment of the physical disorders of animals; not principally used for the overnight boarding or grooming of well animals; not permitting outdoor cages, pens, or runs for the confinement of animals unless expressly permitted in the district; and not used for the training of animals.

Commencement of construction. The first placement of permanent evidence of a structure on a site pursuant to a duly issued building permit, such as the pouring of slabs or footings or any work beyond the stage of excavation, including the relocation of a structure.

"Commencement of construction" does not include the installation of streets or walkways; nor the excavation for a basement, footings, piers, or foundations, or the erection of temporary forms; nor does it include the installation on the property of temporary buildings, such as garages, sheds, or trailers, not part of the main structure nor occupied as dwelling units.

Commercial communication tower. A tower facility, either roof or ground mounted, that includes, but is not limited to, radio and television transmission towers or similar utilities, microwave towers, and cellular telephone communication towers and similar structures for wireless communication. This term shall not include radio transmission facilities for use by ham radio operators or two-way local radio facilities for business or governmental purposes.

Commercial use. A category of uses that includes retail establishments, offices, professional and personal services, light manufacturing and assembly, branch banks, financial services, health care services, indoor motion picture theatres, conference centers, laboratories and associated research facilities whose products or waste products entail no special environmental handling requirements, studios, broadcast facilities (excluding towers), inns, theatres, restaurants without drive-through windows, bars, and day care facility as a principle use. Each use permitted in the commercial use category shall also meet any applicable conditions set out in Article 9, Conditions for Certain Uses. Excluded from the commercial use category are adult uses; vehicle, boat, or manufactured home sales, service, and repair; drive-through windows as a principal or accessory use;

## TA25-08: Miscellaneous Amendments

wholesale sales; heavy manufacturing; outdoor storage; floor area that is shared with residential uses as provided in Article 4; outside commercial kennels, and other uses that, by their nature or service characteristics are auto dependent, have potential for environment degradation, or are otherwise incompatible with nearby residential use.

Comprehensive Plan. A comprehensive plan that has been officially adopted by the governing board pursuant to G.S. 160D-501.

Comprehensive Transportation Plan (CTP). The set of maps and accompanying data adopted and maintained by the Charlotte Regional Transportation Planning Organization and its successor organizations that identify the region's aspirations for a long range surface transportation system. The CTP includes maps for Highway, Transit & Freight Rail, Bicycle, and Pedestrian systems and is not financially constrained. The CTP Highway Map is the successor to the Thoroughfare Plan; roadways identified are synonymous with the term "thoroughfare."

Conditional zoning district. A zoning district in which the development and the use of the property included in the district is subject to the predetermined ordinance standards and the rules, regulations, and conditions imposed as part of the legislative decision creating the district and applying it to the particular property. Conditional zoning shall not require the issuance of a special use permit or permitting process apart from the establishment of the district and its application to particular properties.

Congregate housing. Dependent or independent living facilities for the elderly; dormitories, orphanages, and similar uses, but not including group homes.

Conservation Easement. A conservation agreement as defined by N.C.G.S 121-35(1) in the form of an easement.

Conservation Subdivision. A tract of land 40 acres or more that is subdivided into single family building lots at a gross density not exceeding 1 dwelling unit per 20 acres, where no new streets are created through the development process and use of the land is restricted by an irrevocable conservation easement held by a conservation organization authorized by N.C.G.S. 121-35(1) et seq. The Conservation Subdivision is permitted only in the Rural and Transitional District and permits only residential home sites, Riding Academies/Commercial Stables according to Section 9.33, and customary rural land uses that are compatible with land conservation.

Construction and Demolition (C&D) Debris. Solid waste or debris resulting solely from construction, remodeling, repair or demolition operations on pavement, buildings, or other structures. (Inert debris, land clearing debris, and yard trash are separately defined herein.)

## TA25-08: Miscellaneous Amendments

Construction and Demolition (C&D) Landfill. A facility for the land disposal of construction and demolition (C&D) debris, and wastes acceptable for disposal in a LCID Landfill; it is designed to meet the minimum standards of the State of North Carolina by utilizing acceptable landfill engineering technology.

Correctional Facility. A publicly or privately owned building(s), and all accessory uses and structures, used to confine, house, and supervise persons held in lawful custody including those who are serving terms of imprisonment for violations of criminal laws or who are awaiting trial for alleged violations of criminal laws, but not including temporary holding facilities that are accessory to a police station.

Country Inn Development. A rural development with up to two main inns and up to eight residential rental cottages accessed by private drive located on parcels of land 20 acres and larger that consists of no more than twenty-four (24) rooms for rental and or owner/staff occupancy where on a daily basis, breakfast, lunch and dinner is provided and is available only to overnight guests and special events guests. The owner/operator shall reside on site.

Critical root zone (CRZ). A circular region measured outward from the tree trunk representing the essential area of the roots that must be maintained in order for a tree's survival. The critical root zone is one foot of radial distance for each inch of the tree DBH, with a minimum of eight (8) feet.

Cultural facility. An indoor or outdoor theater, auditorium, or other building or structure designed, intended, or used primarily for musical, dance, dramatic, or other live performances, or a museum or gallery operated primarily for the display, rather than the sale, of works of art.

Dangerous to others. Within the relevant past, the individual has inflicted or attempted to inflict or threatened to inflict serious bodily harm on another, or has acted in such a way as to create a substantial risk of serious bodily harm to another, or has engaged in extreme destruction of property; and that there is a reasonable probability that this conduct will be repeated. Previous episodes of dangerousness to others, when applicable, may be considered when determining reasonable probability of future dangerous conduct. Clear, cogent, and convincing evidence that an individual has committed a homicide in the relevant past is prima facie evidence of dangerousness to others.

Day care center. Day care, as a principal use or an accessory use, provided on a less than 24-hour basis for either children or adults, according to the following limiting definitions.

Child day care center. An individual, agency, or organization providing supervision or care on a regular basis for children who are not related by blood or marriage to, and who are not

## TA25-08: Miscellaneous Amendments

the legal wards or foster children of, the supervising adult; usually serving more than 10 children at a time; not an accessory to residential use.

Adult day care center. An individual, agency, or organization providing supervision or care on a regular basis for more than 6 adults in a place other than their usual place of abode, on less than a 24-hour basis.

Day care home (small, accessory use). Day care provided on a less than 24-hour basis for either children or adults, according to the following limiting definitions.

Child Day Care Home (small, accessory use). Supervision or care provided on a regular basis as an accessory use within a principal residential dwelling unit, by a resident of the dwelling, for up to 6 children who are not related by blood or marriage to, and who are not the legal wards or foster children of the supervising adult.

Adult Day Care Home (small, accessory use). Care provided on a regular basis as an accessory use within a principal residential dwelling unit, by a resident of the dwelling, for up to 6 adults who do not reside in the dwelling.

Deciduous. Shrubs and trees that lose their leaves annually.

Deck. A platform that is open and either freestanding or attached to a building, supported by pillars or posts.

Dependent living facility. Nursing homes, rest homes, and homes for the aged facilities, which are designed for persons who need a wide range of health and support services, such as medical, nursing, and personal services care, central dining facilities, and transportation services.

Density, gross residential. The number of residential dwelling units per acre of land, determined by dividing the number of dwelling units by the total number of acres in the parcel to be developed.

Developer. A person, including a governmental agency or redevelopment authority, who undertakes any development and who is the landowner of the property to be developed or who has been authorized by the landowner to undertake development on that property.

Development. The carrying out of any building activity, the making of any material change in the use or appearance of any structure or land, or the subdividing of land into two or more parcels.

1. Except as provided in subsection (c) hereof, for the purposes of these regulations, the following activities or uses shall be considered "development":

#### TA25-08: Miscellaneous Amendments

1. The reconstruction, alteration of the size, or material change in the external appearance of a structure on land or water;
  2. A change in the intensity of use of land, such as an increase in the number of dwelling units in a structure or on land or a material increase in the number of businesses, manufacturing establishments, offices, or dwelling units in a structure or on land;
  3. Alteration of the shore or bank of a pond, lake, river, or other waterway;
  4. Commencement of drilling (except to obtain soil samples), mining, or excavation on a parcel of land;
  5. Clearing of land, including clearing or removal of vegetation and including any significant disturbance of vegetation or soil manipulation; or
  6. Deposit of refuse, solid or liquid waste, or fill on a parcel of land.
  7. The construction, erection, alteration, enlargement, renovation, substantial repair, movement to another site, or demolition of any structure.
  8. The excavation, grading, filling, clearing, or alteration of land.
  9. The subdivision of land as defined in G.S. 160D-802.
  10. The initiation or substantial change in the use of land or the intensity of use of land.
2. "Development" includes all other activity customarily associated with it. When appropriate to the context "development" refers to the act of developing or to the result of development. Reference to any specific operation is not intended to mean that the operation or activity when part of other operations or activities are not development. Reference to particular operations is not intended to limit the generality of this definition.
  3. For the purposes of these regulations the following operations or uses shall not be considered "development"; some may, however, require a building permit:
    1. Work involving the maintenance, renewal, improvement, or alteration of any structure, if the work affects only the color or decoration of the exterior of the structure or interior alterations that do not change the use for which the structure was constructed;
    2. Work involving the maintenance or replacement of existing landscaped areas and existing rights-of-way;



#### TA25-08: Miscellaneous Amendments

3. A change in use of land or structure from a use within a specified category of use to another use in the same category;
4. A change in the ownership or form of ownership of any parcel or structure;
5. The creation or termination of rights of access, riparian rights, easements, covenants concerning development of land, or other rights in land unless otherwise specifically required bylaw; or
6. The clearing of survey cuts or other paths of less than four feet in width.

Development Approval. An administrative or quasi-judicial approval made pursuant to this Ordinance that is written and that is required prior to commencing development or undertaking a specific activity, project, or development proposal. Development approvals include, but are not limited to, zoning permits, site plan approvals, special use permits, variances, and certificates of appropriateness. The term also includes all other regulatory approvals required by regulations adopted pursuant to this Ordinance, including plat approvals, permits issued, development agreements entered into, and building permits issued.

Development Permit. See Development Approval.

Diameter at breast height (DBH). The caliper of an existing semi-mature or mature tree measured at 4 1/2 feet above the existing ground on the uphill side of the tree.

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

Down Zoning. Any amendment to the zoning ordinance or zoning map that affects an area of land in one of the following ways:

1. By decreasing the development density of the land to be less dense than was allowed under its previous usage.
2. By reducing the permitted uses of the land that are specified in a zoning ordinance or land development regulation to fewer uses than were allowed under its previous usage.

No amendment to zoning regulations or a zoning map that down-zones property shall be initiated nor is it enforceable without the written consent of all property owners whose

## TA25-08: Miscellaneous Amendments

property is the subject of the down-zoning amendment, unless the down-zoning amendment is initiated by the Town Board.

Drip line. An imaginary vertical line extending from the outer most portion of the tree canopy to the ground that defines the exterior limits of the tree canopy.

Drive-through service window. A customer service facility located within the principal structure as an accessory to an office or retail establishment which is intended to enable the customer to transact business with a sales or service representative located within the principal structure without exiting the motor vehicle. It is presumed that the motor vehicle exits the premises immediately upon the transaction of business.

Dwelling unit. A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

Accessory dwelling. A dwelling unit which is located on the same lot as a detached or attached single family house, has a first floor area no greater than 650 square feet or 50% of the first floor area of the principal dwelling (whichever is greater), is owned by the owner of the principal dwelling unit but occupied by another. If the principal dwelling is a group home, use of an accessory dwelling shall not increase the number of residents otherwise permitted in a single group home.

Apartment house. Two or more dwelling units placed one on top of another and/or side by side and sharing common walls and common floors and ceilings, and which are located on a single lot of record.

Attached house. Rowhouse, townhouse, duplex, triplex, or quadriplex houses, generally developed side by side where land is sold with the dwelling unit. Attached dwellings on individually deeded lots are excluded from the definition of (apartment) multi-family dwellings.

Detached house. A dwelling unit that is developed with no parti-walls and with open yards on at least three sides, including modular homes, but not including manufactured homes, mobile homes, or recreational or motor vehicles.

Duplex house. Two dwelling units, including modular homes, placed one on top of another or attached side by side and sharing one or more common walls.

Multi-family home. A dwelling or group of dwellings on one lot, containing separate living units for three or more families.

TA25-08: Miscellaneous Amendments

Single-family home. An attached or detached dwelling unit located on an individual lot designed for and occupied exclusively by one family.

Easement-access lot. A lot of one (1) acre or more in area, created **through a division of land not subject to the Subdivision Ordinance**, for which access is provided by a private and exclusive recorded easement at least 15 feet in width connecting said lot to a public street. A driveway accessible by emergency equipment must be located on the access easement.

Elementary and secondary schools. Publicly owned or privately-owned pre-schools, elementary schools, middle schools, junior high schools, and high schools; but not including institutions, the primary function of which, is child day care.

Esplanade. A wide pedestrian walk, formal in design, which runs parallel to a waterfront. An esplanade may be made of pavers, asphalt, crushed gravel, grass, concrete, or other dust-free material.

Essential Services. Publicly or privately owned facilities or systems for the distribution of gas, electricity, steam or water, the collection and disposal of sewage or refuse; the transmission of communications; or similar functions necessary for the provision of public services. Radio transmission facilities for use by ham radio operators or two-way radio facilities for business or governmental communications shall be deemed accessory uses and not essential services, provided no transmitter or antenna tower exceeds 180 feet in height. Essential Services are divided into three classes:

|         |                                                                                                                                                                                                                                    |
|---------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Class 1 | Transmission lines (above and below ground) including electrical, natural gas, and water/wastewater distribution lines; pumping stations; and other facilities (up to 200 square feet).                                            |
| Class 2 | Elevated water storage tanks; package treatment plants; telephone switching facilities (over 200 square feet), substations, or other facilities; telephone, electric, steam, and water facilities; raw water treatment facilities. |
| Class 3 | Generation, production, or treatment facilities such as power plants, sewage treatment plants, and landfills.                                                                                                                      |

Existing tree canopy. Tree canopy that has existed for at least 2 years prior to development.

Exterior features. The architectural style, general design, and general arrangement of the exterior of a structure, including the kind, texture, and color of building materials, the size and scale of the building, and the type and style of all windows, doors, light fixtures, signs, and other appurtenant fixtures, and including the landscaping and natural features of the parcel containing the structure.

## TA25-08: Miscellaneous Amendments

**Façade.** The principal vertical surface of a building which is set along a frontage line. The elevation of a façade is the vertical surface area. Façades are subject to visual definition by building height, setback or build to lines, (a line prescribed for the full width of the façade above which the façade sets back; the location of a recess line is determined by the desired height to width ratio of the enfronting space or by a desired compatibility with existing buildings), and transition lines (a line prescribed for the full width of the façade expressed by a variation of material or by a limited projection such as a cornice or balcony).

**Facility Operator.** The entity responsible for the day-to-day operation and maintenance of the Alternative Wind Energy Facility.

**Facility Owner.** The entity or entities having controlling or majority equity interest in the Alternative Wind Energy Facility, including their respective successors and assigns.

**Family.** An individual, or two or more persons related by blood, marriage, or adoption living together as a single housekeeping unit; or a group of not more than six persons not related by blood, marriage, or adoption living together as a single housekeeping unit, as in a group home.

**Family Care Home.** A home with support and supervisory personnel that provides room and board, personal care, and habilitation services in a family environment for not more than six resident persons with disabilities. Persons with disabilities shall mean a person with a temporary or permanent physical, emotional, or mental disability, including, but not limited to, an intellectual or other developmental disability, cerebral palsy, epilepsy, autism, hearing and sight impairments, emotional disturbances, and orthopedic impairments but not including persons with a mental illness who are dangerous to others as defined in G.S. 122C-3(11)(b). Family care homes are permitted in any district which allows residential use, however, no new family care home, measured from the nearest property lines is permitted within a one-half mile radius of an existing family care home.

**Farm, bona fide.** Except as provided in G.S. 106-743.4 for farms that are subject to a conservation agreement under G.S. 106-743.2, bona fide farm purposes include the production and activities relating or incidental to the production of crops, grains, fruits, vegetables, ornamental and flowering plants, dairy, livestock, poultry, and all other forms of agriculture, as defined in G.S. 106-581.1. Activities incident to the farm include existing or new residences constructed to the applicable residential building code situated on the farm occupied by the owner, lessee, or operator of the farm and other buildings or structures sheltering or supporting the farm use and operation. For purposes of this section, "when performed on the farm" in G.S. 106-581.1(6) includes the farm within the Town and any other farm owned or leased to or from others by the bona fide farm operator,

## TA25-08: Miscellaneous Amendments

no matter where located. For purposes of this section, the production of a nonfarm product that the Department of Agriculture and Consumer Services recognizes as a "Goodness Grows in North Carolina" product that is produced on a farm subject to a conservation agreement under G.S. 106-743.2 is a bona fide farm purpose.

Farmhouse Cluster. A rural subdivision for up to six house lots accessed by private drive; permitted only in the Rural and Transitional District.

Financial institution. A use or structure where financial, pecuniary, fiscal, or monetary services are made available to the public, including but not limited to depository institutions (i.e. banks, credit unions, savings and loans, etc.), non-depository credit institutions (i.e. credit agencies, loan brokers, etc.), holding companies (but not predominantly operating companies), other investment companies, brokers and dealers in securities and commodities contracts, and security and commodity exchanges.

Fire Separation Distance. The distance measured from the building face to one of the following:

1. To the closest interior lot line.
2. To the centerline of a street, an alley or public way.
3. To an imaginary line between two buildings on the lot.

The distance shall be measured at the right angle from the face of the wall.

Flag lot. A lot of one (1) acre or more in area, created **through a division of land not subject to the Subdivision Ordinance**, for which access is provided by a narrow projection of the lot at least 15 feet in width connecting said lot to a public street. A driveway accessible by emergency equipment must be located on the lot projection.

Flood. A temporary rise in stream flow or stage that results in water over topping its banks and inundating areas adjacent to the watercourse.

Floodway. That portion of the channel and flood plain of a stream designated to provide passage for the Regulatory Flood without increasing the elevation of that flood at any point by more than one foot.

Floodway encroachment lines. The outer boundaries of the floodway.

Floodway fringe. The land area located between the encroachment lines of the floodway district and maximum elevation subject to inundation by the base flood as defined in Chapter 9 of the Town of Huntersville Code of Ordinances (*Floods*).

## TA25-08: Miscellaneous Amendments

**Flood protection elevation.** The elevation shown on the Flood Area Map and to which structures and uses allowed under these regulations are to be elevated or flood proofed.

**Floor.** The top surface of an enclosed area in a building (including the basement) such as the top of the slab in concrete slab construction or the top of the wood flooring in wood frame construction.

**Floor area.** The sum of the gross horizontal areas of each floor of the principal building, and any accessory buildings or structures, measured from outside of the exterior walls or from the center line of party walls. The term does not include any area used exclusively for the surface or structured parking of vehicles or for building or equipment access, such as stairs, elevator shafts, and maintenance crawl space.

**Floor area ratio (FAR).** The total floor area of the building or buildings on a lot or parcel divided by the gross area of the lot or parcel.

**Frontage.** The lot boundary which coincides with a public thoroughfare or space. The façade of a structure facing the street. There are seven ways in which a building may address the street:

**Arcade.** A covered passage with shops on one or both sides. Generally, the façade overlaps the sidewalk while the shopfront remains setback. Sidewalk is fully covered with overhang.



**Shopfront.** A business or retail use where the façade is aligned directly on the frontage line with the entrance at grade; typical of sidewalk retail. Shopfronts often have awnings or a colonnade. A transition line should separate the signage from the façade below.



**Stoop.** The façade is aligned directly on the frontage line with the first floor elevated to secure privacy at window height. This type is suitable for residential uses such as

## TA25-08: Miscellaneous Amendments

rowhouses and apartment buildings. An easement may be necessary to accommodate an



encroaching stoop.

**Forecourt.** The façade sets back and is replaced by a low wall at the frontage line. The forecourt is suitable for gardens and car drop offs. It should be used sparingly and in conjunction with a shopfront or stoop. Trees within the forecourt should be placed to have



their canopies overhanging the sidewalks.

**Dooryard.** The façade is set back from the frontage line with an elevated garden or terrace between. This type effectively removes the front yard from the sidewalk and reinforces privacy. A roofed and elevated terrace is especially suitable for restaurants and cafes.



**Porch and Fence.** The façade is set back substantially from the frontage line with an encroaching porch. The porch should be within conversational distance of the sidewalk. The fence at the frontage line establishes the demarcation of private from public use. The fence row may be designated by a vegetative hedge or structural material, but should not be less than 2 feet nor more than 5 feet in height.



**Front lawn.** The façade is set back substantially from the frontage line. The front lawn should be visually continuous with adjacent yards and should be unfenced. The large setback provides a good buffer from heavy traffic volumes and is an appropriate design in

## TA25-08: Miscellaneous Amendments

areas where large lot single family homes are placed along a Residential Collector Street.



**Frontage Buildout.** The portion of lot frontage which has a building or wall running parallel to it.

**Full Cutoff Light Fixture.** A luminaire light distribution where no light is emitted above the horizontal, and where the intensity at 80 degrees from nadir is no greater than 100 candela per 1000 lamp lumens.

**Glare.** The sensation produced by luminance within the visual field that is sufficiently greater than the luminance to which the eyes are adapted to cause annoyance, discomfort, or loss in visual performance and visibility.

**Government Building.** A building, use, or facility serving as a governmental agency office, police station, fire station, library, post office, or similar facility, but not including a vehicle storage yard, correctional facility, sanitary landfill, solid waste transfer or disposal facility, wastewater treatment facility, educational or health institution, university, group home, trucking facilities and commercial driver license facilities (CDL), or housing for persons who are participating in work release programs or who have previously served and completed terms of imprisonment for violations of criminal laws.

**Grade.** The elevation of the land or land level at a specific point.

**Green Zone.** The space between the sidewalk and the back of curb or back of swale and sidewalk where no curb and gutter is present, typically a planting strip or hardscaped amenity zone, which serves as a buffer between pedestrians and vehicles. The Green Zone includes street trees and landscaping and often includes street furnishings and utilities. This is also referred to as Street Yard and Street Tree Planting Easement.

**Halfway House.** A facility providing sheltered services and/or rehabilitation for up to 6 unrelated residents (not including staff or supervisors) that is not otherwise classified as a family care home. Examples may include but are not limited to persons who are recovering from substance abuse and/or are on probation, parole or are initially placed in-lieu of more restrictive custodial confinement (such as a pretrial release program), and juveniles in order to help them readjust and transition back into mainstream society. This definition does not include persons who are dangerous to others as defined in G.S. 122C-3(11)(b).



## TA25-08: Miscellaneous Amendments

Hazardous materials treatment facility. A building, structure or use of land devoted, or intended to be devoted, primarily to changing by any method, technique or process, including incineration or neutralization, the physical, chemical, or biological character of any hazardous material regulated by the Federal Resource Conservation and Recovery Act of 1976, as amended (42 U.S.C. Sec. 6901 et seq.), and the "North Carolina Solid Waste Management Act", as amended (Article 9, G.S.130A-290 et seq.), so as to neutralize such material or render it nonhazardous, safer for transport, amenable for recovery, amenable for storage or reduced in bulk. Such a use may also contain temporary storage facilities normally associated with these operations and of sufficient size to conduct a commercially feasible operation. However, under no circumstances is a hazardous materials treatment facility to be construed to be any of the following:

1. A facility which manufactures hazardous materials from component nonhazardous materials;
2. A facility or location for the long term or perpetual storage of hazardous materials;  
or
3. A facility for the treatment of hazardous materials which is clearly subordinate, incidental and related to the principal structure, building or use of land and is located on the same lot as the principal structure, building or use.

Heavy Manufacturing. The assembly, fabrication, or processing of goods and materials using processes that ordinarily have greater than average impacts on the environment, or that ordinarily have significant impacts on the use and enjoyment of adjacent property in terms of noise, smoke, fumes, odors, glare, or health and safety hazards; or that otherwise do not constitute "light manufacturing"; or any use where the area occupied by outdoor storage of goods and materials used in the assembly, fabrication, or processing exceeds 25 percent of the floor area of all buildings on the lot.

Heliport. A facility or structure that is intended or used for the landing and take-off of rotary-wing aircraft, including the regular repair, fueling, or maintenance of such aircraft, or the sale of goods or materials to users of such aircraft.

Helistop. A facility or structure that is intended or used for the landing and take-off of rotary-wing aircraft, but not including the regular repair, fueling, or maintenance of such aircraft, or the sale of goods or materials to users of such aircraft.

Heritage tree. A tree that is listed in the North Carolina Big Trees List, the *American Forest Association's Champion Tree* list, the Mecklenburg County Treasure Tree List or any tree that would meet 80% of the points of a tree on North Carolina's Big Tree List.

## TA25-08: Miscellaneous Amendments

Home Occupations. A business, profession, occupation, or trade which is conducted within a residential building or accessory structure for the economic gain or support of a resident of the dwelling, and which is incidental and secondary to the residential use of the building.

Horse Farm. Any tract of land of three or more acres which is principally used for the breeding, training, riding, and/or maintenance of horses, and those uses which are accessory thereto, including up to one dwelling unit per each five acres and facilities for the sale of horses raised or maintained on the immediate premises.

Hospital. A health care facility the purpose of which is to provide for care, treatment, testing for physical, emotional, or mental injury, illness, or disability, and overnight boarding of patients, either on a for-profit or not-for-profit basis; but not including group homes.

Hotel. A building containing more than four individual rooms for the purpose of providing overnight lodging facilities to the general public for compensation, with or without meals, and which has common facilities for reservations and cleaning services, combined utilities, and on-site management and reception services, and all of whose rooms open onto heated corridors that are internal to the building.

Impervious ground cover. Any structure or ground cover consisting of asphalt, concrete, stone, brick, terrazzo, roofing, ceramic tile or any other natural or man-made material that prevents the absorption of surface water into the soil.

Independent Living Facility. Congregate living facilities, such as rest homes and homes for the aged, which are designed for older persons or disabled persons who do not require health and support services, such as medical and nursing care, central dining, and transportation service, located on the site. Each living unit may be self-contained and is physically accessible to older or disabled persons. Distinguished from apartment building(s) by the provision of some communal services.

Indoor Recreation. Public or private health or exercise clubs, tennis or other racquet courts, swimming pools, YMCA's, YWCA's or similar uses which are enclosed in buildings and are operated on a fee or membership basis primarily for the use of persons who do not reside on the same lot as that on which the recreational use is located. "Indoor recreation" structures may include accessory uses, such as snack bars, pro shops, and locker rooms, which are designed and intended primarily for the use of patrons of the principal recreational use.

Inert debris. Solid waste consisting solely of material that is virtually inert, that is likely to retain its physical and chemical structure under expected conditions of disposal, and that

## TA25-08: Miscellaneous Amendments

will not pose a threat to groundwater standards. Inert debris includes material such as concrete, brick, concrete block, uncontaminated soil, rock and gravel. Inert debris does not include manufactured products, appliances, and the like.

Inn. A building containing fewer than 30 individual rooms for the purpose of providing overnight lodging, food and drink to the general public for compensation, and which has common facilities for reservations, cleaning services, combined utilities, on-site management and reception.

Interconnected. Refers to streets which provide through access to other streets; interconnected street systems may be either rectilinear or curvilinear.

Internet Sweepstakes. A principal business where persons utilize electronic machines, including but not limited to computers and gaming terminals, to conduct games of chance, and where cash, merchandise or other items of value are redeemed or otherwise distributed, whether or not the value of such distribution is determined by electronic games played or by predetermined odds. Internet Sweepstakes do not include any lottery approved by the State of North Carolina.

Jail. A building, and all accessory uses and structures, used to confine, house, and supervise persons who are serving terms of imprisonment for violations of criminal laws or who are awaiting trial for alleged violations of criminal laws, but not including temporary holding facilities that are accessory to a police station and not including any housing or other facilities for persons who are participating in work-release programs or who have previously served and completed terms of imprisonment for violations of criminal laws.

Junk yard. A parcel of land on which waste material or inoperative vehicles and other machinery are collected, stored, salvaged, or sold.

Kennel, commercial. A use or structure intended and used for the breeding or accommodation of small domestic animals for sale or for the training or overnight boarding of animals for persons other than the owner of the lot, but not including a veterinary clinic in which the overnight boarding of animals is necessary for or accessory to the testing and medical treatment of the physical disorders of animals.

Kennel, private. A structure used for the outdoor accommodation of small domestic animals and not operated on a commercial basis.

Land Clearing and Inert Debris (LCID) Landfill. A facility for the land disposal of land clearing debris and inert debris, as defined herein. It is designed to meet standards of the State of North Carolina by utilizing acceptable technology for landfilling land clearing and

## TA25-08: Miscellaneous Amendments

inert debris. A clean fill operation which is conducted to improve or recontour land, using only soil, is not construed to be such a landfill.

On-site LCID landfill. A LCID landfill which is located within the confines of property being developed or in use, and used only for the disposal of acceptable materials which are generated on the property being developed or used; a disposal site that is clearly an accessory use to the development activity.

Off-site LCID landfill. A LCID landfill which is itself the principal use of a property and is used for the disposal of acceptable materials, some or all of which are generated off the site of the property being used for the landfill.

Land Clearing Debris. Waste that is generated solely through land clearing activities; such waste includes stumps, trees, limbs, brush, grass, and other naturally occurring vegetative matter.

Land Development Standards Manual. The most recent edition of the Town of Huntersville Engineering Standards and Procedures Manual which sets forth standard details for the design and construction of various aspects of development.

Land disturbing activity. Any use of land by any person that results in a change in the natural cover or topography or that may contribute to sedimentation or soil compaction that affects the critical root zone.

Landscape architect. A registered landscape architect licensed by the State of North Carolina.

Landscaping. The installation and maintenance, usually of a combination of trees, shrubs, plant materials, or other ground cover, including grass, mulch, decorative stone and similar materials, but excluding bare soil, uncultivated vegetation, impervious pavement materials, and gravel.

Large-Lot Subdivision. A major residential subdivision in which all residential lots are a minimum of 3/4 acre in size.

Large Maturing Tree. A tree whose height is greater than 35 feet at maturity and meets the specification of "American Standards for Nursery Stock" published by the American Association of Nurserymen. See also canopy tree.

Light Manufacturing. The assembly, fabrication, or processing of goods and materials using processes that ordinarily do not create noise, smoke, fumes, odors, glare, or health or safety hazards outside of the building or lot where such assembly, fabrication, or processing takes place; where such processes are housed entirely within a building; or

## TA25-08: Miscellaneous Amendments

where the area occupied by outdoor storage of goods and materials used in such processes does not exceed 25 percent of the floor area of all buildings on the property.

Light Trespass. Any form of artificial illumination emanating from a light fixture or illuminated sign that penetrates other property and creates a nuisance.

Lot. A parcel of land or any combination of several parcels of land occupied or intended to be occupied by a principal use or structure, together with any accessory structures or uses and such accessways, parking area, yards, and open spaces required in these regulations.

Lot of Record. A lot described by plat or by metes and bounds which has been recorded in the office of the Register of Deeds.

Lot Types.

Corner Lot. A lot located at the intersection of two or more streets or abutting a curved street or streets in such a way that the front building line meets either side lot line at an interior angle of less than 135°.

Interior Lot. A lot other than a corner lot with frontage on only one street.

Through Lot. A lot other than a corner lot with frontage on more than one street.

Reverse Frontage Lot. Any lot oriented to an abutting street in such a way that the intersection of the front building line, extended, and the street right of way line form an interior angle of less than 45 degrees is defined as having reverse frontage relative to said street.

Lot Width. Lot width shall be determined based on the applicable definition below:

1. The distance between the side lot lines measured along a minimum setback line established under the standards of the 1991 Huntersville Zoning Ordinance, the Mecklenburg County Zoning Ordinance, the provisions of Article 8.1, paragraph 1., or prior legally controlling regulations; or
2. The distance between the side lot lines measured along a build-to line established under the standards of the 1996 Huntersville Zoning Ordinance; or
3. Along the turnaround portion of a cul-de-sac, the distance between the side lot lines measured along a building frontage line established by legal subdivision plat or by actual building placement; or
4. If no setback is required for a lot according to this ordinance, and neither setback nor build-to line has been established on a previously recorded plat, lot width is the distance measured between the side lot lines along the street right of way.

## TA25-08: Miscellaneous Amendments

Maintained Easement. A recorded right of way made of crushed gravel, pavement, or graded and cleared of brush, so as to permit access by vehicles.

Manufactured Home. A dwelling unit, other than a modular home, that is a structure, transportable in one or more sections, which in the traveling mode is eight body feet or more in width, or 40 body feet or more in length, or, when erected on site, is 320 or more square feet; and which is built on a permanent chassis and designed to be used as a dwelling, with or without permanent foundation when connected to the required utilities, including the plumbing, heating, air conditioning and electrical systems contained therein. "Manufactured home" includes any structure that meets all of the requirements of this subsection except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of HUD and complies with the standards established under the Act.

Manufactured Home Park or Rental Community. Any parcel of land under single ownership where land is rented, and utilities are provided for the installation or placement of manufactured homes.

Manufactured Home Subdivision. Any parcel of land which is subdivided, with utilities extended for the installation or placement of manufactured homes.

Marina, Commercial. A facility for the wet storage, launching and mooring of boats, together with all accessory structures and uses. The dry storage of boats is permitted as accessory to commercial marinas in the Highway Commercial District only, where outdoor storage shall adhere to the conditions of Section 9.26, and indoor storage shall adhere to a permitted building type.

Marine Railway. a line of track running from the shoreline into a body of water to provide a runway for a wheeled or other apparatus to lower a boat into the water.

Massage therapy. Health massage or bodywork therapy, performed by a practitioner credentialed in one of the following ways:

1. having a diploma or certificate from an institute or school of health massage, which has been accredited by either the American Massage Therapists Association, the National Therapists Association, or from an accredited college or university school of education for massage therapy; or
2. providing verification and documentation of at least 500 hours of experience in the practice of health massage/bodywork therapy and three letters of reference from state licensed health care professionals or licensed therapists on their professional letterhead.

## TA25-08: Miscellaneous Amendments

**Massing.** The shape and form a building or assemblage of buildings assumes through architectural design. There are eleven elements which affect the creation of public space and the relationship between one building and another. A specific project should consider, but may not need to incorporate, all eleven elements.

**Building silhouette:** pitch and scale of a roof lines.



**Spacing between building façades:** setbacks or notches between primary façades which



frames a structure.

**Setback from property line:** building setback and/or primary façade setback from



property line.

**Proportion of windows, bays, and doorways:** vertical or horizontal elements tied together



in bands across façade lengths.

TA25-08: Miscellaneous Amendments

**Proportion of primary façade:** size of façades in area and height to width ratios.



**Location and treatment of entryway:** important visual commonalities between



structures.

**Exterior materials used:** similar materials and treatment add to compatibility of



building(s).



**Building scale:** building height and configuration.

**Landscaping:** ties together buildings and defines space.





## TA25-08: Miscellaneous Amendments

**Shadow patterns that form decorative features:** the light and dark surfaces from materials used and projections from window bays and setbacks.



**Proportion of solids to voids:** the perceived permeability of a building façade that is created by the ratio of windows and doors to solid walls.

Mean Sea Level. The National Geodetic Vertical Datum (NGVD) of 1929, or other datum, to which base flood elevations shown on the Flood Insurance Rate Maps for Mecklenburg County are referenced.

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

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

Minor Modification to development approvals. Minor modifications that may be reviewed and approved by the Zoning Administrator or designated administrative official as provided for in these regulations.

Minor Modification, Special Use Permit. Minor modifications to special use permits that do not involve a change in uses permitted or the density of overall development permitted that may be reviewed and approved by the Zoning Administrator or designated administrative official.

Minor Modification, Conditional Zoning District. Minor modifications in conditional district standards that do not involve a change in uses permitted or the density of overall

## TA25-08: Miscellaneous Amendments

development permitted that may be reviewed and approved by the Zoning Administrator or designated administrative official.

Mixed Use. The combination of both commercial and residential uses within a single building of two or more stories, wherein at least 50% of the heated floor area contains residential dwelling unit(s).

Mixed Use Building. The mixed-use building duplicates the shopfront building type and has at least two occupiable stories; at least 50% of the habitable area of the building shall be in residential use, the remainder shall be in commercial use. However, when an existing residential building is redeveloped to a mixed-use, at least 40% of the habitable area shall be in residential use.

Mixed Use Node. A pedestrian-oriented development consisting of a major subdivision and or a combination of major subdivisions that meet the following criteria; not less than 50 acres and not more than 100 acres, located at the intersection of two major thoroughfares (existing or proposed) as designated on the Thoroughfare Plan containing a combination of commercial uses in excess of 100,000 square feet and residential uses which will occupy at least 50% of the land area of the node.

Mobile Home. A movable or transportable dwelling unit, other than a modular home or manufactured home, of at least 8 feet in width and at least 32 feet in length, constructed to be transported on its own chassis and including one or more components for transporting the unit.

Mobile Home Park. Any site or parcel of land under single ownership where land is rented and utilities are provided for the installation or placement of mobile homes.

Mobile Home Subdivision. Any parcel of land which is subdivided, with utilities extended for the installation or placement of mobile homes.

Modular Home. A dwelling unit which is constructed in compliance with the State Building Code and composed of components substantially assembled in an off-site manufacturing plant and transported to the building site for final assembly on a permanent foundation.

Mooring or Float. An object or structure secured in the water, such as by cables, lines, chains, or anchors, and intended or used for securing one or more boats in the water.

Motel. A building containing more than four individual rooms for the purpose of providing overnight lodging to the general public for compensation, and which has common facilities for reservations, cleaning services, combined utilities, on-site management and reception, and some or all of whose rooms open directly on a parking area.

## TA25-08: Miscellaneous Amendments

Multiple Building Site. A group of two or more nonresidential buildings established on a single development tract, having unified design of buildings and coordinated organization of open space, parking, and service areas.

Nadir. Lowest point on the fixture.

Neighborhood Gasoline Station. A building and use for the sale of gasoline primarily to non-commercial vehicle operators, having no more than two pumping canopies, and providing only minor automotive repairs.

Neighborhood Recreation. Public or private neighborhood tennis, or other courts, swimming pools or similar indoor and/or outdoor uses that are operated on a fee or membership basis primarily for the use of persons who reside in the neighborhood that the facility is located. "Neighborhood Recreation" structures shall include accessory uses, such as snack bars, pro shops, and locker rooms, which are designed and intended primarily for the use of patrons of the principal recreational use.

Nightclub. Any commercial establishment serving alcoholic beverages and/or providing entertainment for patrons, including bars, lounges, taverns, cabarets, and similar establishments.

Nonconforming Structure. Any structure, lawfully existing on the effective date of these regulations or on the effective date of any subsequent amendments to these regulations or the Zoning Maps which render such structure nonconforming, which does not comply with all of the standards and regulations of this ordinance or any amendments thereto, whichever may be applicable.

Nonconforming Use. Any use, lawfully being made of any land, building or structure on the effective date of these regulations or on the effective date of any subsequent amendments to these regulations or the Zoning Maps which render such use nonconforming, which does not comply with all of the regulations of this ordinance or any amendments thereto, whichever may be applicable.

Nonconforming Vacant Lot. Any lot of record which does not meet the minimum area or width requirements established in these regulations or any amendment thereto, whichever may be applicable.

Non-residential use. All uses that are not a residential use.

Nursing home, rest home, or home for the aged. A facility or housing development in which an agency, organization, or individual provides care for 3 or more sick, handicapped, and/or aged persons, not related by blood or marriage to the operator. Such congregate care

## TA25-08: Miscellaneous Amendments

facilities are classified as "dependent living facilities" or "independent living facilities" depending upon the degree of support services on site.

Off-street parking. Parking which occurs on a lot and not on a street or other public right of way.

Office. A use or structure in which business or professional services are conducted or rendered.

Open Space. Any area which is not divided into private or civic building lots, streets, rights-of-way, parking, or easements for purposes other than open space conservation. Unless specifically allowed by this ordinance in Conservation Subdivisions, and Minor Subdivisions. Reference Article 7.11 Urban, Agricultural, Common, Natural and Recreational Open Space for specific qualitative criteria.

Outdoor lighting. Any light source that is installed or mounted outside of an enclosed building, but not including street lights installed or maintained along public or private streets.

Outdoor recreation. Public or private golf courses, country clubs, swimming pools, tennis courts, ball fields and ball courts which are not enclosed in buildings and are operated on a commercial or membership basis primarily for the use of persons who do not reside on the same lot as that on which the recreational use is located. "Outdoor recreation" shall include any accessory uses, such as snack bars, pro shops, and club houses which are designed and intended primarily for the use of patrons of the principal recreational use.

Overnight camping trailer park. Any lot upon which two or more overnight camp sites and/or overnight camping trailers occupied for temporary shelter, dwelling, recreation, or vacation uses may be located on a non-profit or for-profit basis.

Owner. The holder of the title in fee simple. Absent evidence to the contrary, a local government may rely on the county tax records to determine who is a landowner. The landowner may authorize a person holding a valid option, lease, or contract to purchase to act as his or her agent or representative for the purpose of making applications for development approvals.

Parallel conditional zoning district. A conditional zoning district in which the potential permitted use or uses are, except as limited by the conditions imposed on the district, of the same character or type as the use or uses permitted in a general use district having a parallel designation or name. Parallel conditional zoning shall not require the issuance of a special use permit or permitting process apart from the establishment of the district and its application to particular properties.

## TA25-08: Miscellaneous Amendments

Parcel. Any quantity of land and/or water capable of being described in definitive terms with respect to its location and boundaries. It may be established as distinct from other parcels which are designated by its owner or developer as land to be used or developed as a unit, or which has been used or developed as a unit.

Park. Any land owned by the public and open for use by the general public for active or passive recreational purposes or as a refuge for wildlife.

Parking Lot. An area, not within a building, where motor vehicles may be stored for the purposes of temporary, daily, or overnight off-street parking. A parking area also includes all areas for storage and trash facilities.

Parking Zone. An area to accommodate on-street parking adjacent to uses where on-street parking provides convenience. Parking widths and layout may vary. This area may also include transit stops and provide provisions for transit pull-outs.

Participating Landowner. A landowner under lease or other property agreements with the Facility Owner or Operator pertaining to the Alternative Wind Energy Facility.

Pedestrian Access, Main. The principle architectural and functional means of a public ingress and egress into a building as part of normal and customary establishment operations.

Pedestrian Access, Secondary. An ancillary architectural and functional means of public ingress and egress into a building as part of normal and customary establishment operations.

Pedestrian Oriented Development. Any development type which accommodates the needs of the pedestrian. Such development will have parking to the side or rear of a building, will mix uses and provide them in proximity to one another, will allow the pedestrian the option of accomplishing certain trips without automobile use, and will provide a variety of interesting and detailed streetscapes which balance the need of the pedestrian and car equally.

Pedestrian Zone. The area intended for pedestrian travel. The walkway section of the pedestrian zone should be of sufficient width to allow pedestrians to walk safely and comfortably for current and future pedestrian activity.

Person. An individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, interstate body, the State of North Carolina and its agencies and political subdivisions, or other legal entity.

## TA25-08: Miscellaneous Amendments

Pier. A structure extending into or along the water for use as a landing place for boats or as a promenade.

Pilot plant. A building or operation in which processes planned for use in production elsewhere can be tested, but not including the production of any good on the premises primarily or customarily for sale, or for use in production operations.

Planned commercial development. Any planned project including, shopping centers, office complex, church, institutional, business campuses and similar large complexes which have a variety of tenants or uses.

Planning Board. The Town of Huntersville Planning and Zoning Board, established by ordinance in accordance with N.C.G.S. 160D-301.

Planning Jurisdiction. The land located within the boundaries of the most recently adopted Huntersville Land Development Plan, and consistent generally with the Town's annexation sphere of influence, in which the Town may undertake planning and apply the development regulations authorized by this ordinance.

Plant Nursery. Any tract of land which is used for the growth, nurture, production, acclamation, marketing or sale (whether at wholesale or retail) of plants, flowers, fruits, vegetables, shrubbery, trees or other agricultural, ornamental or forestry products, as well as activities ancillary or incidental thereto, including, without limitation, the distribution and sale of goods and materials used in connection with those items.

Plaza. An urban open space, constructed entirely or largely of hard-surfaced paving blocks, stone, brick, or similar materials, framed on at least two sides by the vertical rise of building walls; occasionally framed by closely planted large maturing trees in lieu of buildings. May be used for occasional parking in front of a civic or public building.

Principal building or structure. A building or structure containing the principal use of the lot.

Principal use. The primary purpose or function that a lot serves or is proposed to serve.

Private courtyard. An area enclosed on at least three sides by the vertical rise of building walls providing a pedestrian open space constructed of hard-surfaced paving materials and/or landscaping. Hard-surfaced paving materials include paving blocks, stone, brick, and either concrete or asphalt that has been scored, colored, or otherwise configured to resemble pavers, stone, or brick.

Project area. Any area of land and/or water, regardless of the number of individual parcels contained therein, on which development is proposed under these regulations.

## TA25-08: Miscellaneous Amendments

Promenade. See Esplanade.

Proposed right-of-way line. The margin of a thoroughfare's right-of-way at its ultimate intended width, determined by (1) the thoroughfare's classification and (2) dimensional requirements or locational criteria as established in the Subdivision Ordinance.

Prototype production plant. A building or operation in which goods are produced only in a quantity necessary for full investigation of the merits of a product, but not including the production of any goods on the premises primarily or customarily for sale or for use in production operations on the premises.

Pruning. The cutting off or removal of dead or living parts of a tree or shrub for the intentions of improving growth.

Public utilities. Above ground or underground publicly licensed utilities including water, sanitary sewer collection and distribution line, natural gas, cable television, storm water drainage, transit or transportation, or electrical services and any associated structures such as pumping stations, treatment plants, and transformer stations for providing to the public a utility service deemed necessary for the public health, safety, and welfare. Utility service to the public has been defined broadly to mean all consumers-industrial, commercial, or residential.

Public utility structure. An electricity or gas substation, water or wastewater pumping station, telephone repeater station or similar structure used as an intermediary switching, boosting, distribution, or transfer station for electricity, water, wastewater, cable television, or telephone services between the point of generation and the end user, or a public or private wastewater treatment plant or water treatment plant, but not including satellite dish antennae, facilities for the handling of solid waste, or radio, television, or microwave transmission or relay towers.

Quadrangle. A rectangular area, such as a courtyard, enclosed by buildings.

Quarry. An operation for the dredging, digging, extraction, mining, or quarrying of stone, sand, gravel, or minerals for commercial purposes.

Quasi-judicial decision. A decision involving the finding of facts regarding a specific application of a development regulation and that requires the exercise of discretion when applying the standards of the regulation. The term includes, but is not limited to, decisions involving variances, special use permits, certificates of appropriateness, and appeals of administrative determinations.

Reach. A longitudinal segment of a stream or river, such as the segment between two bridge crossings or the mouths of two tributaries to the stream or river.

## TA25-08: Miscellaneous Amendments

Redevelopment. The demolition and reconstruction of a building or a portion of a building.

Reclassification of land. A change in the zoning district assigned to a lot pursuant to a public hearing before the Town Board and a subsequent decision by the Board. (Also, Rezoning).

Regulatory Flood. A flood representative of large floods reasonably characteristic of what can be expected to occur on a particular stream, with an average recurrence interval of 100 years, determined from an analysis of floods on a particular stream and other streams in the same general region.

Religious institution. A church, synagogue, temple, mosque, or other place of religious worship, including any accessory use or structure, such as a school, day care center, cemetery or dwelling, located on the same lot.

Research laboratory. A facility equipped for basic and applied research or experimental study, testing, or analysis in the natural sciences, including any educational activities associated with and accessory to such research, but not including a medical, dental, optical, or veterinary clinic, or a research facility located on the principal site of a health institution or university.

Residential cottage. A rental unit associated with Country Inn Development that consists of sleeping quarters and bathroom facilities which are typically associated with overnight stays.

Residential use. Any detached, duplex, triplex, quadraplex, attached, or multifamily dwelling, manufactured home, mobile home, group home for up to six clients, limited residence boarding house, or dormitory.

Restaurant. A building or operation, the purpose of which is to accommodate the consumption of food and beverages.

Retirement Communities. Single family and attached housing under single ownership on a parcel of land designed for active adults and independent persons over age fifty-five (55) not requiring health support services such as medical and nursing care on site. Each living unit is self-contained and is physically accessible to older and disable persons. Distinguished from apartments by the provision of some communal services.

Retail establishment. A building, property, or activity the principal use or purpose of which is the sale of goods, products, or merchandise directly to the consumer.



## TA25-08: Miscellaneous Amendments

Riding Academy. A facility the principal use of which is the provision of lessons in horseback riding on a non-profit or for-profit basis. Permitted in the Rural and Transitional District, according to the standards of Section 9.33.

Sanitary Landfill. A solid waste disposal facility designed to meet the minimum standards of the State of North Carolina wherein refuse and other waste defined by State standards is disposed of by utilizing acceptable landfill engineering technology.

Saw-mill. A mechanized facility for cutting logs into timber for carpentry.

Screening. A fence, wall, hedge, landscaping, buffer area or any combination of these provided to create a visual separation between certain land uses. A screen may be located on the property line or elsewhere on the site, as determined by the use to be screened.

Setback, established. The distance between a street line and the front building line of a principal building or structure, as constructed, projected to the side lot lines. See also Yards.

Setback, required. The minimum distance required by this ordinance or established by recorded plat between the street right-of-way line and the front building line of a principal building or structure, projected to the side lines of the lot. For flag lots, the minimum setback shall be measured between the front property line of the buildable portion of the lot and the front building line of the principal structure, projected to the side lines of the lot.

Shared Vehicle Zone. The primary travel way for vehicles which can include a mixture of traffic (cars, trucks, buses, and bicycles).

Shielded Light Fixture. A light fixture with cutoff optics that allows no direct light emissions above a vertical cutoff angle of 90 degrees above nadir, through the light fixture's lowest light emitting part. Any structural part of the light fixture providing this cutoff angle must be permanently affixed.

Shopfront. A business or retail use with façade aligned directly on the frontage line and the entrance at grade. Found in sidewalk retail.

Shopping Center. A group of two or more retail establishments or restaurants, including all associated out parcels (whether or not they have been subdivided from the primary tract), having a unified design of buildings, coordinated parking and service areas, and developed in accordance with the requirements of the zoning district in which it is located.

Shrub. Vegetation that is planted for ornamental or screening purposes.

Sign. Any object, device, structure, or part thereof, situated outdoors, which is used to advertise, identify, display, direct, or attract attention to an object, person, institution,

## TA25-08: Miscellaneous Amendments

organization, business, product, service, event or location by any means, including words, letters, figures, designs, symbols, fixtures, colors, illumination, or projected images. Signs do not include the flag or emblem of any nation, organization of nations, state, city, or of any fraternal, religious or civic organization; works of art which in no way identify a product; or scoreboards located on athletic fields.

Significant tree. Any tree other than a pine tree with a caliper of 18 inches or more.

Silviculture. Science and art of cultivating forest crops based on the study of life history and general characteristics of forest trees.

Site analysis. A site plan completed by a certified landscape architect, in conjunction with a licensed land surveyor, showing the subject property including the following features: existing tree lines, all specimen and heritage trees, topography at two feet intervals, lakes, streams, floodplain, SWIM buffers, watershed buffers, historic sites, slope analysis (0%-10%, 10%-15%, 15%-25%, >25%), natural drainage patterns, soils, site connectivity and access.

Site plan. A scaled drawing and supporting text showing the relationship between lot lines and the existing or proposed uses, buildings, or structures on the lot. The site plan may include site-specific details such as building areas, building height and floor area, setbacks from lot lines and street rights-of-way, intensities, densities, utility lines and locations, parking, access points, roads, and stormwater control facilities that are depicted to show compliance with all legally required development regulations that are applicable to the project and the site plan review.

Small Maturing Trees. A tree whose height is less than 35 feet at maturity and meets the specifications of "American Standards for Nursery Stock" published by the American Association of Nurserymen.

Solar Energy Facility, Major. A solar energy facility that is not a minor solar energy facility.

Solar Energy Facility, Minor. A facility for the production of electrical energy or solar heat in which all of the following are met:

1. Is located on the power beneficiary's premises; and
2. Is intended primarily to offset part or all of the beneficiary's requirements for electricity/gas; or is any non-residential rooftop facility.
3. Is secondary to the beneficiary's use of the premises for other lawful purpose(s).

Solar Farm. See Solar Energy Facility, Major.

## TA25-08: Miscellaneous Amendments

Solar Hot Water Heater. A solar heater(s), or solar thermal system that provides heat for water, space heating, and swimming pools by collecting the sun's energy to heat air or a fluid which transfers solar heat.

Solar Panel. A device which is used to convert energy contained within the sun's rays into electricity, PV (photovoltaic) panel.

Solar Power. The conversion of solar energy into another form of energy.

Solid Waste. Any hazardous or nonhazardous garbage, refuse, sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility, or other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from industrial, institutional, commercial, agricultural, and land clearing operations. This term does not include the following:

1. Fowl and animal fecal waste;
2. Solid or dissolved material in any of the following:
  1. Domestic sewage, and sludge generated by the treatment thereof, in sanitary sewage disposal systems which have a design capacity of more than 3,000 gallons or which discharge effluents to the surface waters;
  2. Irrigation return flows; or
  3. Wastewater discharges, and the sludge incidental thereto and generated by the treatment thereof, which are point sources subject to permits granted under Section 402 of the Federal Water Pollution Control Act, as amended (33 U.S.C. Sec. 1342 et seq.) and permits granted under G.S. 143-215.1 by the Environmental Management Commission;
3. Oils and other liquid hydrocarbons controlled under Article 21A of Chapter 143 of the North Carolina General Statutes;
4. Any radioactive material as defined by the North Carolina Radiation Protection Act (G.S. 104E-1 et seq.); or
5. Mining refuse covered by the North Carolina Mining Act (G.S. 74-46 et seq.), and regulated by the North Carolina Mining Commission (as defined under G.S. 143B-290).

Special Use Permit. A permit issued to authorize development or land uses in a particular zoning district upon presentation of competent, material, and substantial evidence establishing compliance with one or more general standards requiring that judgment and

## TA25-08: Miscellaneous Amendments

discretion be exercised as well as compliance with specific standards. The term includes permits previously referred to as conditional use permits or special exceptions.

**Specimen tree.** A tree (or group of trees) that may be considered important community assets due to their unique or noteworthy characteristics or values. A tree may be considered a specimen tree based on its size, age, rarity or special historical or ecological significance and may also meet the following criteria:

1. Large hardwoods (e.g. oaks, poplars, maples, etc.) and softwoods (e.g. pines sp.) in good or better condition with a DBH of 24" or greater.
2. Smaller understory trees (e.g. dogwoods, redbuds, sourwoods, persimmons, etc.) in good or better condition with a DBH of 12" or greater.
3. Lesser-sized trees of rare species or special intrinsic value as approved by staff.

**Stadium.** A structure or facility designed, intended, or used primarily for athletic events or other performances and containing seating for spectators of those events, but not including a raceway or drag strip.

**Storm Drainage Design Manual.** The most recent edition of the manual adopted by the Town Board setting forth standard details for the design and construction of storm water management systems.

**Story.** That part of a building or structure above ground level between a floor and the floor or roof next above. A mezzanine shall be considered a story if it exceeds one-third of the area of the floor immediately below. A penthouse shall be considered a story if it exceeds one-third of the area of the roof. The under roof area with dormers does not count as a story.

**Street Line.** The outer boundary of a street right-of-way.

**Street Orientation.** The direction of the architectural front façade of a building in relation to the street.

**Street, Private.** An interior circulation road designed and constructed to carry vehicular traffic from public streets within or adjoining a site to parking and service areas; it is not maintained nor intended to be maintained by the public.

**Street, Public.** A right-of-way or fee simple tract of land which has been set aside for public travel, dedicated to the public by the recording of a subdivision plat, built to public street standards, and eligible for maintenance by either the Town of Huntersville or the State of North Carolina.

## TA25-08: Miscellaneous Amendments

Street Right-of-Way. Street right-of-way shall mean any public right-of-way set aside for public travel which is accepted or eligible to be accepted for maintenance by the State of North Carolina or the Town of Huntersville or Mecklenburg County, if so authorized; or has been dedicated for public travel by the recording of a plat or a subdivision which has been approved or is subsequently approved by the Town of Huntersville; or has otherwise been established as a public street prior to the adoption of this ordinance.

Street tree. A tree planted along a street right-of-way or public access easement, excluding alleys. The tree must be a large maturing deciduous canopy tree on the approved tree list.

Street Vista. A view framed by buildings at the termination of the axis of a thoroughfare or large neighborhood street.

Street Yard. The area of land along the front property line parallel to a right-of-way reserved for tree planting and landscaping. Also called street tree planting easement or Green Zone.

Streets. The term “streets” generally represents a continuum of roadway types that vary in form and function serving a variety of access and mobility needs. The types range from “Freeway” to “Local” and are further described below:

Freeway. High volume, high speed highways with access only at interchanges. Freeways are typically constructed to Interstate Highway standards. May incorporate special management techniques and may contain specialized accommodations for multi-occupant or transit vehicles. No parallel accommodation for non-motorized users.

Boulevard. Moderate to high volume, moderate speed roadway. Includes median and may incorporate interchanges as appropriate. Access strongly controlled, typically provided at street intersections and may be directional in nature (i.e. not full movement.) Shall incorporate provisions for transit, bicycle, and pedestrian users depending on context.

Other Major Thoroughfares. Multi-lane, moderate to high volume roadway, speed limits vary according to context. Often incorporate auxiliary lanes for turning vehicles. Typically includes median, individual driveways discouraged. Shall incorporate provisions for transit, bicycle, and pedestrian users.

Minor Thoroughfares. Usually two-lane roadways with low to moderate speeds depending on context. Balance of mobility and access functions. May include transit user provisions, shall incorporate non-motorized users.

Collector. A roadway which assemble traffic from local streets, and distributes it to the nearest thoroughfare. The collector road provides direct primary access to low/medium density land uses. It is designed to carry low to moderate traffic volumes at low to moderate speeds.

## TA25-08: Miscellaneous Amendments

Local. This is a two-lane roadway which provides access directly to adjoining low/medium density land uses. It also conducts traffic to local limited and collector streets which serve the area. The local road is designed to accommodate low volumes of traffic at low speeds.

Town Streets (Town of Huntersville classification). Town Street classification refers to the hierarchy of low speed, interconnected streets with pedestrian orientation of buildings and a fine-grained section which includes street tree plantings and sidewalks on either side of pavement. The required street elements can be assembled in a variety of ways depending on the fronting uses and the function/rank of the street in the hierarchy. Streets meeting the standards of Article 5 and the Engineering Standards and Procedures Manual (ESAPM) are eligible for acceptance and maintenance by the Town as public streets. Residential alleys will generally remain private.

Thoroughfare. Any street (existing or proposed) on the adopted Comprehensive Transportation Plan (CTP) Highway Map. The words thoroughfare and arterial are used synonymously and indicate streets which are designated as freeways, expressways, boulevards, other major thoroughfare or minor thoroughfare.

Structure. Anything constructed, installed, or portable, the use of which requires a location on a parcel of land. This includes a fixed or movable building, which can be used for residential, business, commercial, agricultural, or office purposes, either temporarily or permanently. "Structure" also includes, but is not limited to, swimming pools, tennis courts, signs, cisterns, sewage treatment plants, sheds, docks, mooring areas, and similar accessory construction.

Substantial Improvement. Any repair, reconstruction, expansion, or improvement of a structure, the cost of which exceeds 50 percent of the assessed value of a structure as determined either before the expansion or improvement begins or before the damage occurred giving rise to there pair or reconstruction. "Substantial improvement" shall not include, however, any repair or improvement required to bring the structure into compliance with existing state or Town health, sanitary, safety, or building code specifications necessary to ensure safe habitation of the structure.

Temporary Storage Container. Transportable units designed and used primarily for temporary storage of building materials, household goods, personal items and other materials for use on a limited basis on residential property.

Temporary Structure. A building placed on a lot for a specific purpose which is to be removed within a specified time period. Examples of temporary structures are monitoring stations, mobile classrooms, construction trailers and guard houses, and produce stands.

## TA25-08: Miscellaneous Amendments

Terminated Vista. A view through or along a street, open space, or other opening which is brought to a close by a building, structure, significant natural feature, park or similar public space or feature.

Textured Glass. A patterned glass which has a specific pattern or design impressed into one surface. It allows the passage of light, but varying levels of obscuration, depending on the depth and configuration of pattern.

Threshold elements. Porches, stoops, stairs, balconies, eaves, and cornices, loggias, arcades, chimneys, doors and windows, which are placed at or near the build-to line and interface between the main body of the building and the street.

Topping. Any pruning practice that results in removal of the foliage and limbs that leads to disfigurement or abnormal shape of a tree. Also known as rounding-over, heading-back, dehorning, capping, and hat racking.

Town Attorney. The attorney for the Town of Huntersville, duly retained by the Board of Commissioners of the Town of Huntersville.

Town Manager. The Town Manager of the Town of Huntersville.

Traditional Neighborhood. A traditional neighborhood incorporates design principles that produce compact, mixed use, pedestrian scaled communities. The following conventions are generally employed in the design of traditional neighborhoods.

1. The neighborhood is limited in area to that which can be traversed in a 10 to 15 minute walk.
2. Residences, shops, workplaces, and civic buildings are located in close proximity.
3. A well defined and detailed system of interconnected streets serves the needs of the pedestrian and the car equally, providing multiple routes to all parts of the neighborhood.
4. Physically defined open spaces in the form of plazas, squares, and parks, in addition to finely detailed public streets, provide places for formal and informal social activity and recreation.
5. Private buildings form a clear edge, delineating the private from the public realm.
6. Civic buildings reinforce the identity of the neighborhood, providing places of assembly for social, cultural, and religious activities.

Traditional neighborhoods pursue certain objectives through their design.

## TA25-08: Miscellaneous Amendments

1. Independence of movement for the elderly and young by bringing many activities of daily living within walking distance.
2. Reduced traffic congestion and road construction costs by reducing number and length of car trips.
3. Use or preparation for future use of alternative forms of transportation by organizing appropriate building densities.
4. Improved security of public spaces organized to stimulate informal surveillance by residents and business operators.
5. Enhanced sense of community and improved security through provision of a range of housing types and workplaces in proximity to one another.
6. Accessible places for public assembly and civic engagement by identification of suitable sites for civic buildings.

Transitional Setback or Yard. That area, if any, along a thoroughfare, which lies between (a) the minimum setback or yard line for the zoning district measured from the existing street right-of-way line and (b) the minimum setback or yard line measured from the Proposed Right-of-Way Line. There will be no transitional setback or yard when the existing street right-of-way and the proposed right-of-way line are the same.

Transitional use. A permitted use or structure that, by nature, level of activity, or physical scale, acts as a transition or intermediate use between two or more incompatible uses.

Transit-Oriented Parking Lot. An area directly associated with a public transit system where motor vehicles may be stored for the purposes of temporary or daily off-street parking.

Transmittance. Percentage of normally incident visible light passing directly through the glazing.

Tree save area. Area to be preserved which equals the drip line of tree(s) plus an additional 5 feet around the entire perimeter of area.

Tree survey. A description, for the purposes of identification, of the existing trees, under story vegetation, and topographical features on a site prior to development and site design.

Turbine Blade Clearance. The distance measured from the grade at the center of the tower to the lowest point of the turbine rotor or tip of the turbine blade when it reaches its lowest elevation.

Turkey Shoot. A place or event at which contestants discharge shotguns in competition for prizes.



## TA25-08: Miscellaneous Amendments

Uniformity ratio. The ratio of average illumination to minimum illumination.

University, college and junior college. A use, whether privately-owned or publicly-owned, providing academic education beyond the high school level.

Used asphalt. Used asphalt or used asphalt mixed with dirt, sand, gravel, rock, concrete or similar non-hazardous material.

Vested right. The right to undertake and complete the development and use of the property under the terms and conditions of a development approval, including any amendments thereto, as specified in G.S. 160D-108(c) or under common law.

Vocational School. A use, whether privately-owned or publicly-owned, that trains persons in specific trades or occupations such as mechanics, stenography, or similar skills.

Warehousing. The indoor storage of goods, materials, or merchandise for shipment to, or processing on, other property.

Wastewater Treatment Facility. A facility operated by a licensed utility, in compliance with all applicable state, county, and town regulations, and intended or used for the treatment and surface or subsurface disposal of wastewater and which serves more than one use or more than four dwelling units; or a facility intended or used for the treatment and subsurface disposal of wastewater which serves only one use or up to four dwelling units.

Wind Energy Facility, Major. Wind farm that is not a minor wind energy facility.

Wind Energy Facility, Minor. A facility for the production of electrical energy in which all of the following are met:

1. Is located on the power beneficiary's premises; and
2. Is intended primarily to offset part or all of the beneficiary's requirements for electricity/gas; and
3. Is secondary to the beneficiary's use of the premises for other lawful purpose(s).

Wind Farm. See Wind Energy Facility, Major.

Wind Power. The conversion of wind energy into another form of energy.

Wind Turbine, or Windmill. A wind energy conversion system that converts wind energy into electricity through the use of a wind turbine generator, and may include a nacelle, rotor, tower and pad transformer.

## TA25-08: Miscellaneous Amendments

Wind Turbine Height. The distance measured from grade at the center of the tower to the highest point of the turbine rotor or tip of the turbine blade when it reaches its highest elevation.

Wholesale Establishment. A building, property, or activity the principal use or purpose of which is the sale of goods, products, or merchandise stored on the premises to persons who are intermediaries between the producer and the consumer.

Working Day. Any day on which the offices of the Town of Huntersville are officially open, not including Saturdays, Sundays, and other holidays designated by the Town Board.

Yard, rear, required. When required by this ordinance or established through recorded plat, a minimum distance between the rear of a principal building or structure and the lot line farthest from the street fronting the lot, projected to the side lines of the lot on which the building or structure is located.

Yard, rear, established. The distance between the rear of a principal building or structure and the lot line farthest from the street fronting the lot, projected to the side lines of the lot on which the building or structure is located.

Yard, side, required. When required by this ordinance or established by recorded plat, a minimum distance between the side lot line and the side building line, extending from the established setback to the required rear yard. For buildings not set back from the street right-of-way, the side yard shall be defined as extending from the street line to the required rear yard.

Yard, side, established. The distance between the side lot line and the side building line, extending from the established setback to the established rear yard. For buildings not set back from the street right-of-way, the side yard shall be defined as extending from the street line to the established rear yard.

Yard, tree, required. A tree or trees required to be planted in the front or rear yard of a lot to satisfy the requirements of Article 7 of the Zoning Ordinance.

Yard Trash. Solid waste consisting of vegetative material resulting from landscaping and yard maintenance, such as brush, grass, tree limbs and similar material.

Zero lot line. The location of a building on a lot in such a manner that one of the building's sides rests directly on a lot line; also referred to as a sideyard house.

Zoning Administrator. The employee(s) or agent(s) designated by the Town Manager to oversee the administration and enforcement of these regulations.

### 12.2.3 Watershed Definitions

Water Supply Watershed Protection. Regulations embodied in the Mountain Island Lake and Lake Norman Watershed Overlay Districts pursuant to G.S. 143-214.5. For purposes of the watershed regulations, the following special definitions apply:

**Agricultural Use.** The use of waters for stock watering, irrigation, and other farm purposes.

~~Best Management Practices (BMPs). A structural or non-structural management-based practice used singularly or in combination to reduce non-point source input to receiving waters in order to achieve water quality protection goals.~~

~~Non-structural BMPs. Non-engineered methods to control the amount of non-point source pollution. These may include land-use controls and vegetated buffers.~~

~~Structural BMPs. Engineered structures that are designed to reduce the delivery of pollutants from their source or to divert contaminants away from the water supply.~~

~~Structural BMPs allowed for use under the High Density Option are those which have been approved by the North Carolina Division of Water Quality and Mecklenburg County. These are wet detention ponds, extended dry detention ponds, and grass swales.~~

**Buffer.** A natural or vegetated area through which storm water runoff flows in a diffuse manner so that the runoff does not become channelized, and which provides for infiltration of the runoff and filtering of pollutants. The buffer is measured landward from the normal pool elevation of impounded structures and from the bank of each side of streams or rivers.

~~Built-upon Area (B.U.BUA). Built-upon areas shall include that portion of a development project and/or lots that are covered by impervious or partially impervious cover including buildings, pavement, gravel areas (e.g. roads, parking lots, paths), recreation facilities (e.g. tennis courts), etc. (NOTE: Wooden slatted decks and the water area of a swimming pool are considered pervious.)~~

~~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.~~

~~For the purposes of this section, 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.~~

## TA25-08: Miscellaneous Amendments

(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.

**Critical Area.** The area adjacent to a water supply intake where risk associated with pollution is greater than from the remaining portions of the watershed. The critical area of the Mountain Island Lake Watershed Protection Area is divided into four sub areas as defined in Section 3.3.3. The Lake Norman Watershed within the Huntersville jurisdiction consists of a single critical area.

**Density Averaging Certificate.** Approval for density averaging granted by the Board of Adjustment acting as the Watershed Review Board at a Board of Adjustment meeting after it is proven by the applicant that the request meets all the requirements of Section 3.3.2-A: h) or 3.3.3-A: i) of the Huntersville Zoning Ordinance.

**Discharge.** The introduction, either directly or indirectly, of any man induced waste effluent into North Carolina surface waters.

**Discharging Landfill.** A landfill which discharges treated leachate and which requires a National Pollution Discharge Elimination System (NPDES) permit.

**Existing Development.** Existing development, as defined for the purpose of this section, means projects that are built or projects that at a minimum have established a vested right under North Carolina zoning law as of the effective date of the amendment incorporating Water Supply Watershed Regulations into the Huntersville Zoning Ordinance based on at least one of the following criteria:

1. Substantial expenditures of resources (time, labor, money) based on a good faith reliance upon having received a valid local government approval to proceed with the project; or

## TA25-08: Miscellaneous Amendments

2. Having an outstanding valid building permit; or
3. Having an approved site specific or phased development plan under the provisions of Section 2.2.2.

Existing Lot (of Record). A lot which is part of a subdivision, a plat of which has been recorded in the Office of the Register of Deeds prior to the adoption of this ordinance, or a lot described by metes and bounds, the description of which has been so recorded prior to the adoption of this ordinance.

Hazardous Material. Any substance listed as such in: EPCRA section 302, Extremely Hazardous Substances, CERCLA Hazardous Substances, or 33 U.S.C. 1321 of CWA (oil and hazardous substances).

Industrial Discharge. The discharge of industrial process treated wastewater or wastewater other than sewage and includes:

1. wastewater resulting from any process of industry or manufacture, or from the development of any natural resource;
2. wastewater resulting from processes of trade or business, including wastewater from Laundromats and car washes, but not wastewater from restaurants;
3. storm water will not be considered to be an industrial wastewater, unless it is contaminated with industrial wastewater; or
4. wastewater discharged from a municipal wastewater treatment plant requiring a pretreatment program.

Nonconforming Lot of Record. A lot described by a plat or a deed that was recorded prior to the effective date of this ordinance (or its amendments) that does not meet the minimum lot size or other development requirements of this ordinance.

Nonresidential Development. All development other than residential development, agriculture and silviculture.

Normal Pool Elevation. The Mountain Island Lake normal pool elevation which is at contour interval 648 feet above the Mean Sea Level, as determined by United States Geological Survey (U.S.G.S.) Datum. The Lake Norman normal pool elevation, which is at contour interval 760 feet above the Mean Sea Level, as determined by United States Geological Survey (U.S.G.S.) Datum.

## TA25-08: Miscellaneous Amendments

Paired-parcel averaged-density development. A development proposal that includes a parcel pair meeting the standards of Huntersville Zoning Ordinance and that qualifies for local development approval under the density-averaging provision of N.C.G.S. 143-214.5.

Parcel pair. Two noncontiguous parcels of land under the same or separate ownership, or two contiguous parcels of land under separate ownership, the development plans for which have been submitted in tandem so as to qualify for a density averaging certificate.

Perennial Stream. A stream or creek containing a continuous natural flow of water throughout the year except possibly under exceptionally dry conditions. They shall be delineated in the field by a certified professional using U.S. Army Corps of Engineers and/or N.C. Division of Water Quality methodology.

Protected Area. The area adjoining and upstream of the Critical Areas and encompassing the remainder of the watershed where risk of water quality degradation from pollution is less than in the Critical Area. The Mountain Island Lake Protected Area is divided into three sub areas as defined in Section 3.3.3. Within Huntersville's jurisdiction the regulated watershed of Lake Norman is classified, in its entirety, as Critical Area.

Septic Tank System. A ground absorption sewage disposal system consisting of a holding or settling tank and a ground absorption field.

Stormwater Control Measure (SCMs). A structural or nonstructural management based practice used singularly or in combination to reduce non-point source input to receiving waters in order to achieve water quality protection goals described as follows:

- a. Non-structural SCMs – Non-engineering methods to control the amount of non-point source pollution. These may include land-use controls and vegetated buffers.
- b. Structural SCMs – Engineered structures that are designed to reduce the delivery of pollutants from their source or to divert contaminants away from a water body.

Subdivider. Any person, firm or corporation who subdivides or develops any land deemed to be a subdivision as herein defined.

Subdivision. A subdivision will include all divisions of a tract or parcel of land into two or more lots, building sites, or other divisions for the purpose, whether immediate or future, of sale or building development of any type (including both residential and non-residential multiple building sites and multi-site projects even if there is no division of the underlying land into separate parcels for recordation with the Register of Deeds) and also includes all divisions of land involving the dedication of a new street or a new street right-of-way or a change in existing streets; provided, however, that the following will not be included within this definition:

Formatted: Numbered + Level: 1 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 0.25" + Indent at: 0.5"

#### TA25-08: Miscellaneous Amendments

1. The combination or recombination of portions of parcels platted and recorded prior to the effective date of this ordinance, or portions of lots platted in compliance with this ordinance after its effective date, where the total number of lots is not increased and the resultant lots are equal to the standards of this ordinance and the appropriate zoning classification.
2. The division of land into parcels greater than 5 acres where street right-of-way dedication or reservation is not involved.
3. The creation of strips of land for the widening or opening of streets or the location of public utility rights-of-way.
4. The division of a tract in single ownership whose entire area is no greater than two acres into not more than three lots, where street right-of-way dedication or reservation is not involved and where the resultant lots are equal to or exceed the standards of the appropriate zoning classification.
5. The division of land into plots or lots for use as a cemetery.
6. The creation of a separate lot or property interest by a less than fee simple instrument, such as a lease, when the property interest created is divided from the original parcel for less than 10 years including option to renew.
7. The division of a tract or parcel into separate tracts or parcels, or the creation of interest in lots or parcels, by means of (a) a deed of trust, mortgage, or similar security interest solely for the purpose of securing any bona fide obligation (including transfers of such parcels or tracts pursuant to foreclosure or deeds in lieu of foreclosure) and (b) releases from the liens and operation of such deeds of trust, mortgages, or similar security interests.
8. Easements for the purposes of utilities, driveways, parking, footpaths, trails or other similar purposes.
9. Proceedings to partition interests in lots or parcels pursuant to Chapter 46 of the North Carolina General Statutes (or any successor statute) resulting in the division of a lot or parcel into two or more lots or parcels except where the partition proceeding is brought to circumvent the provisions of this ordinance or the Subdivision Ordinance of the Town of Huntersville.
10. Transfers of tracts or parcels by inheritance or bonafide gift.
11. Condemnation or deed in lieu of condemnation, by either a public or private condemnor; provided, however, that the condemnor must comply with the

## TA25-08: Miscellaneous Amendments

requirements of this ordinance as to the property acquired, either prior to the commencement of any development of the property acquired, or prior to the issuance of any building permit on the property acquired, or within six months following the date of acquisition, whichever occurs first.

Total Pollutant Load Per Facility. The sum of the Total Pollutant Loads per Parameter discharged to a water body (typically expressed in pounds per day).

Total Pollutant Load Per Parameter. The total mass of an individual water quality pollutant discharged to a water body (typically expressed in pounds per day).

Vegetative conveyance. A permanent, designed waterway lined with vegetation that is used to convey stormwater runoff at a non-erosive velocity within or away from a developed area.

Watershed. The entire land area contributing surface drainage into a specific stream, creek, lake or other body of water.

Watershed Administrator. The individual appointed and duly sworn by the Board of Commissioners of the Town of Huntersville to administer and enforce the provisions of this section as follows:

1. The Watershed Administrator shall issue Watershed Protection Permits and Watershed Protection Occupancy Permits according to the provisions of this section. A record of all permits issued shall be kept on file in the office of the Watershed Administrator.
2. The Watershed Administrator or designee shall serve as staff to the Board of Adjustment when it is serving in its capacity as the Watershed Review Board.

Water Dependent Structures. Those structures for which the use requires access or proximity to or siting within surface waters to fulfill its basic purpose, such as boat ramps, boat houses, docks, piers, bulkheads and similar structures. Ancillary facilities such as restaurants, outlets for boat supplies, parking lots, and commercial boat storage areas are not water dependent structures.

### **14.4.2 Mitigation**

Infrastructure shall be considered sufficient if the ICU percentage is at or below those established in Section 14.4.1 or when, as a result of proposed development, an increase in the ICU percentage is three (3) percent or less.



## TA25-08: Miscellaneous Amendments

Where an ICU percentage is above those established in Section 14.4.1 or, as a result of proposed development, becomes greater than the adopted standard and has increased by more than 3 percent; a development application may be approved if the applicant proposes measures that fully mitigate the transportation impacts of the proposed development.

Proposed mitigation shall fully reduce the ICU percentage of the impacted intersection to either the adopted standard in Section 14.4.1 or to within 3 percent of the no-build ICU percentage.

Proposed mitigation measures to meet the ICU percentage standards of Article 14.4.1 may be modified, subject to Town Board approval, in order to substantially achieve the intent of this ordinance with input provided by the Town Engineer.

A modification to the proposed mitigation, which may be considered by the Town Board as meeting the intent of the ordinance, is where proposed mitigation at an impacted intersection provides measurable and beneficial surplus capacity (above and beyond the minimum ICU percentage standards) such that the surplus capacity may be counted toward credit in the mitigation of other impacted intersections. The method of measurement considered in determining the acceptability of such modifications will be the net effect on the cumulative ICU percentage totals.

Proposed mitigation may also include the provision of funding for transportation improvements on planned or funded Town or NCDOT projects previously adopted such that the improvements can be advanced to mitigate the impacts of the proposed development. This funding mitigation may be accepted by the Town Board only where it is shown that such mitigation is a reasonable substitute for actual construction based on the ICU percentage totals and anticipated construction schedules of the projects. Proposed mitigation shall be included as a condition of approval.

Transportation improvements provided through mitigation, pursuant to this Article, shall be completed and available within three (3) years of the approval of the development proposal, unless expressly provided otherwise by the Town Board or other applicable Town permitting authority. Any improvements not completed prior to the issuance of a Certificate of Occupancy, shall be secured by a performance guarantee at 12+5 percent of the cost to complete the remaining required improvement(s), as reviewed and approved by the Town Engineer. All necessary right-of-way for the required transportation improvements shall be acquired prior to the issuance of a Certificate of Occupancy, whenever practicable.

## TA25-08: Miscellaneous Amendments

Mitigation measures shall be consistent with the Standards found within the Town of Huntersville TIA Process and Procedures Manual and the Town Engineering Standards and Procedures Manual.

### **2.100 DEFINITIONS**

As used in this ordinance, the following terms will have the meanings indicated in this section:

*Alley.* A vehicular way used for providing service access along rear or side property lines of lots which are also served by one of the listed street types defined herein or in Article 5 of the Huntersville Zoning Ordinance. An alley may be accepted for public maintenance only if it serves a broad public function. Residential alleys will generally remain private.

*Administrative Decision.* Decisions made in the implementation, administration, or enforcement of development regulations that involve the determination of facts and the application of objective standards set forth in this ordinance. These are sometimes referred to as ministerial decisions or administrative determinations.

*Appeal.* An action requesting reversal or modification of an interpretation or decision made by Town Staff or Administrative Agent in the application of these regulations.

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

*Build-to line.* A line extending through a lot which is generally parallel to the front property line and marks the location from which the principle vertical plane of the front building elevation, exclusive of porches, bay windows and similar appurtenances, must be erected; intended to create an even building façade line on a street. The build-to line is established on the record plat (final plat).

*Building Setback Line.* A line extending through a lot which is parallel to the front property line and between which and such line no building shall be erected.

*Conservation Easement.* A conservation agreement as defined by N.C.G.S § 121-35(1) in the form of an easement.

*Consulting Engineer.* A North Carolina Registered Engineer appointed from time to time by the Town Board of Huntersville.

*Corner Lot.* A lot which abuts the right-of-way of two streets at their intersection.

*Designated Administrative Agent (also Designee).* A government agency or consulting professional which has been designated by the Huntersville Board of Commissioners through contract or agreement to administer the Subdivision Ordinance.

## TA25-08: Miscellaneous Amendments

*Easement.* A grant by the property owner for use by the public, a corporation, or person(s) of a strip of land for specified purposes.

*Expedited Subdivision Review.* The review and approval of the division of a tract or parcel of land in single ownership for which only a Final Plat Review is required. Any subdivision of land, whether major, minor, or other will qualify for Expedited Subdivision Review if in single ownership and all of the following criteria are met:

1. The tract or parcel to be divided is not already exempt as a division of land under Section 2.100 DEFINITION, "Subdivision", paragraph 2 of the Subdivision Ordinance (which exempts the division of land into parcels greater than 5 acres where street right-of-way dedication or reservation is not involved).
2. No part of the tract or parcel to be divided has been divided under this subsection in the 10 years prior to division.
3. The entire area of the tract or parcel to be divided is greater than five acres.
4. After division, no more than three lots result from the division.
5. After division, all resultant lots comply with all of the following:
  1. Any lot dimension size requirements of the applicable land-use regulations, if any.
  2. The use of lots is in conformity with the applicable zoning requirements, if any.
  3. A permanent means of ingress and egress is recorded for each lot.

*Land Development Standards Manual.* The most recent edition of the Town of Huntersville Engineering Standards and Procedures Manual, which sets forth standard details for the design and construction of various aspects of development.

*Lot.* A portion of a subdivision or other parcel of land intended as a unit for transfer of ownership or for development.

*Lot Front.* That side of a lot which fronts on a street. In the case of a corner lot, the subdivider shall designate the front of the lot for purposes of these regulations and the Huntersville Zoning Ordinance by labeling the front and side building lines as such on the final plat.

*Open Space.* Any area which is not divided into private or civic building lots, streets, rights-of-way, parking, or easements for purposes other than open space conservation. Unless specifically allowed by this ordinance in the Farmhouse Cluster, Conservation

## TA25-08: Miscellaneous Amendments

Subdivisions, and Minor Subdivisions. Reference Article 7.11 Urban, Agricultural, Common, Natural and Recreational Open Space for specific qualitative criteria.

*Planning Board.* The Planning Board of the Town of Huntersville established pursuant to N.C.G.S. § 160D-301.

*Plat.* A map or plan of a parcel of land which is to be, or which has been, subdivided.

*Streets (by classification).*

*Freeway.* High volume, high speed highways with access only at interchanges. Freeways are typically constructed to Interstate Highway standards. May incorporate special management techniques and may contain specialized accommodations for multi-occupant or transit vehicles. No parallel accommodation for non-motorized users.

*Boulevards.* Moderate to high volume, moderate speed roadway. Includes median and may incorporate interchanges as appropriate. Access strongly controlled, typically provided at street intersections and may be directional in nature (i.e. not full movement.) Shall incorporate provisions for transit, bicycle, and pedestrian users depending on context.

*Other Major Thoroughfares.* Multi-lane, moderate to high volume roadway, speed limits vary according to context. Often incorporate auxiliary lanes for turning vehicles. Typically includes median, individual driveways discouraged. Shall incorporate provisions for transit, bicycle, and pedestrian users.

*Minor Thoroughfare.* Generally, two-lane roadways with low to moderate speeds depending on context. Balance of mobility and access functions. May include transit user provisions, shall incorporate non-motorized users.

*Collector.* A roadway which assembles traffic from local streets and distributes it to the nearest thoroughfare street. The collector road provides direct primary access to low/medium density land uses. It is designed to carry low to moderate traffic volumes at low to moderate speeds.

*Local.* This is a two-lane roadway which provides access directly to adjoining low/medium density land uses. It also conducts traffic to collector streets which serve the area. The local road is designed to accommodate low volumes of traffic at low speeds.

*Cul-de-sac.* A short minor street having one end open to traffic and the other permanently terminated by a vehicular turnaround. Cul-de-sacs may not exceed 350 feet in length and must be accessed from a street providing internal or external connectivity. They are permitted where topography makes a street connection impracticable.

## TA25-08: Miscellaneous Amendments

*Marginal Access Street.* A public or private street adjoining or parallel to an arterial street to relieve the arterial street of the necessity of providing access to abutting property.

*Town Streets.* Town Street classification refers to the hierarchy of low speed, interconnected streets with pedestrian orientation of buildings and a fine-grained section which includes street tree plantings and sidewalks on either side of pavement. The required street elements can be assembled in a variety of ways depending on the fronting uses and the function/rank of the street in the hierarchy. Streets meeting the standards of [Article 5](#) and the Engineering Standards and Procedures Manual (ESAPM) are eligible for acceptance and maintenance by the Town as public streets. Residential alleys will generally remain private.

*Street, Private.* An interior circulation road designed and constructed to carry vehicular traffic from public streets within or adjoining a site to parking and service areas; it is not maintained nor intended to be maintained by the public.

*Street Right-of-Way.* Street right-of-way shall mean any public right-of-way set aside for public travel which has been accepted for maintenance by the State of North Carolina or the Town of Huntersville or Mecklenburg County, if so authorized, or has been dedicated for public travel by the recording of a plat or a subdivision which has been approved or is subsequently approved by the Town of Huntersville or has otherwise been established as a public street prior to the adoption of this ordinance.

*Subdivision.* A subdivision will include all divisions of a tract or parcel of land into two or more lots, building sites, or other divisions when any one or more of those divisions is created for the purpose, whether immediate or future, of sale or building development of any type (including both residential and non-residential multiple building sites and multi-site projects even if there is no division of the underlying land into separate parcels for recordation with the Register of Deeds) and also includes all divisions of land involving the dedication of a new street or a new street right-of-way or a change in existing streets; provided, however, that the following will not be included within this definition nor be subject to the requirements of this ordinance:

1. The combination or recombination of portions of previously subdivided and recorded lots prior to the effective date of this ordinance, or portions of previously subdivided and recorded lots platted in compliance with this ordinance after its effective date, where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of this ordinance and the appropriate zoning classification.

#### TA25-08: Miscellaneous Amendments

2. The division of land into parcels greater than 5 acres where street right-of-way dedication is not involved.
3. The public acquisition by purchase of strips of land for the widening or opening of streets or for public transportation system corridors or the location of public utility rights-of-way.
4. The division of a tract in single ownership whose entire area is no greater than two acres into not more than three lots, where street right-of-way dedication is not involved and where the resultant lots are equal to or exceed the standards of the Zoning Ordinance and Subdivision Ordinance.
5. The division of land into plots or lots for use as a cemetery.
6. The creation of a separate lot or property interest by a less than fee simple instrument, such as a lease, when the property interest created is divided from the original parcel for less than 10 years including option to renew.
7. The division of a tract or parcel into separate tracts or parcels, or the creation of interest in lots or parcels, by means of (a) a deed of trust, mortgage, or similar security interest solely for the purpose of securing any bona fide obligation (including transfers of such parcels or tracts pursuant to foreclosure or deeds in lieu of foreclosure) and (b) releases from the liens and operation of such deeds of trust, mortgages, or similar security interests.
8. Easements for the purposes of utilities, driveways, parking, footpaths, trails, or other similar purposes.
9. Proceedings to partition interests in lots or parcels pursuant to Chapter 46 of the North Carolina General Statutes (or any successor statute) resulting in the division of a lot or parcel into two or more lots or parcels except where the partition proceeding is brought to circumvent the provisions of this Ordinance.
10. Transfers of tracts or parcels by inheritance or bona fide gift.
11. Condemnation or deed in lieu of condemnation, by either a public or private condemner; provided, however, that the condemner must comply with the requirements of this ordinance as to the property acquired, either prior to the commencement of any development of the property acquired, or prior to the issuance of any building permit on the property acquired, or within six months following the date of acquisition, whichever occurs first.

## TA25-08: Miscellaneous Amendments

*Subdivision, Conservation.* A tract of land 40 acres or more that is subdivided into single family building lots at a gross density not exceeding 1 dwelling unit per 20 acres, where no new streets are created through the development process and use of the land is restricted by an irrevocable conservation easement held by a conservation organization authorized by N.C.G.S. § 121-35(1) et seq.

~~*Subdivision, Farmhouse Cluster.* A subdivision of land for up to six house lots accessed by way of a shared private drive with a minimum project area of 10 acres with a minimum of 30 feet of frontage on a public road either by fee simple ownership or by exclusive easement. Farmhouse Cluster developments do not require a Sketch Plan, except as specifically set out hereinbelow. A Farmhouse Cluster Plan shall demonstrate compliance with requirements of the Zoning Ordinance and include the following: an “Existing Features (Site Analysis) Plan” as detailed in Section 6.300 (1)(1-14), (2), and (3) of this Ordinance; a Four-Step Process as detailed in Section 6.300 (3) of this Ordinance; and a Preliminary Plan as detailed in Section 6.400 of this Ordinance.~~

Formatted: Font: Not Italic

*Subdivision, Limited.* A subdivision that is not otherwise exempt from the provisions of this ordinance and where the tract or parcel of land retained by the owner submitting the land for subdivision approval is in excess of ten (10) acres. For such subdivisions the owner shall be required to plat only the parcel(s) to be transferred or leased and only said parcel(s) shall be subject to the requirements of this ordinance.

*Subdivision, Major.* A subdivision not otherwise exempt from these regulations that involves any of the following:

1. The creation of any new public street, but does not include the public acquisition by purchase of strips of land for the widening or opening of streets or for public transportation system corridors or the location of public utility rights-of-way.
2. A future public school, park, greenway, or open space site shown in any adopted plan or policy document.
3. A multi-building site.
4. The installation of drainage improvements through one or more lots to serve one or more other lots.
5. The installation of a private wastewater treatment plant or a private water supply system for more than one lot or building site.

*Subdivision, Minor.* A subdivision that is five (5) lots or less, not otherwise exempt from the provisions of this ordinance and that is not a “Major Subdivision” as that term is defined in this Ordinance.

## TA25-08: Miscellaneous Amendments

~~For purposes of these regulations, notwithstanding the preceding definition of minor subdivisions Farmhouse Cluster developments are considered a minor subdivision, except as provided below. Farmhouse Cluster developments do not require a Sketch Plan, except as specifically set out hereinbelow. A Farmhouse Cluster Plan shall demonstrate compliance with requirements of the Zoning Ordinance and include the following: an “Existing Features (Site Analysis) Plan” as detailed in Section 6.300 (1)(1-14), (2), and (3) of this Ordinance; a Four-Step Process as detailed in Section 6.300 (3) of this Ordinance; and a Preliminary Plan as detailed in Section 6.400 of this Ordinance.~~

*Thoroughfare.* Any street (existing or proposed) on the adopted Comprehensive Transportation Plan (CTP) Highway Map. The words thoroughfare and arterial are used synonymously and indicate streets which are designated as freeways, boulevards, other major thoroughfares or minor thoroughfares.

*Thoroughfare Plan.* The most recent map adopted by the Metropolitan Planning Organization which indicates the system of roads expected to serve major access and travel needs with regard to auto, truck, and transit transportation. The words thoroughfare plan and arterial street plan are used synonymously.

*Through Lot.* A lot other than a corner lot with frontage on more than one street.

*Town Board.* The Board of Commissioners of the Town of Huntersville.

*Town Manager.* The Town Manager of the Town of Huntersville.

*Variance.* An action requesting consideration for relief from the strict enforcement of the standards of the ordinance where special circumstances or unusual considerations may exist on the parcel of land.

### 6.200B GENERAL REQUIREMENTS

1. **Consistency with adopted public plans and policies.** All subdivision of land approved under these regulations must comply with the most recently adopted public plans and policies for the area in which it is located. This includes general policy regarding development objectives for the area as well as specific policy or plans for public facilities such as streets, parks and open space, schools, and other similar facilities. Plans and policies for the community are on file in the offices of the Town of Huntersville.
2. **Access to parks, schools, etc.** Streets and sidewalks shall be designed to access to parks, greenways, playgrounds, schools, and other places of public assembly.



## TA25-08: Miscellaneous Amendments

Supplemental walkways not associated with streets may not be less than 10 feet in width and may be required to be large enough to provide vehicular access for maintenance vehicles.

3. **Half streets.** Whenever an existing half street is adjacent to a tract of land to be subdivided the other half of the street shall be platted within such tract.
4. **Access Between Adjoining Properties.** The purposes and design standards for Town streets, as further described in Article 5 of the Huntersville Zoning Ordinance, shall be met.
5. **Reservation and Dedication of Public School and Public Park Sites.** The subdivider shall determine if the tract of land to be subdivided appears in any adopted plan or policy document as a future public school or public park (including public greenways, or open spaces) by contacting the appropriate agency. The subdivider shall provide certification to the Planning Director or Designated Administrative Agent to indicate whether or not the area proposed to be subdivided includes any identified future public school or public park site. If no certification is provided, the Planning Director or Designee shall make the determination by contacting the appropriate agencies. If such site(s) are included in the area to be subdivided, the Planning Director or Designee will notify the appropriate agency of the proposed subdivision and its effect on the future public site. The appropriate agency must decide within 30 days if it wishes to reserve the site for future acquisition. If the site is not to be reserved, then the subdivision will be processed in the normal fashion. If the agency does wish to reserve the site, then the subdivision will not be approved without such reservation. The appropriate agency will have 18 months for future school sites and 12 months for future public park sites from the date of final approval of the subdivision or site plan to acquire the site by purchase, receipt of a dedication, or by initiating condemnation proceedings. If, at the end of the applicable period, none of the actions listed above have commenced, the subdivider may consider the land free of any reservation. The developer may also offer dedication of any public park that appears in any adopted plan or policy document as a future public park (including public greenways and open spaces).

Pursuant to N.C.G.S. § 160D-804(d), the Town , may accept payment of funds to be used to acquire or develop the open space and/or recreation areas which serve residents of more than one subdivision or development within the immediate area. All funds received pursuant to this subsection shall be used only for the acquisition or development of recreation, park, or open space sites. The formula to determine

## TA25-08: Miscellaneous Amendments

the amount of funds that are to be provided under this subsection shall be 300 percent of the pre-development property tax value of the subdivision site to be developed. A combination or partial payment of funds and partial dedication of land may be allowed when the Town Board determines that this combination is in the best interests of the citizens of the area to be served.

6. **Community Service Facilities.** When a tract of land that appears in any adopted plan or policy document as a future site for any community service facility, including but not limited to police and fire stations, libraries, public housing, and other public uses, falls within an area proposed to be subdivided, the Planning Director or Designated Administrative Agent will notify the appropriate agency of the proposed subdivision and its effect on the future community service facility site. The appropriate agency must decide within 30 days if it wishes to reserve the site for future acquisition. If the site is not to be reserved, then the subdivision will be processed in the normal fashion. If the agency does wish to reserve the site, then the subdivision will not be approved without such reservation. The subdivider may choose to dedicate the area to be reserved.
7. **Proposed street names.** Proposed street names shall be coordinated with Mecklenburg County staff or other designees.
8. **Easements.** Easements established to the width and in the locations required by the Consulting Engineer, Utility Department, or Town Engineering Department, shall be provided for open or piped storm drainage, sanitary sewers, water lines, and other utilities. This requirement applies to such lines installed at the time of the development of the subdivision, and to easements for such lines which may reasonably be expected to be installed in the future.
  - a. Where, at the time of preliminary plan approval, these systems are to be a part of the public water and sanitary sewerage system owned and operated by the Charlotte-Mecklenburg Utility Department, the preliminary subdivision plan shall be accompanied by a complete set of construction plans for the proposed systems, prepared by a registered engineer, which shall be required to meet the standards established by said utility owner/operator for connection to the system upon completion and dedication.
  - b. Where, at the time of preliminary plan approval, the proposed systems to serve more than one structure do not contemplate the use of facilities owned and operated by the Charlotte-Mecklenburg Utility Department, the

## TA25-08: Miscellaneous Amendments

proposed systems must be reviewed and approved by the agency or agencies with jurisdiction over the approval. This shall also include, but not be limited to, review and approval by Charlotte-Mecklenburg Utility Department to establish that construction plans meet public utility standards for adequacy and compatibility with the public system(s) in order to provide for the future orderly development of the town. Whether the proposed system serves one structure or more than one structure the developer must provide evidence prior to preliminary plan approval of the required discharge permit or a perk test for sewage disposal on each lot, whichever is applicable. Where lots are to be served by septic tank systems, the preliminary plan and the final plat shall clearly label any lots which do not perk and for which a building permit shall not be issued until alternate sewage disposal methods are available to such lots. Prior to final plat approval, evidence must be provided that both the sewage and water system designs have been approved for construction. Prior to the issuance of any certificate of occupancy for any structure, evidence must be provided that both the water and sewer systems have been approved and are operational for the structures in question.

9. **Proposed Water and Sewerage System.** At the sketch plan stage, the subdivision plan shall contain information as to the availability and method of providing potable water and a system of sanitary sewage collection and disposal. The preliminary subdivision plan must be accompanied by satisfactory evidence as to the proposed method of providing potable water and a system of sanitary sewage collection and disposal.
10. **Restrictions on the subdivision of land subject to flooding.** Lots that are subject to flooding shall comply with the provisions of Section 7.280.
11. **Open Space.** Open space, where required, shall be consistent with the standards established in Article 7 of the Huntersville Zoning Ordinance.
12. **Mature Trees and Vegetation.** The purposes and development standards for landscaping, as further defined in Article 7 of the Zoning Ordinance, shall be met.
13. **Through Traffic.** Methods to prevent high-volume, high-speed traffic shall be employed using street geometry, intersection design, and other traffic calming measures.
14. **Impact of Development on Public Facilities.** When reviewing subdivisions, the town shall consider the impacts the proposed development will have on public facilities, including traffic network infrastructure, in light of the requirements of

TA25-08: Miscellaneous Amendments

Section 6.300(13) and Article 14 of the Town Zoning Ordinance, as applicable. The developer shall demonstrate the proposed subdivision is in compliance with the Intersection Capacity Utilization Percentage Standards as set forth in Article 14.4 of the Zoning Ordinance, and where applicable, the developer may provide mitigation measures to satisfy the requirements of Article 14 of the Zoning Ordinance. Examples of mitigation measures include altering development layout and plans, providing improvements at nearby intersections to address impacts of that development (not existing deficiencies), and providing street connections to adjoining property for safe and efficient movement of traffic, as further provided in Section 6.300(13) and Article 14 of the Zoning Ordinance.

**6.310 SKETCH PLAN NOT REQUIRED FOR MINOR SUBDIVISIONS**

A sketch plan shall not be required for a Multi-building site or a Minor Subdivision, ~~except for Section 6.300(1)(14) and Section 6.300(3), which are required for Farmhouse Cluster developments.~~

Formatted: Font: +Body (Aptos), 12 pt

**6.315 SKETCH PLAN NOT REQUIRED FOR FARMHOUSE CLUSTERS**

~~Farmhouse Cluster developments do not require a Sketch Plan, except as specifically set out hereinbelow. A Farmhouse Cluster Plan shall demonstrate compliance with requirements of the Zoning Ordinance and include the following: an "Existing Features (Site Analysis) Plan" as detailed in Section 6.300 (1)(1-14), (2), and (3) of this Ordinance; a Four-Step Process as detailed in Section 6.300 (3) of this Ordinance; and a Preliminary Plan as detailed in Section 6.400 of this Ordinance.~~

Formatted: Font: 12 pt, Bold, Font color: Auto

Formatted: Font: Bold

Formatted: Heading 1, Left, Space After: 0 pt, Pattern: Clear

Formatted: Font: +Body (Aptos)

Formatted: Font: +Body (Aptos), Bold

**6.300 SKETCH PLAN REQUIRED FOR MAJOR SUBDIVISIONS**

1. Prior to the filing of an application for approval of a major subdivision Preliminary Plan, a Sketch Plan shall be submitted to the Planning Director and any Designated Administrative Agent for review. When submitted, this **Sketch Plan shall be on a topographical map showing original contours at intervals of not less than four feet highlighting slopes over 25% and existing tree lines.** It shall show in sketch form the proposed layout of streets, lots, and other features in relation to existing conditions. It shall include the following information:

1. The boundary lines of the property being subdivided;
2. Water courses on the land to be subdivided;
3. The location, names, and rights-of-way of any existing streets on or within 300 feet of the land to be subdivided;

#### TA25-08: Miscellaneous Amendments

4. The location of all property lines which intersect the boundaries of the property being subdivided; the zoning district of each adjacent property;
5. Rough finished grades, the location of proposed streets, lots, parks or other open spaces, reservations, building lines, street cross-sections, number and type of buildings, and the location of any building restriction flood lines required by Section 7.280;
6. Zoning information for the proposed project site;
7. Proposed front, rear, and side yard dimensions for each building type along each street type;
8. For projects within a regulated watershed protection area, the location of required buffers and high density option detention, if applicable;
9. The location of general buffers or screens required for the project area, as a whole;
10. The scale of the plan, which shall not be smaller than 100 feet to the inch; north point; date;
11. A small scale vicinity map.
12. Information necessary to evaluate the proposed development site for compliance with the water quality standards of Section 8.17 of the Huntersville Zoning Ordinance and the Performance Criteria as detailed in Section 9 of the Huntersville Water Quality Design Manual. Further, the Site Evaluation Tool (SET) output shall be submitted for each proposed development site. Section 9 of the Huntersville Water Quality Design Manual contains detailed information concerning the submission requirements for SET.
- 13. Traffic Impact Assessments; Physical Analysis.**
  1. a Traffic Impact Assessment for certain subdivisions, as required by Article 14 of the Town Zoning Ordinance, which is hereby incorporated by this reference.
14. An "Existing Features (Site Analysis) Plan" shall be submitted as part of the sketch plan application and for Farmhouse Cluster developments in order to determine significant features to be preserved. It is recommended a pre-application meeting with the administrator be held to review the Existing Features Plan prior to submission of the sketch plan. The Existing Features

## TA25-08: Miscellaneous Amendments

(Site Analysis) Plan analyzes each site's special features, as they form the basis of the design process for open space lands, building locations, street alignments, and lot lines. Detailed requirements for Existing Features Plans at the minimum must include:

1. The location and area calculations of constraining features including wetlands, slopes over 25%, watercourses, intermittent streams and floodways, S.W.I.M. buffers (outside of floodways), watershed buffers, and all rights-of-way and easements (current and future);
  2. The location of significant features such as woodlands, tree lines, specimen and heritage trees, open fields or meadows, scenic views into or out of the property, watershed divides and drainage ways; existing structures, cemeteries, roads, tracks and trails; significant wildlife habitat; prime agricultural farmland; historic, archeological and cultural features listed (or eligible to be listed) on national, state or county registers or inventories; and aquifers and their recharge areas;
  3. The location of existing or planned utility easements (above and below ground) to include, but not limited to power/transmission, water, sewer, gas, phone, and cable;
  - ~~4.~~ A topographical map showing original contours at intervals of not less than four feet and existing tree lines;
  - ~~4.5.~~ Proposed limits of disturbance.
2. The Existing Features (Site Analysis) Plan shall identify areas to be preserved as described in Section 7.12 of the Huntersville Zoning Ordinance. These areas comprise the development's proposed open space, the location of which shall be consistent with the locational design criteria listed in Section 7.12 of the Huntersville Zoning Ordinance. The Existing Features (Site Analysis) Plan shall form the basis for the conceptual Sketch Plan, which shall show the tentative location of buildings, streets, lot lines and greenway lands in new subdivisions, according to the four-step design process described below.
  3. **Four-Step Process. Within the Rural and Transitional zoning district,** each Sketch Plan shall follow a four-step design process as described below. When the conceptual Sketch Plan is submitted, applicants shall be prepared to demonstrate to the town that these four design steps were followed by their site designers in determining the layout of their proposed streets, house lots, and open space.

## TA25-08: Miscellaneous Amendments

1. **Designating the Open Space.** During the first step all potential preservation areas are identified, using the Existing Features (Site Analysis) Plan. Areas to be designated should consist of wetlands, floodways, flood fringe, and significant trees as well as sensitive and noteworthy natural, scenic and cultural resources on the property.
2. **Location of House Sites.** During the second step, potential house sites are tentatively located. Because the proposed location of houses within each lot represents a significant decision with potential impacts on the ability of the development to meet the evaluation criteria contained in Section 7.13 of the Huntersville Zoning Ordinance, subdivision applicants shall identify tentative house sites on the conceptual Sketch Plan.
3. **Street and Lot Layout.** The third step consists of aligning proposed streets to provide vehicular access to each house in the most reasonable and economical way. When lots and access streets are laid out, they shall be located in a way that avoids or at least minimizes adverse impacts on both the Primary and Secondary Conservation Areas. To the greatest extent practicable, wetland crossings shall be strongly discouraged.
4. **Lot Lines.** The fourth step is simply to draw in the lot lines where applicable.

### 6.320 REVIEW OF MAJOR SUBDIVISION SKETCH PLAN

1. Upon submission, the Planning Director and any Designated Administrative Agent shall have fifteen (15) working days to review and comment on the Sketch Plan. Upon completion of review, Planning Staff shall provide comments to the subdivider on any portions of the Sketch Plan that are not in compliance with the Town's Sketch Plan submission requirements or the Town's Zoning and Subdivision Ordinances.
2. The subdivider shall address all Town Staff comments prior to refining a revised Sketch Plan with the Planning Department. If subsequent corrections or changes to a sketch plan are necessary, the reviewer shall have fifteen (15) working days to review any revised sketch plan.
3. A written report of at least one community meeting held by the subdivided must be submitted before acceptance of the second review cycle within forty-five (45) days of the initial filing of the sketch plan for review by the Planning Department. Community meetings for major subdivision applications submitted with conditional district rezoning applications shall defer to the timeline for community meetings set

TA25-08: Miscellaneous Amendments

~~forth in Article 11 of the Zoning Ordinance.~~ The community meeting shall not be held on ~~regularly~~ scheduled Town of Huntersville Board of Commissioners ~~and or~~ Planning Board meeting nights. Notice of such a meeting shall be provided to all of the following via certified mail using the parcel ownership information listed in the current Mecklenburg County tax records:

1. Owner of each property petitioned for subdivision
2. Owner of each abutting property
3. Owner of each property within 250 feet of the petitioned property
4. Owner of each property directly across a street, easement, or right-of-way, public or private, from the petitioned property
5. Owner of each property across a street, easement, or right-of-way, and within 250 feet of the right-of-way boundary opposite the petitioned property
6. Contact person for each neighborhood association, property owner association, and homeowner association registered with the Town Planning Department that has jurisdiction over property within 2000 feet of any portion of the subdivision site (distance scaled on a Town of Huntersville or Mecklenburg County official map).

The report shall include, among other things, a listing of those persons and organizations contacted about the meeting and the manner and date of contact, the date, time, and location of the meeting, a roster of the persons in attendance at the meeting, a copy of any materials presented at the meeting, a summary of issues discussed at the meeting, including changes suggested by the participants and a description of any changes to the subdivision petition made by the petitioner as a result of the meeting. In the event the subdivider has not held at least one meeting pursuant to this paragraph, the subdivider shall file a report documenting efforts that were made to arrange such a meeting and stating the reasons such a meeting was not held. The adequacy of a meeting held or report filed pursuant to this paragraph shall be considered but shall not be subject to judicial review.

4. Within 30 days of receiving the final Sketch Plan, the Planning Director or Designated Administrative Assistant shall prepare a written decision setting forth findings concerning the application's compliance with applicable regulations. If the staff decision proposes a finding or conclusion that the application fails to comply with applicable regulations, it shall identify the requirement in question and specifically state supporting reasons for the



## TA25-08: Miscellaneous Amendments

proposed findings or conclusions. Notice of the decision to approve or deny a sketch plan shall be provided in accordance with N.C.G.S. § 160D-403. Administrative decisions to deny approval of a sketch plan may be appealed in accordance with Section 4.000.

### **6.400 PRELIMINARY PLAN REQUIREMENTS**

The preliminary subdivision plan must be drawn to the following specifications and must contain or be accompanied by the information listed below. No processing or review of a preliminary plan will proceed without all of the information listed. Construction of state standard roads shall be in accordance with NCDOT regulations. For Town streets, the standards of Article 5 of the Huntersville Zoning Ordinance and Engineering Standards and Procedures Manual shall control.

1. The boundary of the area to be subdivided and the location within the area, or contiguous to it, of any existing streets, railroad line, water courses, easements or other significant features of the tract.
2. The location, size, elevations of existing sanitary sewers, storm drains, and culverts within the tract and immediately adjacent thereto.
3. Original contours, including tree lines, shown at intervals of not less than 4 feet for the entire area to be subdivided and extended into adjoining property for a distance of 300 feet at all points where street rights-of-way connect to the adjoining property. These contours shall be referenced to mean sea level datum established by the U.S. Coast and Geodetic survey. Proposed contours for the full width of all street rights-of-way, along open drainage channels and in all other portions of the subdivision where extensive grading is proposed must be shown. These requirements shall not apply where the size of the subdivision and the topography make such information unnecessary.
4. The location of proposed streets, alleys, easements, lots, parks or other open spaces, reservations, other property lines, front build-to lines and rear and side yard dimensions for each lot, street dimensions, tentative building locations, and the location of any building restriction flood lines required by Section 7.280. The location and area calculations of constraining features including wetlands, slopes over 25%, watercourses, intermittent streams and floodways, S.W.I.M. buffers (outside of floodways), watershed buffers, and all rights-of-way and easements (current and future).
5. The location of all proposed storm drains and appurtenances with grades, inverts, and sizes indicated, together with a map of the drainage area or areas tributary to

#### TA25-08: Miscellaneous Amendments

the proposed storm drains, a copy of the data used in determining the sizes of drainage pipes and structures, and the Building Restriction Floodline and Flood Protection Elevation for each lot subject to flooding as defined in Section 7.280.

6. The name of the subdivision; the name and signature of the owner or the owner's duly authorized agent; the name of the surveyor, engineer or designer; the names of proposed streets; the names of adjoining subdivisions or property owners. The name assigned to the subdivision and the names assigned to streets at this time will be used throughout the review and approval process for preliminary and final plats and may not be changed without approval of the Planning Director and or Designated Administrative Agent.
7. The scale of the plan which shall not be smaller than 100 feet to the inch, north point, date.
8. Typical cross sections of internal or abutting streets showing width, sidewalk, and planting details and proposed construction of roadways.
9. Proposed profiles of roadways. Where a proposed street is an extension of an existing street the profile shall be extended to include 300 feet of the existing roadway and storm drains if present and a cross section of the existing street shall be shown. Where a proposed street within the subdivision abuts a tract of land that adjoins the subdivision and where said street may be expected to extend into said adjoining tract of land, the profile shall be extended to include 300 feet of the said adjoining tract.
10. The proposed method of water supply and sewer disposal.
11. A small scale vicinity map showing the location of the subdivision with respect to adjacent streets and properties.
12. The location of any existing LCID landfills on the site and the location of any proposed LCID landfills on the site.
13. A timetable for estimated project completion of the area covered by the preliminary plan.
14. The zoning district(s) in which the project is located.
15. For projects in the Mountain Island Lake Watershed Overlay District, the calculated built-upon area permitted for each building lot, taking into account permanently preserved open space.

#### TA25-08: Miscellaneous Amendments

16. For subdivisions within which open space is required, a draft of the documents by which irrevocable preservation of open space shall be assured.
17. A Landscape/Preservation Plan is required for all subdivisions. Items to be included on the plan are as follows:
  1. Project Name
  2. Owner Name
  3. Landscape Architect's seal and signature
  4. Tree save calculations
  5. Tree save areas – must also be shown on all sheets to be included within the Preliminary Plan
  6. Street Trees Proposed
  7. Additional trees to be planted to meet minimum tree save requirements and appropriate table (if any)
  8. Individual residential lot trees and a table showing total amount by lot type
  9. Internal/Perimeter landscaping for parking lots
  10. Landscape easements properly labeled – must also be shown on the site plan and final plat
  11. Notes on plan related to maintenance of street trees by individual homeowner or homeowners association – must also be noted on all preliminary plans and final plats to be recorded and documented within the homeowner's covenants and restrictions.
  12. Proposed utilities in relation to tree save areas.
18. **Storm Water Permit Application.** A Storm Water Permit Application shall be submitted along with preliminary plans for each proposed development. The permit application shall demonstrate compliance with Section 8.17.6, Performance Criteria of the Huntersville Zoning Ordinance, unless otherwise exempted. The storm water permit application shall contain computations, drawings, soil analyses, calculations for each **BMPSCM**, and overall site hydrology calculations as well as other information sufficient to describe the manner, location, and type of measures for managing storm water from the development in compliance with Section 8.17.6. In addition, the permit application shall specify those parties responsible for long-

## TA25-08: Miscellaneous Amendments

term maintenance of all **BMPsSCMs**. The Town Staff shall review the permit application to determine compliance with the approved Performance Criteria. Approval of the storm water permit application by the Town Staff is required prior to the initiation of land disturbing activities and said storm water permit application shall serve as the basis for all subsequent construction.

### 7.290 LOTS WITHIN THE MOUNTAIN ISLAND LAKE WATERSHED PROTECTION AREA

The purpose of the Mountain Island Lake Watershed Protection Area is to provide for the protection of public water supplies as required by the North Carolina Water Supply Watershed Protection Act and regulations promulgated thereafter.

Mountain Island Lake Watershed Protection Area is that area within Mecklenburg County which contributes surface drainage into Mountain Island Lake and which is bounded as follows: Beginning at the Mountain Island Lake Dam on the Catawba River and proceeding along the ridgeline in an easterly direction to Rozzelle's Ferry Road and proceeding thence in a south easterly direction, along Rozzelle's Ferry Road to the intersection of Mt. Holly-Huntersville Road, and thence proceeding along Mt. Holly-Huntersville Road in a northeasterly direction to the intersection of Hambright Road and thence proceeding in an easterly direction along Hambright Road to N.C. 115 and thence proceeding in a northerly direction along N.C. 115 to the intersection of N.C. 73 and thence in a westerly-southwesterly direction along N.C. 73 to the Lake Norman Dam and thence proceeding in a southerly direction along the Catawba River to the beginning point.

A map showing the Mountain Island Lake Watershed Protection Area and the subareas CA1, CA2, CA3, CA4, PA1, PA2, and PA3 is incorporated into the Official Zoning Map, In any event of any difference or inconsistency between the areas as depicted on the map and the definition, the map or definition which describes or depicts the greater geographical area shall control. Should these subareas be more specifically defined in the Huntersville Zoning Ordinance by use of major landmarks such as roads and property lines to adjust the subarea boundaries, the subarea boundaries as described in the Zoning Ordinance shall control over those described in this ordinance.

#### 1. Exceptions to applicability.

1. Existing development, as defined in this section, is not subject to the requirements of the Mountain Island Lake Watershed Overlay District.
2. An existing lot owned prior to the effective date of this ordinance, regardless of whether or not a vested right has been established, may be developed for single family residential purposes subject only to the buffer requirements of

## TA25-08: Miscellaneous Amendments

sub-sections 3. or 4. of this section, whichever is applicable; however, this exemption is not applicable to multiple contiguous lots under single ownership.

3. Existing public utilities may expand without being subject to the restrictions of this part provided that:
  1. Such expansion complies with all applicable laws of the State of North Carolina and the United States of America; and
  2. Discharges associated with the existing public utilities may be expanded, however the pollutant load shall not be increased beyond presently permitted levels.

This Section 7.290 shall not require private property owners to install new or increased stormwater controls for (i) preexisting development or (ii) redevelopment activities that do not remove or decrease existing stormwater controls. When a preexisting development is redeveloped, either in whole or in part, increased stormwater controls shall only be required for the amount of impervious surface being created that exceeds the amount of impervious surface that existed before the redevelopment. Provided, however, a property owner may voluntarily elect to treat all stormwater from preexisting development or redevelopment activities described herein for the purpose of exceeding allowable density under the applicable water supply watershed rules as provided in N.C.G.S. § 143-214.5(d3) and as further described in Article 3 of the Town of Huntersville Zoning Ordinance.

2. **Definitions.** For the purpose of this section the following terms will have the definitions indicated below.

~~*BMPs. Best Management Practices. A structural or non-structural management-based practice used singularly or in combination to reduce non-point source input to receiving waters in order to achieve water quality protection goals.*~~

~~*Non-structural BMPs. Non-engineered methods to control the amount of non-point source pollution. These may include land-use controls and vegetated buffers.*~~

~~*Structural BMPs. Engineered structures that are designed to reduce the delivery of*~~

## TA25-08: Miscellaneous Amendments

~~pollutants from their source or to divert contaminants away from the water supply. Structural BMPs allowed for use under the High Density Option are those which have been approved by the North Carolina Division of Water Quality and Mecklenburg County. These are wet detention ponds, extended dry detention ponds, and grass swales.~~

*Buffer.* A natural or vegetated area through which stormwater runoff flows in a diffuse manner so that the runoff does not become channelized, and which provides for infiltration of the runoff and filtering of pollutants. The buffer is measured landward from the normal pool elevation of impounded structures and from the bank of each side of streams or rivers.

*Built-upon Area (B.U.BUA).* ~~Built-upon areas shall include that portion of a development project and/or lots that are covered by impervious or partially impervious cover including buildings, pavement, gravel areas (e.g. roads, parking lots, paths), recreation facilities (e.g. tennis courts), etc. (NOTE: Wooden slatted decks and the water area of a swimming pool are considered pervious.)~~

~~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.~~

~~For the purposes of this section, 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.~~

Formatted: Underline

Formatted: Normal, Indent: Left: 0.25", No bullets or numbering

Formatted: Underline

## TA25-08: Miscellaneous Amendments

(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.

*Critical Area.* The area adjacent to a water supply intake where risk associated with pollution is greater than from the remaining portions of the watershed. The critical area of the Mountain Island Lake Watershed Protection Area is divided into four subareas as follows:

- **CA1 - Lower Gar Creek.** From normal pool elevation of Mountain Island Lake extending up Gar Creek to Beatties Ford Road and to approximately the ridgeline along the north side of Gar Creek and to Mt. Holly-Huntersville Road on the south side of Gar Creek.
- **CA2 - Upper Gar Creek.** From Beatties Ford Road upstream along Gar Creek to the limits of the Gar Creek drainage basin and to approximately the ridgeline along either side of Gar Creek.
- **CA3 - McDowell Creek.** From normal pool elevation of Mountain Island Lake extending one mile upstream on McDowell Creek and to approximately the ridgeline along either side of McDowell Creek.
- **CA4 - Lake Front.** Extending landward one half mile from normal pool elevation along Mountain Island Lake and the Catawba River between Cowan's Ford Dam and Mountain Island Lake Dam.

*Discharging Landfill.* A landfill which discharges treated leachate and which requires a National Pollution Discharge Elimination System (NPDES) permit.

*Existing Development.* Existing development, as defined for the purpose of this section, means projects that are built or projects that at a minimum have established a vested right under North Carolina zoning law as of the effective date of the amendment incorporating Water Supply Watershed Regulations into the Huntersville Subdivision Ordinance based on at least one of the following criteria:

1. Substantial expenditures of resources (time, labor, money) based on a good faith reliance upon having received a valid local government approval to proceed with the project; or
2. Having an outstanding valid building permit; or

## TA25-08: Miscellaneous Amendments

3. Having an approved site specific or phased development plan under the provisions of Section 2.2.2 of the Huntersville Zoning Ordinance.

*Nonconforming Lot of Record.* A lot described by a plat or added that was recorded prior to the effective date of this ordinance (or its amendments) that does not meet the minimum lot size or other development requirements of this ordinance.

*Normal Pool Elevation.* The Mountain Island Lake normal pool elevation which is at contour interval 648 feet above the Mean Sea Level, United States Geological Survey (U.S.G.S.) Datum.

*Perennial Stream.* A stream or creek containing a continuous natural flow of water throughout the year except possibly under exceptionally dry conditions. They are identified on United States Geological Survey Quadrangle Maps by solid blue lines.

*Protected Area.* The area adjoining and upstream of the Critical Areas and encompassing the remainder of the watershed where risk of water quality degradation from pollution is less than in the Critical Area. The Protected Area is divided into three subareas as follows:

- **PA1.** The area extending from the outer limits of the critical areas to five hydrologic miles from the normal pool elevation and draining to Mountain Island Lake.
- **PA2.** The area extending from the outer limit of the PA1 area where it intersects with N.C. 73 and running in a north-northeasterly direction along N.C. 73 to the intersection of I-77 and thence proceeding in a southerly direction along I-77 to the intersection of Gilead Road and thence in an easterly direction along Gilead Road to the intersection of N.C. 115 and thence in a southerly direction along N.C. 115 to the intersection of Hambright Road and thence in a westerly direction along Hambright Road to the intersection of Mt. Holly-Huntersville Road and thence in a northwesterly direction along the outer limits of the CA2 and PA1 areas to the beginning point.
- **PA3.** The area extending from the outer limits of the PA2 area to the limits of the Mountain Island Lake Watershed.



Stormwater Control Measure (SCMs). A structural or nonstructural management based practice used singularly or in combination to reduce non-point source input to receiving waters in order to achieve water quality protection goals described as follows:

Formatted: Font: Italic

- c. Non-structural SCMs – Non-engineering methods to control the amount of non-point source pollution. These may include land-use controls and vegetated buffers.
- d. Structural SCMs – Engineered structures that are designed to reduce the delivery of pollutants from their source or to divert contaminants away from a water body.

*Septic Tank System.* A ground absorption sewage disposal system consisting of a holding or settling tank and a ground absorption field.

*Watershed.* The entire land area contributing surface drainage into a stream, creek, lake or other body of water.

*Water Dependent Structures.* Those structures for which the use requires access or proximity to or siting within surface waters to fulfill its basic purpose, such as boat ramps, boat houses, docks, piers, bulkheads and similar structures. Ancillary facilities such as restaurants, outlets for boat supplies, parking lots, and commercial boat storage areas are not water dependent structures.

**3. Critical area development standards.** Only development activities that require an erosion/ sedimentation control plan under Mecklenburg County regulations, as may be amended from time to time, are required to meet the development standards of this subsection.

For individual buildings or for development projects within the Critical Areas, the following **impervious area limitations** are established on a building or project basis, respectively:

|     |                                     |
|-----|-------------------------------------|
| CA1 | 6% <del>B-U-BUA</del> <sup>1</sup>  |
| CA2 | 12% <del>B-U-BUA</del> <sup>1</sup> |
| CA3 | 12% <del>B-U-BUA</del> <sup>1</sup> |
| CA4 | 24% <del>B-U-BUA</del> <sup>1</sup> |

<sup>1</sup> Residential subdivisions approved after 2/17/03 shall reserve, at minimum, 1% of the lot area but in no case less than 150 sq. ft. impervious area per lot to allow for addition of future impervious areas by homeowner/occupant

#### TA25-08: Miscellaneous Amendments

Notwithstanding the above, an applicant shall be allowed to exceed the allowable Built-Upon Area (density) under the water supply watershed rules if all of the following circumstances apply:

1. The property was developed prior to October 1, 1993, the effective date of the local water supply watershed program.
2. The property has not been combined with additional lots after January 1, 2021.
3. The property has not been a participant in a density averaging transaction as provided in Article 3 of the Zoning Ordinance.
4. The current use of the property is nonresidential.
5. In the sole discretion, and at the voluntary election, of the property owner, the stormwater from all of the existing and new built-upon area on the property is treated in accordance with all applicable local government, State, and federal laws and regulations.
6. The remaining vegetated buffers on the property are preserved in accordance with this Section.

**Vegetative buffers** are required in the Critical Areas along the shoreline of Mountain Island Lake, measured from the normal pool elevation, and along all perennial streams, measured from the bank on each side of the stream.

|                  |                                                                 |
|------------------|-----------------------------------------------------------------|
| CA1              | 100 feet or 100-year flood plain boundary, whichever is greater |
| CA2              | 100 feet or 100-year flood plain boundary, whichever is greater |
| CA3              | 100 feet or 100-year flood plain boundary, whichever is greater |
| CA4 (lake shore) | 100 feet                                                        |

No permanent structures, impervious covers, septic tank systems or any other disturbance of existing vegetation shall be allowed within the buffer except as follows:

1. No trees larger than 2 inch caliper are to be removed except for dead or diseased trees. Undergrowth and trees less than 2 inch caliper may be removed to be replaced by an effective stabilization and filtering ground cover based upon

TA25-08: Miscellaneous Amendments

Mecklenburg County Water Quality Program guidelines and as approved on a plan submitted to the Mecklenburg County Water Quality Program.

2. Streambank or shoreline stabilization is allowed as approved on a plan submitted to the Town Engineering Department and the Mecklenburg County Water Quality Program.
3. Water dependent structures and public projects such as road crossings and greenway paths are allowed where no practical alternatives exist. These activities should minimize built-upon area, direct runoff away from surface waters, and maximize the utilization of nonstructural ~~BMP's~~ ~~SCM's~~ and pervious materials.
4. The Town can require enhancement of the existing vegetation in the buffer if necessary so that the buffer can effectively perform its filtering and absorption functions based on the most recent edition of the "Watershed Buffer Guidelines for Mecklenburg County, NC".

**4. Protected area development standards.** Only development activities that require an erosion/sedimentation control plan under the Town of Huntersville regulations, as may be amended from time to time, are required to meet the development standards of Section 7.290.4 of this ordinance.

For individual buildings or for development projects within Protected Areas 1 and 2, the following **impervious area limitations** are established on a building or project basis, respectively:

|                                                     |                                                                                                                                         |
|-----------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------|
| PA1 and PA2, low density option                     | 24% <del>B:U:BUA</del> with curb and gutter streets <sup>1</sup><br>36% <del>B:U:BUA</del> without curb and gutter streets <sup>1</sup> |
| PA1 and PA2, high density option, where permitted** | 70% <del>B:U:BUA</del> with <del>BMPSCM</del>                                                                                           |

<sup>1</sup> Residential subdivisions approved after 2/17/03 shall reserve, at minimum, 1% of the lot area but in no case less than 150 sq. ft. impervious area per lot to allow for addition of future impervious areas by homeowner/occupant

TA25-08: Miscellaneous Amendments

Notwithstanding the above, an applicant shall be allowed to exceed the allowable Built-Upon Area (density) under the water supply watershed rules if all of the following circumstances apply:

1. The property was developed prior to October 1, 1993, the effective date of the local water supply watershed program.
2. The property has not been combined with additional lots after January 1, 2021.
3. The property has not been a participant in a density averaging transaction as provided in Article 3 of the Zoning Ordinance.
4. The current use of the property is nonresidential.
5. In the sole discretion, and at the voluntary election, of the property owner, the stormwater from all of the existing and new built-upon area on the property is treated in accordance with all applicable local government, State, and federal laws and regulations.
6. The remaining vegetated buffers on the property are preserved in accordance with this Section.

**Vegetative buffers** are required in the Protected Areas along all perennial streams, measured from the bank on each side of the stream.

\*\* STRUCTURAL ~~BMP'S~~SCM'S. Wet detention ponds, or alternative stormwater management measures limited to extended dry detention ponds and grass swales, are required where the High-Density Option is permitted within the Protected Area. Other types of Structural ~~BMP's~~SCM's may also be required.

|                          |                                        |
|--------------------------|----------------------------------------|
| PA1, low density option  | 50 feet                                |
| PA2, low density option  | 30 feet; 50 feet for agricultural uses |
| PA1, high density option | 100 feet                               |
| PA2, high density option | 100 feet                               |

In the PA1 and PA2 subareas non-impervious recreational development and non-impervious pedestrian trails may be allowed in the required buffer if located a minimum of 30 feet from the stream bank.

**High density option** is permitted in subareas PA1 and PA2.

5. **Posting of financial security required.** When Structural ~~BMPs~~ **SCMs** (wet detention ponds and all other ~~BMPs~~ **SCMs**) are required under the High Density Option, the approval of the High Density Development Permit will be subject to developer compliance with Section 8.400 of the Huntersville Subdivision Ordinance.

#### **7.295 LOTS WITHIN THE LAKE NORMAN WATERSHED PROTECTION AREA**

The purpose of the Lake Norman Watershed Overlay District is to provide for the protection of public water supplies as required by the North Carolina Water Supply Watershed Protection Act and regulations promulgated thereafter.

The Lake Norman Watershed Protection Area is that area within the jurisdiction of the Town of Huntersville which contributes surface drainage into that portion of the Catawba River known as Lake Norman and its tributaries. The Lake Norman Watershed Protection area is specifically defined on the Huntersville Zoning Maps with the designation LN-O (Lake Norman Overlay District).

##### **1. Exceptions to applicability.**

1. Existing development, as defined in Section 7.290, subsection 2., is not subject to the requirements of the Lake Norman Watershed Overlay District.
2. An existing lot owned prior to the effective date of this ordinance, regardless of whether or not a vested right has been established, may be developed for single family residential purposes subject only to the buffer requirements of subsection 3. of this section; however this exemption is not applicable to multiple contiguous lots under single ownership.
3. Existing public utilities may expand without being subject to the restrictions of this part provided that:
  1. Such expansion complies with all applicable laws of the State of North Carolina and the United States of America; and
  2. Discharges associated with the existing public utilities may be expanded, however the pollutant load shall not be increased beyond presently permitted levels.

This Section 7.290 shall not require private property owners to install new or increased stormwater controls for (i) preexisting development or (ii) redevelopment activities that do not remove or decrease

TA25-08: Miscellaneous Amendments

existing stormwater controls. When a preexisting development is redeveloped, either in whole or in part, increased stormwater controls shall only be required for the amount of impervious surface being created that exceeds the amount of impervious surface that existed before the redevelopment. Provided, however, a property owner may voluntarily elect to treat all stormwater from preexisting development or redevelopment activities described herein for the purpose of exceeding allowable density under the applicable water supply watershed rules as provided in N.C.G.S. § 143-214.5(d3) and as further described in Article 3 of the Town of Huntersville Zoning Ordinance.

2. **Definitions.** The definitions below supplement the definitions of section 7.290, subsection 2.

*Lake Norman Watershed Critical Area.* The Lake Norman Critical Area is defined as the land area which begins at the normal pool elevation of Lake Norman and extends one-half mile inland or to the ridgeline, whichever is closest, as shown more specifically on the Huntersville Zoning Maps.

*Lake Norman Normal Pool Elevation.* The Lake Norman normal pool elevation, which is at contour interval 760 feet above Mean Sea Level, as determined by United States Geological Survey (U.S.G.S.) Datum.

3. **Lake Norman critical area development standards.** Only development activities that require an erosion/sedimentation control plan under the Town of Huntersville regulations, as may be amended from time to time, are required to meet the development standards of this subsection.

For individual buildings or for development projects within the Lake Norman Watershed Critical Area, the following impervious area limitations are established on a building or project basis, respectively:

|                         |                                                                            |
|-------------------------|----------------------------------------------------------------------------|
| CA, low density option  | 24% <del>B-U</del> .BUA <sup>1</sup>                                       |
| CA, high density option | 50% <del>B-U</del> .BUA with Structural BMP <sup>1</sup> *SCM <sup>1</sup> |

4. <sup>1</sup>Residential subdivisions approved after 2/17/03 shall reserve, at minimum, 1% of the lot area but not less than 150 sq. ft. impervious area per lot to allow for

**addition of future impervious areas by homeowner/occupant**

**Vegetative buffers** are required along the shoreline of Lake Norman measured from the normal pool elevation and along each side of all perennial streams measured from the top of stream bank. Minimum buffer widths are:

|                         |          |
|-------------------------|----------|
| CA, low density option  | 50 feet  |
| CA, high density option | 100 feet |

5. No permanent structures, impervious covers, septic tank systems or any other disturbance of existing vegetation shall be allowed within the buffer except as follows:
  1. No trees larger than 2-inch caliper are to be removed except for dead or diseased trees. Undergrowth and trees less than 2 inch caliper may be removed to be replaced by an effective stabilization and filtering ground cover based upon the most recent edition of the “Watershed Buffer Guidelines for Mecklenburg County, NC” and as approved by the Mecklenburg County Water Quality Program.
  2. Stream bank or shoreline stabilization is allowed as approved on a plan submitted to the Town Engineering Department and the Mecklenburg County Water Quality Program.
  3. Water dependent structures and public projects such as road crossings and greenway paths are allowed where no practical alternatives exist. These activities should minimize built-upon area, direct runoff away from surface waters, and maximize the utilization of nonstructural ~~BMP's~~ SCM's and pervious materials.
  4. The Town can require enhancement of the existing vegetation in the buffer, if necessary, so that the buffer can effectively perform its filtering and absorption functions based on Mecklenburg County Water Quality Program guidelines.
  5. Non-impervious recreational development and non-impervious pedestrian trails are allowed in the required buffer if located a minimum of 30 feet from the stream bank.

**High density option** is permitted in the Lake Norman Critical Area.

6. **Posting of financial security required.** When Structural ~~BMPs-SCMs~~ (wet detention ponds and all other ~~BMPsSCMs~~) are required under the High Density Option, the approval of the High Density Development permit will be subject to developer compliance with Section 8.400 of the Huntersville Subdivision Ordinance.

### 7.300 DESIGN STANDARDS FOR SWIM (SURFACE WATER IMPROVEMENT AND MANAGEMENT) STREAM BUFFERS

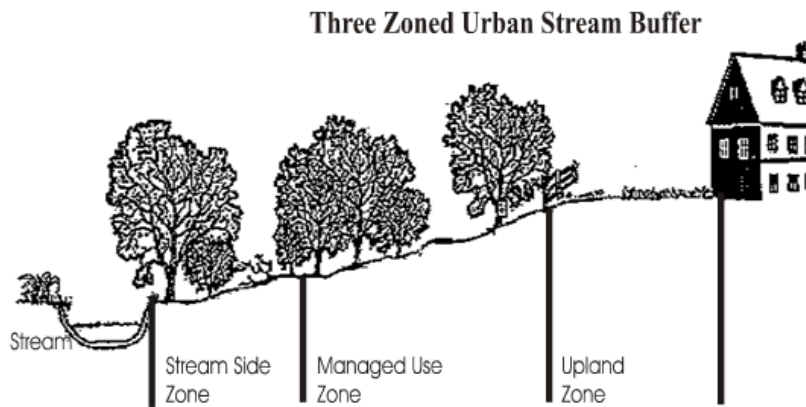
1. **Purpose.** The purpose of a stream buffer network is to filter pollutants, store floodwaters, provide habitat, and contribute to the “green infrastructure.” Stream systems are comprised of each stream and its respective drainage basin.
  - Streams have the primary natural functions of conveying storm and ground water, storing floodwater, and supporting aquatic life.
  - Vegetated lands adjacent to the stream channel in the drainage basin serve as “buffers” to protect the stream’s ability to fulfill its natural functions. Buffers have the primary natural functions of protecting water quality by filtering pollutants, providing intermittent storage for floodwaters, allowing channels to meander naturally, and providing suitable habitat for wildlife.
2. **Definitions.** For the purposes of this section, the following words and phrases shall be defined as specified below:

~~Best Management Practices (BMPs). A structural or nonstructural management-based practice used singularly or in combination to reduce non-point source input to receiving waters in order to achieve water quality protection goals.~~

*Buffer.* A vegetated area through which storm water runoff flows in a diffuse manner so that the runoff does not become channelized and which provides for infiltration of the runoff and filtering of pollutants.

*Buffer Zones.* Buffer widths are measured in three (3) zones as shown below. The buffer width is measured horizontally on a line parallel to the surface water, landward from the top of the bank on each side of the stream.





*Drainage Basin.* The area of land which drains to a given point on a body of water.

*Floodway.* The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than the allowable surcharge (currently one foot).

*Flood Fringe.* The land area located between the limits of the floodway and the maximum elevation subject to inundation by the base (1% chance) flood.

*Floodplain.* The low, periodically flooded lands adjacent to rivers and lakes. For land use planning purposes, the regulatory floodplain is usually viewed as all alongside a watercourse that would be inundated by the base (1% chance) flood; the floodway plus the flood fringe.

*Mitigation.* Actions taken on-site and/or off-site to offset the effects of temporary or permanent loss of a buffer.

*Stormwater Control Measure (SCMs).* A structural or nonstructural management based practice used singularly or in combination to reduce non-point source input to receiving waters in order to achieve water quality protection goals described as follows:

Formatted: Font: Italic

Formatted: Indent: Left: 0.5"

TA25-08: Miscellaneous Amendments

- a. Non-structural SCMs – Non-engineering methods to control the amount of non-point source pollution. These may include land-use controls and vegetated buffers.
- b. Structural SCMs – Engineered structures that are designed to reduce the delivery of pollutants from their source or to divert contaminants away from a water body.

*Top of Bank.* The landward edge of the stream channel during high water, bank full conditions at the point where water begins to overflow onto the floodplain.

**3. Applicability.**

- a. All properties shall comply with the buffer requirements of this Section except those which, as of the effective date of October 19, 1999, have previously secured a right to proceed by:
  - Being subject to a recorded subdivision plat;
  - Being subject to a subdivision sketch plan prior to the effective date of this Section;
  - Being subject to a site specific development plan defined under Section 2.2.2 of the Zoning Ordinances; or
  - Having otherwise secured a vested property right under state law.
- b. Redevelopment or expansion of development projects included in a), above, shall comply with the buffer requirements of this Section; however, uses and structures previously approved and constructed in a buffer may remain.
- c. A site-specific vesting plan amended subsequent to adoption of this Section shall comply, in its amended form, with the S.W.I.M. buffer requirements. However, uses and structures previously approved for construction in a buffer may remain.
- d. Where stream buffers are also required as part of the Lake Norman or Mountain Island Lake Watershed Overlay Districts, the more stringent of the stream buffer requirements shall apply.

4. **Buffer Delineation.** S.W.I.M. Stream Buffers, throughout the jurisdiction of the Town of Huntersville shall be delineated for the purposes of land development permits by an on-site stream delineation prepared by a certified professional using U.S. Army

## TA25-08: Miscellaneous Amendments

Corps of Engineers and/or N.C. Division of Water Quality methodology, which has been approved by the Town. Delineation by Mecklenburg County through its geographic information system (GIS) is allowed for development not requiring a land development permit.

5. **Minimum buffer widths.** All perennial and intermittent streams draining less than 50 acres shall have a minimum 30-foot vegetated buffer including a 10-foot zone adjacent to the bank. Disturbance of the buffer is allowed; however, any disturbed area must be revegetated and disturbance of the 10-foot zone adjacent to the bank shall require stream bank stabilization using bioengineering techniques as specified in the Design Manual. All perennial and intermittent streams draining greater than or equal to 50 acres and less than 300 acres shall have a 35-foot buffer with two (2) zones, including a 20-foot stream side and 15-foot upland zone. Streams draining greater than or equal to 300 acres and less than 640 acres shall have a 50-foot buffer with three (3) zones, including a 20-foot stream side, 20-foot managed use and 10-foot upland zone. Buffers for streams draining greater than or equal to 640 acres shall be a 100 feet in width or include the entire floodplain, whichever is greater. This buffer shall consist of a 30-foot stream side, 45-foot managed use and 25-foot upland zone or the entire FEMA floodplain, whichever is greater. All buffers shall be measured from the top of the bank on both sides of the stream. A summary of minimum buffer widths is provided in the table below.

**Table of Minimum Buffer Widths by Basin Size and Buffer Zone**

| Area Designation | Stream Side Zone | Managed Use Zone | Upland Zone                                            | Total Buffer Width each side of Stream              | Notes    |
|------------------|------------------|------------------|--------------------------------------------------------|-----------------------------------------------------|----------|
| < 50 acres       | N/A              | N/A              | 30                                                     | 30 feet                                             | (1), (2) |
| > 50 acres       | 20 feet          | None             | 15 feet                                                | 35 feet                                             | (2)      |
| > 300 acres      | 20 feet          | 20 feet          | 10 feet                                                | 50 feet                                             | (2)      |
| > 640 acres      | 30 feet          | 45 feet          | 25 feet or balance of floodplain, whichever is greater | 100 feet or entire floodplain, whichever is greater | (2), (3) |

## TA25-08: Miscellaneous Amendments

### Notes:

1. All perennial and intermittent streams draining less than 50 acres shall have a minimum 30-foot vegetated buffer including a 10-foot zone adjacent to the bank. Disturbance of the buffer is allowed; however, any disturbed area must be revegetated and disturbance of the 10-foot zone adjacent to the bank shall require stream bank stabilization using bioengineering techniques as specified in the Design Manual.
2. Buffer widths are surveyed horizontally on a line parallel to the surface water, landward from the top of the bank on each side of the stream.
3. Floodplain and buffer calculations will be based upon the FEMA flood fringe and floodway encroachment lines, as locally adopted and as may be amended from time to time.
6. **Buffer Description.** Buffer function, vegetation and use vary according to the different buffer zones and are described in the following table.

**Table of Buffer Treatment by Buffer Zone**

|                                                  | <b>Stream Side Zone</b>                                                                       | <b>Managed Use Zone</b>                                                                                           | <b>Upland Zone</b>                                                                                                          | <b>Notes</b> |
|--------------------------------------------------|-----------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------|--------------|
| <b>Function</b>                                  | Protect the integrity of the ecosystems                                                       | Provide natural filter; provide distance between upland development and the stream side zone                      | Prevent encroachment and filter runoff                                                                                      |              |
| <b>Land Disturbance/ Vegetative Requirements</b> | <b>Undisturbed (no cutting, clearing or grading).</b> If existing tree density is inadequate, | <b>Limited clearing (no grading).</b> Existing tree density must be retained to a minimum of 8 healthy trees of a | <b>Herbaceous ground cover,</b> including grass, is allowed; maintenance of existing forest or reforestation is encouraged. | (1)          |

TA25-08: Miscellaneous Amendments

|                         |                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                     |
|-------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|
|                         | reforestation is required.                                                                                                                                                                                                                                                                                                                        | minimum 6-inch caliper per 1000 square feet. If existing tree density is inadequate, reforestation is encouraged.                          | <b>Limited grading</b> that does not change the functionality or extent of the floodplain is permitted.                                                                                                                                                                                                                                                                                                                                                                                                  |                     |
| <b>Development Uses</b> | <b>Very restricted.</b><br>Limited to flood control structures and bank stabilization (where permitted) as well as installation of parallel or near perpendicular ( $\geq 75^\circ$ ) water and sewer utilities and near perpendicular road crossings ( $\geq 75^\circ$ ) with stabilization of disturbed areas as specified in Section 7.300,10. | <b>Restricted.</b><br>Limited to those allowed in the Stream Side Zone, as well as bike paths and greenway trails up to 102 feet in width. | <b>Restricted.</b> Limited to those allowed in Stream Side and Managed Use Zones, as well as gazebos, non-commercial storage buildings less than 150 square feet, limited grading that does not change the functionality or extent of the floodplain, and storm water structural best management practices ( <b>BMPSCMs</b> ) if approved in accordance with Section 7.300 11. b), as a condition of a buffer width variance or if they are located a minimum distance of 100 feet from the stream bank. | (2),<br>(3),<br>(4) |

**Notes:**

(1) When reforestation of disturbed buffers is required, tree planting shall be as specified in the Water Quality Buffer Implementation Guidelines.

## TA25-08: Miscellaneous Amendments

(2) Fill material **cannot** be brought into any required buffer. In the Upland Zone only, limited grading that does not change the extent or functional characteristics of the floodplain is permitted. Uses permitted in the buffer zones should be coordinated to ensure minimal disturbance of the buffer system. For example, if it is necessary to install utilities within the buffer, then if greenway trails are built they should follow these cleared areas instead of necessitating additional clearing.

(3) Notwithstanding the uses and structures permitted in the “Upland Zone”, the stricter standards of floodway regulations, if applicable, shall apply.

(4) Greenway Trails referenced in this table refer exclusively to those approved by and dedicated to the Town of Huntersville or Mecklenburg County Parks and Recreation Departments. Other paths or trails in the buffer shall be in accordance with the Charlotte-Mecklenburg SWIM Stream Buffer Implementation Guidelines.

7. **Diffuse flow requirement.** Diffuse Flow Requirement. Diffuse flow of runoff shall be maintained in the buffer by dispersing concentrated flow through the use of level spreaders or other such devices to create sheet flow and by reestablishing vegetation. Techniques for providing diffuse flow are specified in the Charlotte-Mecklenburg **BMPSCM** Design Manual.

- Maximum drainage area size shall be no greater than 10 acres for all outfalls discharging directly into a stream buffer.
- When practical, a drop structure should be installed prior to the last section of outfall pipe discharging to a buffer. A short length of outfall pipe should be laid flat (0% Slope Energy Dissipater), prior to the riprap apron or other energy dissipater.
- Concentrated runoff from ditches or other manmade conveyances shall be diverted to diffuse flow before the runoff enters the buffer.
- Periodic corrective action to restore diffuse flow shall be taken by the property owner as necessary to impede the formation of erosion gullies.

8. **Ponds that intersect the stream channel.** Ponds that intersect the stream channel shall have the same buffers as the original stream. Buffer requirements do not apply to wet ponds used as structural **BMPSCM**s.

9. **Buffer delineation.** The following buffer delineations are required:

## TA25-08: Miscellaneous Amendments

- a. Buffer boundaries including all buffer zones must be clearly delineated on all site-specific plans for approval, on all construction plans, including grading and clearing plans, erosion and sediment control plans, and site plans.
  - b. The surveyed outside buffer boundary, including all buffer zones, must be clearly marked on-site with orange “tree-protection” or “high-hazard” fence prior to any land disturbing activities. Tree protection is required by Section 7.4(3) of this Ordinance. Where existing trees are to be preserved in a buffer zone, the limits of grading shall equal the drip line of those trees plus an additional five (5) feet on the upland side of the buffer. All Specimen and Heritage trees require a tree survey prior to land-disturbing activity and shall be saved in all buffer zones.
  - c. The surveyed outside boundary of the buffer must be permanently marked with an iron pin at the intersection of the watershed buffer and each property line on each parcel following the completion of land disturbing activities and prior to **final plat, passing final inspection, and** occupancy. Properties greater than 200’ in width shall be marked at a maximum of 100’ intervals.
  - d. Separate buffer zones must be permanently marked at highway stream crossings.
  - e. Buffer boundaries including all buffer zones as well as all buffer requirements must be specified on the record plat, on individual deeds, and in property association documents for lands held in common.
10. **Buffer impacts permitted under section 7.300.** The following buffer impacts are permitted, but design and construction shall comply with the specifications provided in the Charlotte-Mecklenburg Buffer Implementation Guidelines and/or Design Manual for stabilization of disturbed areas to minimize negative effects on the quality of surface waters.
- Near perpendicular (75° or greater) road crossings for connectivity or transportation links where the Town of Huntersville has granted site plan approval.
  - Near perpendicular (75° or greater) utility crossings as approved by Charlotte-Mecklenburg Utilities.
  - Parallel water and sewer utility installation as approved by Charlotte-Mecklenburg Utilities, where a logical and appropriate basis for the impact is demonstrated,

## TA25-08: Miscellaneous Amendments

where disturbance of the Stream Side Zone is minimized to the maximum extent practicable, and where guidelines for restoring vegetation within buffers disturbed as a result of parallel utility installation are met. These guidelines are specified in the Charlotte-Mecklenburg Buffer Implementation Guidelines.

- Public paths and trails parallel to the creek outside the Stream side Zone and near perpendicular stream crossings in any zone. Pathways must use existing and proposed utility alignments or previously cleared areas and minimize tree cutting to the maximum extent practicable. To the extent possible, pathways shall preserve existing drainage patterns and avoid drainage structures that concentrate storm water.
- Incidental drainage improvements/repairs for maintenance.
- Individual pedestrian paths connecting homeowners to the stream in the form of narrow, pervious footpaths with minimal tree disturbance.
- New domesticated animal trails (farming) where existing trails are lost as a result of action beyond the farmer's control. Stream crossings should be constructed to minimize impacts to the Stream Side Zone and be maintained with fencing perpendicular to and through the buffer to direct animal movement.
- Mitigation approved by a state or federal agency acting pursuant to Sections 401 or 404 of the federal Clean Water Act.

### 11. Appeals and variances.

- a. An appeal to reverse or modify the order, decision, determination, or interpretation of the Zoning Administrator shall comply with the procedures and standards of Section 4.000 of these ordinances as well as the requirements of the Huntersville Zoning Ordinance.
- b. **Special Variance Provisions/Mitigation Techniques.**
  - When a “unnecessary hardship” would result from adherence to the buffer width requirements and/or buffer treatment standards, a petition for variance may be filed with the Planning Staff in compliance with the procedures of Section 4.300.



## TA25-08: Miscellaneous Amendments

- The Standards for Granting a Variance, as set out in Section 4.400 of these ordinances shall be met. Site-specific mitigation plans using the techniques below, and approved by the designated agency, shall constitute conditions relating to the intent and standards of this ordinance, and may be attached to variance approval by the Town Board. Specifications for these mitigation techniques are provided in the Charlotte-Mecklenburg Buffer Implementation Guidelines. The techniques below are not construed to offset the requirement of Section 7.300 6. for diffuse flow.

1. Installation of Structural **BMPSCMs**. The installation of an on-site structural **BMPSCM** designed to achieve specified pollutant removal targets will allow for all proposed stream buffer impact on the specific site. The **BMPSCM** must remain outside of the Stream Side Zone and Managed Use Zone. A detailed **BMPSCM** design plan must be submitted to Charlotte-Mecklenburg Storm Water Services for approval based on specifications contained in the Charlotte-Mecklenburg Buffer Implementation Guidelines. This plan must also include a long-term maintenance strategy for the **BMPSCM**, complete with the establishment of adequate financing to support the proposed maintenance practices.
2. Stream Restoration. The owner may restore and preserve the buffer area on any stream of equivalent or greater drainage area the condition of which is determined to be qualified for restoration by Charlotte-Mecklenburg Storm Water Services on a 1:1 basis in linear feet of stream. This restoration shall include stream bank improvements and Stream Side and Managed Use Zone re-vegetation, in accordance with the Charlotte-Mecklenburg Buffer Implementation Guidelines and receive approval from the Charlotte-Mecklenburg Storm Water Services.
3. Stream Preservation. The owner may purchase, fee simple, other stream segments at equivalent or greater drainage area on a 1:1 linear foot basis and convey fee simple and absolute title to the land to the Town of Huntersville, Mecklenburg County, or conservation trust, with a plan approved from the Charlotte-Mecklenburg Storm Water Services.
4. Wetlands Restoration. On a 2:1 acreage basis for disturbed stream and buffer area (2 acres of wetland for each acre of disturbed area),

## TA25-08: Miscellaneous Amendments

the owner may provide a combination of the preservation and/or restoration of wetlands with protective easements and the implementation of structural or non-structural **BMPSCMs** to achieve specific pollutant removal targets within the impacted area. Restoration plan must be approved by Charlotte-Mecklenburg Storm Water Services.

5. Bottom Land Hardwood Preservation. On a 2:1 acreage basis for impacted stream and buffer area 2 acres of bottomland hardwood for each acre of disturbed area), the owner may provide a combination of the preservation of existing bottom land hardwood forest or other specifically approved natural heritage area by conservation easement or other legal instrument, and the implementation of structural or non-structural **BMPSCMs** to achieve specific pollutant removal targets within the impacted area. Plan to be approved by Charlotte-Mecklenburg Storm Water Services.
6. Controlled Impervious Cover for Disturbance landward of Stream Side Zone. The owner may commit to, and provide, a specific site development plan for the parcel with requested buffer disturbance. The plan shall limit overall site impervious cover to less than or equal to 24%. Preservation of the Stream Side Zone is still required. Plan to be approved by Mecklenburg County Land Use and Environmental Services Agency.
7. Open Space Development. The submission of a site-specific development plan that preserves 50% of the total land area as undisturbed open space. Plan to be approved by Charlotte-Mecklenburg Storm Water Services.
8. Mitigation Credits: The purchase of mitigation credits through the Stream Restoration Program on a 1:1 basis, utilizing linear feet of stream impacted and the prevailing rate of purchase as established by the Charlotte-Mecklenburg Buffer Implementation Guidelines. Mitigation credits purchased under any other program (i.e., U.S. Army Corp of Engineers) shall not cover this requirement unless the issuing agency agrees to relinquish the funds to the appropriate local government agency.

TA25-08: Miscellaneous Amendments

9. Alternative mitigation. The list of mitigation techniques shall not prevent the creative development of alternative mitigation plans that achieve the purposes of this section.

12. **Posting of financial security required.** When structural **BMPSCMs** (set detention ponds and other **BMPSCMs**) are approved for mitigation of a buffer disturbance, the approval will be subject to the owner filing a surety bond, ~~or~~ letter of credit, or making other financial arrangements which are acceptable to Charlotte-Mecklenburg Storm Water Services, in a form which is satisfactory to the County Attorney, guaranteeing the installation and maintenance of the required structural **BMPSCMs** until the issuance of certificates of occupancy for seventy-five percent (75%) of all construction which might reasonably be anticipated to be built within the area which drains into the BMPs, allowing credit for improvements completed prior to the submission of the final plat. At such time that this level of occupancy is achieved, written notice thereof must be submitted by the owner to Charlotte-Mecklenburg Storm Water Services. The owner must also verify the adequacy of the maintenance plan for the **BMPSCMs**, including the necessary financing to support the proposed maintenance practices. Charlotte-Mecklenburg Storm Water Services will inspect the structural **BMPSCMs** and verify the effectiveness of the maintenance plan; if both are found to be satisfactory, the department will notify the owner within 30 days of the date of notice.

13. **Maintenance requirements for structural **BMPSCMs** — civil penalties.**

Maintenance of all structural **BMPSCMs** will be the responsibility of the property owner or his designee. Any responsible party who fails to maintain the required **BMPSCMs** in accordance with the approved maintenance plan will be subject to a civil penalty of not more than \$5,000. Each day that the violation continues shall constitute a separate violation. No penalties shall be assessed until the person alleged to be in violation has been notified in writing of the violation by registered or certified mail, return receipt requested, or by other means which are reasonably calculated to give actual notice. The notice shall describe the nature of the violation with reasonable particularity, specify a reasonable time period within which the violation must be corrected, and warn that failure to correct the violation within the time period will result in assessment of a civil penalty or other enforcement action.

14. **Request for determination of buffer requirement.** When a landowner or other affected party believes that the S.W.I.M stream buffer delineation maps described in Section 8.25.4 inaccurately depict buffer requirements, he or she shall request a determination from the Storm Water Administrator. Such determinations shall be

## TA25-08: Miscellaneous Amendments

made by the Storm Water Administrator based on an on-site evaluation using the U.S. Army Corps of Engineers and N.C. Division of Water Quality methodology for stream delineation as well as information from databases maintained for stream delineation by Mecklenburg County. Such determinations can also be made at the discretion of the Storm Water Administrator in the absence of a request from a landowner or other concerned party. The buffer requirements of this ordinance shall apply based on determinations made by the Storm Water Administrator. Surface waters that appear on the maps shall not be subject to this ordinance if an on-site determination by the Storm Water Administrator shows that they fall into one of the following categories.

- a. Ditches and manmade conveyances other than modified natural streams.
- b. Manmade ponds and lakes that are not intersected by a buffered stream segment and that are located outside natural drainage ways.
- c. Ephemeral (storm water) streams.

### **8.170 STREET MARKERS AND BARRICADES**

1. Standard street markers must be installed by the developer at one corner of all street intersections, including private streets, before any certificates of occupancy may be issued for buildings or residences along those streets. The design, material, location, and installation of the signs must be in accordance with standards specified in the Engineering Standards and Procedures Manual unless an alternative design is approved. Alternatives to the standard design for street markers may be submitted by the developer for consideration by the Town Board. If an alternative design is approved by the Town Board, responsibility for the installation, maintenance, and replacement of non-standard street markers remains with the developer and subsequently with the homeowners. If maintenance and replacement of non-standard street markers is not provided by the developer or homeowners, the Town shall install standard street markers as replacements are needed. All standard street markers will be maintained and replaced by the Town once initial installation has been completed and streets are accepted for maintenance.
2. Barricades must be installed at the end of all dead-end streets except cul-de-sac streets which have been improved with a permanent turnaround as required by this Ordinance. Design, material, and installation of the barricades must be in accordance with the Engineering Standards and Procedures Manual (ESAPM).

## **9.000 ENFORCEMENT**

1. After the effective date of this ordinance, any person who, being the owner or the agent of the owner of any land located within the area of jurisdiction of this ordinance, subdivides land in violation of this ordinance or transfers or sells land by reference to, exhibition of, or any other use of a plat showing a subdivision of the land before the plat has been properly approved under this ordinance and recorded in the Office of the Register of Deeds of Mecklenburg County shall, result in the assessment of a civil penalty of \$500.00 per offense and may result in other enforcement actions as allowed by law. The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring land does not exempt the transaction from this penalty. The Town of Huntersville through the Town Attorney may bring an action for injunction of any illegal subdivision, transfer, conveyance, or sale of land, and the court shall, upon appropriate findings, issue an injunction and order requiring the offending party to comply with the subdivision regulation. All administrative actions relating to such land, including the issuance of any grading, construction, building, or occupancy permit will be suspended. This ordinance will not affect the sale or transfer of any land, a plat of which was recorded prior to the effective date of this ordinance. No penalties shall be assessed until the person alleged to be in violation has been notified in writing of the violation by registered or certified mail, return receipt requested, or by other means which are reasonably calculated to give actual notice. The notice shall describe the nature of the violation with reasonable particularity, specify a reasonable time period within which the violation must be corrected, and warn that failure to correct the violation within the time period will result in assessment of a civil penalty or other enforcement action as allowed by law. Each day's continuing violation shall be a separate and distinct offense.
2. In order to properly enforce the provisions of the subdivision regulations as stated in this ordinance prior to the beginning of any construction, reconstruction, use, or alteration of any land, building, or structure, the appropriate permit must be obtained from Mecklenburg County and the Town of Huntersville. No permit will be issued unless there has been a determination made that the proposed use, building, or structure complies with the requirements of this ordinance. Building permits required pursuant to N.C.G.S. § 160D-1110 may be denied for lots that have been illegally subdivided. In addition to other remedies, the Town may institute any appropriate action or proceedings to prevent the unlawful subdivision of land, to restrain, correct, or abate the violation, or to prevent any illegal act or conduct.



## Request for Board Action

July 15, 2025

**To:** The Honorable Mayor and Board of Commissioners

**From:** Becca Prichard, Planner II

**Subject:** Public Hearing for Petition #ANNEX 24-04: Charlotte Everett Keith Road IND Owner

---

### **EXPLAIN REQUEST:**

Conduct public hearing on Petition #ANNEX 24-04, a request by Charlotte Everett Keith Road IND Owner, LLC, to annex 64.962 contiguous acres into the Town of Huntersville.

### **ACTION RECOMMENDED:**

Conduct public hearing

### **FINANCIAL IMPLICATIONS:**

N/A

### **ATTACHMENTS:**

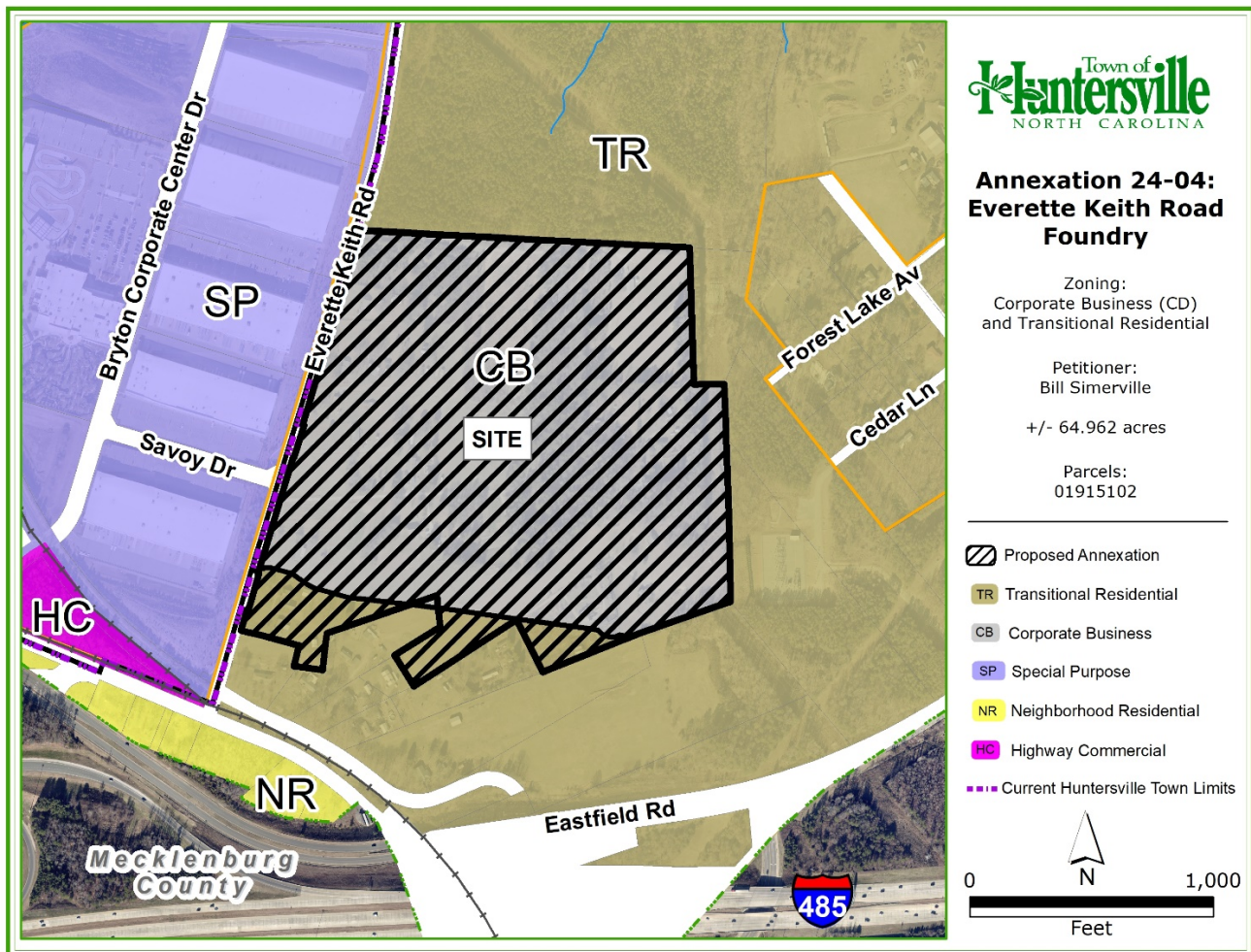
1. Annex 24-04 Everette Keith Staff Report
2. Annexation Petition Application\_20250624 rev
3. FINAL\_Foundry Annexation Plat
4. Foundry\_Certificate of Sufficiency (Contiguous) - SIGNED
5. IPL0249539-Affidavit
6. EVERETTE KEITH ANNEXATION LEGAL DESCRIPTION

## Annexation Petition # 24-04 (Contiguous) Everette Keith Logistics Park

### EXPLANATION OF THE REQUEST

Petition Annex #24-04 is for the contiguous annexation of one parcel into the Town of Huntersville. Identified as PID 019-15-102, the 64.962-acre parcel will be utilized for the Everette Keith Logistics Park.

### LOCATION



### BACKGROUND

The petitioner, Charlotte Everett Keith Road IND Owner, LLC has filed a petition to consider voluntary, contiguous annexation pursuant to North Carolina General Statutes Section 160A-31.

All statutory requirements for annexation have been met:

- The Petition Requesting Annexation was received on June 25, 2025 (see Attachment).
- The Town Clerk certified the sufficiency of the Petition on June 27, 2025 (see Attachment).
- Notice of the public hearing has been placed in a newspaper of general circulation. The notice appeared in the Charlotte Observer on July 1, 2025 (see Attachment).

#### **STAFF RECOMMENDATION**

Since all statutory requirements have been met in full, staff recommends that the Town Board approve the petition with Mayor's signature on the associated ordinance. If the final action of this annexation takes place on July 15, 2025, the voluntary, contiguous annexation would also become effective on July 15, 2025.

#### **ATTACHMENTS**

- A - Contiguous Annexation Petition
- B - Annexation Plat
- C - Certificate of Sufficiency
- D - Public Hearing Ad
- E - Metes & Bounds Description





## Annexation **P**etition

### Petition Requesting Annexation

To the Board of Commissioners of the Town of Huntersville:

1. We, the undersigned owners of all or a part of the real property described on the metes and bounds description attached hereto, request that the described area be annexed to the Town of Huntersville.

2. Parcels proposed to be Annexed:

01915102

3. The area to be annexed is (contiguous) (non-contiguous) [circle one] to the primary corporate limits of the Town of Huntersville. The petitioner attaches hereto and submits as part of the petition:

(a) Metes and bounds description of the parcel(s) identified in paragraph 1, and

(b) A plat, suitable for recordation in the office of the Mecklenburg County Register of Deeds, showing the area proposed for annexation with relation to the primary corporate limits of the Town of Huntersville.

4. The petitioner (does) (does not) [circle one] claim vested rights in the property pursuant to N.C.G.S. 153A-344.1 or 160A-385.1. The basis of this claim of vested rights is as follows:

Approved sketchplan - EPM 445035

**Petitioner & Owner Signature**

**Petitioner**

Petitioner: Bill Simerville

01915102

Parcel(s) Owned



2/24/2025

Signature of Petitioner

Date

**Signature of All Owners of Property Proposed for Annexation**

1. Property Owner(s): Charlotte Everett Keith Road IND Owner, LLC

01915102

Parcel(s) Owned



David Auld - Manager

6/4/2025

Signature of Property Owner(s)

Date

2. Property Owner(s): \_\_\_\_\_

Parcel(s) Owned

Signature of Property Owner(s)

Date

3. Property Owner(s): \_\_\_\_\_

Parcel(s) Owned

Signature of Property Owner(s)

Date

4. Property Owner(s): \_\_\_\_\_

Parcel(s) Owned

Signature of Property Owner(s)

Date



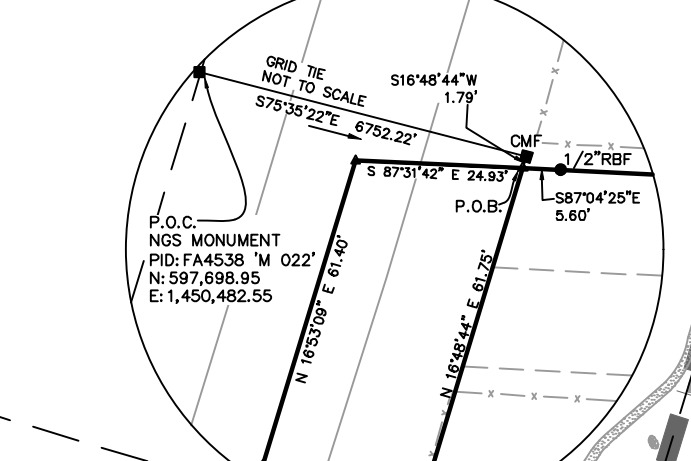
NOTES

1. THE SOLE PURPOSE OF THIS PLAT IS TO ANNEX PID 01915102 INTO THE TOWN OF HUNTERSVILLE.
2. IRON PINS AT ALL PROPERTY CORNERS, UNLESS OTHERWISE NOTED.
3. THIS PARCEL LIES IN FEMA FLOOD ZONE DESIGNATION : X, FIRM MAP 3710455900K, COMMUNITY 37048, EFFECTIVE DATE 09-02-2015.
4. COORDINATES ARE BASED ON NC GRID NAD 83(2011).
5. THIS MAP OR PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN 1 IN 684135.8 FEET.
6. AREAS DETERMINED BY COORDINATE METHOD.
7. SUBJECT TO ALL EASEMENTS, RIGHT OF WAYS, AND OR ENCUMBRANCES THAT MAY AFFECT THIS PROPERTY.
8. THE PROPERTY SHOWN HEREON IS ZONED IN CB(CD) CORPORATE BUSINESS (CONDITIONAL DISTRICT) & TR TRANSITIONAL RESIDENTIAL DISTRICT, PER MECKLENBURG COUNTY GIS FOR THE TOWN OF HUNTERSVILLE.  
(TR) SETBACKS:  
FRONT: 20'  
SIDE YARD: 6'  
REAR YARD: 25'  
\*SETBACKS TO BE VERIFIED PRIOR CONSTRUCTION.
9. THE DEPICTED RIGHT-OF-WAYS ARE PRESENTED AS APPARENT BASED ON REFERENCES FROM RECORDED DEEDS AND PLATS, AND ARE NOT INTENDED FOR DESIGN PURPOSES. IT SHOULD BE NOTED THAT NO NC DOT RIGHT-OF-WAY PLANS HAVE BEEN OBTAINED IN THE COURSE OF THIS PROCESS. THESE REPRESENTATIONS OF RIGHT-OF-WAYS SERVE SOLELY AS VISUAL REFERENCES AND DO NOT CONSTITUTE OFFICIAL CERTIFICATION OF THEIR EXISTENCE OR DIMENSIONS.

REFERENCES

- |                       |                     |
|-----------------------|---------------------|
| 1. DB 3200 PG 215     | 14. DB 10557 PG 256 |
| 2. DB 4147 PG 584     | 15. DB 10643 PG 125 |
| 3. DB 4147 PG 587     | 16. DB 11056 PG 685 |
| 4. DB 4869 PG 375     | 17. DB 11913 PG 249 |
| 5. DB 5885 PG 222-223 | 18. DB 14460 PG 977 |
| 6. DB 5885 PG 226     | 19. DB 29881 PG 877 |
| 7. DB 5885 PG 236-237 | 20. DB 31527 PG 5   |
| 8. DB 6435 PG 66      | 21. DB 18282-254    |
| 9. DB 7847 PG 20      | 22. DB 29172-590    |
| 10. DB 7880 PG 959    | 23. DB 32391-917    |
| 11. DB 8104 PG 217    | 24. MB 54-700       |
| 12. DB 10029 PG 235   | 25. MB 66-205       |
| 13. DB 10480 PG 870   |                     |

INSET 1  
NOT TO SCALE



AREA IN THE RIGHT OF WAY  
12896.53 Sq.Ft.  
0.296 Ac.

AREA IN THE RIGHT OF WAY  
2168.21 Sq.Ft.  
0.050 Ac.

AREA IN THE RIGHT OF WAY  
12896.53 Sq.Ft.  
0.296 Ac.

AREA IN THE RIGHT OF WAY  
2168.21 Sq.Ft.  
0.050 Ac.

AREA IN THE RIGHT OF WAY  
12896.53 Sq.Ft.  
0.296 Ac.

AREA IN THE RIGHT OF WAY  
2168.21 Sq.Ft.  
0.050 Ac.

AREA IN THE RIGHT OF WAY  
12896.53 Sq.Ft.  
0.296 Ac.

AREA IN THE RIGHT OF WAY  
2168.21 Sq.Ft.  
0.050 Ac.

P.O.C.  
NGS MONUMENT  
PID:FA4538 W 022'  
N:597,698.95  
E:1,450,482.55

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

P.O.C.  
NGS MONUMENT  
PID:FA4538 W 022'  
N:597,698.95  
E:1,450,482.55

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

P.O.C.  
NGS MONUMENT  
PID:FA4538 W 022'  
N:597,698.95  
E:1,450,482.55

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

P.O.C.  
NGS MONUMENT  
PID:FA4538 W 022'  
N:597,698.95  
E:1,450,482.55

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

P.O.C.  
NGS MONUMENT  
PID:FA4538 W 022'  
N:597,698.95  
E:1,450,482.55

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

P.O.C.  
NGS MONUMENT  
PID:FA4538 W 022'  
N:597,698.95  
E:1,450,482.55

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID TIE-NOT TO SCALE

GRID



**CERTIFICATE OF SUFFICIENCY**

Everette Keith Logistics Park

To the Board of Commissioners of the Town of Huntersville, North Carolina:

I, Janet Pierson, Town Clerk, do hereby certify that I have investigated the attached petition and hereby make the following findings:

- a. The petition contains an adequate property description of the area proposed for annexation.
- b. The area described in the petition is contiguous to the Town of Huntersville primary corporate limits, as defined by G.S. 160A-31.
- c. The petition is signed by and includes addresses of all owners of real property lying in the area described therein.

The undersigned therefore certifies that the petition is sufficient for the voluntary annexation of a contiguous area pursuant to NCGS §160A-31.

IN WITNESS WHEREOF, I have hereto set my hand and affixed the seal of the Town of Huntersville this 27<sup>th</sup> day of June, 2025.



Janet Pierson  
Janet Pierson, Town Clerk

## AFFIDAVIT OF PUBLICATION

| Account # | Order Number | Identification        | Order PO | Cols | Depth |
|-----------|--------------|-----------------------|----------|------|-------|
| 31994     | IPL0249539   | Legal Ad - IPL0249539 |          | 1.0  | 69.0L |

ATTENTION: TOWN OF HUNTERSVILLE-PLANNING IP  
PO Box 664  
Huntersville, NC 28070  
tbarron@huntersville.org

### NOTICE OF PUBLIC HEARING

The public is put on notice that the Town of Huntersville will hold a public hearing on Tuesday, July 15, 2025, at 6:00 PM on the following petitions. These public hearings will be held in person at Huntersville Town Hall located at 101 Huntersville-Concord Road Huntersville NC 28078. View-only live stream options are available and will be indicated on the meeting agenda published one week prior to the meeting.

Petition#R25-06, a request by Robert and Heather Dubiel to rezone +/- 11.265 acres at 12300 McCord Road from General Residential (GR) to Transitional Residential (TR).

Petition #TA25-01, a request by the Huntersville Planning Department to amend Articles 3, 4, 5, 8, 9, and 12 of the Huntersville Zoning Ordinance. The purpose of the amendment is to revise terms and definitions for residential uses and structures.

Petition #TA25-04, a request by the Huntersville Planning Department to amend Articles 7.2 and 7.4 of the Huntersville Zoning Ordinance. The purpose of the amendment is to clarify tree survey requirements and limit the amount of tree mitigation permitted.

Petition #TA25-06, a request by the Huntersville Planning Department to amend Articles 3.2.1, 3.2.2, 4, 7.5, and 9.64 of the Huntersville Zoning Ordinance. The purpose of the amendment is to specify the planting standards for existing required buffers, clarify the applicability of buffer requirements, specify performance requirements for buffers, align the vegetation requirements with the intent of buffers, and centralize buffer standards.

Petition #TA25-08, a request by the Huntersville Planning Department to amend Articles 3, 7, 8, 9, 10, 11, 12, and 14 of the Huntersville Zoning Ordinance. This request also proposes to amend Sections 2, 6, 7, 8, and 9 of the Huntersville Subdivision Ordinance. The purpose of the amendment is to revise requirements for permanent stormwater control measures, community meetings, existing features plans, berm standards, urban open space, farmhouse clusters, open space for minor subdivisions, and provide consistency with SB 166.

The public is invited to attend the hearing and comment on the proposed changes. Substantial changes may occur to the request based on comments. For further info please contact the Planning Dept at 704-875-7000, or go to [www.huntersville.org](http://www.huntersville.org).  
IPL0249539  
Jun 28, Jul 1 2025

North Carolina } ss  
Mecklenburg County }

Before the undersigned, a Notary Public of said County and State, duly authorized to administer oaths affirmations, etc., personally appeared, being duly sworn or affirmed according to law, doth depose and say that he/she is a representative of The Charlotte Observer Publishing Company, a corporation organized and doing business under the laws of the State of Delaware, and publishing a newspaper known as The Charlotte Observer in the city of Charlotte, County of Mecklenburg, and State of North Carolina and that as such he/she is familiar with the books, records, files, and business of said Corporation and by reference to the files of said publication, the attached advertisement was inserted. The following is correctly copied from the books and files of the aforesaid Corporation and Publication.

2.0 insertion(s) published on:  
06/28/25 Digital, 07/01/25 Digital

[Print Tearsheet Link](#)

[Marketplace Link](#)

Amy Robbins



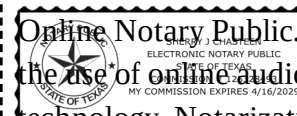
Amy Robbins

Sherry J Chasteen



Sworn to and subscribed before me on Jul 1, 2025, 8:18 AM EDT

Online Notary Public. This notarial act involved the use of online audio/video communication technology. Notarization facilitated by SIGNiX®



## **NOTICE OF PUBLIC HEARING**

The public is put on notice that the Town of Huntersville will hold a public hearing on Tuesday, July 15, 2025, at 6:00 PM on the following petitions. These public hearings will be held in person at Huntersville Town Hall located at 101 Huntersville-Concord Road Huntersville NC 28078. View-only live stream options are available and will be indicated on the meeting agenda published one week prior to the meeting.

Petition#R25-06, a request by Robert and Heather Dubiel to rezone +/- 11.265 acres at 12300 McCord Road from General Residential (GR) to Transitional Residential (TR).

Petition #TA25-01, a request by the Huntersville Planning Department to amend Articles 3, 4, 5, 8, 9, and 12 of the Huntersville Zoning Ordinance. The purpose of the amendment is to revise terms and definitions for residential uses and structures.

Petition #TA25-04, a request by the Huntersville Planning Department to amend Articles 7.2 and 7.4 of the Huntersville Zoning Ordinance. The purpose of the amendment is to clarify tree survey requirements and limit the amount of tree mitigation permitted.

Petition #TA25-06, a request by the Huntersville Planning Department to amend Articles 3.2.1, 3.2.2, 4, 7.5, and 9.64 of the Huntersville Zoning Ordinance. The purpose of the amendment is to specify the planting standards for existing required buffers, clarify the applicability of buffer requirements, specify performance requirements for buffers, align the vegetation requirements with the intent of buffers, and centralize buffer standards.

Petition #TA25-08, a request by the Huntersville Planning Department to amend Articles 3, 7, 8, 9, 10, 11, 12, and 14 of the Huntersville Zoning Ordinance. This request also proposes to amend Sections 2, 6, 7, 8, and 9 of the Huntersville Subdivision Ordinance. The purpose of the amendment is to revise requirements for permanent stormwater control measures, community meetings, existing features plans, berm standards, urban open space, farmhouse clusters, open space for minor subdivisions, and provide consistency with SB 166.

The public is invited to attend the hearing and comment on the proposed changes. Substantial changes may occur to the request based on comments. For further info please contact the Planning Dept at 704-875-7000, or go to [www.huntersville.org](http://www.huntersville.org).

IPL0249539

Jun 28,Jul 1 2025

## LEGAL DESCRIPTION

THAT CERTAIN TRACT OF LAND CONTAINING 64.962 ACRES, SITUATED IN MECKLENBURG COUNTY, NORTH CAROLINA STATE AND BETTER DESCRIBED AS FOLLOWS:

COMMENCING AT A NGS MONUMENT "M 022" HAVING NC STATE PLANE GRID COORDINATES: NORTH: 597,698.95, EAST: 1,450,482.55;

THENCE S 75°35'22" E A DISTANCE OF 6752.22' TO A CONCRETE MONUMENT FOUND;

THENCE S 16°48'44" W A DISTANCE OF 1.79' TO A POINT ON THE EASTERN RIGHT OF WAY OF EVERETTE KEITH ROAD (A 50' PUBLIC R/W);

THENCE S 87°04'25" E A DISTANCE OF 5.60' TO A 1/2" REBAR FOUND;

THENCE S 87°04'25" E A DISTANCE OF 708.11' TO A 1/2" REBAR FOUND;

THENCE S 87°06'35" E A DISTANCE OF 314.80' TO A 1/2" REBAR FOUND;

THENCE S 86°57'28" E A DISTANCE OF 320.00' TO A 1/2" REBAR FOUND;

THENCE S 01°42'13" E A DISTANCE OF 559.91' TO A SQUARE TOP ROD;

THENCE N 89°37'03" E A DISTANCE OF 125.33' TO A 1/2" IRON PIPE FOUND;

THENCE S 02°00'28" E A DISTANCE OF 484.65' TO A 1/2" IRON PIPE FOUND;

THENCE S 01°15'12" E A DISTANCE OF 275.90' TO A 1/2" REBAR FOUND;

THENCE S 01°17'14" E A DISTANCE OF 130.34' TO A 5/8" REBAR FOUND;

THENCE S 70°50'42" W A DISTANCE OF 388.80' TO A 5/8" REBAR FOUND;

THENCE S 68°09'32" W A DISTANCE OF 88.42' TO A 1/2" REBAR FOUND BENT;

THENCE S 68°14'20" W A DISTANCE OF 345.87' TO A 5/8" REBAR SET;

THENCE N 26°41'33" W A DISTANCE OF 239.69' TO A 5/8" REBAR SET;

THENCE S 57°05'36" W A DISTANCE OF 502.00' TO A 1/2" REBAR FOUND;

THENCE N 31°30'27" W A DISTANCE OF 150.00' TO A 1/2" REBAR FOUND;

THENCE N 58°18'41" E A DISTANCE OF 219.27' TO A 1/2" IRON PIPE FOUND;

THENCE N 05°46'15" W A DISTANCE OF 56.07' TO A 1/2" REBAR FOUND;

THENCE N 05°51'41" W A DISTANCE OF 73.71' TO A 1" IRON PIPE FOUND;  
THENCE S 71°02'30" W A DISTANCE OF 477.15' TO A 1/2" IRON PIPE FOUND AT A STONE;  
THENCE S 06°41'44" W A DISTANCE OF 151.38' TO A 1/2" STEEL ROD WITH BOLT;  
THENCE N 82°30'18" W A DISTANCE OF 89.11' TO A 5/8" REBAR FOUND;  
THENCE N 82°29'17" W A DISTANCE OF 29.66' TO A 3/4" REBAR FOUND;  
THENCE N 13°55'24" E A DISTANCE OF 87.46' TO A 5/8" REBAR SET;  
THENCE N 74°53'01" W A DISTANCE OF 220.76' TO A 1/2" REBAR FOUND;  
THENCE N 80°04'08" W A DISTANCE OF 26.13' TO A CALCULATED POINT;  
THENCE N 80°04'08" W A DISTANCE OF 23.81' TO A CALCULATED POINT IN THE CENTER  
LINE OF EVERETTE KEITH ROAD;  
THENCE FOLLOWING THE CENTER LINE OF EVERETTE KEITH ROAD N 16°46'26" E A  
DISTANCE OF 92.11' TO A CALCULATED POINT;  
THENCE N 15°11'39" E A DISTANCE OF 141.20' TO A CALCULATED POINT;  
THENCE N 17°24'34" E A DISTANCE OF 257.28' TO A CALCULATED POINT;  
THENCE N 16°38'51" E A DISTANCE OF 95.27' TO A CALCULATED POINT;  
THENCE N 16°38'57" E A DISTANCE OF 148.19' TO A CALCULATED POINT;  
THENCE N 17°23'21" E A DISTANCE OF 138.97' TO A CALCULATED POINT;  
THENCE N 17°00'58" E A DISTANCE OF 161.77' TO A CALCULATED POINT;  
THENCE N 16°45'55" E A DISTANCE OF 298.63' TO A CALCULATED POINT;  
THENCE N 16°45'55" E A DISTANCE OF 311.63' TO A CALCULATED POINT;  
THENCE N 16°53'09" E A DISTANCE OF 61.40' TO A CALCULATED POINT;  
THENCE LEAVING THE CENTER LINE OF EVERETTE KEITH ROAD S 87°31'42" E A DISTANCE  
OF 24.93' TO A CALCULATED POINT;  
WHICH IS THE POINT OF BEGINNING.





## Request for Board Action

July 15, 2025

**To:** The Honorable Mayor and Board of Commissioners

**From:** Becca Prichard, Planner II

**Subject:** Ordinance for Petition# ANNEX 24-04

---

### **EXPLAIN REQUEST:**

Consider adopting an ordinance approving Petition #ANNEX 24-04, a request by Charlotte Everett Keith Road IND Owner, LLC, to annex 64.962 contiguous acres into the Town of Huntersville.

### **ACTION RECOMMENDED:**

Consider decision

### **FINANCIAL IMPLICATIONS:**

N/A

### **ATTACHMENTS:**

1. A - Metes and Bounds
2. B - Annex 24-04 Everette Keith Staff Report
3. C - Annexation Application
4. D - Everette Keith Annexation Plat
5. E - Certificate of Sufficiency
6. F - Legal Ad Confirmation



**AN ORDINANCE TO ANNEX CONTIGUOUS AREA INTO THE CORPORATE LIMITS OF THE TOWN OF HUNTERSVILLE, NORTH CAROLINA**

**Ordinance No. O-2025-12**

**WHEREAS**, the Board of Commissioners has been petitioned under G.S. 160A-31 to annex the area described herein; and

**WHEREAS**, the Board of Commissioners has directed the Town Clerk to investigate the sufficiency of said petition; and

**WHEREAS**, the Town Clerk has certified the sufficiency of said petition and a public hearing on the question of this annexation was held at Huntersville Town Hall at 6:00 p.m. on the 15th day of July 2025, after due notice by publication in The Charlotte Observer on July 1, 2025; and

**WHEREAS**, the Board of Commissioners hereby finds that the area described therein meets the standards of G.S. 160A-31; and

**WHEREAS**, the Board of Commissioners further finds that said petition, (i) has been signed by all of the owners of real property within the area proposed for annexation; (ii) is otherwise valid; (iii) the public health, safety, and welfare of the inhabitants of the Town of Huntersville and of the area proposed for annexation will be best served by the annexing the area described;

**NOW THEREFORE, BE IT ORDAINED** by the members of the Board of Commissioners of the Town of Huntersville, North Carolina:

**Section 1.** By virtue of the authority granted by G.S. 160A-31, the following described territory is hereby annexed and made part of the Town of Huntersville as of the 15<sup>th</sup> day of July 2025:

*See Exhibit A attached hereto for a metes and bounds description of the subject tract*

**Section 2.** Upon the effective date, the above-described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the Town of Huntersville and shall be entitled to the same privileges and benefits as other parts of the Town of Huntersville. Said territory shall be subject to municipal taxes according to G.S. 160A-58.10.

**Section 3.** The Mayor of the Town of Huntersville shall cause to be recorded in the office of the Register of Deeds of Mecklenburg County, and in the office of the Secretary of State at Raleigh, North Carolina, an accurate map of the annexed territory, described in Section 1 above, together with a duly certified copy of this ordinance. Such a map shall also be delivered to the County Board of Elections, as required by G.S. 163-288.1.

Adopted this 15<sup>th</sup> day of July, 2025

ATTEST:

---

Janet Pierson, Town Clerk

---

Christy Clark, Mayor

APPROVED AS TO FORM:

---

Emily Sloop, Town Attorney

## Exhibit A

### LEGAL DESCRIPTION

THAT CERTAIN TRACT OF LAND CONTAINING 64.962 ACRES, SITUATED IN MECKLENBURG COUNTY, NORTH CAROLINA STATE AND BETTER DESCRIBED AS FOLLOWS:

COMMENCING AT A NGS MONUMENT "M 022" HAVING NC STATE PLANE GRID COORDINATES: NORTH: 597,698.95, EAST: 1,450,482.55;

THENCE S 75°35'22" E A DISTANCE OF 6752.22' TO A CONCRETE MONUMENT FOUND;

THENCE S 16°48'44" W A DISTANCE OF 1.79' TO A POINT ON THE EASTERN RIGHT OF WAY OF EVERETTE KEITH ROAD (A 50' PUBLIC R/W);

THENCE S 87°04'25" E A DISTANCE OF 5.60' TO A 1/2" REBAR FOUND;

THENCE S 87°04'25" E A DISTANCE OF 708.11' TO A 1/2" REBAR FOUND;

THENCE S 87°06'35" E A DISTANCE OF 314.80' TO A 1/2" REBAR FOUND;

THENCE S 86°57'28" E A DISTANCE OF 320.00' TO A 1/2" REBAR FOUND;

THENCE S 01°42'13" E A DISTANCE OF 559.91' TO A SQUARE TOP ROD;

THENCE N 89°37'03" E A DISTANCE OF 125.33' TO A 1/2" IRON PIPE FOUND;

THENCE S 02°00'28" E A DISTANCE OF 484.65' TO A 1/2" IRON PIPE FOUND;

THENCE S 01°15'12" E A DISTANCE OF 275.90' TO A 1/2" REBAR FOUND;

THENCE S 01°17'14" E A DISTANCE OF 130.34' TO A 5/8" REBAR FOUND;

THENCE S 70°50'42" W A DISTANCE OF 388.80' TO A 5/8" REBAR FOUND;

THENCE S 68°09'32" W A DISTANCE OF 88.42' TO A 1/2" REBAR FOUND BENT;

THENCE S 68°14'20" W A DISTANCE OF 345.87' TO A 5/8" REBAR SET;

THENCE N 26°41'33" W A DISTANCE OF 239.69' TO A 5/8" REBAR SET;

THENCE S 57°05'36" W A DISTANCE OF 502.00' TO A 1/2" REBAR FOUND;

THENCE N 31°30'27" W A DISTANCE OF 150.00' TO A 1/2" REBAR FOUND;

THENCE N 58°18'41" E A DISTANCE OF 219.27' TO A 1/2" IRON PIPE FOUND;

THENCE N 05°46'15" W A DISTANCE OF 56.07' TO A 1/2" REBAR FOUND;

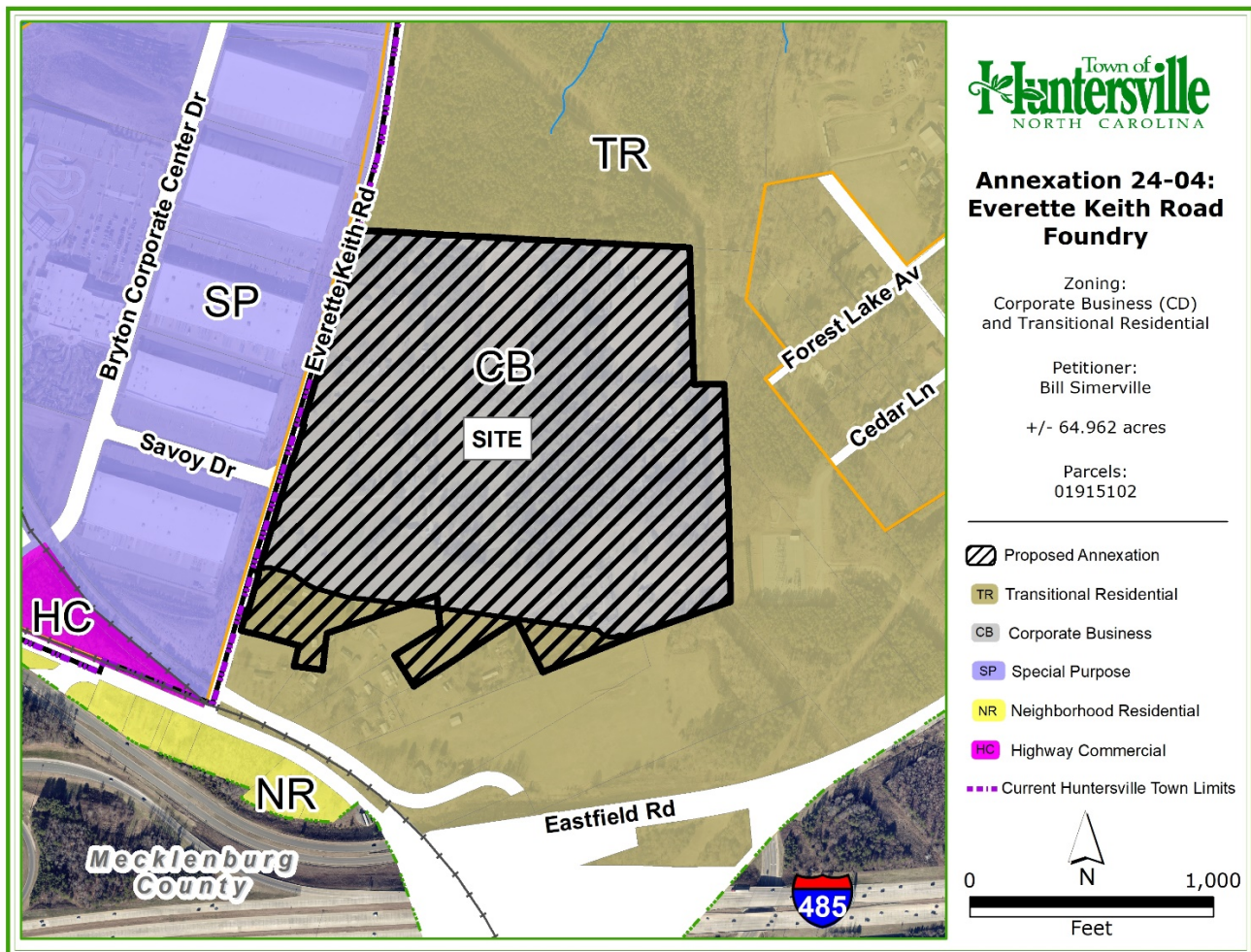
THENCE N 05°51'41" W A DISTANCE OF 73.71' TO A 1" IRON PIPE FOUND;  
THENCE S 71°02'30" W A DISTANCE OF 477.15' TO A 1/2" IRON PIPE FOUND AT A STONE;  
THENCE S 06°41'44" W A DISTANCE OF 151.38' TO A 1/2" STEEL ROD WITH BOLT;  
THENCE N 82°30'18" W A DISTANCE OF 89.11' TO A 5/8" REBAR FOUND;  
THENCE N 82°29'17" W A DISTANCE OF 29.66' TO A 3/4" REBAR FOUND;  
THENCE N 13°55'24" E A DISTANCE OF 87.46' TO A 5/8" REBAR SET;  
THENCE N 74°53'01" W A DISTANCE OF 220.76' TO A 1/2" REBAR FOUND;  
THENCE N 80°04'08" W A DISTANCE OF 26.13' TO A CALCULATED POINT;  
THENCE N 80°04'08" W A DISTANCE OF 23.81' TO A CALCULATED POINT IN THE CENTER  
LINE OF EVERETTE KEITH ROAD;  
THENCE FOLLOWING THE CENTER LINE OF EVERETTE KEITH ROAD N 16°46'26" E A  
DISTANCE OF 92.11' TO A CALCULATED POINT;  
THENCE N 15°11'39" E A DISTANCE OF 141.20' TO A CALCULATED POINT;  
THENCE N 17°24'34" E A DISTANCE OF 257.28' TO A CALCULATED POINT;  
THENCE N 16°38'51" E A DISTANCE OF 95.27' TO A CALCULATED POINT;  
THENCE N 16°38'57" E A DISTANCE OF 148.19' TO A CALCULATED POINT;  
THENCE N 17°23'21" E A DISTANCE OF 138.97' TO A CALCULATED POINT;  
THENCE N 17°00'58" E A DISTANCE OF 161.77' TO A CALCULATED POINT;  
THENCE N 16°45'55" E A DISTANCE OF 298.63' TO A CALCULATED POINT;  
THENCE N 16°45'55" E A DISTANCE OF 311.63' TO A CALCULATED POINT;  
THENCE N 16°53'09" E A DISTANCE OF 61.40' TO A CALCULATED POINT;  
THENCE LEAVING THE CENTER LINE OF EVERETTE KEITH ROAD S 87°31'42" E A DISTANCE  
OF 24.93' TO A CALCULATED POINT;  
WHICH IS THE POINT OF BEGINNING.

## Annexation Petition # 24-04 (Contiguous) Everette Keith Logistics Park

### EXPLANATION OF THE REQUEST

Petition Annex #24-04 is for the contiguous annexation of one parcel into the Town of Huntersville. Identified as PID 019-15-102, the 64.962-acre parcel will be utilized for the Everette Keith Logistics Park.

### LOCATION



### BACKGROUND

The petitioner, Charlotte Everett Keith Road IND Owner, LLC has filed a petition to consider voluntary, contiguous annexation pursuant to North Carolina General Statutes Section 160A-31.

All statutory requirements for annexation have been met:

- The Petition Requesting Annexation was received on June 25, 2025 (see Attachment).
- The Town Clerk certified the sufficiency of the Petition on June 27, 2025 (see Attachment).
- Notice of the public hearing has been placed in a newspaper of general circulation. The notice appeared in the Charlotte Observer on July 1, 2025 (see Attachment).

#### **STAFF RECOMMENDATION**

Since all statutory requirements have been met in full, staff recommends that the Town Board approve the petition with Mayor's signature on the associated ordinance. If the final action of this annexation takes place on July 15, 2025, the voluntary, contiguous annexation would also become effective on July 15, 2025.

#### **ATTACHMENTS**

- A - Contiguous Annexation Petition
- B - Annexation Plat
- C - Certificate of Sufficiency
- D - Public Hearing Ad
- E - Metes & Bounds Description



## Annexation **P**etition

### Petition Requesting Annexation

To the Board of Commissioners of the Town of Huntersville:

1. We, the undersigned owners of all or a part of the real property described on the metes and bounds description attached hereto, request that the described area be annexed to the Town of Huntersville.

2. Parcels proposed to be Annexed:

01915102

3. The area to be annexed is (contiguous) (non-contiguous) [circle one] to the primary corporate limits of the Town of Huntersville. The petitioner attaches hereto and submits as part of the petition:

(a) Metes and bounds description of the parcel(s) identified in paragraph 1, and

(b) A plat, suitable for recordation in the office of the Mecklenburg County Register of Deeds, showing the area proposed for annexation with relation to the primary corporate limits of the Town of Huntersville.

4. The petitioner (does) (does not) [circle one] claim vested rights in the property pursuant to N.C.G.S. 153A-344.1 or 160A-385.1. The basis of this claim of vested rights is as follows:

Approved sketchplan - EPM 445035



**Petitioner & Owner Signature**

**Petitioner**

Petitioner: Bill Simerville

01915102

Parcel(s) Owned



2/24/2025

Signature of Petitioner

Date

**Signature of All Owners of Property Proposed for Annexation**

1. Property Owner(s): Charlotte Everett Keith Road IND Owner, LLC

01915102

Parcel(s) Owned



David Auld - Manager

6/4/2025

Signature of Property Owner(s)

Date

2. Property Owner(s): \_\_\_\_\_

Parcel(s) Owned

Signature of Property Owner(s)

Date

3. Property Owner(s): \_\_\_\_\_

Parcel(s) Owned

Signature of Property Owner(s)

Date

4. Property Owner(s): \_\_\_\_\_

Parcel(s) Owned

Signature of Property Owner(s)

Date



## NOTES

1. THE SOLE PURPOSE OF THIS PLAT IS TO ANNEX PID 01915102 INTO THE TOWN OF HUNTERSVILLE.
2. IRON PINS AT ALL PROPERTY CORNERS, UNLESS OTHERWISE NOTED.
3. THIS PARCEL LIES IN FEMA FLOOD ZONE DESIGNATION : X, FIRM MAP 3710455900K, COMMUNITY 37048, EFFECTIVE DATE 09-02-2015.
4. COORDINATES ARE BASED ON NC GRID NAD 83(2011).
5. THIS MAP OR PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN 1 IN 684135.8 FEET.
6. AREAS DETERMINED BY COORDINATE METHOD.
7. SUBJECT TO ALL EASEMENTS, RIGHT OF WAYS, AND OR ENCUMBRANCES THAT MAY AFFECT THIS PROPERTY.
8. THE PROPERTY SHOWN HEREON IS ZONED IN CB(CD) CORPORATE BUSINESS (CONDITIONAL DISTRICT) & TR TRANSITIONAL RESIDENTIAL DISTRICT, PER MECKLENBURG COUNTY GIS FOR THE TOWN OF HUNTERSVILLE.  
(TR) SETBACKS:  
FRONT: 20'  
SIDE YARD: 6'  
REAR YARD: 25'

\*SETBACKS TO BE VERIFIED PRIOR CONSTRUCTION.

9. THE DEPICTED RIGHT-OF-WAYS ARE PRESENTED AS APPARENT BASED ON REFERENCES FROM RECORDED DEEDS AND PLATS, AND ARE NOT INTENDED FOR DESIGN PURPOSES. IT SHOULD BE NOTED THAT NO NC DOT RIGHT-OF-WAY PLANS HAVE BEEN OBTAINED IN THE COURSE OF THIS PROCESS. THESE REPRESENTATIONS OF RIGHT-OF-WAYS SERVE SOLELY AS VISUAL REFERENCES AND DO NOT CONSTITUTE OFFICIAL CERTIFICATION OF THEIR EXISTENCE OR DIMENSIONS.

## REFERENCES

- |                       |                     |
|-----------------------|---------------------|
| 1. DB 3200 PG 215     | 14. DB 10557 PG 256 |
| 2. DB 4147 PG 584     | 15. DB 10643 PG 125 |
| 3. DB 4147 PG 587     | 16. DB 11056 PG 685 |
| 4. DB 4869 PG 375     | 17. DB 11913 PG 249 |
| 5. DB 5885 PG 222-223 | 18. DB 14460 PG 977 |
| 6. DB 5885 PG 226     | 19. DB 29881 PG 877 |
| 7. DB 5885 PG 236-237 | 20. DB 31527 PG 5   |
| 8. DB 6435 PG 66      | 21. DB 18282-254    |
| 9. DB 7847 PG 20      | 22. DB 29172-590    |
| 10. DB 7880 PG 959    | 23. DB 32391-917    |
| 11. DB 8104 PG 217    | 24. MB 54-700       |
| 12. DB 10029 PG 235   | 25. MB 66-205       |
| 13. DB 10480 PG 870   |                     |

INSET 1  
NOT TO SCALE

AREA IN THE  
RIGHT OF WAY  
12896.53 Sq.Ft.  
0.296 Ac.

AREA IN THE  
RIGHT OF WAY  
2168.21 Sq.Ft.  
0.050 Ac.

AREA IN THE  
RIGHT OF WAY  
12896.53 Sq.Ft.  
0.296 Ac.

AREA IN THE  
RIGHT OF WAY  
2168.21 Sq.Ft.  
0.050 Ac.

AREA IN THE  
RIGHT OF WAY  
12896.53 Sq.Ft.  
0.296 Ac.

AREA IN THE  
RIGHT OF WAY  
2168.21 Sq.Ft.  
0.050 Ac.

AREA IN THE  
RIGHT OF WAY  
12896.53 Sq.Ft.  
0.296 Ac.

AREA IN THE  
RIGHT OF WAY  
2168.21 Sq.Ft.  
0.050 Ac.

AREA IN THE  
RIGHT OF WAY  
12896.53 Sq.Ft.  
0.296 Ac.

AREA IN THE  
RIGHT OF WAY  
2168.21 Sq.Ft.  
0.050 Ac.

AREA IN THE  
RIGHT OF WAY  
12896.53 Sq.Ft.  
0.296 Ac.

AREA IN THE  
RIGHT OF WAY  
2168.21 Sq.Ft.  
0.050 Ac.

AREA IN THE  
RIGHT OF WAY  
12896.53 Sq.Ft.  
0.296 Ac.

AREA IN THE  
RIGHT OF WAY  
2168.21 Sq.Ft.  
0.050 Ac.

AREA IN THE  
RIGHT OF WAY  
12896.53 Sq.Ft.  
0.296 Ac.

AREA IN THE  
RIGHT OF WAY  
2168.21 Sq.Ft.  
0.050 Ac.

AREA IN THE  
RIGHT OF WAY  
12896.53 Sq.Ft.  
0.296 Ac.

AREA IN THE  
RIGHT OF WAY  
2168.21 Sq.Ft.  
0.050 Ac.

AREA IN THE  
RIGHT OF WAY  
12896.53 Sq.Ft.  
0.296 Ac.

AREA IN THE  
RIGHT OF WAY  
2168.21 Sq.Ft.  
0.050 Ac.

AREA IN THE  
RIGHT OF WAY  
12896.53 Sq.Ft.  
0.296 Ac.

AREA IN THE  
RIGHT OF WAY  
2168.21 Sq.Ft.  
0.050 Ac.

AREA IN THE  
RIGHT OF WAY  
12896.53 Sq.Ft.  
0.296 Ac.

AREA IN THE  
RIGHT OF WAY  
2168.21 Sq.Ft.  
0.050 Ac.

AREA IN THE  
RIGHT OF WAY  
12896.53 Sq.Ft.  
0.296 Ac.

AREA IN THE  
RIGHT OF WAY  
2168.21 Sq.Ft.  
0.050 Ac.

AREA IN THE  
RIGHT OF WAY  
12896.53 Sq.Ft.  
0.296 Ac.

AREA IN THE  
RIGHT OF WAY  
2168.21 Sq.Ft.  
0.050 Ac.

AREA IN THE  
RIGHT OF WAY  
12896.53 Sq.Ft.  
0.296 Ac.

AREA IN THE  
RIGHT OF WAY  
2168.21 Sq.Ft.  
0.050 Ac.

AREA IN THE  
RIGHT OF WAY  
12896.53 Sq.Ft.  
0.296 Ac.

AREA IN THE  
RIGHT OF WAY  
2168.21 Sq.Ft.  
0.050 Ac.

AREA IN THE  
RIGHT OF WAY  
12896.53 Sq.Ft.  
0.296 Ac.

AREA IN THE  
RIGHT OF WAY  
2168.21 Sq.Ft.  
0.050 Ac.

AREA IN THE  
RIGHT OF WAY  
12896.53 Sq.Ft.  
0.296 Ac.

AREA IN THE  
RIGHT OF WAY  
2168.21 Sq.Ft.  
0.050 Ac.

AREA IN THE  
RIGHT OF WAY  
12896.53 Sq.Ft.  
0.296 Ac.

AREA IN THE  
RIGHT OF WAY  
2168.21 Sq.Ft.  
0.050 Ac.

AREA IN THE  
RIGHT OF WAY  
12896.53 Sq.Ft.  
0.296 Ac.

AREA IN THE  
RIGHT OF WAY  
2168.21 Sq.Ft.  
0.050 Ac.

AREA IN THE  
RIGHT OF WAY  
12896.53 Sq.Ft.  
0.296 Ac.

AREA IN THE  
RIGHT OF WAY  
2168.21 Sq.Ft.  
0.050 Ac.

AREA IN THE  
RIGHT OF WAY  
12896.53 Sq.Ft.  
0.296 Ac.

AREA IN THE  
RIGHT OF WAY  
2168.21 Sq.Ft.  
0.050 Ac.

AREA IN THE  
RIGHT OF WAY  
12896.53 Sq.Ft.  
0.296 Ac.

AREA IN THE  
RIGHT OF WAY  
2168.21 Sq.Ft.  
0.050 Ac.

AREA IN THE  
RIGHT OF WAY  
12896.53 Sq.Ft.  
0.296 Ac.

AREA IN THE  
RIGHT OF WAY  
2168.21 Sq.Ft.  
0.050 Ac.

AREA IN THE  
RIGHT OF WAY  
12896.53 Sq.Ft.  
0.296 Ac.

AREA IN THE  
RIGHT OF WAY  
2168.21 Sq.Ft.  
0.050 Ac.

AREA IN THE  
RIGHT OF WAY  
12896.53 Sq.Ft.  
0.296 Ac.

AREA IN THE  
RIGHT OF WAY  
2168.21 Sq.Ft.  
0.050 Ac.

AREA IN THE  
RIGHT OF WAY  
12896.53 Sq.Ft.  
0.296 Ac.

AREA IN THE  
RIGHT OF WAY  
2168.21 Sq.Ft.  
0.050 Ac.

AREA IN THE  
RIGHT OF WAY  
12896.53 Sq.Ft.  
0.296 Ac.

AREA IN THE  
RIGHT OF WAY  
2168.21 Sq.Ft.  
0.050 Ac.

AREA IN THE  
RIGHT OF WAY  
12896.53 Sq.Ft.  
0.296 Ac.

AREA IN THE  
RIGHT OF WAY  
2168.21 Sq.Ft.  
0.050 Ac.

AREA IN THE  
RIGHT OF WAY  
12896.53 Sq.Ft.  
0.296 Ac.

AREA IN THE  
RIGHT OF WAY  
2168.21 Sq.Ft.  
0.050 Ac.

AREA IN THE  
RIGHT OF WAY  
12896.53 Sq.Ft.  
0.296 Ac.

AREA IN THE  
RIGHT OF WAY  
2168.21 Sq.Ft.  
0.050 Ac.

AREA IN THE  
RIGHT OF WAY  
12896.53 Sq.Ft.  
0.296 Ac.

AREA IN THE  
RIGHT OF WAY  
2168.21 Sq.Ft.  
0.050 Ac.

AREA IN THE  
RIGHT OF WAY  
12896.53 Sq.Ft.  
0.296 Ac.

AREA IN THE  
RIGHT OF WAY  
2168.21 Sq.Ft.  
0.050 Ac.

AREA IN THE  
RIGHT OF WAY  
12896.53 Sq.Ft.  
0.296 Ac.

AREA IN THE  
RIGHT OF WAY  
2168.21 Sq.Ft.  
0.050 Ac.

AREA IN THE  
RIGHT OF WAY  
12896.53 Sq.Ft.  
0.296 Ac.

AREA IN THE  
RIGHT OF WAY  
2168.21 Sq.Ft.  
0.050 Ac.

AREA IN THE  
RIGHT OF WAY  
12896.53 Sq.Ft.  
0.296 Ac.

AREA IN THE  
RIGHT OF WAY  
2168.21 Sq.Ft.  
0.050 Ac.

AREA IN THE  
RIGHT OF WAY  
12896.53 Sq.Ft.  
0.296 Ac.

AREA IN THE  
RIGHT OF WAY  
2168.21 Sq.Ft.  
0.050 Ac.

AREA IN THE  
RIGHT OF WAY  
12896.53 Sq.Ft.  
0.296 Ac.

AREA IN THE  
RIGHT OF WAY  
2168.21 Sq.Ft.  
0.050 Ac.

AREA IN THE  
RIGHT OF WAY  
12896.53 Sq.Ft.  
0.296 Ac.

AREA IN THE  
RIGHT OF WAY  
2168.21 Sq.Ft.  
0.050 Ac.

AREA IN THE  
RIGHT OF WAY  
12896.53 Sq.Ft.  
0.296 Ac.

AREA IN THE  
RIGHT OF WAY  
2168.21 Sq.Ft.  
0.050 Ac.

AREA IN THE  
RIGHT OF WAY  
12896.53 Sq.Ft.  
0.296 Ac.

AREA IN THE  
RIGHT OF WAY  
2168.21 Sq.Ft.  
0.050 Ac.

AREA IN THE  
RIGHT OF WAY  
12896.53 Sq.Ft.  
0.296 Ac.

AREA IN THE  
RIGHT OF WAY  
2168.21 Sq.Ft.  
0.050 Ac.

AREA IN THE  
RIGHT OF WAY  
12896.53 Sq.Ft.  
0.296 Ac.

AREA IN THE  
RIGHT OF WAY  
2168.21 Sq.Ft.  
0.050 Ac.

AREA IN THE  
RIGHT OF WAY  
12896.53 Sq.Ft.  
0.296 Ac.

AREA IN THE  
RIGHT OF WAY  
2168.21 Sq.Ft.  
0.050 Ac.

AREA IN THE  
RIGHT OF WAY  
12896.53 Sq.Ft.  
0.296 Ac.

AREA IN THE  
RIGHT OF WAY  
2168.21 Sq.Ft.  
0.050 Ac.

AREA IN THE  
RIGHT OF WAY  
12896.53 Sq.Ft.  
0.296 Ac.

AREA IN THE  
RIGHT OF WAY  
2168.21 Sq.Ft.  
0.050 Ac.

AREA IN THE  
RIGHT OF WAY  
12896.53 Sq.Ft.  
0.296 Ac.

AREA IN THE  
RIGHT OF WAY  
2168.21 Sq.Ft.  
0.050 Ac.

AREA IN THE  
RIGHT OF WAY  
12896.53 Sq.Ft.  
0.296 Ac.

AREA IN THE  
RIGHT OF WAY  
2168.21 Sq.Ft.  
0.050 Ac.

AREA IN THE  
RIGHT OF WAY  
12896.53 Sq.Ft.  
0.296 Ac.

AREA IN THE  
RIGHT OF WAY  
2168.21 Sq.Ft.  
0.050 Ac.

AREA IN THE  
RIGHT OF WAY  
12896.53 Sq.Ft.  
0.296 Ac.

AREA IN THE  
RIGHT OF WAY  
2168.21 Sq.Ft.  
0.050 Ac.

AREA IN THE  
RIGHT OF WAY  
12896.53 Sq.Ft.  
0.296 Ac.

AREA IN THE  
RIGHT OF WAY  
2168.21 Sq.Ft.  
0.050 Ac.

AREA IN THE  
RIGHT OF WAY  
12896.53 Sq.Ft.  
0.296 Ac.

AREA IN THE  
RIGHT OF WAY  
2168.21 Sq.Ft.  
0.050 Ac.

AREA IN THE  
RIGHT OF WAY  
12896.53 Sq.Ft.  
0.296 Ac.

AREA IN THE  
RIGHT OF WAY  
2168.21 Sq.Ft.  
0.050 Ac.

AREA IN THE  
RIGHT OF WAY  
12896.53 Sq.Ft.  
0.296 Ac.

AREA IN THE  
RIGHT OF WAY  
2168.21 Sq.Ft.  
0.050 Ac.

AREA IN THE  
RIGHT OF WAY  
12896.53 Sq.Ft.  
0.296 Ac.

AREA IN THE  
RIGHT OF WAY  
2168.21 Sq.Ft.  
0.050 Ac.

AREA IN THE  
RIGHT OF WAY  
12896.53 Sq.Ft.  
0.296 Ac.

AREA IN THE  
RIGHT OF WAY  
2168.21 Sq.Ft.  
0.050 Ac.

AREA IN THE  
RIGHT OF WAY  
12896.53 Sq.Ft.  
0.296 Ac.

AREA IN THE  
RIGHT OF WAY  
2168.21 Sq.Ft.  
0.050 Ac.

AREA IN THE  
RIGHT OF WAY  
12896.53 Sq.Ft.  
0.296 Ac.

AREA IN THE  
RIGHT OF WAY  
2168.21 Sq.Ft.  
0.050 Ac.

AREA IN THE  
RIGHT OF WAY  
12896.53 Sq.Ft.  
0.296 Ac.

AREA IN THE  
RIGHT OF WAY  
2168.21 Sq.Ft.  
0.050 Ac.

AREA IN THE  
RIGHT OF WAY  
12896.53 Sq.Ft.  
0.296 Ac.

AREA IN THE  
RIGHT OF WAY  
2168.21 Sq.Ft.  
0.050 Ac.

AREA IN THE  
RIGHT OF WAY  
12896.53 Sq.Ft.  
0.296 Ac.

AREA IN THE  
RIGHT OF WAY  
2168.21 Sq.Ft.  
0.050 Ac.

AREA IN THE  
RIGHT OF WAY  
12896.53 Sq.Ft.  
0.296 Ac.

AREA IN THE  
RIGHT OF WAY  
2168.21 Sq.Ft.  
0.050 Ac.

AREA IN THE  
RIGHT OF WAY  
12896.53 Sq.Ft.  
0.296 Ac.

AREA IN THE  
RIGHT OF WAY  
2168.21 Sq.Ft.  
0.050 Ac.

AREA IN THE  
RIGHT OF WAY  
12896.53 Sq.Ft.  
0.296 Ac.

AREA IN THE  
RIGHT OF WAY  
2168.21 Sq.Ft.  
0.050 Ac.

AREA IN THE  
RIGHT OF WAY  
12896.53 Sq.Ft.  
0.296 Ac.

AREA IN THE  
RIGHT OF WAY  
2168.21 Sq.Ft.  
0.050 Ac.

AREA IN THE  
RIGHT OF WAY  
12896.53 Sq.Ft.  
0.296 Ac.

AREA IN THE  
RIGHT OF WAY  
2168.21 Sq.Ft.  
0.050 Ac.

AREA IN THE  
RIGHT OF WAY  
12896.53 Sq.Ft.  
0.296 Ac.

AREA IN THE  
RIGHT OF WAY  
2168.21 Sq.Ft.  
0.050 Ac.

AREA IN THE  
RIGHT OF WAY  
12896.53 Sq.Ft.  
0.296 Ac.

AREA IN THE  
RIGHT OF WAY  
2168.21 Sq.Ft.  
0.050 Ac.

AREA IN THE  
RIGHT OF WAY  
12896.53 Sq.Ft.  
0.296 Ac.

AREA IN THE  
RIGHT OF WAY  
2168.21 Sq.Ft.  
0.050 Ac.

AREA IN THE  
RIGHT OF WAY  
12896.53 Sq.Ft.  
0.296 Ac.

AREA IN THE  
RIGHT OF WAY  
2168.21 Sq.Ft.  
0.050 Ac.

AREA IN THE  
RIGHT OF WAY  
12896.53 Sq.Ft.  
0.296 Ac.

AREA IN THE  
RIGHT OF WAY  
2168.21 Sq.Ft.  
0.050 Ac.

AREA IN THE  
RIGHT OF WAY  
12896.53 Sq.Ft.  
0.296 Ac.

AREA IN THE  
RIGHT OF WAY  
2168.21 Sq.Ft.  
0.050 Ac.

AREA IN THE  
RIGHT OF WAY  
12896.53 Sq.Ft.  
0.296 Ac.

AREA IN THE  
RIGHT OF WAY  
2168.21 Sq.Ft.  
0.050 Ac.

AREA IN THE  
RIGHT OF WAY  
12896.53 Sq.Ft.  
0.296 Ac.

AREA IN THE  
RIGHT OF WAY  
2168.21 Sq.Ft.  
0.050 Ac.

AREA IN THE  
RIGHT OF WAY  
12896.53 Sq.Ft.  
0.296 Ac.

AREA IN THE  
RIGHT OF WAY  
2168.21 Sq.Ft.  
0.050 Ac.

AREA IN THE  
RIGHT OF WAY  
12896.53 Sq.Ft.  
0.296 Ac.

AREA IN THE  
RIGHT OF WAY  
2168.21 Sq.Ft.  
0.050 Ac.

AREA IN THE  
RIGHT OF WAY  
12896.53 Sq.Ft.  
0.296 Ac.

AREA IN THE  
RIGHT OF WAY  
2168.21 Sq.Ft.  
0.050 Ac.

AREA IN THE  
RIGHT OF WAY  
12896.53 Sq.Ft.  
0.296 Ac.

AREA IN THE  
RIGHT OF WAY  
2168.21 Sq.Ft.  
0.050 Ac.

AREA IN THE  
RIGHT OF WAY  
12896.53 Sq.Ft.  
0.296 Ac.

AREA IN THE  
RIGHT OF WAY  
2168.21 Sq.Ft.  
0.050 Ac.

AREA IN THE  
RIGHT OF WAY  
12896.53 Sq.Ft.  
0.296 Ac.

AREA IN THE  
RIGHT OF WAY  
2168.21 Sq.Ft.  
0.050 Ac.

AREA IN THE  
RIGHT OF WAY  
12896.53 Sq.Ft.  
0.296 Ac.

AREA IN THE  
RIGHT OF WAY  
2168.21 Sq.Ft.  
0.050 Ac.

AREA IN THE  
RIGHT OF WAY  
12896.53 Sq.Ft.  
0.296 Ac.

AREA IN THE  
RIGHT OF WAY  
2168.21 Sq.Ft.  
0.050 Ac.

AREA IN THE  
RIGHT OF WAY  
12896.53 Sq.Ft.  
0.296 Ac.

AREA IN THE  
RIGHT OF WAY  
2168.21 Sq.Ft.  
0.050 Ac.

AREA IN THE  
RIGHT OF WAY  
12896.53 Sq.Ft.  
0.296 Ac.

AREA IN THE  
RIGHT OF WAY  
2168.21 Sq.Ft.  
0.050 Ac.

AREA IN THE  
RIGHT OF WAY  
12896.53 Sq.Ft.  
0.296 Ac.

AREA IN THE  
RIGHT OF WAY  
2168.21 Sq.Ft.  
0.050 Ac.

AREA IN THE  
RIGHT OF WAY  
12896.53 Sq.Ft.  
0.296 Ac.

AREA IN THE  
RIGHT OF WAY  
2168.21 Sq.Ft.  
0.050 Ac.

AREA IN THE  
RIGHT OF WAY  
12896.53 Sq.Ft.  
0.296 Ac.

AREA IN THE  
RIGHT OF WAY  
2168.21 Sq.Ft.  
0.050 Ac.

AREA IN THE  
RIGHT OF WAY  
12896.53 Sq.Ft.  
0.296 Ac.

AREA IN THE  
RIGHT OF WAY  
2168.21 Sq.Ft.  
0.050 Ac.

AREA IN THE  
RIGHT OF WAY  
12896.53 Sq.Ft.  
0.296 Ac.

AREA IN THE  
RIGHT OF WAY  
21



**CERTIFICATE OF SUFFICIENCY**

Everette Keith Logistics Park

To the Board of Commissioners of the Town of Huntersville, North Carolina:

I, Janet Pierson, Town Clerk, do hereby certify that I have investigated the attached petition and hereby make the following findings:

- a. The petition contains an adequate property description of the area proposed for annexation.
- b. The area described in the petition is contiguous to the Town of Huntersville primary corporate limits, as defined by G.S. 160A-31.
- c. The petition is signed by and includes addresses of all owners of real property lying in the area described therein.

The undersigned therefore certifies that the petition is sufficient for the voluntary annexation of a contiguous area pursuant to NCGS §160A-31.

IN WITNESS WHEREOF, I have hereto set my hand and affixed the seal of the Town of Huntersville this 27<sup>th</sup> day of June, 2025.



Janet Pierson  
Janet Pierson, Town Clerk

## AFFIDAVIT OF PUBLICATION

| Account # | Order Number | Identification        | Order PO | Cols | Depth |
|-----------|--------------|-----------------------|----------|------|-------|
| 31994     | IPL0249539   | Legal Ad - IPL0249539 |          | 1.0  | 69.0L |

ATTENTION: TOWN OF HUNTERSVILLE-PLANNING IP  
PO Box 664  
Huntersville, NC 28070  
tbarron@huntersville.org

### NOTICE OF PUBLIC HEARING

The public is put on notice that the Town of Huntersville will hold a public hearing on Tuesday, July 15, 2025, at 6:00 PM on the following petitions. These public hearings will be held in person at Huntersville Town Hall located at 101 Huntersville-Concord Road Huntersville NC 28078. View-only live stream options are available and will be indicated on the meeting agenda published one week prior to the meeting.

Petition#R25-06, a request by Robert and Heather Dubiel to rezone +/- 11.265 acres at 12300 McCord Road from General Residential (GR) to Transitional Residential (TR).

Petition #TA25-01, a request by the Huntersville Planning Department to amend Articles 3, 4, 5, 8, 9, and 12 of the Huntersville Zoning Ordinance. The purpose of the amendment is to revise terms and definitions for residential uses and structures.

Petition #TA25-04, a request by the Huntersville Planning Department to amend Articles 7.2 and 7.4 of the Huntersville Zoning Ordinance. The purpose of the amendment is to clarify tree survey requirements and limit the amount of tree mitigation permitted.

Petition #TA25-06, a request by the Huntersville Planning Department to amend Articles 3.2.1, 3.2.2, 4, 7.5, and 9.64 of the Huntersville Zoning Ordinance. The purpose of the amendment is to specify the planting standards for existing required buffers, clarify the applicability of buffer requirements, specify performance requirements for buffers, align the vegetation requirements with the intent of buffers, and centralize buffer standards.

Petition #TA25-08, a request by the Huntersville Planning Department to amend Articles 3, 7, 8, 9, 10, 11, 12, and 14 of the Huntersville Zoning Ordinance. This request also proposes to amend Sections 2, 6, 7, 8, and 9 of the Huntersville Subdivision Ordinance. The purpose of the amendment is to revise requirements for permanent stormwater control measures, community meetings, existing features plans, berm standards, urban open space, farmhouse clusters, open space for minor subdivisions, and provide consistency with SB 166.

The public is invited to attend the hearing and comment on the proposed changes. Substantial changes may occur to the request based on comments. For further info please contact the Planning Dept at 704-875-7000, or go to [www.huntersville.org](http://www.huntersville.org).  
IPL0249539  
Jun 28, Jul 1 2025

North Carolina } ss  
Mecklenburg County }

Before the undersigned, a Notary Public of said County and State, duly authorized to administer oaths affirmations, etc., personally appeared, being duly sworn or affirmed according to law, doth depose and say that he/she is a representative of The Charlotte Observer Publishing Company, a corporation organized and doing business under the laws of the State of Delaware, and publishing a newspaper known as The Charlotte Observer in the city of Charlotte, County of Mecklenburg, and State of North Carolina and that as such he/she is familiar with the books, records, files, and business of said Corporation and by reference to the files of said publication, the attached advertisement was inserted. The following is correctly copied from the books and files of the aforesaid Corporation and Publication.

2.0 insertion(s) published on:  
06/28/25 Digital, 07/01/25 Digital

[Print Tearsheet Link](#)

[Marketplace Link](#)

Amy Robbins



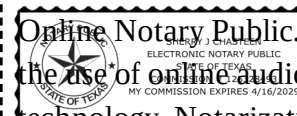
Amy Robbins

Sherry J Chasteen



Sworn to and subscribed before me on Jul 1, 2025, 8:18 AM EDT

Online Notary Public. This notarial act involved the use of online audio/video communication technology. Notarization facilitated by SIGNiX®



## **NOTICE OF PUBLIC HEARING**

The public is put on notice that the Town of Huntersville will hold a public hearing on Tuesday, July 15, 2025, at 6:00 PM on the following petitions. These public hearings will be held in person at Huntersville Town Hall located at 101 Huntersville-Concord Road Huntersville NC 28078. View-only live stream options are available and will be indicated on the meeting agenda published one week prior to the meeting.

Petition#R25-06, a request by Robert and Heather Dubiel to rezone +/- 11.265 acres at 12300 McCord Road from General Residential (GR) to Transitional Residential (TR).

Petition #TA25-01, a request by the Huntersville Planning Department to amend Articles 3, 4, 5, 8, 9, and 12 of the Huntersville Zoning Ordinance. The purpose of the amendment is to revise terms and definitions for residential uses and structures.

Petition #TA25-04, a request by the Huntersville Planning Department to amend Articles 7.2 and 7.4 of the Huntersville Zoning Ordinance. The purpose of the amendment is to clarify tree survey requirements and limit the amount of tree mitigation permitted.

Petition #TA25-06, a request by the Huntersville Planning Department to amend Articles 3.2.1, 3.2.2, 4, 7.5, and 9.64 of the Huntersville Zoning Ordinance. The purpose of the amendment is to specify the planting standards for existing required buffers, clarify the applicability of buffer requirements, specify performance requirements for buffers, align the vegetation requirements with the intent of buffers, and centralize buffer standards.

Petition #TA25-08, a request by the Huntersville Planning Department to amend Articles 3, 7, 8, 9, 10, 11, 12, and 14 of the Huntersville Zoning Ordinance. This request also proposes to amend Sections 2, 6, 7, 8, and 9 of the Huntersville Subdivision Ordinance. The purpose of the amendment is to revise requirements for permanent stormwater control measures, community meetings, existing features plans, berm standards, urban open space, farmhouse clusters, open space for minor subdivisions, and provide consistency with SB 166.

The public is invited to attend the hearing and comment on the proposed changes. Substantial changes may occur to the request based on comments. For further info please contact the Planning Dept at 704-875-7000, or go to [www.huntersville.org](http://www.huntersville.org).

IPL0249539

Jun 28,Jul 1 2025



## Request for Board Action

July 15, 2025

**To:** The Honorable Mayor and Board of Commissioners

**From:** Jesse James, Principal Planner

**Subject:** Petition #R25-01 Alex Yards

---

### **EXPLAIN REQUEST:**

Consider a decision for Petition #R25-01 Alex Yards, a request by Alexandriana Partners, LLC to rezone +/- 11.34 acres at the intersection of Alexandria Road and Mt Holly-Huntersville Road (PINs 01704204, 01704230, 01704203, 01704224, 01704201) from Corporate Business (CB) to Transit Oriented Development-Residential Conditional District (TOD-R-CD) for a multi-family development.

### **ACTION RECOMMENDED:**

Consider a recommendation

### **FINANCIAL IMPLICATIONS:**

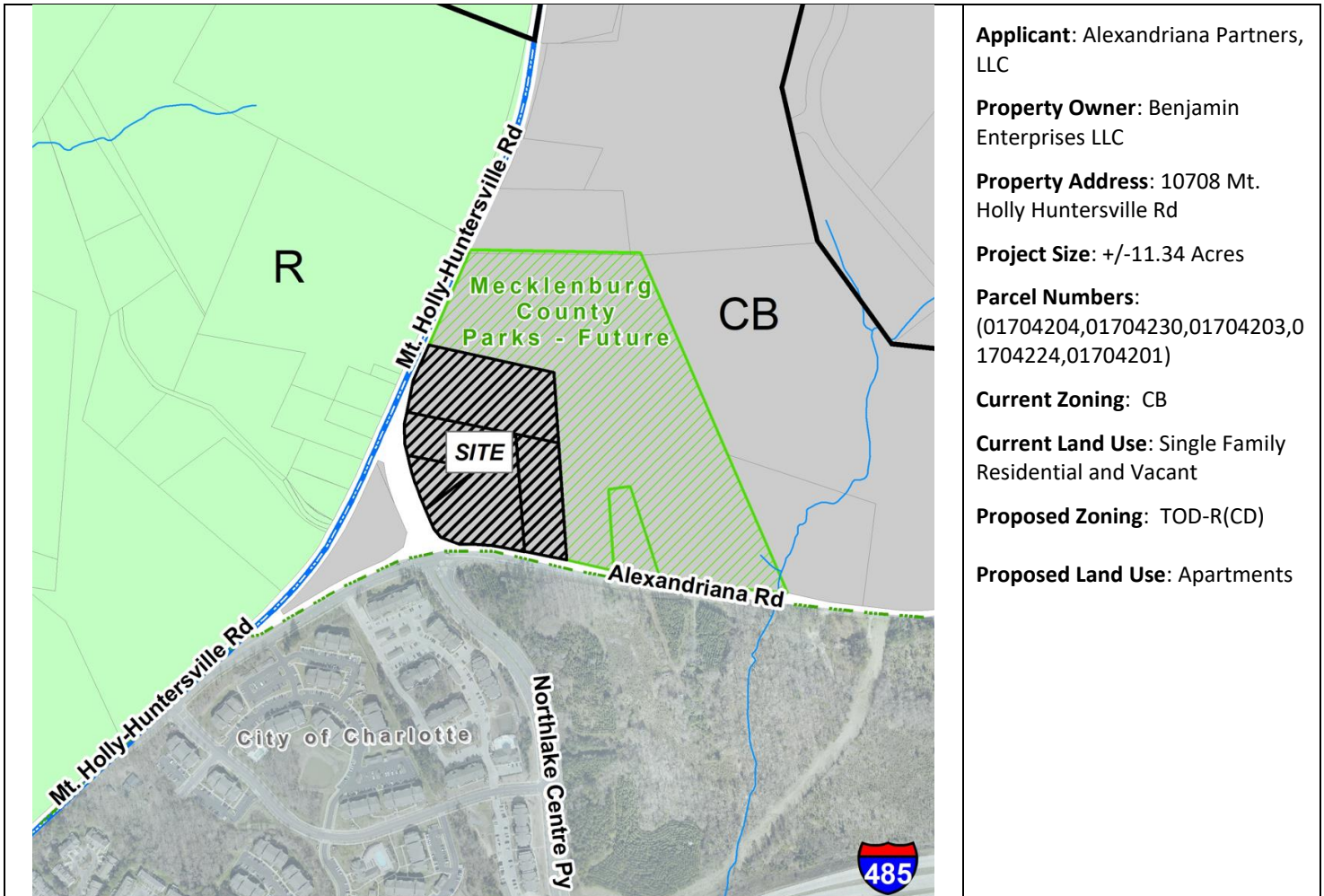
N/A

### **ATTACHMENTS:**

1. R25-01 Final Staff Report
2. General Application
3. Zoning Plans-5-14-25
4. Alex Yards Colored Elevations 4-11-25 - zoning
5. R25-01 Alex Yards Community Report Package 4.23.25
6. Alex Yards\_Rezoning Engineering Comment Summary

## Petition R25-01 Alex Yards

### PART 1: PROJECT SUMMARY \*No Updates since the Planning Board Meeting\*



1. Purpose: Rezone +/- 11.34 acres at the intersection of Mt. holly Huntersville Rd and Alexandriana Rd (PINS listed above as seen on the map) from Corporate Business to Transit Oriented Development-Residential Conditional District for a proposed apartment development.
2. Adjoining Zoning and Land Uses.
  - North: Corporate Business- Mecklenburg County Future Park
  - South: City of Charlotte- Multi-Family
  - East: Corporate Business-Mecklenburg County Future Park
  - West: Rural- Single Family Residential
3. The proposal is for a 10-building apartment development with 320 residential units(no mixed use or commercial/civic uses included) on one lot.

4. A neighborhood meeting was held on Wednesday, March 26, 2025, and the questions asked by residents/citizens and the responses from the applicants are summarized in the Community Meeting Report (see attachment)
5. Notice for this rezoning petition was sent via letter to adjoining property owners; a legal ad placed in the Charlotte Observer; and posting of rezoning signs on the property along Mt Holly Huntersville Road and Alexandriana Road.

## **PART 2: REZONING/SITE PLAN**

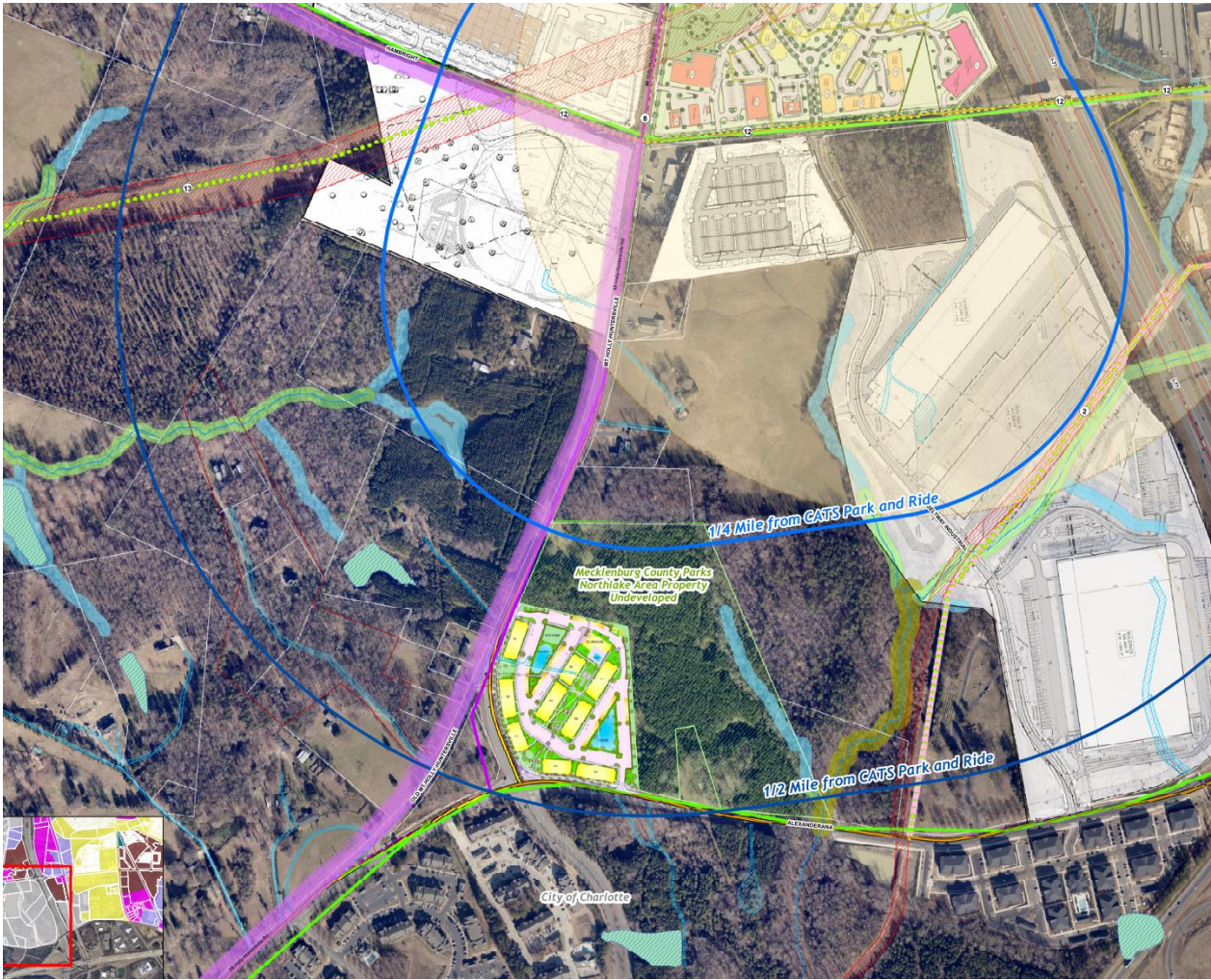
### **Intent of Transit Oriented Development-Residential Zoning:**

- The transit-oriented residential district is established to support higher density residential communities that include a rich mix of retail, restaurant, service, and small employment uses within a pedestrian village format. Land consuming uses, such as large lot housing and large retail outlets are excluded from this district. The TOD-R may be located on developable and redevelopable parcels generally found within the 1/2 mile catchment area of designated rapid transit station sites. Nothing in these regulations shall preclude application of the TOD-R beyond the 1/2 mile radius when site-specific development plans demonstrate efficient resident access to a rapid transit station. The district establishes a primarily residential village within a 10-minute walk of a designated rapid transit station that serves a residential population of sufficient size to constitute an origin and destination for purposes of rapid transit service.

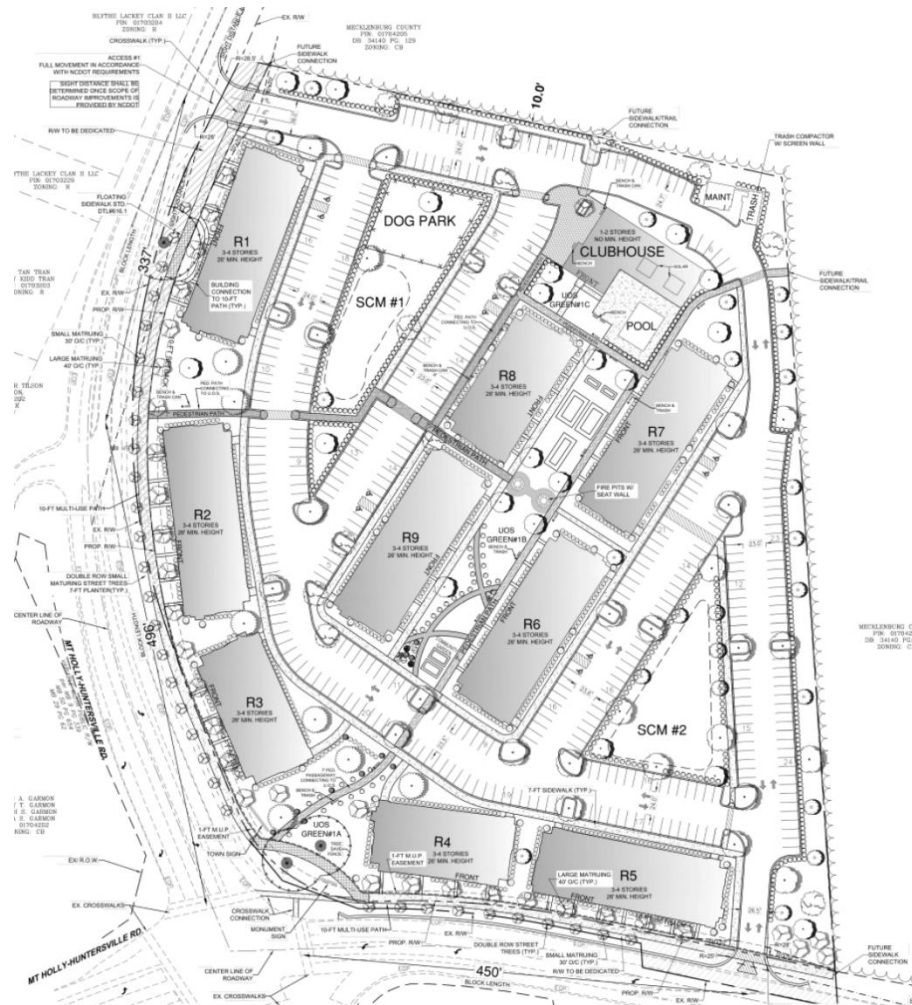
-Staff Comment- The proposal does not meet the intent of the proposed district for several reasons;

- 1) the proposal is for nine apartment buildings with no retail, restaurant, service, or small employment uses and does not have a pedestrian village format.
- 2) plan does not establish, or add to a residential village within a 10-minute walk of a designated rapid transit station. The closest transit station is the CAT's Park and Ride station slated for construction this year on Hamright Road over a half a mile away from this proposed apartment development. (see the context map below showing the proposal in proximity to the Park and Ride).
- 3) moreover, there is no safe way to walk from this location to the Cats Park and Ride. The majority of the approximately half mile walk from this proposed site plan to the park and ride has no sidewalk/sidepath. Will the applicants offer that extension of the path to the park and ride? It is not part of the plan.





## Proposed Site Plan



### Significant elements of the development plan include:

- The proposal includes 9 apartment buildings at 320 multifamily units. 5 of the buildings meet frontage requirements on the public street (Mt Holly Huntersville Road and Alexandriana Road) while 4 internal buildings plus the clubhouse front on an Urban Open Space.
- The TOD-R district regulations within the zoning ordinance do not explicitly restrict a lone development (not an extension of an existing TOD-R or other development that may complement the proposal) but it does include design provisions for neighborhood form, streets, building and lots, open space, parking, and district edge conditions.

Staff comments- This proposal is for a lone TOD-R district and as noted previously does not meet the intent of the proposed district. This proposal also does not add to an existing TOD or add to an existing development mixed use node or activity center. Therefore, it does not start the foundation for a TOD per ordinance standards. The ordinance states “The area of the project shall be divided into blocks, streets, lots, and open space. Similar land uses shall generally front across each street. Dissimilar categories shall generally abut at rear lot lines.

Corner lots which front on streets of dissimilar use shall approximate the setback established on each fronting street.”

These core values of a TOD, defined in the ordinance, are not represented in the proposed development due to its form of a one lot, multi-building project and therefore does not include public street connections, blocks, and lots. It is a single use development without the proximity of a transit station. Staff does not recommend a TOD-R development that does not meet minimum design provisions for the district or add to an existing neighborhood form. The surrounding land uses are rural, single-family properties and park open space as seen in the context map included above.

A recent example of a TOD district in Huntersville is Town 1, approved in 2023 and breaking ground in 2025. Strategically located at the corner of Hambright Road and Mt. Holly-Huntersville Road, directly across from the CATS Park and Ride facility, this project exemplifies the core principles of a TOD district. Town 1 is designed as a pedestrian-oriented village, featuring a vertical mixed-use development component. The project integrates retail, commercial services, office space, and dense residential housing in a walkable environment, promoting both transit use and local economic vitality. The dense residential component—located to the north of the plan supports and sustains the adjacent commercial uses.

- Density- The TOD-R ordinance requires a minimum of average density of 15 units per acre and a maximum of 40 units per acre. The plan includes approximately 28 units per acre (320 units).
- Open Space- The development has open space meeting standards of article 7.10 by way of providing a central green that starts at the intersection of the 2 thoroughfares and extends through the site with pedestrian paths bordering the internal green while also providing fronting conditions for 5 buildings.
- The proposal offers at least 8 attainable housing units for a period of 15-years after the issuance of a Certificate of Occupancy. 4 of such units will be floating and will be available to households earning less than 80% of the area median income. The remaining attainable units shall be available to households earning less than 100% of the area median income as published by the Charlotte-Concord-Gastonia NC-SC HUD Metro FMR area.
- The plan meets the minimum standards for parking for a TOD-R development. TOD-R requires 1 space per unit which equals 320 spaces required. The plan offers 443 spaces.
- Note 17 of the Plan- Includes details of a proposed 20-year period clean energy photovoltaic solar panel system. The applicants offer includes a minimum of 20KW of installed clean energy located on the proposed clubhouse. See note 17 on the Cover Sheet C1.

Staff Comment- The note specifies that the solar panels are not required to be installed prior to a certificate of occupancy other than for the clubhouse. Staff recommends that for this to be considered as a condition to the rezoning, thus adding to the overall benefit of the project, that the \*remaining\* solar panels be installed prior to the certificate of occupancy. Without this there is not a mechanism to enforce the installation of the panels.

- Minimum Tree Preservation (specimen tree save) for TOD-R is 30% and the proposed plan saves roughly 2%. The applicants are proposing to remove all but 2 of the specimen trees on site. There are approximately 69 specimen trees on site which would require 21 specimen trees for required protection. The proposal is to protect 2 specimen trees which equal 19 to mitigate. The request is to mitigate a portion on site and the remaining contributing to the Town's tree bank fund, pursuant to Article 7.4 of the zoning ordinance.

Staff Comment- The site is maximized for development, leaving little room for protection of existing trees. There is little to no area left for mitigation of these trees on site and therefore the plan would need to use the tree bank fund for mitigation which would add to the Town's existing funds available for tree planting projects throughout the Town. Staff recommends saving considerably more than 2 specimen trees and or providing more green spaces on the plan for mitigation on site.

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

### **PART 3: TRANSPORTATION ISSUES**

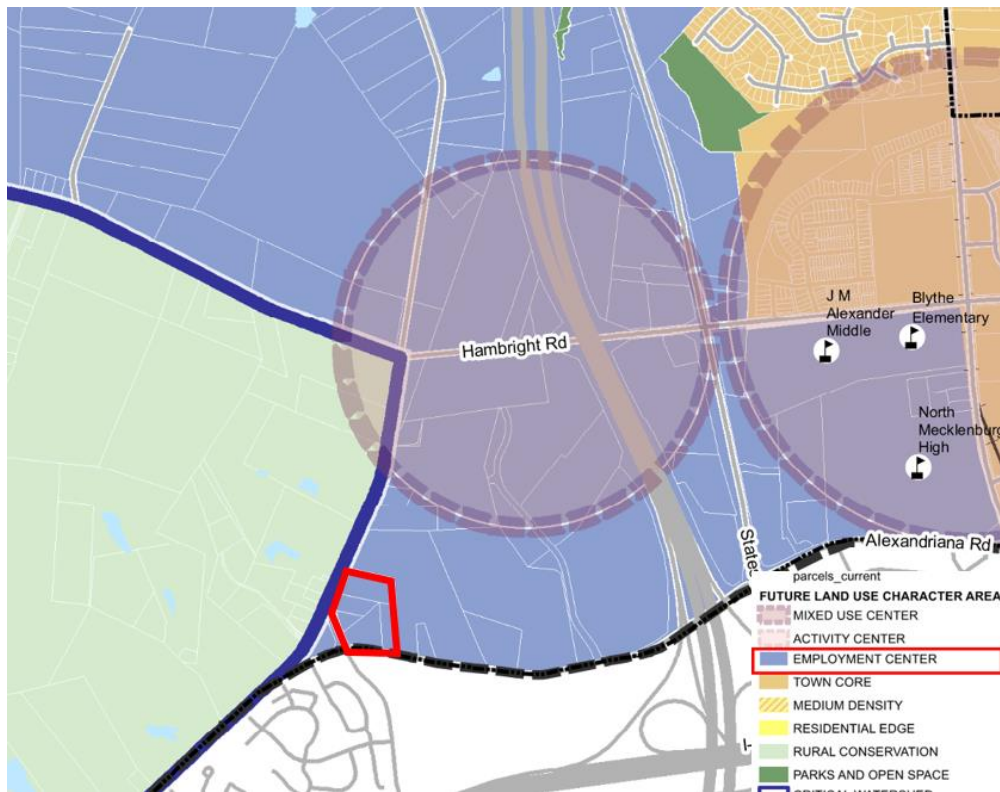
See attached Engineering Report.

### **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 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 proposed rezoning petition does not meet the uses defined within the Community Plan as seen in the map provided and described within the definition of Employment Center. While the community plan does provide for flexibility as far as housing is concerned, it also indicates to “Allow new commercial or multi-family land uses in Employment Centers only if they are **complimentary** and do not jeopardize large employment sites’ viability”. The proposed density of this plan is 28 units per acre(320 units), at the edge of the Town’s Rural designation, and no clear pedestrian access to the Cat’s Park and Ride. The Town rezoned approximately 70 acres from Corporate Business to a mix of districts with 747 housing units located about half a mile to the North on Mt Holly Huntersville Road, in this same Employment Center.

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

- LU 5.1: Allow more intense development only where transportation infrastructure and utilities already exist.

**Staff Comment:** The site as detailed above is at the intersection of two thoroughfares. The parcels are within the Town Core area and are within the area designated in the plan for higher intensity development.

- LU 10.1: Align housing options with resident needs and promote attainable housing options. Accommodate a mix of housing by type, tenure, and location to serve a growing and increasingly diverse population. Housing offerings should align with workforce opportunities, including management, professional positions, and service positions.

Staff Comment: The project offers 8 attainable housing units detailed within the report.

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

- LU 1.1: Utilize the Future Land Use Map during development approval process to ensure compatibility with long-range plans.  
Staff Comment: The future land use map designates this property as an Employment Center. Employment center does not call for housing and furthermore, this density of housing is not warranted given its distance and lack of proximity to the transit station described within.

- LU 7.1: Require all new development to adhere to the following design principles:
  - Streets should be connected, have short blocks and sidewalks on both sides of streets.
  - Improve connectivity, particularly for pedestrians and vehicles.
  - Accommodate a mix of uses and/or housing types

Staff Comment: While the plan does meet some of the initiatives in LU7.1, it misses the mark on these key items. With the plan being a one lot build out, with no integration of a public street system, it does not add to any connections as per planning policies. This plan is also a one housing type and use project which does not meet the intent of TOD policies.

- LU 8.3: Encourage transit-supportive development. Consider ways to encourage transit-supportive development proximal to future CATS Bus Rapid Transit (BRT) stations.

Staff Comment: As seen in detail above, this development is not in close proximity to the CATs station by way of pedestrian means, which is an important aspect of transit's purpose.

- EOS-4: In more urban environments, encourage the preservation of heritage trees and tree canopy enhancement.

Staff Comment: Existing currently at the proposed rezoning site is approximately 85 specimen trees, 3 are slated to be saved.

- EV1.2: Preserve areas suitable for business and industrial development, along with a mixture of support uses, to ensure an adequate inventory of land for future growth and development, with increases to this inventory as required. These areas should have proximity to existing or future activity centers, have access to transportation options and utility service, and offer amenities for employees.

Staff Comment: This area is designated in the Town Plan as Employment Center, under this initiative the Town should preserve this subject area for employment generating, non-residential tax base uses.

- LU-8.2- Evaluate and strengthen incentives to encourage the achievement of higher design standards.  
Staff Comment: This proposed plan does not have enough in the way of “above and beyond” for excellence in design to outweigh its ordinance deficiencies. A typical TOD plan should have a connective street system where the majority of buildings front on a block system of public streets. This is a one lot plan where 5 buildings front on an internal open space. The plan also does not save the minimum amount of tree save, as seen in the body of this report.

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

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

STAFF COMMENT:

The proposed development, with a density of 28 units per acre (320 units total), is inconsistent with the character and existing development patterns in the surrounding area. This site lies on the edge of the Town’s Rural designation, which is currently defined by large-lot single-family homes and agricultural uses. Introducing high-density residential development in this context represents a significant departure from the established land use and could undermine the intended transition between rural and urban forms.

Moreover, the proposal lacks adequate pedestrian connectivity, particularly to the Cat’s Park and Ride facility. This absence of access contradicts the principles of integrated and transit-oriented development that are vital for sustainable growth.

It is worth noting that the Town has already taken proactive steps to accommodate higher density housing by rezoning approximately 70 acres about half a mile to the north on Mt. Holly-Huntersville Road(Town 1 described within). That rezoning allowed for 747 housing units across a mix of districts and aligns more appropriately with the Mixed-Use Center designation with the community plan and is surrounded by Employment Center, given its location, scale, and proximity to existing infrastructure.

For these reasons, this proposal raises significant concerns regarding compatibility with the surrounding land uses, infrastructure capacity, and broader planning goals.

- 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 R25-01, Alex Yards, staff recommends denial. The proposal is inconsistent with the Huntersville 2040 Community Plan policies LU1.1, LU 7.1, LU 8.3, EOS-4, EV1.2, and LU 8.2.

It is not reasonable and in the public interest to rezone the approximate 11.34 acres described herein as it is not consistent with the envisioned use and development patterns set forth in the 2040 Community Plan.

**PART 6: PUBLIC HEARING**

A Public Hearing was held on May 6, 2025. The meeting can be viewed [here](https://www.youtube.com/watch?v=qmhNQxSgl7w). The case starts around the 53-minute mark.

<https://www.youtube.com/watch?v=qmhNQxSgl7w>.

**PART 7: PLANNING BOARD RECOMMENDATION**

The Planning Board Meeting was held on May 27, 2025. The motion for denial was passed 5-4.

Motion for denial;

“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.”

**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 with Elevations
- C – Community Meeting Report
- D- Engineering Report

**PART 10: CONSISTENCY STATEMENT – R25-01 Alex Yards**

|                     |                |                        |
|---------------------|----------------|------------------------|
| Planning Department | Planning Board | Board of Commissioners |
|---------------------|----------------|------------------------|



|                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                        |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>APPROVAL:</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                       | <p>APPROVAL:</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | <p>APPROVAL: APPROVAL: In considering the proposed rezoning application R25-01, Alex Yards, the Town Board recommends approval based on the Plan being consistent with <u>(insert applicable plan reference)</u>.</p> <p><b><u>It is reasonable and in the public interest to approve the Rezoning Plan because... (Explain)</u></b></p>               |
| <p>DENIAL: In considering the proposed rezoning petition R25-01, Alex Yards, staff recommends denial. The proposal is inconsistent with the Huntersville 2040 Community Plan policies LU1.1, LU 7.1, LU 8.3, EOS-4, EV1.2, and LU8.2.</p> <p>It is not reasonable and in the public interest to rezone the approximate 11.34 acres described herein as it is not consistent with the envisioned use and development patterns set forth in the 2040 Community Plan.</p> | <p>DENIAL: 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.</p> <p>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.</p> | <p>DENIAL: In considering the proposed rezoning application R25-01 Alex Yards, the Town Board recommends denial based on the Plan being <b><u>(consistent OR inconsistent) with (insert applicable plan reference)</u></b>.</p> <p><b><u>It is not reasonable and in the public interest to approve the Rezoning Plan because... (Explain)</u></b></p> |



# 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 1-21-25

Name of Project Alex Yards Phase # (if subdivision) \_\_\_\_\_

Project Address 10708 MT. HOLLY HUNTERSVILLE RD

Parcel Identification Number(s) (PIN) 01704204, 01704230, 01704203, 01704224, 01704201

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

Property Size (acres) 11.34 Street Frontage (feet) 1427-FT

Current Land Use Various

Proposed Land Use(s) MULTI-FAM

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

## 3. Description of Request

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

Rezone the property from CB to TOD-R CD for approximately 325-apartments.

## 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 Alexandria Partners, LLC Phone 704-236-0686  
☐ 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 Member Email scottkerrythorson@gmail.com

Address of Applicant 14316 Reese Blvd, Ste 15B, Huntersville, NC 28078

## 7. Property Owner (if different than applicant)

\*Printed Name Benjamin Enterprises, LLC Phone 704-956-5195  
☐ 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 Member Email johnbenjamin81@icloud.com

Address of Property Owner 720 Foster Rd, Cleveland, NC 28013

\* 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

|                          |                 |              |                             |
|--------------------------|-----------------|--------------|-----------------------------|
| Alexandria Partners, LLC | Scott Thorson   | 704-236-0686 | scottkerrythorson@gmail.com |
| Development Firm         | Name of Contact | Phone        | Email                       |
| Woodbine Design, PC      | Peyton Woody    | 704-315-8367 | pwoody@woodbinedesign.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:          | <a href="https://www.huntersville.org/228/Planning-Department">https://www.huntersville.org/228/Planning-Department</a> |



DEVELOPMENT NOTES:

1. **Rezoning Petition.** These rezoning notes comprise the development standards ("Development Standards") associated with the rezoning petition (the "Rezoning Petition") filed by Alexandriana Partners, LLC ("Petitioner") on January 24, 2025 (the "Filing Date") as Rezoning Petition R-25 - 01 & Sketch Plan (the "Rezoning Plan") for that approximately 11.34 acre tract of land, identified on this Site Plan as Alex Yards (the "Project") in connection with tax parcel numbers 01704204, 01704230, 01704203, 01704224 and 01704201 (the "Property"). The purpose of the Rezoning Petition is to convert the zoning classification of the Property from the Corporate Business Zoning District to TOD-R(CD) in accordance with the provisions of these Development Standards, the Rezoning Plan 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 Filing Date. Subject in all respects to the rights of the Petitioner under the Permit Choice Act, N.C.G.S. 143-755, the regulations established under the Ordinance in place on the Filing Date govern development of the Property as shown on the Rezoning Plan. Unless the Rezoning Plan establishes a more stringent standard(s) or unless otherwise noted on the Rezoning Plan or in these Development Standards.
3. **Schematic Nature of Rezoning Plan.** The lots, proposed improvements, roads, driveways and urban open space shown on the Rezoning Plan are schematic in nature and exact locations, architectural style and materials, size, number or quantity and configurations of lots and buildings, including first floor area and height, may be modified during design, engineering and construction phases of the development so long as such alteration is within the parameters of the approved traffic impact analysis and permitted uses set forth herein. Multiple buildings may be combined and a single building may be divided into two or more buildings as long as the resulting building complies with the Ordinance standards. The exact alignments of the internal drives and internal public streets, including sidewalk, planting strip and intersection design and location, have not been determined and are subject to final design and engineering plans, and minor alterations of these alignments may take place during design development and construction phases.
4. **Phasing.** The development of the Property as generally depicted on the Rezoning Plan may be phased, as determined during the course of construction. Any proposed phasing must align with TIA, infrastructure, parking, tree save, open space and stormwater requirements for that phase; provided, however, any mitigation required by NCDOT will be coordinated with NCDOT before or after approval of this Rezoning Petition.
5. **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.
6. **Permitted Uses.** The Property may be developed for multi-family residential and attached residential uses (including accessory uses) permitted in the TOD-R Zoning District, 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.
7. **Access.** The number of site access points, driveways and connections to roads are schematic in nature. To the extent permitted by applicable driveway permit requirements, future driveways, access points and road connections may cross the setback and shall not require a rezoning of the Property but shall otherwise comply with applicable driveway permit requirements. Cross access and parking easements shall be granted as needed to provide access over shared driveways and rights to shared parking. Required parking may be calculated across multiple lots as long as reasonable access is provided. Frontage may be altered or reoriented to address urban open space without the requirement of a rezoning or amendment to this Rezoning Plan.
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. Pursuant to Note #4 of these development standards, requirements that are met by the Project as a whole, such as open space, tree save and impervious requirements, need not be met by individual parcels.
9. **Street Improvements.** Petitioner shall be required to install sidewalks- street trees, planting strips, bicycle lanes or other street improvements as a condition of the approval of this Rezoning Plan as specifically shown on the Rezoning Plan and as required by the Ordinance, Subdivision Ordinance, applicable Huntersville/NCDOT TIA, or driveway permit requirements; provided, however, in the event NCDOT requires or requests that Petitioner enter into a developer's agreement with NCDOT prior to or after approval of this Rezoning Petition to provide NCDOT with reimbursement of the cost to NCDOT of completion of all or any portion of such improvements, Petitioner shall not be required to install the improvements for which such reimbursement is made or agreed to be made pursuant to the developer's agreement. Street tree locations, sidewalks, planting strips and parking are subject to change during the construction plan phase as required by Petitioner and to satisfy the Town's Engineering Standards and Procedures Manual.
10. **Landscaping/Buffers.** Development of the Property shall comply with the landscaping and buffer requirements of the Ordinance. Landscape easements shall be provided for street trees as required by the Ordinance. Buffer impacts/mitigation shall be permitted through the appropriate state or federal agency if applicable.
11. **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, 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.
12. **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. Stormwater lines and facilities are permitted within public right-of-way constructed as a part of the Project and as shown on preliminary plans.
13. **Binding Effect of the Rezoning Documents and Definitions.** If this Rezoning Application 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 those heirs, devisees, personal representatives, successors in interest and assigns to whom Petitioner expressly assigns its rights herein or owners of the Property from time to time who may be involved in any future development thereof.
14. **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.
15. **Approval.** Approval of this Rezoning Plan does not imply or guarantee approval or vesting of the preliminary construction plan, which will be reviewed for compliance in accordance with all applicable Town, County and State regulations in effect at the time of submittal.
16. **Affordable Housing.** Petitioner proposes that at least eight (8) attainable housing units shall be provided among the residential units as shown on the Rezoning Plan for a period of fifteen (15) years after the issuance of a certificate of occupancy for the applicable building. Pursuant to and in compliance with the requirements of N.C.G.S. 160D-703(B1) and Section 3.2.13(D)(2) of the Town of Huntersville Zoning Ordinance, at least four (4) of such attainable units shall be floating housing units that will be available to households earning less than 80% of the area median income as published by HUD for the Charlotte-Concord-Gastonia NC-SC HUD Metro FMR Area. The remaining attainable units shall be available to households earning less than 100% of the area median income as published by HUD for the Charlotte-Concord-Gastonia NC-SC HUD Metro FMR Area.
17. **Solar.** Project design to include a min. of 20 kW of installed clean energy capacity for a minimum period of 20 years. This requirement is initially proposed to be achieved through the installation of photovoltaic solar panels. System components should be installed during the normal course of construction, but the actual photovoltaic solar panels will not be required to be installed until the earlier of (a) issuance of final certificate of occupancy on the final building; or (b) two (2) years after the issuance of the first certificate of occupancy. All buildings greater than 5,000 square feet will include a minimum of one (1) dedicated 4" conduit chase or two (2) dedicated 2" conduit chases from attic to electrical room to facilitate future rooftop photovoltaic solar installations. All buildings greater than 5,000 square feet will include roof truss and framing designed to accommodate an additional 1,500 pounds of load for future photovoltaic solar installations.

GENERAL NOTES

- GENERAL NOTES:
- MODIFICATIONS REQUESTED: NONE
  - ALL DEVELOPMENT AND CONSTRUCTION SHALL COMPLY WITH ALL ZONING AND SUBDIVISION STANDARDS OF THE TOWN OF HUNTERSVILLE, MECKLENBURG COUNTY, AND NCDOT, AS APPLICABLE.
  - THIS PROPERTY MAY BE SUBJECT TO ANY EASEMENTS AND/OR RIGHT-OF-WAY OF RECORD.
  - ALL AREAS DESIGNATED AS COMMON AND/OR URBAN OPEN SPACE SHALL BE OWNED AND MAINTAINED BY THE ASSOCIATION AND DEDICATED FRO PERPETUITY.
  - ACCESS (INGRESS/EGRESS) LOCATION AND DESIGN SHOWN ON THIS SKETCH PLAN AREA SUBJECT TO ACHIEVING VERTICAL AND HORIZONTAL SIGHT DISTANCES, TURN LANE IMPROVEMENTS (INCLUDING RIGHT-OF-WAY) AND NO INTERSECTION WITH ADJACENT AND OPPOSING ACCESS POINTS. MODIFICATIONS TO PLAN MAY RESULT.
  - LARGE MATURING TREES WILL BE PLANTED 40' O/C & SMALL MATURING TREES 30' 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.
  - SMALL MATURING TREES ARE TO BE USED WHERE OVERHEAD POWER LINES EXIST.
  - MAIL DELIVERY SHALL OCCUR AT THE CLUBHOUSE FOR THE MULTI-FAMILY UNITS IN USPS APPROVED CLUSTER BOX
  - TRASH COMPACTOR LOCATION HAS BEEN SHOWN ON THE SITE.
  - WATER AND SEWER SHALL BE PROVIDED BY CLT WATER
  - ACRES WITHIN RIGHT-OF-WAY TO BE DEDICATED = 0.52-ACRES
  - BUILD-TO LINE. A LINE EXTENDING THROUGH A LOT WHICH IS GENERALLY PARALLEL TO THE FRONT PROPERTY LINE AND MARKS THE LOCATION FROM WHICH THE PRINCIPLE VERTICAL PLANE OF THE FRONT BUILDING ELEVATION, EXCLUSIVE OF PORCHES, BAY WINDOWS AND SIMILAR APPURTENANCES, MUST BE ERRECTED; INTENDED TO CREATE AN EVEN BUILDING FAÇADE LINE ON A STREET. THE BUILD-TO LINE IS ESTABLISHED ON THE RECORD PLAT (FINAL PLAT).

# Conditional District Rezoning/Sketch Plan Approval Application

## Proposed

# ALEX YARDS

# 10708 MT HOLLY-HUNTERSVILLE RD, HUNTERSVILLE, NC 28078

Applicant / Developer:

ALEXANDRIANA PARTNERS, LLC  
14316 REESE BLVD. W., STE B15  
HUNTERSVILLE, NC 28078

JANUARY 24TH, 2025

Plans Prepared By:



Woodbine Design, P.C.

Land planning & civil engineering

blending  
nature & man

CONDITIONAL REZONING #R25-01  
ACCELA #CSP-500056

Survey By:



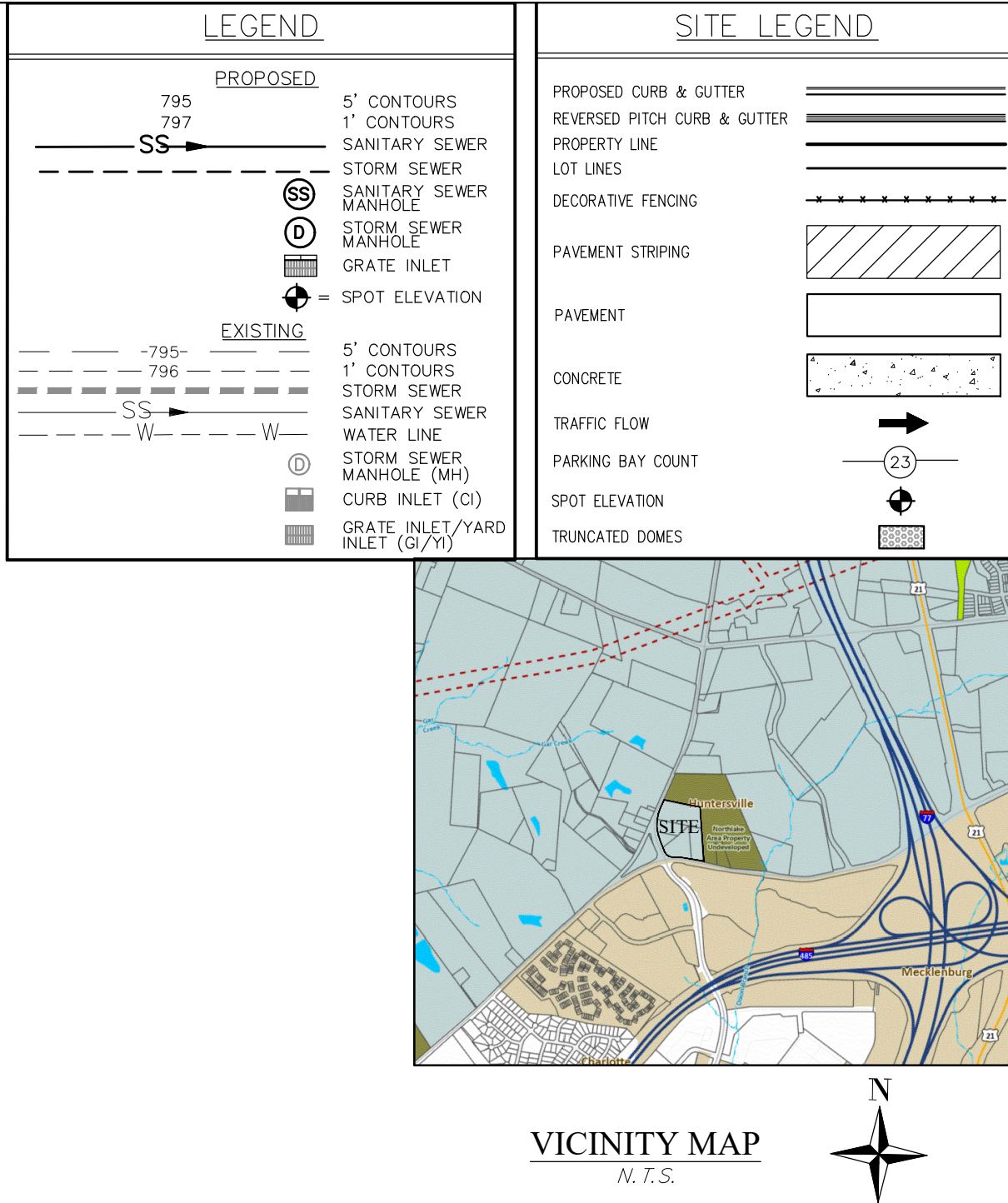
SEE APPLICATION FOR CONTACT &  
ADDRESS INFORMATION

SHEET LEGEND

- C1 COVER SHEET
- C2 COLOR CONCEPT PLAN
- C3 CONCEPT PLAN
- C4 CONCEPT PLAN W/ TOPO
- C5 LANDSCAPE PLAN - CONCEPTUAL
- C6 UTILITY PLAN - CONCEPTUAL
- C7 GRADING/STORMDRAIN/SCM - CONCEPTUAL
- C8 EX. CONDITIONS PLAN
- C8.1 TREE SAVE PLAN
- C9 SLOPE ANALYSIS
- ATTACHED TREE & BOUNDARY SURVEY

IF ANY CONFLICTS, DISCREPANCIES, OR OTHER UNSATISFACTORY CONDITIONS ARE DISCOVERED, EITHER ON THE CONSTRUCTION DOCUMENTS OR THE FIELD CONDITIONS, THE CONTRACTOR MUST NOTIFY THE ENGINEER IMMEDIATELY, AND SHALL NOT COMMENCE OPERATION UNTIL THE CONFLICTS, DISCREPANCIES, OR OTHER UNSATISFACTORY CONDITIONS ARE RESOLVED.

PLOTTED: 5/14/2025  
P:\23013-ALEXANDRIANA  
PROPERTY\_CAD\01N-ALEXANDRIANA-CD-BASE.DWG



## FIRE MARSHAL

FIRE MARSHAL'S OFFICE  
ALL ITEMS ON THE CHECKLIST BELOW MUST BE MET FOR LAND DEVELOPMENT APPROVAL

The Mecklenburg County Fire Marshal's Office reviews land development drawings that are submitted thru the land development review process for the incorporated towns and their extra territorial jurisdiction (ETJ) areas. All land development drawings are reviewed for the following code requirements in the sketch and construction submittals:

- Road Width – Minimum 20 feet or per North Carolina Department of Transportation (NCDOT).
- Fire Apparatus Turning Radius – 30 feet inner, 42 feet outer.
  - Templates SB-30 (Engines) and SB-100 (Trucks) are used and all drawings shall be scaled no smaller than 1:60.
- Water Utilities – Water lines and/or fire hydrant locations.
  - Fire hydrants required within 400 feet of any new structure. Exception: R3 and U occupancies or when the structure has an approved sprinkler system distant requirement shall be 600 feet.
  - Fire Department Connection (FDC) required within 200' for NFPA13/13R sprinkler systems and 100' for standpipes systems.
- Dead-End Roads – Maximum length of any dead-end road shall be 150 feet without an approved fire apparatus turn around
- Road Surfaces – All roads/commercial driveways for fire apparatus access shall be capable to support the imposed load of an 80,000-pounds.
- Secondary Access – Development of one-or two- family dwellings where the number of dwelling units exceed 100 and commercial structures 62,000sqft (no sprinklers) and 124,000sqft (with sprinklers) shall be provided with separate and approved remote fire apparatus access road.

## COMMITTED ROADWAY IMPROVEMENTS

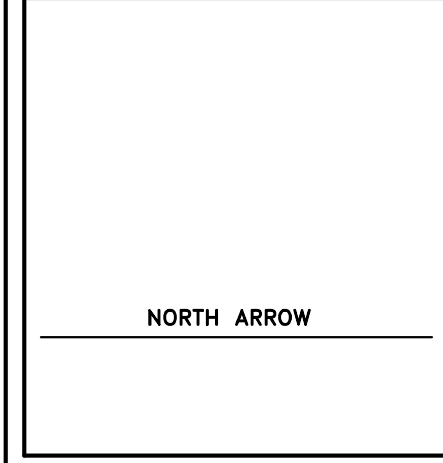
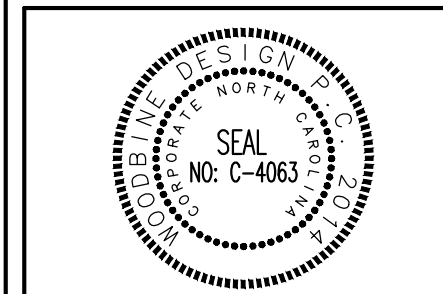
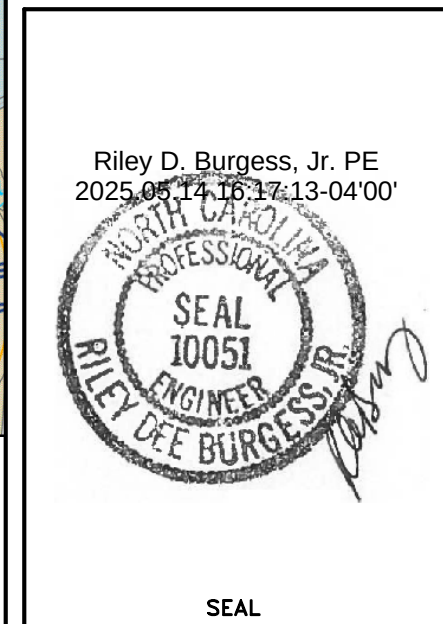
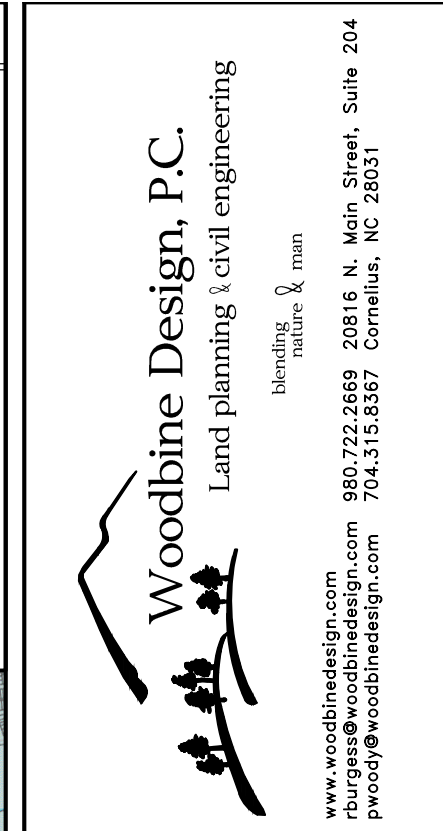
A TIA MITIGATION PLAN WAS APPROVED BY THE TOWN OF HUNTERSVILLE ON 4/24/25. THE MITIGATION PLAN IS ON FILE WITH THE TOWN AND THE FOLLOWING TRANSPORTATION IMPROVEMENTS ARE REQUIRED:

- MT. HOLLY HUNTERSVILLE ROAD AND SITE ACCESS A
  - CONSTRUCT A SOUTHBOUND LEFT-TURN LANE ON MT HOLLY HUNTERSVILLE ROAD WITH 100 FEET OF STORAGE.
  - CONSTRUCT THE WESTBOUND SITE ACCESS WITH SEPARATE LEFT AND RIGHT TURN LANES AND AN INTERNAL PROTECTED STEM OF 100 FEET.
  - CONSTRUCT INGRESS RIGHT TURN LANE WITH 100' OF STORAGE AND APPROPRIATE DECELERATION/TAPER AT ACCESS A

## ALEXANDRIANA ROAD AND SITE ACCESS B (RIR0)

- CONSTRUCT A MEDIAN ALONG ALEXANDRIANA ROAD TO RESTRICT ACCESS TO RIGHT-IN/OUT ONLY AND AN INTERNAL PROTECTED STEM OF 100 FEET.
- CONSTRUCT INGRESS RIGHT TURN LANE WITH 100' OF STORAGE AND APPROPRIATE DECELERATION/TAPER AT ACCESS B

| OWNER INFORMATION |                           |
|-------------------|---------------------------|
| PIN               | OWNER                     |
| 01704204          | BENJAMIN ENTERPRISES, LLC |
| 01704230          | JOHN & ELAINE BENJAMIN    |
| 01704203          | BENJAMIN ENTERPRISES, LLC |
| 01704224          | BENJAMIN ENTERPRISES, LLC |
| 01704201          | BENJAMIN ENTERPRISES, LLC |



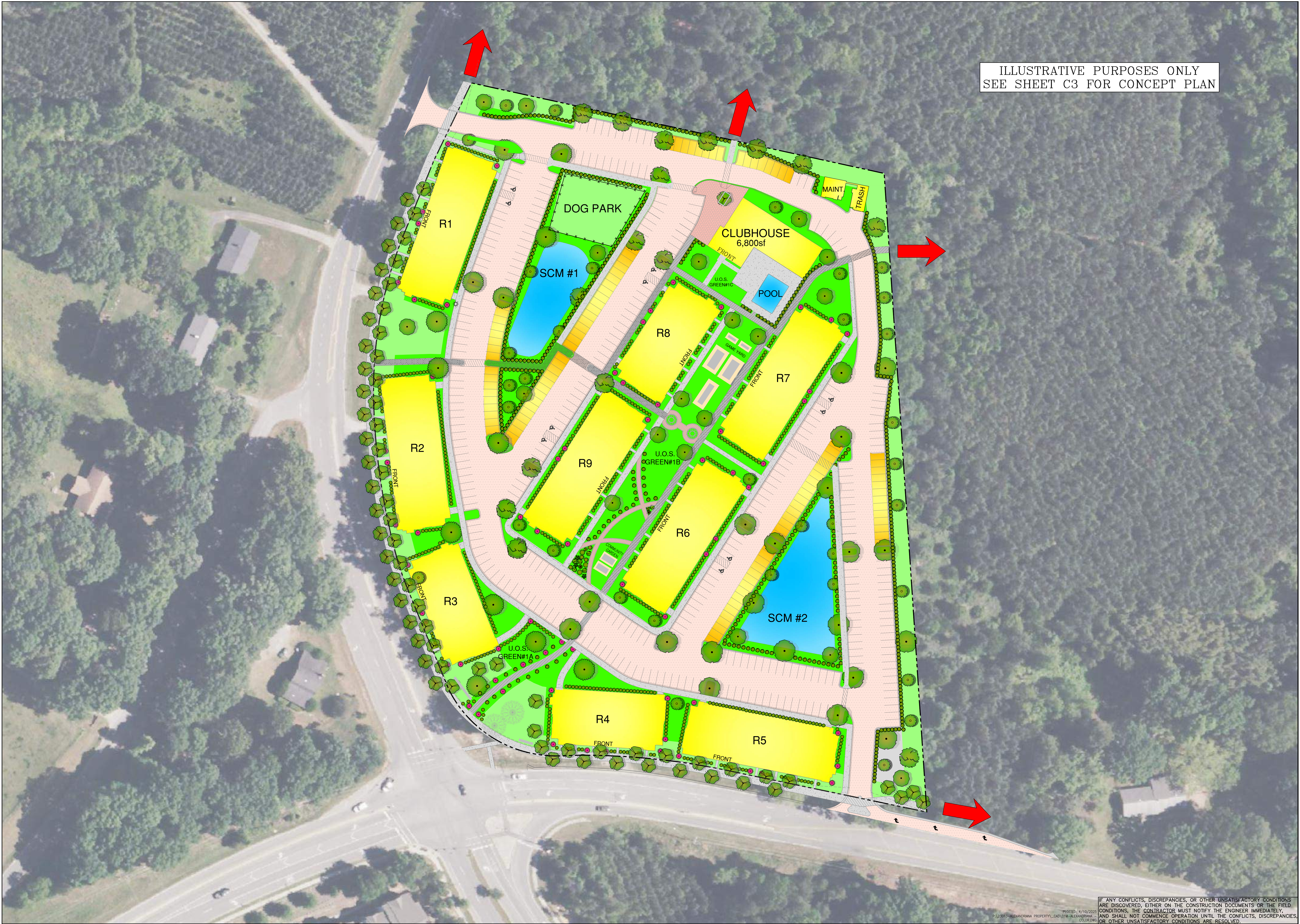
| Project    | Location                                         | Sheet Title |
|------------|--------------------------------------------------|-------------|
| ALEX YARDS | 10708 MT HOLLY-HUNTERSVILLE RD, HUNTERSVILLE, NC | COVER       |

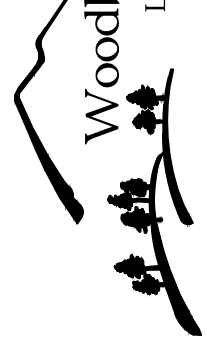
| DEVELOPER/OWNER                                                                   |  |
|-----------------------------------------------------------------------------------|--|
| ALEXANDRIANA PARTNERS, LLC<br>14316 REESE BLVD, STE 15B<br>HUNTERSVILLE, NC 28078 |  |

|             |                        |
|-------------|------------------------|
| Designed By | WOODBINE               |
| Drawn By    | WOODBINE               |
| Date        | 1-24-25                |
| Revisions   | 4/10/25- Town Comments |
|             | 5/14/25- Town Comments |
|             |                        |
|             |                        |
|             |                        |
|             |                        |
|             |                        |
|             |                        |

Sheet: C1 of 9  
Project Number: 23013





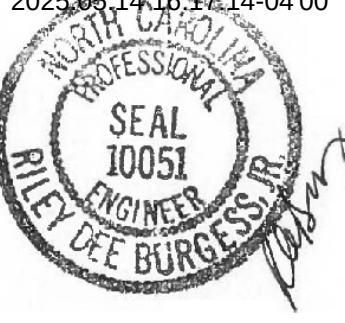


Woodbine Design, P.C.

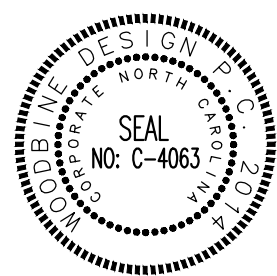
Land planning & civil engineering

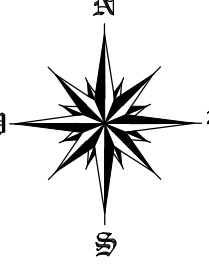
www.woodbinedesign.com  
rburgess@woodbinedesign.com  
980.722.2669 20816 N. Main Street, Suite 204  
Cornelius, NC 28031

Riley D. Burgess, Jr., PE  
2025.05.14.16:37:14-04'00"



SEAL





NORTH ARROW



|             |                                                  |
|-------------|--------------------------------------------------|
| Project     | ALEX YARDS                                       |
| Location    | 10708 MT HOLLY-HUNTERSVILLE RD, HUNTERSVILLE, NC |
| Sheet Title | ILLUSTRATIVE PLAN                                |

ALEXANDRIANA PARTNERS, LLC  
14316 REESE BLVD, STE 15B  
HUNTERSVILLE, NC 28078

|             |          |
|-------------|----------|
| Designed By | WOODBINE |
| Drawn By    | WOODBINE |
| Date        | 1-24-25  |
| Revisions   |          |
|             |          |
|             |          |
|             |          |
|             |          |
|             |          |

Sheet: C2 of 9

Project Number: 23013

IF ANY CONFLICTS, DISCREPANCIES, OR OTHER UNSATISFACTORY CONDITIONS ARE DISCOVERED, EITHER ON THE CONSTRUCTION DOCUMENTS OR THE FIELD CONDITIONS, THE CONTRACTOR MUST NOTIFY THE ENGINEER IMMEDIATELY, AND SHALL NOT COMMENCE OPERATION UNTIL THE CONFLICTS, DISCREPANCIES, OR OTHER UNSATISFACTORY CONDITIONS ARE RESOLVED.

PLOTTED: 4/10/2025  
P:\23013-ALEXANDRIANA PROPERTY\_CAD\DTM-ALEXANDRIANA-COLOR.DWG









| SITE LEGEND                  |  | LEGEND   |                                |
|------------------------------|--|----------|--------------------------------|
| PROPOSED CURB & GUTTER       |  | PROPOSED | 5' CONTOURS                    |
| REVERSED PITCH CURB & GUTTER |  | 795      | 1' CONTOURS                    |
| PROPERTY LINE                |  | 797      | SANITARY SEWER                 |
| LOT LINES                    |  |          | STORM SEWER                    |
| DECORATIVE FENCING           |  |          | SANITARY SEWER MANHOLE         |
| PAVEMENT STRIPING            |  |          | STORM SEWER MANHOLE            |
| PAVEMENT                     |  |          | GRATE INLET                    |
| CONCRETE                     |  |          | SPOT ELEVATION                 |
| TRAFFIC FLOW                 |  | EXISTING | 5' CONTOURS                    |
| PARKING BAY COUNT            |  | -795-    | 1' CONTOURS                    |
| SPOT ELEVATION               |  | -796-    | STORM SEWER                    |
| TRUNCATED DOMES              |  | SS       | SANITARY SEWER                 |
|                              |  | -W-      | WATER LINE                     |
|                              |  |          | STORM SEWER MANHOLE (MH)       |
|                              |  |          | CURB INLET (CI)                |
|                              |  |          | GRATE INLET/YARD INLET (GI/YI) |

Woodbine Design, P.C.  
Land Planning & Civil Engineering  
www.woodbinedesign.com  
rburgess@woodbinedesign.com  
980.722.2669  
704.315.1587

Riley D. Burgess, Jr., PE  
2025.05.14.16:37:14-04'00"  
SEAL  
10051  
RILEY D. BURGESS, JR.  
PE  
NORTH CAROLINA

SEAL  
NO. C-4063  
RILEY D. BURGESS, JR.  
PE  
NORTH CAROLINA

N  
S  
E  
W  
NORTH ARROW

0 25 50 100  
Graphic Scale 1" = 60 ft.

ALEX YARDS  
10708 MT HOLLY-HUNTERSVILLE RD., HUNTERSVILLE, NC  
CONCEPT PLAN W/ TOPO

Project  
Location  
Sheet Title

DEVELOPER/OWNER  
ALEXANDRIANA PARTNERS, LLC  
14316 REESE BLVD, STE 15B  
HUNTERSVILLE, NC 28078

DESIGNED BY  
WOODBINE

DRAWN BY  
WOODBINE

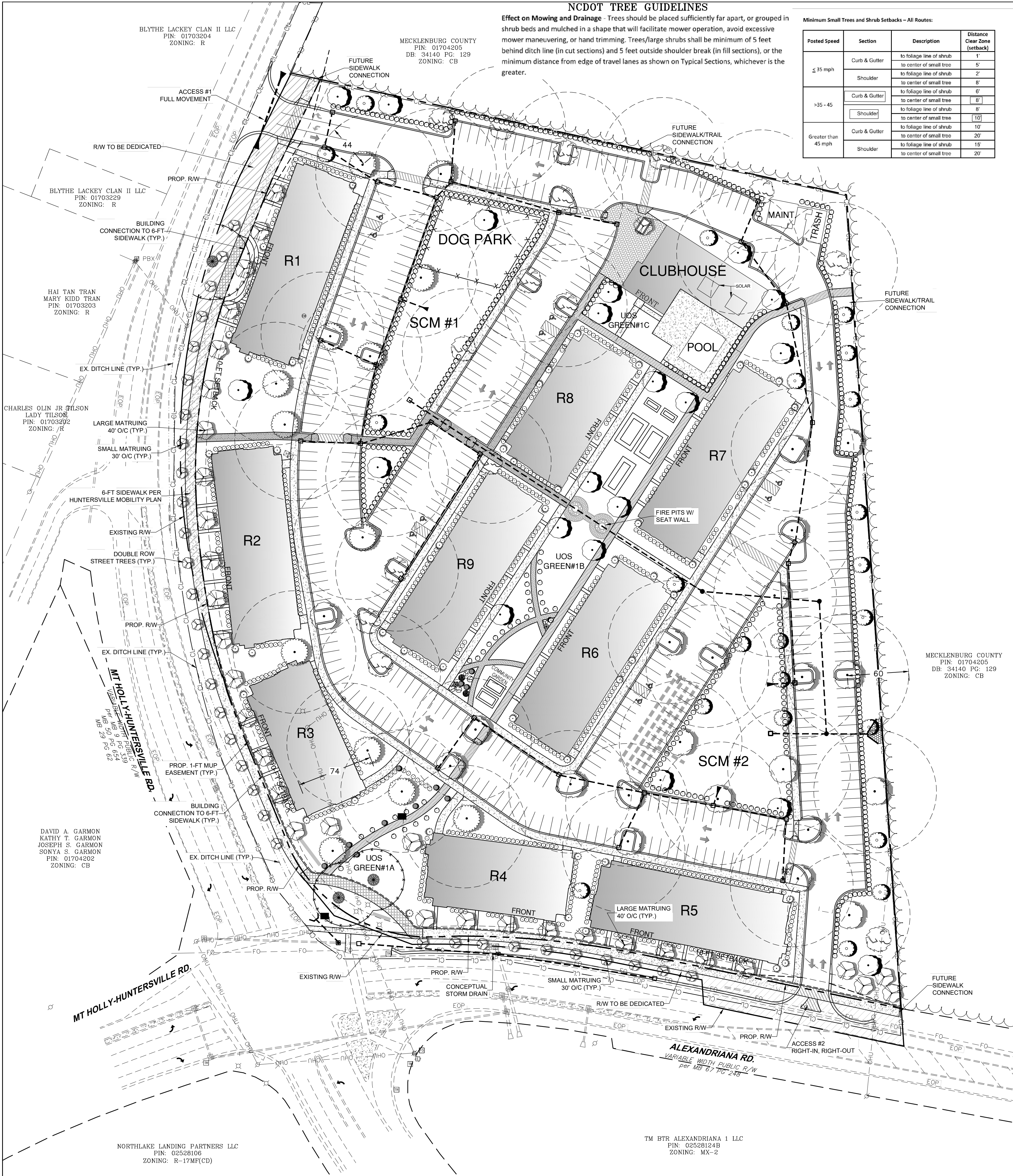
DATE  
1-24-25

REVISIONS  
4/10/25- Town Comments  
5/14/25- Town Comments

Sheet: C4 of 9  
Project Number: 23013

IF ANY CONFLICTS, DISCREPANCIES, OR OTHER UNSATISFACTORY CONDITIONS ARE DISCOVERED, EITHER ON THE CONSTRUCTION DOCUMENTS OR IN THE FIELD, CONDITIONS, THE CONTRACTOR MUST NOTIFY THE ENGINEER IMMEDIATELY, AND SHALL NOT COMMENCE OPERATION UNTIL THE CONFLICTS, DISCREPANCIES, OR OTHER UNSATISFACTORY CONDITIONS ARE RESOLVED.





**SITE LEGEND**

PROPOSED CURB & GUTTER  
REVERSED PITCH CURB & GUTTER  
PROPERTY LINE  
LOT LINES  
DECORATIVE FENCING  
PAVEMENT STRIPING  
PAVEMENT  
CONCRETE  
TRAFFIC FLOW  
PARKING BAY COUNT  
SPOT ELEVATION  
TRUNCATED DOMES

**LEGEND**

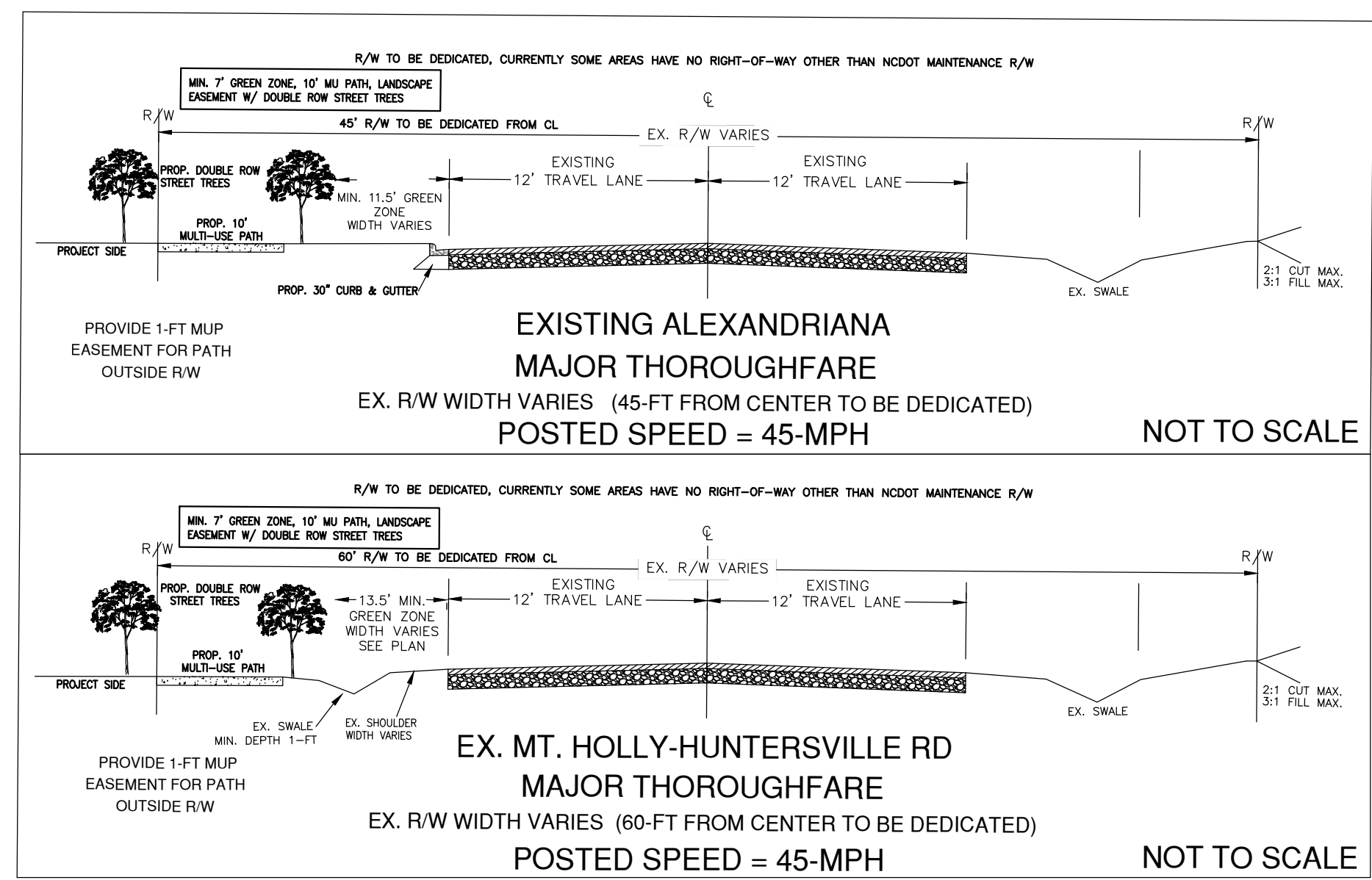
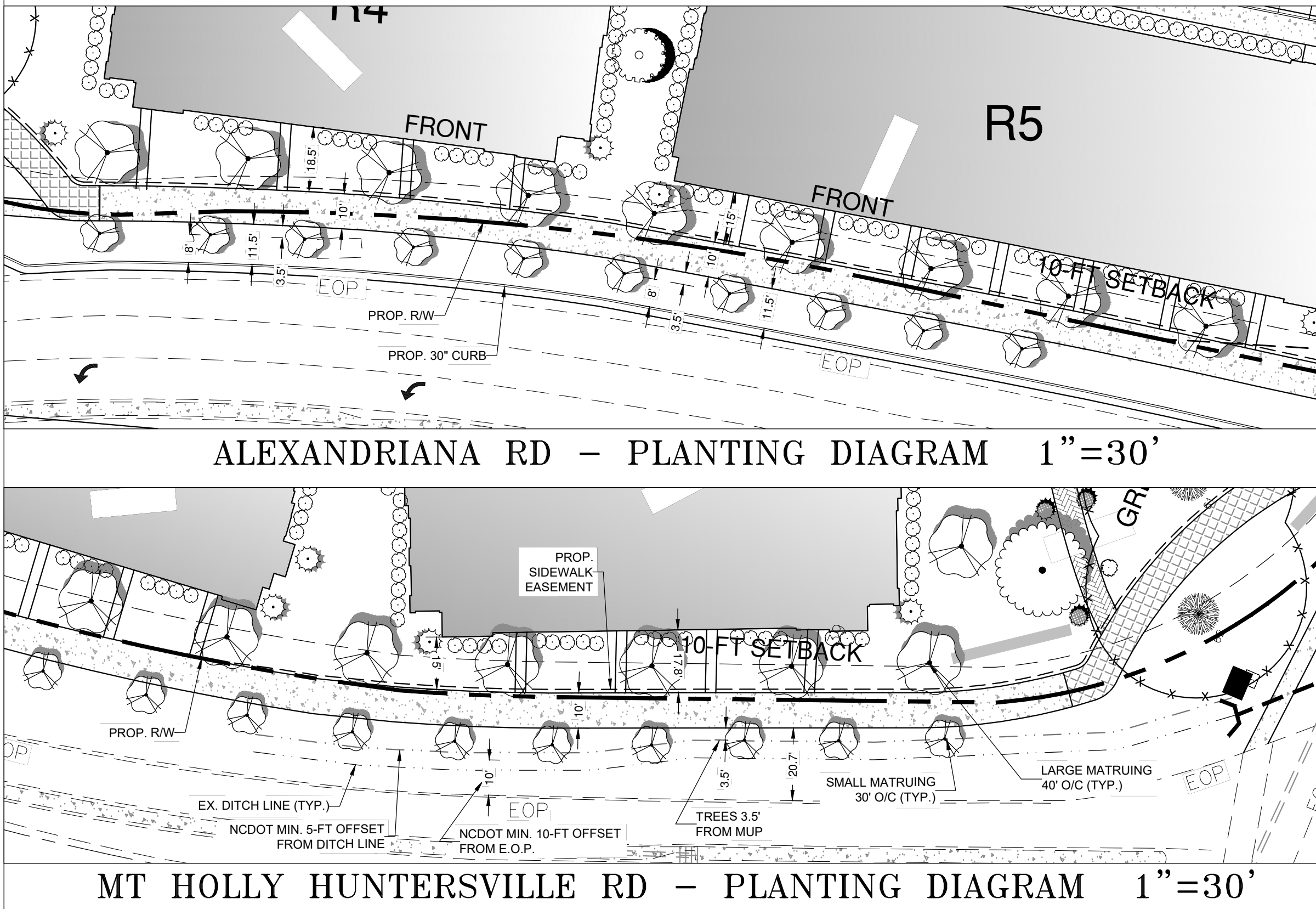
PROPOSED  
795  
797  
SS  
5' CONTOURS  
1' CONTOURS  
SANITARY SEWER  
STORM SEWER  
MANHOLE  
GRATE INLET  
SPOT ELEVATION

EXISTING  
795  
797  
SS  
5' CONTOURS  
1' CONTOURS  
SANITARY SEWER  
STORM SEWER  
MANHOLE (MH)  
CURB INLET (CI)  
GRATE INLET/YARD INLET (GI/YI)

CLEARING LIMITS  
TREE PROTECTION FENCE

**LANDSCAPE NOTES**

- STREET TREES SHALL BE PROVIDED PER ORDINANCE
- ALL PARKING SPACES SHALL BE LOCATED WITHIN 60'-FT OF A CANOPY TREE.
- FOUNDATION PLANTINGS SHALL BE PROVIDED.
- PARKING LOT LANDSCAPING SHALL COMPLY WITH THE TOWN ORDINANCE



IF ANY CONFLICTS, DISCREPANCIES, OR OTHER UNSATISFACTORY CONDITIONS ARE DISCOVERED, EITHER ON THE CONSTRUCTION DOCUMENTS OR THE FIELD CONDITIONS, THE CONTRACTOR MUST NOTIFY THE ENGINEER IMMEDIATELY, AND SHALL NOT COMMENCE OPERATION UNTIL THE CONFLICTS, DISCREPANCIES, OR OTHER UNSATISFACTORY CONDITIONS ARE RESOLVED.

PLOTTED: 5/14/2025  
PROJECT: CAD/01N-ALEXANDRIANA-CG-BASE/LAND

**Woodbine Design, P.C.**  
Land planning & civil engineering  
www.woodbinedesign.com  
980.722.8669  
rburgess@woodbinedesign.com  
peoody@woodbinedesign.com

Riley D. Burgess, Jr., PE  
2025.05.14.16:37:14-04'00"  
SEAL 10051  
RILEY D. BURGESS, JR.  
NORTH CAROLINA  
REGISTERED PROFESSIONAL ENGINEER  
NO. C-4063

**ALEX YARDS**  
10708 MT HOLLY-HUNTERSVILLE RD, HUNTERSVILLE, NC  
LANDSCAPE PLAN

Project: ALEX YARDS  
Location: 10708 MT HOLLY-HUNTERSVILLE RD, HUNTERSVILLE, NC  
Sheet Title: LANDSCAPE PLAN

DEVELOPER/OWNER  
ALEXANDRIANA PARTNERS, LLC  
14316 REESE BLVD, STE 15B  
HUNTERSVILLE, NC 28078

Designed By: WOODBINE  
Drawn By: WOODBINE  
Date: 1-24-25  
Revisions: 4/10/25 - Town Comments, 5/14/25 - Town Comments

Sheet: C5 of 9  
Project Number: 23013







LEGEND

PROPOSED

5' CONTOURS  
1' CONTOURS  
SANITARY SEWER  
STORM SEWER  
SANITARY SEWER  
MANHOLE  
STORM SEWER  
MANHOLE  
GRATE INLET  
SPOT ELEVATION

EXISTING

5' CONTOURS  
1' CONTOURS  
STORM SEWER  
SANITARY SEWER  
WATER LINE  
STORM SEWER  
MANHOLE (MH)  
CURB INLET (CI)  
GRATE INLET/YARD  
INLET (G/Y)

CLEARING LIMITS

TREE PROTECTION FENCE

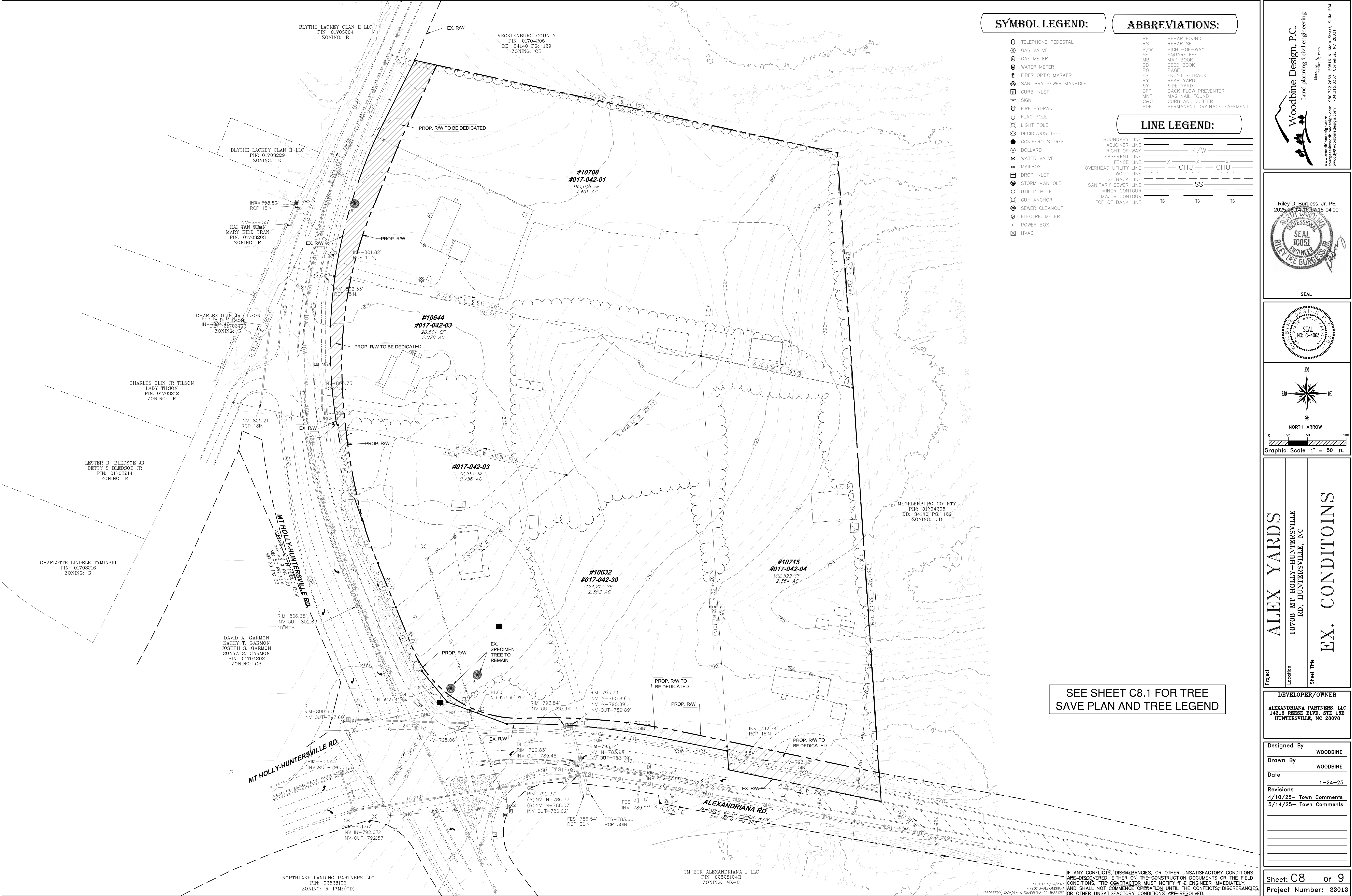


| 1 INCH WATER QUALITY VOLUME |                 |                 |             | 10-YR DETENTION VOLUME |                 |             |             |                       |
|-----------------------------|-----------------|-----------------|-------------|------------------------|-----------------|-------------|-------------|-----------------------|
| #                           | REQUIRED VOLUME | PROVIDED VOLUME | METHOD      | #                      | REQUIRED VOLUME | POND VOLUME | PIPE VOLUME | TOTAL VOLUME PROVIDED |
| SCM#1                       | 9,948-CF        | 9,948-CF        | SAND FILTER | SCM#1                  | 25,160-CF       | 29,133-CF   | 0           | 29,133-CF             |
| SCM#2                       | 17,872-CF       | 17,872-CF       | SAND FILTER | SCM#2                  | 45,201-CF       | 41,213-CF   | 5,000-CF    | 46,213-CF             |

SEE SHEET C5 FOR  
STREET CROSS-SECTION

IF ANY CONFLICTS, DISCREPANCIES, OR OTHER UNSATISFACTORY CONDITIONS ARE DISCOVERED, EITHER ON THE CONSTRUCTION DOCUMENTS OR THE FIELD CONDITIONS, THE CONTRACTOR MUST NOTIFY THE ENGINEER IMMEDIATELY, AND SHALL NOT COMMENCE OPERATION UNTIL THE CONFLICTS, DISCREPANCIES, OR OTHER UNSATISFACTORY CONDITIONS ARE RESOLVED.





**SYMBOL LEGEND:**

- TELEPHONE PEDESTAL
- GAS VALVE
- GAS METER
- WATER METER
- FIBER OPTIC MARKER
- SANITARY SEWER MANHOLE
- CURB INLET
- SIGN
- FIRE HYDRANT
- FLAG POLE
- LIGHT POLE
- DECIDUOUS TREE
- CONIFEROUS TREE
- BOLLARD
- WATER VALVE
- MAILBOX
- DROP INLET
- STORM MANHOLE
- UTILITY POLE
- GUY ANCHOR
- SEWER CLEANOUT
- ELECTRIC METER
- POWER BOX
- HVAC

**ABBREVIATIONS:**

- RF REBAR FOUND
- RS REBAR SET
- R/W RIGHT-OF-WAY
- SF SQUARE FEET
- MB MAP BOOK
- DB DEED BOOK
- PG PAGE
- FS FRONT SETBACK
- RY REAR YARD
- SY SIDE YARD
- BFP BACK FLOW PREVENTER
- MNF MAG NAIL FOUND
- C&G CURB AND GUTTER
- PDE PERMANENT DRAINAGE EASEMENT

**LINE LEGEND:**

- BOUNDARY LINE
- ADJOINER LINE
- RIGHT OF WAY
- EASEMENT LINE
- FENCE LINE
- OVERHEAD UTILITY LINE
- WOOD LINE
- SETBACK LINE
- SANITARY SEWER LINE
- MINOR CONTOUR
- MAJOR CONTOUR
- TOP OF BANK LINE

**Woodbine Design, P.C.**  
Land Planning & Civil Engineering  
www.woodbinedesign.com  
rburgess@woodbinedesign.com  
980.722.2669  
20816 N. Main Street, Suite 204  
Cornelius, NC 28031

Riley D. Burgess, Jr., PE  
2025.05.14.15-04'00"  
SEAL  
10051  
RILEY D. BURGESS, JR.  
NORTH CAROLINA PROFESSIONAL ENGINEER

SEAL  
NO. C-4063  
RILEY D. BURGESS, JR.  
NORTH CAROLINA PROFESSIONAL ENGINEER

NORTH ARROW  
Graphic Scale 1" = 60 ft.

**ALEX YARDS**  
10708 MT HOLLY-HUNTERSVILLE RD., HUNTERSVILLE, NC  
**EX. CONDITOINS**  
Project Location Sheet Title  
**DEVELOPER/OWNER**  
ALEXANDRIANA PARTNERS, LLC  
14316 REESE BLVD, STE 15B  
HUNTERSVILLE, NC 28078

**Designed By** WOODBINE  
**Drawn By** WOODBINE  
**Date** 1-24-25  
**Revisions**  
4/10/25- Town Comments  
5/14/25- Town Comments

**Sheet: C8 of 9**  
**Project Number: 23013**

SEE SHEET C8.1 FOR TREE  
SAVE PLAN AND TREE LEGEND

IF ANY CONFLICTS, DISCREPANCIES, OR OTHER UNSATISFACTORY CONDITIONS ARE DISCOVERED, EITHER ON THE CONSTRUCTION DOCUMENTS OR THE FIELD CONDITIONS, THE CONTRACTOR MUST NOTIFY THE ENGINEER IMMEDIATELY, AND SHALL NOT COMMENCE OPERATION UNTIL THE CONFLICTS, DISCREPANCIES, OR OTHER UNSATISFACTORY CONDITIONS ARE RESOLVED.

NORTHLAKE LANDING PARTNERS LLC  
PIN: 02528106  
ZONING: R-17MP(CD)

TM BTR ALEXANDRIANA 1 LLC  
PIN: 02528124B  
ZONING: MX-2

PLOTTED: 5/14/2025  
PLOT23013-ALEXANDRIANA  
PROPERTY\_CADD\01N-ALEXANDRIANA-CG-BASE.DWG



|                          |
|--------------------------|
| EXISTING TREE CONDITIONS |
|--------------------------|

| #   | Species                        | Diameter | Condition | Class    | Status |
|-----|--------------------------------|----------|-----------|----------|--------|
| 1   | Red Maple                      | 30       | Good      | Specimen | Remove |
| 2   | Willow Oak                     | 43       | Fair      | Specimen | Remove |
| 3   | Red Maple                      | 23       | Fair/Poor |          |        |
| 4   | Dutch Elm                      | 33       | Poor      |          |        |
| 5   | Willow Oak                     | 45       | Good      | Specimen | Remove |
| 6   | Willow Oak                     | 32       | Good      | Specimen | Remove |
| 7   | Pecan                          | 45       | Good      | Specimen | Remove |
| 8   | Pecan                          | 32       | Fair/Poor |          |        |
| 9   | Tulip Poplar                   | 14       | Good      |          |        |
| 10  | Pecan                          | 19       | Poor      |          |        |
| 11  | White Oak                      | 35       | Good      | Specimen | Remove |
| 12  | White Oak                      | 19       | Good      |          |        |
| 13  | White Oak                      | 24       | Fair/Poor |          |        |
| 14  | Red Oak                        | 26       | Fair/Poor |          |        |
| 15  | White Oak                      | 13       | Good      |          |        |
| 16  | Tulip Poplar                   | 14       | Poor      |          |        |
| 17  | Sweet Gum                      | 12       | Good      |          |        |
| 18  | Tulip Poplar                   | 15       | Good      |          |        |
| 19  | White Oak                      | 24       | Fair/Poor |          |        |
| 20  | White Oak                      | 25       | Good      | Specimen | Remove |
| 21  | Tulip Poplar                   | 28       | Poor      |          |        |
| 22  | White Oak                      | 30       | Good      | Specimen | Remove |
| 23  | Red Oak                        | 23       | Good      |          |        |
| 24  | White Oak                      | 34       | Fair      | Specimen | Remove |
| 25  | White Oak                      | 25       | Good      | Specimen | Remove |
| 26  | White Oak                      | 19       | Fair      |          |        |
| 27  | White Oak                      | 32       | Good      | Specimen | Remove |
| 28  | Post Oak                       | 12       | Poor      |          |        |
| 29  | White Oak                      | 29       | Good      | Specimen | Remove |
| 30  | White Oak                      | 17       | Fair/Poor |          |        |
| 31  | White Oak                      | 21       | Good      |          |        |
| 32  | Post Oak                       | 22       | Fair/Poor |          |        |
| 33  | Hickory                        | 15       | Good      |          |        |
| 34  | Hickory                        | 13       | Fair      |          |        |
| 35  | White Oak                      | 29       | Good      | Specimen | Remove |
| 36  | Post Oak                       | 29       | Fair      | Specimen | Remove |
| 37  | Ash                            | 12       | Poor      |          |        |
| 38  | White Oak                      | 41       | Poor      |          |        |
| 39  | Hickory                        | 13       | Fair      |          |        |
| 40  | White Oak                      | 24       | Good      | Specimen | Remove |
| 41  | Post Oak                       | 20       | Poor      |          |        |
| 42  | Post Oak                       | 19       | Poor      |          |        |
| 43  | Post Oak                       | 23       | Good      |          |        |
| 44  | White Oak                      | 25       | Good      | Specimen | Remove |
| 45  | Post Oak                       | 24       | Fair/Poor |          |        |
| 46  | Post Oak                       | 27       | Fair      | Specimen | Remove |
| 47  | White Oak                      | 29       | Good      | Specimen | Remove |
| 48  | Post Oak                       | 21       | Good      |          |        |
| 49  | Post Oak                       | 28       | Good      | Specimen | Remove |
| 50  | Red Oak/<br>Post Oak<br>hybrid | 24       | Good      | Specimen | Remove |
| 51  | Post Oak                       | 22       | Fair      |          |        |
| 52  | White Oak                      | 26       | Good      | Specimen | Remove |
| 53  | Post Oak                       | 20       | Fair      |          |        |
| 54  | White Oak                      | 23       | Poor      |          |        |
| 56  | Hickory                        | 14       | Good      |          |        |
| 57  | Black Jack<br>Oak              | 15       | Good      |          |        |
| 58  | Post Oak                       | 24       | Good      | Specimen | Remove |
| 59  | Loblolly<br>Pine               | 21       | Poor      |          |        |
| 60  | Loblolly<br>Pine               | 16       | Fair/Poor |          |        |
| 61  | Post Oak                       | 26       | Good      | Specimen | Save   |
| 62  | White Oak                      | 31       | Good      | Specimen | Save   |
| 63  | Loblolly<br>Pine               | 19       | Poor      |          |        |
| 64  | Post Oak                       | 14       | Good      |          |        |
| 65  | Post Oak                       | 22       | Good      |          |        |
| 68  | White Oak                      | 23       | Fair/Poor |          |        |
| 69  | Post Oak                       | 17       | Fair      |          |        |
| 70  | White Oak                      | 25       | Fair      | Specimen | Remove |
| 71  | White Oak                      | 29       | Good      | Specimen | Remove |
| 72  | Pecan                          | 22       | Fair      |          |        |
| 73  | White Oak                      | 35       | Good      | Specimen | Remove |
| 74  | White Oak                      | 28       | Good      | Specimen | Remove |
| 75  | White Oak                      | 40       | Good      | Specimen | Remove |
| 76  | Red Maple                      | 21       | Fair/Poor |          |        |
| 77  | White Oak                      | 35       | Good      | Specimen | Remove |
| 78  | White Oak                      | 20       | Fair/Poor |          |        |
| 79  | White Oak                      | 40       | Good      | Specimen | Remove |
| 80  | Red Maple                      | 18       | Good      |          |        |
| 81  | Red Oak                        | 43       | Good      | Specimen | Remove |
| 82  | Red Maple                      | 22       | Fair      |          |        |
| 83  | Willow Oak                     | 29       | Good      | Specimen | Remove |
| 84  | Red Maple                      | 17       | Fair/Poor |          |        |
| 85  | White Oak                      | 30       | Good      | Specimen | Remove |
| 86  | Pecan                          | 21       | Good      |          |        |
| 87  | Willow Oak                     | 39       | Good      | Specimen | Remove |
| 88  | Red Maple                      | 20       | Poor      |          |        |
| 89  | Hickory                        | 13       | Good      |          |        |
| 90  | White Oak                      | 26       | Good      | Specimen | Remove |
| 91  | Hickory                        | 22       | Good      |          |        |
| 92  | Hickory                        | 14       | Good      |          |        |
| 93  | White Oak                      | 25       | Poor      |          |        |
| 94  | Hickory                        | 14       | Good      |          |        |
| 95  | White Oak                      | 25       | Fair/Poor |          |        |
| 97  | Pin Oak                        | 23       | Fair      |          |        |
| 98  | Hickory                        | 12       | Good      |          |        |
| 99  | Dead Oak                       | 25       | Good      | Dead     |        |
| 100 | Hickory                        | 16       | Good      |          |        |
| 101 | Hickory                        | 12       | Fair/Poor |          |        |
| 102 | Red Oak                        | 25       | Fair/Poor |          |        |

|     |                       |    |           |          |        |
|-----|-----------------------|----|-----------|----------|--------|
| 103 | White Oak             | 30 | Good      | Specimen | Remove |
| 104 | Post Oak              | 33 | Good      | Specimen | Remove |
| 105 | Post Oak              | 25 | Good      | Specimen | Remove |
| 106 | Red Oak               | 14 | Fair/Poor |          |        |
| 107 | Hickory               | 12 | Good      |          |        |
| 108 | Red Oak               | 21 | Poor      |          |        |
| 109 | White Oak             | 32 | Fair      | Specimen | Remove |
| 110 | Post Oak              | 19 | Good      |          |        |
| 111 | White Oak             | 20 | Good      |          |        |
| 112 | Post Oak              | 14 | Poor      |          |        |
| 113 | Post Oak              | 28 | Good      | Specimen | Remove |
| 114 | Sweet Gum             | 15 | Poor      |          |        |
| 115 | Pin Oak               | 40 | Fair      | Specimen | Remove |
| 116 | Hickory               | 12 | Good      |          |        |
| 117 | Post Oak              | 21 | Fair/Poor |          |        |
| 118 | Willow Oak            | 16 | Fair/Poor |          |        |
| 119 | Post Oak              | 27 | Fair/Poor |          |        |
| 120 | Hickory               | 14 | Good      |          |        |
| 121 | White Oak             | 12 | Good      |          |        |
| 122 | White Oak             | 27 | Good      | Specimen | Remove |
| 123 | White Oak             | 25 | Good      | Specimen | Remove |
| 124 | White Oak             | 19 | Good      |          |        |
| 125 | White Oak             | 16 | Good      |          |        |
| 126 | White Oak             | 30 | Good      | Specimen | Remove |
| 127 | Post Oak              | 25 | Good      | Specimen | Remove |
| 128 | Dead Oak              | 18 | Poor      |          |        |
| 129 | Post Oak              | 20 | Good      |          |        |
| 130 | White Oak             | 15 | Good      |          |        |
| 131 | Hickory               | 24 | Good      | Specimen | Remove |
| 132 | Willow Oak            | 46 | Poor      |          |        |
| 133 | Hickory               | 15 | Good      |          |        |
| 134 | White Oak             | 34 | Good      | Specimen | Remove |
| 135 | White Oak             | 30 | Good      | Specimen | Remove |
| 136 | Willow Oak            | 38 | Poor      |          |        |
| 137 | Sweet Gum             | 24 | Good      | Specimen | Remove |
| 138 | Sweet Gum             | 15 | Good      |          |        |
| 139 | Sweet Gum             | 21 | Fair/Poor |          |        |
| 140 | Red Maple             | 14 | Good      |          |        |
| 141 | Post Oak              | 18 | Good      |          |        |
| 142 | Red maple             | 14 | Fair/Poor |          |        |
| 143 | White Oak             | 32 | Good      | Specimen | Remove |
| 144 | White Oak             | 39 | Good      | Specimen | Remove |
| 145 | Willow Oak            | 12 | Fair/Poor |          |        |
| 146 | Post Oak              | 28 | Fair/Poor |          |        |
| 147 | White Oak             | 41 | Good      | Specimen | Remove |
| 148 | White Oak             | 24 | Good      | Specimen | Remove |
| 149 | White Oak             | 33 | Good      | Specimen | Remove |
| 150 | White Oak             | 35 | Good      | Specimen | Remove |
| 151 | Post Oak              | 33 | Good      | Specimen | Remove |
| 152 | Post Oak              | 32 | Good      | Specimen | Remove |
| 153 | Sweet gum             | 27 | Good      | Specimen | Remove |
| 154 | White Oak             | 33 | Good      | Specimen | Remove |
| 155 | Post Oak              | 15 | Good      |          |        |
| 156 | Post Oak              | 18 | Poor      |          |        |
| 158 | Eastern Red Cedar     | 15 | Good      |          |        |
| 159 | Elm                   | 16 | Fair/Poor |          |        |
| 160 | Eastern Red Cedar     | 15 | Good      |          |        |
| 161 | Hickory               | 13 | Good      |          |        |
| 162 | Dead Oak              | 14 | Poor      |          |        |
| 163 | Eastern Red Cedar     | 12 | Good      |          |        |
| 164 | White Oak             | 25 | Good      | Specimen | Remove |
| 165 | Post Oak              | 25 | Fair/Poor |          |        |
| 166 | Post Oak              | 12 | Fair/Poor |          |        |
| 167 | White Oak             | 28 | Good      | Specimen | Remove |
| 168 | White Oak             | 29 | Fair      | Specimen | Remove |
| 169 | White Oak             | 14 | Good      |          |        |
| 170 | Eastern Red Cedar     | 19 | Good      |          |        |
| 171 | White Oak             | 22 | Fair/Poor |          |        |
| 172 | Tulip Poplar          | 27 | Fair      | Specimen | Remove |
| 173 | White Oak             | 40 | Poor      |          |        |
| 174 | White Oak             | 20 | Good      |          |        |
| 175 | Tulip Poplar          | 12 | Good      |          |        |
| 176 | Willow Oak            | 36 | Fair/Poor |          |        |
| 177 | Post Oak              | 35 | Good      | Specimen | Remove |
| 178 | Post Oak              | 27 | Fair/Poor |          |        |
| 179 | White Oak             | 22 | Good      |          |        |
| 180 | White Oak             | 18 | Good      |          |        |
| 181 | White Oak             | 30 | Good      | Specimen | Remove |
| 182 | Sweet gum             | 22 | Fair/Poor |          |        |
| 183 | Sweet gum             | 22 | Good      |          |        |
| 184 | Sweet gum             | 12 | Good      |          |        |
| 185 | Post Oak              | 27 | Good      | Specimen | Remove |
| 186 | Pecan                 | 18 | Fair/Poor |          |        |
| 187 | Hockberry             | 12 | Fair      | Specimen | Remove |
| 188 | Eastern Red Cedar     | 14 | Good      |          |        |
| 189 | Eastern Red Cedar     | 29 | Fair/Poor |          |        |
| 190 | Eastern Red Cedar     | 20 | Fair/Poor |          |        |
| 191 | Eastern Red Cedar     | 15 | Good      |          |        |
| 192 | Red Maple             | 14 | Good      |          |        |
| 193 | Winged bark sweet gum | 14 | Good      |          |        |
| 194 | Silver maple          | 12 | Good      |          |        |
| 195 | Elm                   | 13 | Good      |          |        |
| 196 | Red Maple             | 32 | Good      | Specimen | Remove |

TREE SAVE DATA

ZONING: TOD-R(CD)  
HERITAGE TREES  
NUMBER OF HERITAGE TREES ON-SITE: 0  
NUMBER OF HERITAGE TREES SAVED: 0  
PERCENTAGE OF HERITAGE TREES REQUIRED TO SAVE: 100%  
PERCENTAGE OF HERITAGE TREES ACTUALLY SAVED: 100%  
SPECIMEN TREES  
NUMBER OF SPECIMEN TREES ON-SITE: 69  
NUMBER OF SPECIMEN TREES SAVED: 2  
PERCENTAGE OF SPECIMEN TREES REQUIRED TO SAVE: 30% = 21  
PERCENTAGE OF SPECIMEN TREES ACTUALLY SAVED: 3%  
TREE CANOPY REQUIRED = 0  
TREE CANOPY SAVED = 0

TREE MITIGATION

SPECIMEN TREE MITIGATION = 19-TREES

AVERAGE DBH OF REMOVED SPECIMEN TREE = 30.59-INCHES  
CALIPER TO BE REPLANTED = 582-INCHES  
TREES TO BE REPLANTED = 291-TREES (2-INCH CAL. TREE)

NOTE: TREES PLANTED FOR SPECIMEN TREE MITIGATION ARE TO BE PLANTED ON-SITE UNLESS CONDITIONS ARE NOT CONDUCTIVE FOR HEALTHY PLANTING, IN WHICH CASE THE DEVELOPER MAY CONTRIBUTE TO A TREE FUND/BANK FOR PLANTING TREE AND MAINTENANCE OF SUCH TREES ELSEWHERE IN THE COMMUNITY. LARGER CALIPER TREES MAY BE PLANTED REDUCING THE TOTAL NUMBER OF TREES TO BE REPLANTED, PROVIDED THAT THE MIN. TOTAL CALIPER TO BE REPLACED IS MET.

AREAS FOR ONSITE MITIGATION COULD INCLUDE SITE PERIMETER, URBAN OPEN SPACES, DOG PARK, STORM POND PERIMETER AND COMMON OPEN SPACE AROUND BUILDINGS.

### TREE LEGEND



) SPECIMEN TREE SAVED



SPECIMEN TREE REMOVED



12" OR LARGER TREE REMOVED



**Woodbine Design, P.C.**  
Land planning & civil engineering

Woodbine  man

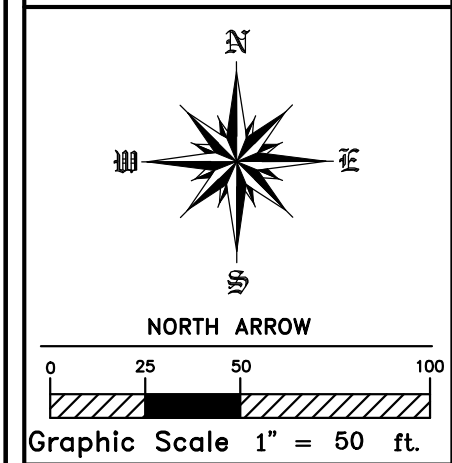
930.722.8859 20816 N. Main Street, Suite 204  
764.511.6247 Greenwood, NC 28041

[www.woodbinedesign.com](http://www.woodbinedesign.com)  
[rhingard@woodbinedesign.com](mailto:rhingard@woodbinedesign.com)  
[patrick@woodbinedesign.com](mailto:patrick@woodbinedesign.com)

Riley D. Burgess, Jr. PE  
2025.05.14-16.17-16-04'00"



SEAL



|             |                                                     |
|-------------|-----------------------------------------------------|
| Project     | ALEX YARDS                                          |
| Location    | 10708 MT HOLLY-HUNTERSVILLE<br>RD, HUNTERSVILLE, NC |
| Sheet Title | TREE SAVE PLAN                                      |

**DEVELOPER/OWNER**  
**ALEXANDRIANA PARTNERS, LLC**  
**14316 REESE BLVD, STE 15B**  
**HUNTERSVILLE, NC 28078**

|             |          |
|-------------|----------|
| Designed By | WOODBINE |
| Drawn By    | WOODBINE |
| Date        | 1-24-25  |

[illegible]

|                       |
|-----------------------|
| Sheet: C8.1 of 9      |
| Project Number: 23013 |



| Slopes Table |               |               |           |        |
|--------------|---------------|---------------|-----------|--------|
| Number       | Minimum Slope | Maximum Slope | Area      | Color  |
| 1            | 0.00%         | 10.00%        | 481494.64 | Green  |
| 2            | 10.00%        | 15.00%        | 9886.72   | Yellow |
| 3            | 15.00%        | 25.00%        | 1489.03   | Orange |
| 4            | 25.00%        | 30.00%        | 984.18    | Red    |



| Map Unit Symbol             | Map Unit Name                                                  | Acres in AOI | Percent of AOI |
|-----------------------------|----------------------------------------------------------------|--------------|----------------|
| CeB2                        | CeB2 sandy clay loam, 2 to 8 percent slopes, moderately eroded | 6.6          | 53.5%          |
| HeB                         | HeB sandy loam, 2 to 8 percent slopes                          | 5.7          | 45.5%          |
| Totals for Area of Interest |                                                                | 12.3         | 100.0%         |

Woodbine Design, P.C.  
Land Planning & Civil Engineering  
www.woodbinedesign.com  
rburgess@woodbinedesign.com  
980.722.2669  
20816 N. Main Street, Suite 204  
Cornelius, NC 28031

Riley D. Burgess, Jr., PE  
2025.05.14.16:37:16-04'00"  
SEAL  
10051  
RILEY D. BURGESS, JR.  
NORTH CAROLINA PROFESSIONAL ENGINEER

SEAL  
NO. C-4063  
NORTH CAROLINA PROFESSIONAL ENGINEER  
NORTH ARROW  
Graphic Scale 1" = 60 ft.

Project: ALEX YARDS  
Location: 10708 MT HOLLY-HUNTERSVILLE RD, HUNTERSVILLE, NC  
Sheet Title: SLOPE ANALYSIS  
Developer/Owner: ALEXANDRIANA PARTNERS, LLC  
14316 REESE BLVD, STE 15B  
HUNTERSVILLE, NC 28078

Designed By: WOODBINE  
Drawn By: WOODBINE  
Date: 1-24-25  
Revisions:  
4/10/25- Town Comments  
5/14/25- Town Comments

Sheet: C9 of 9  
Project Number: 23013

IF ANY CONFLICTS, DISCREPANCIES, OR OTHER UNSATISFACTORY CONDITIONS ARE DISCOVERED, EITHER ON THE CONSTRUCTION DOCUMENTS OR IN THE FIELD, CONDITIONS, THE CONTRACTOR MUST NOTIFY THE ENGINEER IMMEDIATELY, AND SHALL NOT COMMENCE OPERATION UNTIL THE CONFLICTS, DISCREPANCIES, OR OTHER UNSATISFACTORY CONDITIONS ARE RESOLVED.

PLOTTED: 5/14/2025  
P:\23013-ALEXANDRIANA  
PROPERTY\_CAD\01N-ALEXANDRIANA-CD-BASE.LWG

TM BTR ALEXANDRIANA I LLC  
PIN: 025281241B  
ZONING: MX-2

NORTHLAKE LANDING PARTNERS LLC  
PIN: 02528106  
ZONING: R-17MF(CD)

MT HOLLY-HUNTERSVILLE RD.  
10-FT SETBACK

ALEXANDRIANA RD.  
VARIABLE WIDTH PUBLIC R/W  
per AD 87 PG 248

CeB2

CeB2  
HSG-B

HeB  
HSG-C

SOILS LINE

MT HOLLY-HUNTERSVILLE RD.  
10-FT SETBACK

DAVID A. GARMON  
KATHY T. GARMON  
JOSEPH S. GARMON  
SONYA S. GARMON  
PIN: 01704202  
ZONING: CB

LESTER R. BLEDSOE JR  
BETTY S. BLEDSOE JR  
PIN: 01703214  
ZONING: R

CHARLES OLIN JR TILSON  
LADY TILSON  
PIN: 01703212  
ZONING: R

CHARLES OLIN JR TILSON  
LADY TILSON  
PIN: 01703202  
ZONING: R

HAI TAN TRAN  
MARY KIDD TRAN  
PIN: 01703203  
ZONING: R

BLYTHE LACKEY CLAN II LLC  
PIN: 01703229  
ZONING: R

BLYTHE LACKEY CLAN II LLC  
PIN: 01703204  
ZONING: R

MECKLENBURG COUNTY  
PIN: 01704205  
DB: 34140 PG: 129  
ZONING: CB

MECKLENBURG COUNTY  
PIN: 01704205  
DB: 34140 PG: 129  
ZONING: CB





FRONT ELEVATION



REAR ELEVATION



SIDE ELEVATION



FRONT ELEVATION - 4 LEVELS



bartlett hartley & mulkey  
2173 hawkins st, suite b, charlotte, nc 28203

Alex Yards

| No. | Description | Date |
|-----|-------------|------|
|     |             |      |
|     |             |      |
|     |             |      |
|     |             |      |
|     |             |      |

| Elevations - NTS |         |       |
|------------------|---------|-------|
| Project number   | D       | E1    |
| Date             | 4-11-25 |       |
| Drawn by         | BHM     |       |
| Checked by       | BHM     | Scale |

**Alex Yards (R25-01)**

**Community Meeting Report**

Date: March 26, 2025

Time: 6:00pm – 7:00pm

Location: Clutch Studios, 11101 Hambright Road, 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**

- The Applicant shared site plan and representative images with the attendee.
- General discussion around the roadway network in the vicinity.
- General discussion about property frontage.
- General discussion regarding open space and pedestrian passageways.
- Review of other projects in the area.
- Overview of Huntersville 2040 Land Use Plan policies and how this project aligns with the goals of the plan.
- General discussion regarding the project timeline moving forward including:
  - When to expect the next round of Planning Staff comments.
  - Scheduling a meeting to go over Planning Staff comments.
  - Public Hearing date.

**Questions**

**\*Brian Richards, Huntersville Planning Director, was the only person in attendance for the meeting so there were no questions from neighbors.**

March 12, 2025

SUBJECT: Notice of community meeting for information related to a Conditional Rezoning of the properties located at 10708 Mt. Holly Huntersville Road, Huntersville, NC, shown on the map below and having Parcel ID Numbers of 01704204, 01704230, 01704203, 01704224, and 01704201. The Applicant for the subject property is Alexandriana 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 TOD-R (CD) to construct a multi-family development on the property.

MEETING DETAILS:

6:00 P.M. to 7:00 P.M.

March 26<sup>th</sup>, 2025

Clutch Studios

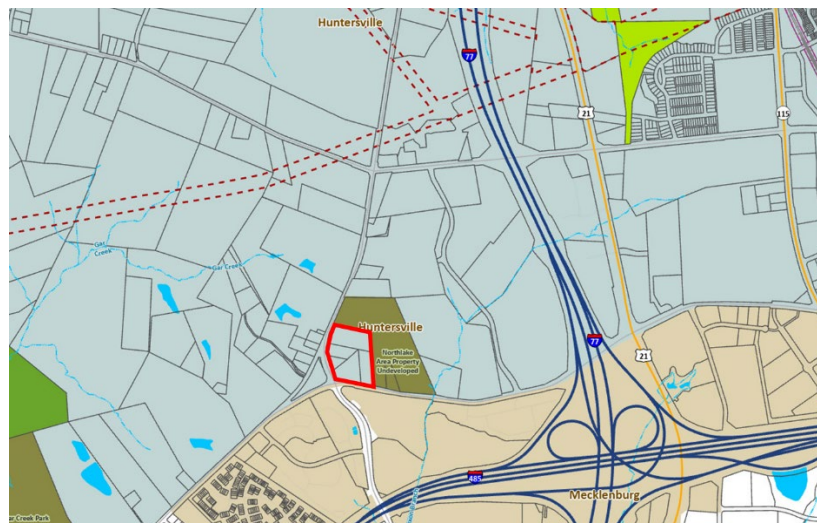
11101 Hambright Road

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,

Alexandriana Partners, LLC





| ownrlstnme                                    | Parcel ID | Reason Sent              |
|-----------------------------------------------|-----------|--------------------------|
| TM BTR ALEXANDRIANA 1 LLC                     | 01703204  | Within 250 feet          |
| BENJAMIN ENTERPRISES LLC                      | 01704201  | Property Owner           |
| MECKLENBURG COUNTY                            | 01704205  | Within 250 feet          |
| BLYTHE LACKEY CLAN II LLC                     | 01703229  | Within 250 feet          |
| BLEDSON                                       | 01703214  | Within 250 feet          |
| BOSTIC                                        | 01704229  | Within 250 feet          |
| BENJAMIN ENTERPRISES LLC                      | 01704224  | Property Owner           |
| TILSON                                        | 01703202  | Within 250 feet          |
| BLUE SKY & JB FARMS INVESTMENTS LLC           | 01704202  | Within 250 feet          |
| TRAN                                          | 01703203  | Within 250 feet          |
| BENJAMIN ENTERPRISES LLC                      | 01704204  | Property Owner           |
| NORTHLAKE LANDING PARTNERS LLC                | 02528106  | Within 250 feet          |
| TILSON                                        | 01703212  | Within 250 feet          |
| HOLLY RIDGE ASSOCIATION                       | 02508299  | Neighborhood Association |
| STONEBROOK STATION HOMEOWNERS ASSOCIATION INC | 01706371  | Neighborhood Association |

**Method**

Certified Mail  
Certified Mail  
Certified Mail  
Certified Mail  
Certified Mail  
Certified Mail  
Certified Mail  
Certified Mail  
Certified Mail  
Certified Mail  
Certified Mail  
Certified Mail  
Certified Mail  
Certified Mail  
Certified Mail  
Certified Mail  
Certified Mail

11101 Hambright Road, Huntersville, NC 28078

[illegible]



**Town Engineering Rezoning Comment Summary**  
**R25-01 Alex Yards Rezoning**  
**10708 Mt. Holly-Huntersville Rd**  
**Huntersville, NC 28078**

**General Project Information**

This proposed rezoning is located at the northeast corner of Alexandriana Rd (SR-2116) and Mt Holly Huntersville Rd (SR-2004). This rezoning plans for nine (9) apartment buildings totaling three hundred and twenty (320) units, accompanied by a clubhouse and swimming pool amenity area. Two (2) driveway accesses are proposed for this development.

**Engineering Staff Comments**

Traffic Impact Analysis (TIA): Based on the uses and intensities proposed, the development is over the Town's threshold to require a TIA. The developer's consultant submitted a TIA on April 2. The TIA submitted is acceptable as a final version. Attached is the recommended laneage figure from the report. The TIA identifies the following improvements:

**Mt. Holly Huntersville Road and Site Access A**

- Construct a southbound left-turn lane on Mt Holly Huntersville Road with 100 feet of storage.
- Construct the westbound site access with separate left and right turn lanes and an internal protected stem of 100 feet.

**Alexandriana Road and Site Access B (RIRO)**

- Construct a median along Alexandriana Road to restrict access to right-in/out only and an internal protected stem of 100 feet.

NCDOT has provided the following comments to the TIA not included in the figure:

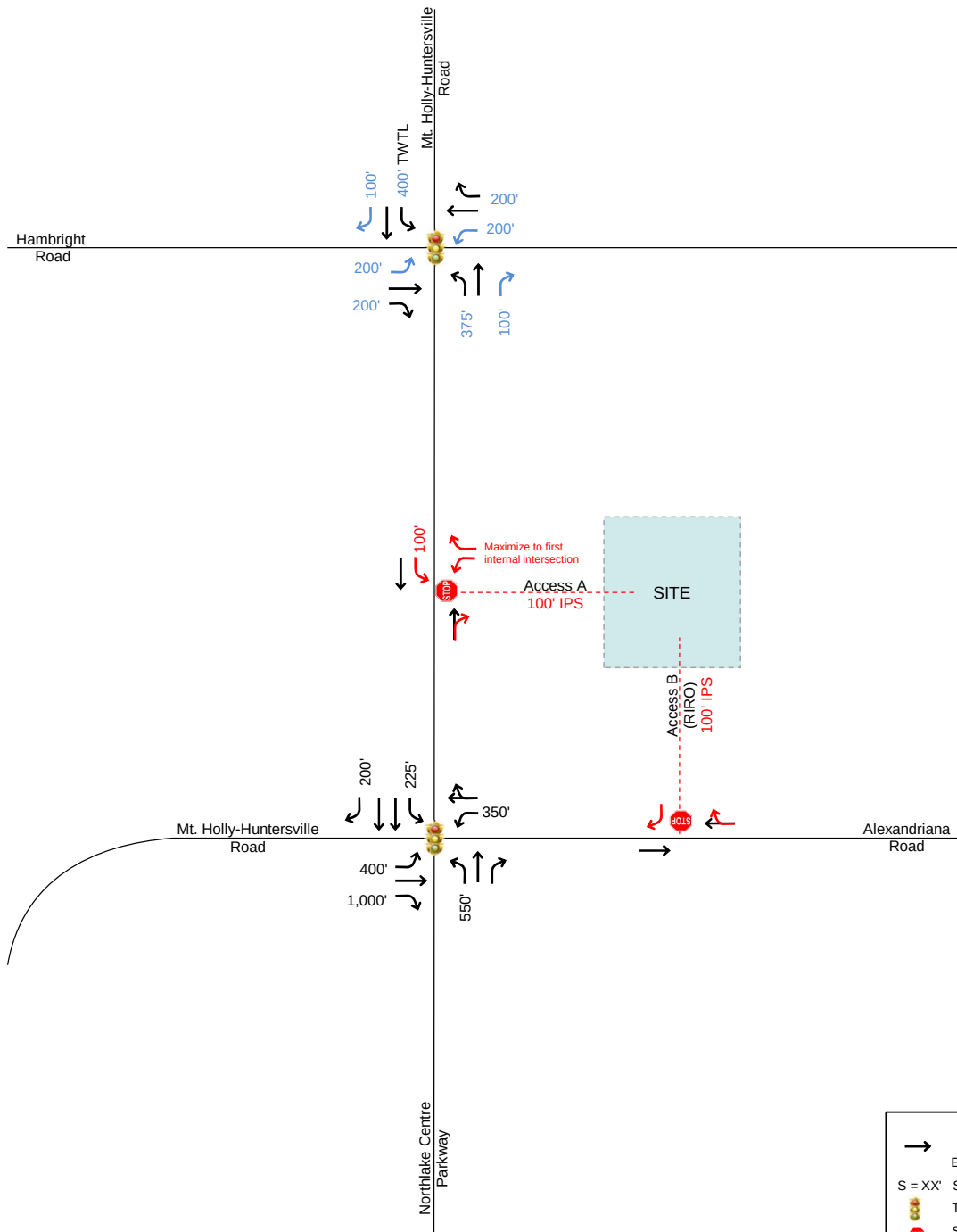
- Construct an ingress right turn lane with 100' of storage and appropriate deceleration taper at Access A.
- Construct an ingress right turn lane with 100' of storage and appropriate deceleration taper at Access B.



Site Plan Comments:

- 1) \*Update- This has been addressed\* Street tree locations as well as all frontage improvements are subject to change during the construction plan phase to meet the requirements of the Town's Engineering Standards and Procedures Manual and NCDOT Planting Guidelines.
- 2) \*Update- This has been addressed\* Stormwater BMP facilities are subject to change during the construction plan phase and shall meet all requirements outlined in the Town of Huntersville Water Quality Design Manual. Based on the conceptual calculations provided, additional stormwater measures may be necessary to meet requirements.

NOT TO  
SCALE



→

Existing Laneage

S = XX'

Storage Length

Traffic Signal

Stop Control

Mitigation Improvement

Background Improvement

TWTL

Two-Way Left-Turn Lane

IPS

Internal Protected Stem



## Request for Board Action

July 15, 2025

**To:** The Honorable Mayor and Board of Commissioners

**From:** Nathan Farber, Senior Planner

**Subject:** Petition #R25-02 First and Church St Townhomes

---

### **EXPLAIN REQUEST:**

Consider a decision 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 development.

### **ACTION RECOMMENDED:**

Consider a Decision

### **FINANCIAL IMPLICATIONS:**

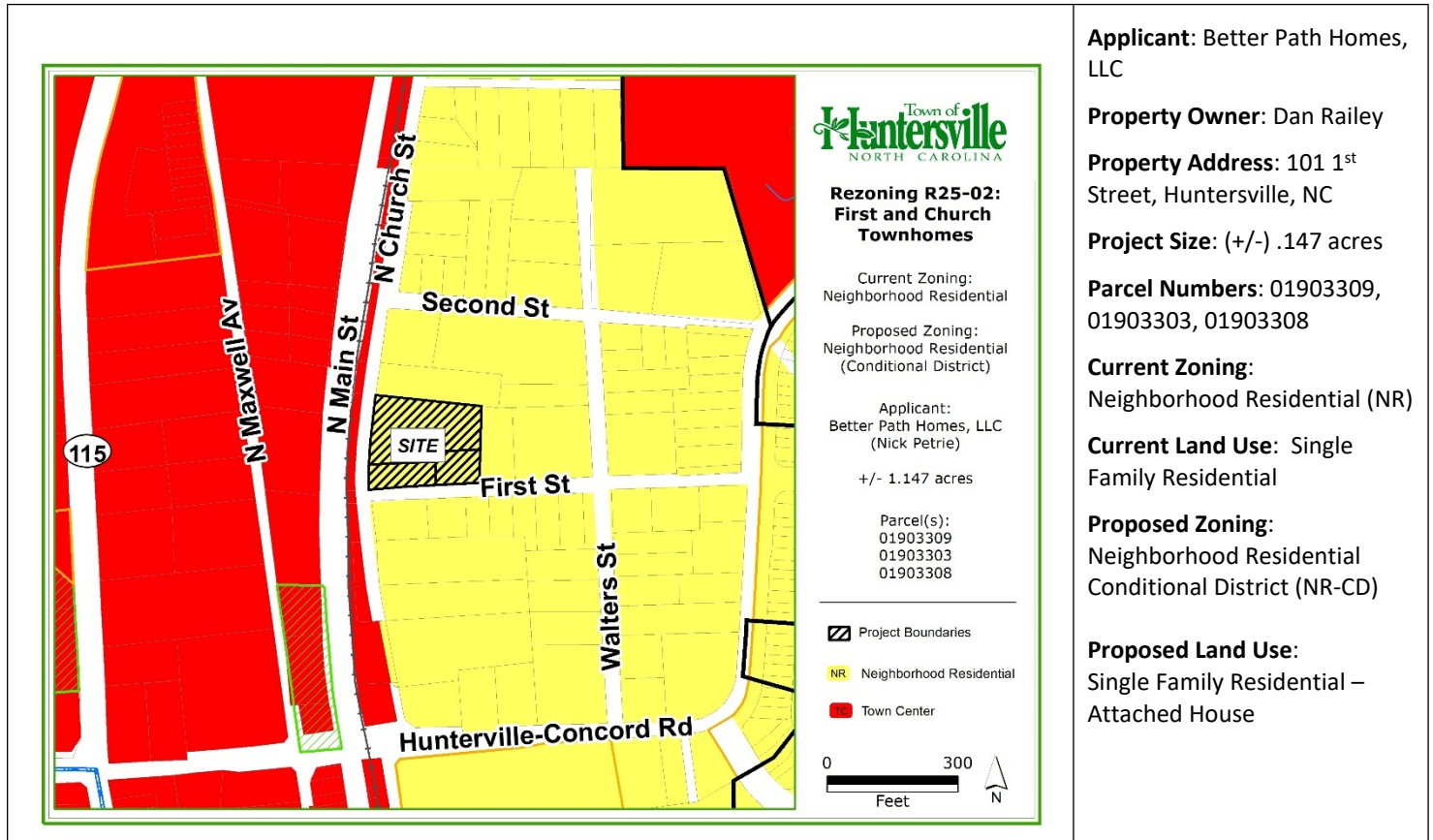
N/A

### **ATTACHMENTS:**

1. R25-02 1st and Church St Townhomes - Staff Report
2. 1. General Application
3. 2. R25-02 Rezoning Plan
4. 3. Neighborhood Meeting Report
5. 4. Engineering Report
6. 5. TIA Application

## Petition R25-02 1<sup>st</sup> and Church Townhomes Conditional Rezoning

### PART 1: PROJECT SUMMARY



1. Purpose: Petition #R25-02 is a request by Better Path Homes, LLC to rezone +/- 1.147 acres located at 101 1<sup>st</sup> 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 19<sup>th</sup>, 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.

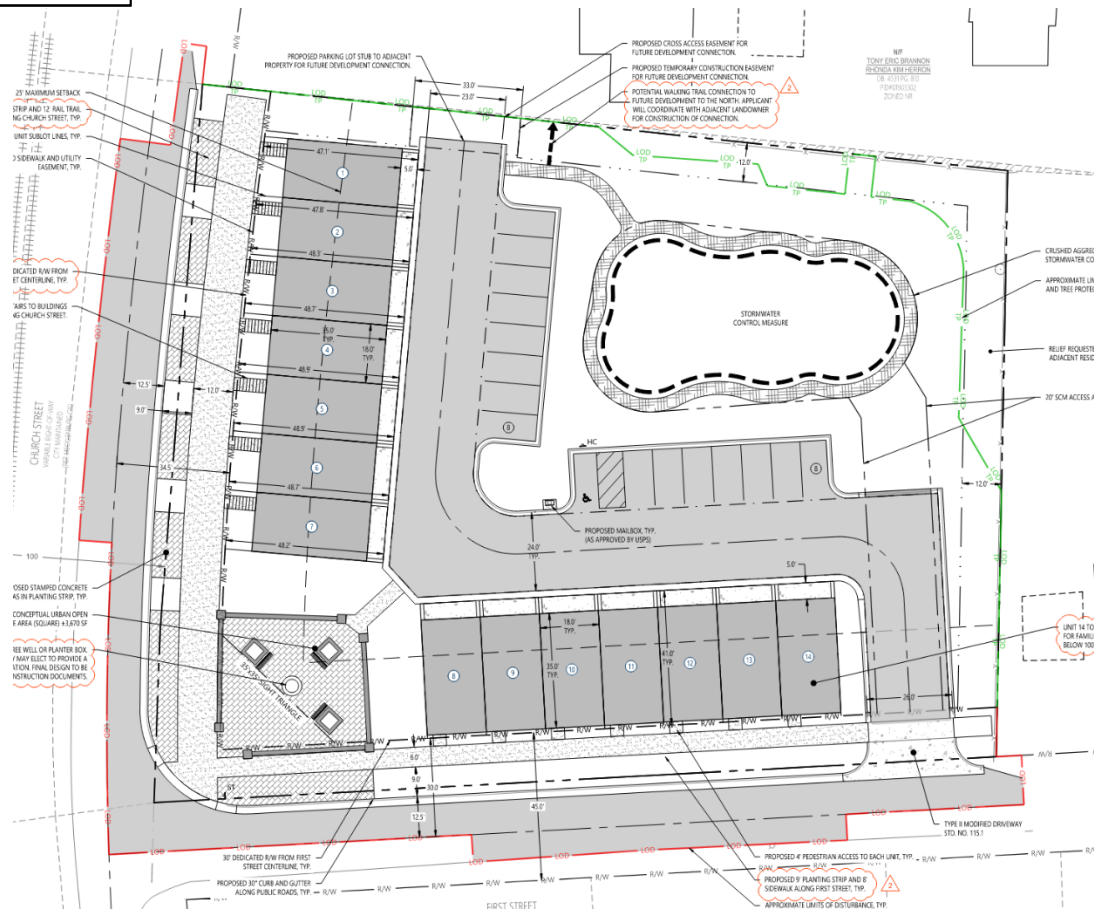


## **PART 2: REZONING/SITE PLAN**

### 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 plaza 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' side path (Future Seam Trail) and the planting strip will be a stamped concrete hardscape with landscaped tree wells. The Townhomes along 1<sup>st</sup> 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 1<sup>st</sup> 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.
- All Tree Save requirements will be met. Mitigation will be required for the 10% Tree Canopy and mitigation will be required for specimen tree preservation. The applicant has stated that they will be paying into the Huntersville Tree Bank Fund for specimen mitigation and planting for the tree canopy mitigation.

## Rezoning Plan:



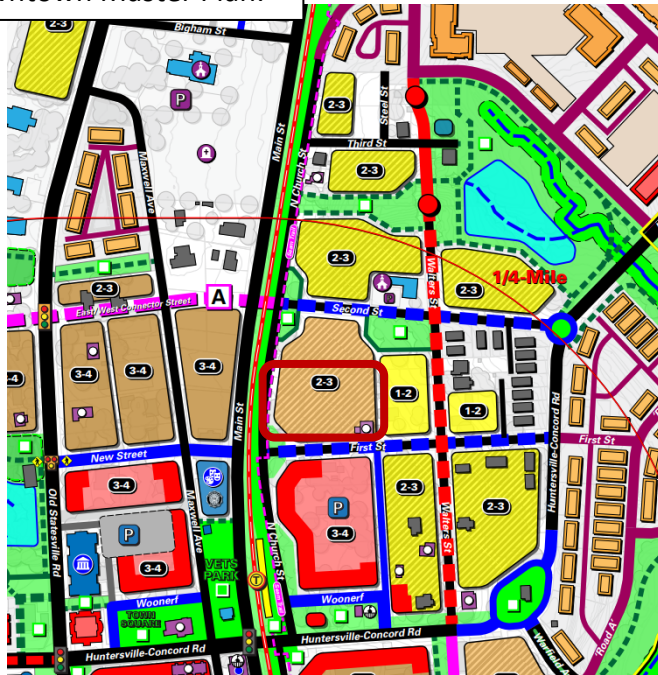
## Rezoning Issues:

- Staff has reviewed three sets of plans and returned two sets of comments to the applicant prior to the agenda deadline for the town board. 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:**
  - 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 driveway for parking, the subdivision will have attached garages and additional parking spaces provided along the alleys.
  - 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:



#### BLOCK TYPES

|                                            |                                                                                           |                                            |                                                                         |
|--------------------------------------------|-------------------------------------------------------------------------------------------|--------------------------------------------|-------------------------------------------------------------------------|
| <b>MIXED-USE - A:</b><br>Building Types:   | <b>COMMERCIAL</b><br>URBAN WORKPLACE<br>SHOPFRONT BUILDING<br>APARTMENT<br>MIXED-USE (NR) | <b>CIVIC - A:</b><br>Building Types:       | <b>GOVERNMENT</b><br>CIVIC                                              |
| <b>MIXED-USE - B:</b><br>Building Types:   | <b>RESIDENTIAL</b><br>SHOPFRONT BUILDING<br>APARTMENT<br>ATTACHED HOUSE<br>MIXED-USE (NR) | <b>CIVIC - B:</b><br>Building Types:       | <b>CHURCH</b><br>CIVIC                                                  |
| <b>RESIDENTIAL - A:</b><br>Building Types: | <b>MULTI-FAMILY</b><br>APARTMENT                                                          | <b>CIVIC - C:</b><br>Building Types:       | <b>SCHOOL</b><br>CIVIC                                                  |
| <b>RESIDENTIAL - B:</b><br>Building Types: | <b>MULTI-FAMILY</b><br>APARTMENT<br>ATTACHED HOUSE                                        | <b>RESIDENTIAL - D:</b><br>Building Types: | <b>MULTI-FAMILY + SINGLE FAMILY</b><br>ATTACHED HOUSE<br>DETACHED HOUSE |
| <b>RESIDENTIAL - C:</b><br>Building Types: | <b>MULTI-FAMILY</b><br>ATTACHED HOUSE                                                     | <b>RESIDENTIAL - E:</b><br>Building Types: | <b>SINGLE FAMILY</b><br>DETACHED HOUSE                                  |
|                                            |                                                                                           | <b>RESIDENTIAL - F:</b><br>Building Types: | <b>SINGLE FAMILY INFILL + ADU</b><br>DETACHED HOUSE<br>ADU              |

#### BLOCK FEATURES

|                                          |                                                              |
|------------------------------------------|--------------------------------------------------------------|
| <b>PROPOSED BUILDING HEIGHTS (RANGE)</b> | <b>PROPOSED ACTIVE FRONTAGES</b>                             |
| <b>EXISTING STRUCTURES</b>               | <b>OFF-STREET PARKING: MIXED-USE/SHARED (PUBLIC/PRIVATE)</b> |
|                                          | <b>SURFACE LOT</b> <b>STRUCTURED DECK</b>                    |

- **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 plaza at the corner of the development. The plaza 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. The applicant has verbally stated that they will be using bricks as required by the zoning ordinance. Staff would like to see the specific elements of what will be included to ensure high-quality space will be provided during the preliminary construction plans.
- **Conditional Notes:** The applicant has provided a note stating that lot 14 is to be an attainable housing unit for families of individuals with incomes below 100% of the area median income.
- **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 the 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.
- **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

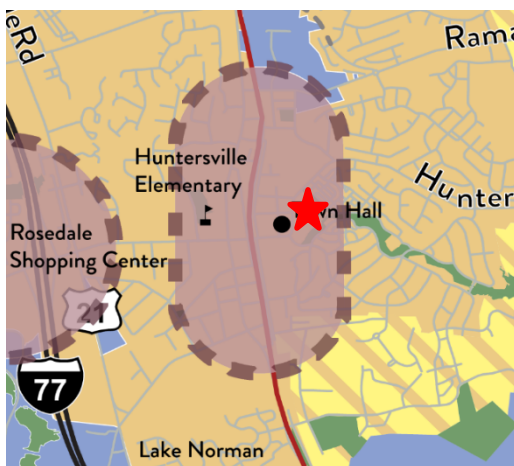
#### Traffic Impact Analysis (TIA)

- 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”



#### **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.



#### **Town Core**

The Town Core designation includes a variety of neighborhoods containing a mix of residential housing types, including single-family homes, townhomes, and apartments. Their design focuses on traditional neighborhood planning principles, including short blocks, connected streets, streetscape standards, and other features that improve walkability. These areas are denser than the “Moderate Density” and “Residential Edge” character areas and may include non-residential development as specified in small area plans and at other sites that meet locational criteria.

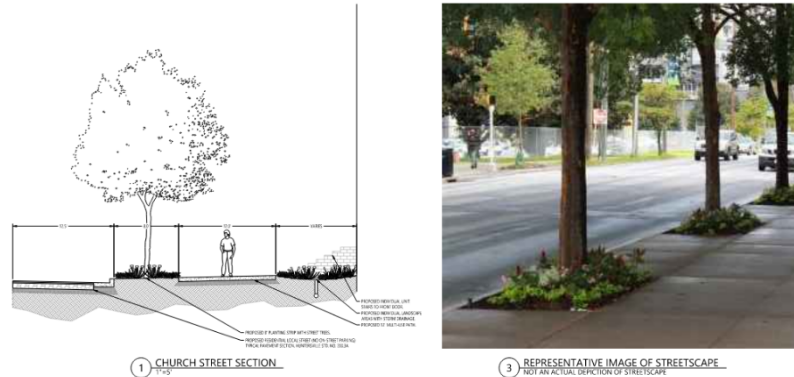
STAFF COMMENT – The 2040 Huntersville Community Plan **DOES SUPPORT** this project through the following sections:

- **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' side path 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:**

- 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.

- 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 have 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. Staff recommend 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 1<sup>st</sup> 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 recommend approval of the project and its modifications, staff would like to add the following conditions:

- All remaining staff comments and minor site plan notes are addressed.

**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**

The Planning Board met on June 24<sup>th</sup>, 2025, and voted unanimously to recommend approval. (6-0)

**PART 8: TOWN BOARD CONSIDERATION**

Town Board consideration is scheduled for July 15<sup>th</sup>, 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 1<sup>st</sup> and Church Street Townhomes**

| Planning Department                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Planning Board                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Board of Commissioners                                                                                                                                                                                                                                                                                                                                                              |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>APPROVAL: In considering the proposed rezoning application R25-02, 1<sup>st</sup> 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.</p> <p>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.</p> | <p>APPROVAL: In considering the proposed rezoning application R25-02, 1<sup>st</sup> and Church St Townhomes, the Planning Board recommends approval based on the Plan being 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 and the 2040 Huntersville Community Plan.</p> <p>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) and all staff comments are addressed are in keeping with the Spirit of the Ordinance and therefore supported.</p> | <p>APPROVAL: In considering the proposed rezoning application R25-02, 1<sup>st</sup> and Church St Townhomes, the Town Board recommends approval based on the Plan being consistent with <b><u>(insert applicable plan reference)</u></b>.</p> <p><b><u>It is reasonable and in the public interest to approve the Rezoning Plan because... (Explain)</u></b></p>                   |
| <p>DENIAL: N/A</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | <p>DENIAL:</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | <p>DENIAL: In considering the proposed rezoning application R25-02, 1<sup>st</sup> and Church St Townhomes, the Town Board recommends denial based on the Plan being <b><u>(consistent OR inconsistent) with (insert applicable plan reference)</u></b>.</p> <p><b><u>It is not reasonable and in the public interest to approve the Rezoning Plan because... (Explain)</u></b></p> |



# 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 ☒ 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 approximately 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

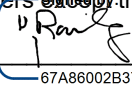
Address of Applicant 10935 Winds Crossing Drive, Suite 300, Charlotte, NC 28273

## 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 

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

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

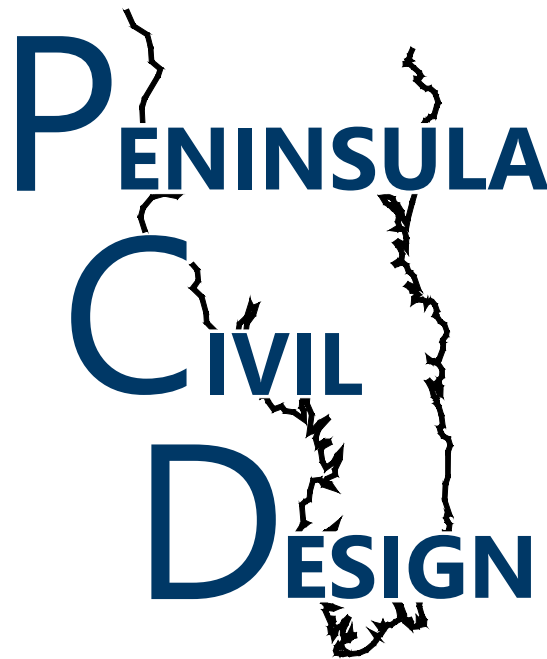




101 FIRST STREET HUNTERSVILLE, NC 28078

# FIRST AND CHURCH TOWNHOMES

REZONING PETITION  
FEBRUARY 27, 2025



## COVER SHEET | RZ01

PCD PROJECT: 2449

### REGULATORY APPROVALS

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

### REVISION LOG

| NUMBER | DATE     | DESCRIPTION       |
|--------|----------|-------------------|
| 1      | 04/28/25 | 1ST CITY COMMENTS |
| 2      | 06/23/25 | 2ND CITY COMMENTS |
|        |          |                   |
|        |          |                   |

#### PARCEL ID 01903308 OWNER INFORMATION

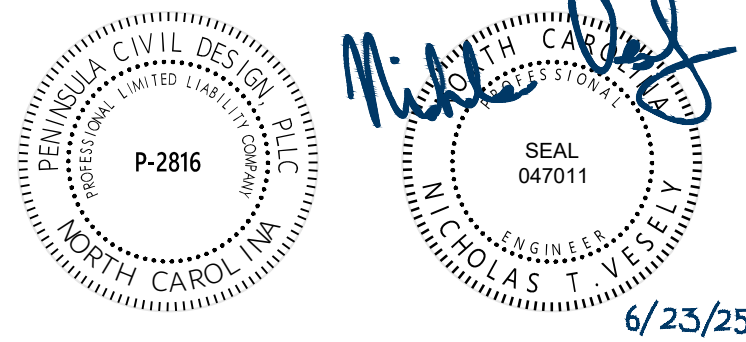
DANIEL E RILEY JR & EDITH S RILEY  
P.O. BOX 286  
HUNTERSVILLE, NC 28078  
PHONE: 727-430-1357  
EMAIL: DANRAILEY442@GMAIL.COM

#### PARCEL ID 01903309 OWNER INFORMATION

DANIEL E RILEY JR & EDITH S RILEY  
P.O. BOX 286  
HUNTERSVILLE, NC 28078  
PHONE: 727-430-1357  
EMAIL: DANRAILEY442@GMAIL.COM

#### PARCEL ID 01903308 OWNER INFORMATION

DANIEL E RILEY JR & EDITH S RILEY  
P.O. BOX 286  
HUNTERSVILLE, NC 28078  
PHONE: 727-430-1357  
EMAIL: DANRAILEY442@GMAIL.COM



NOT FOR CONSTRUCTION

### SHEET INDEX

| NUMBER | SHEET TITLE                                       | REV |
|--------|---------------------------------------------------|-----|
| RZ01   | COVER SHEET                                       | 1   |
| RZ02   | CONDITIONAL REZONING PLAN - SITE                  | 2   |
| RZ03   | CONDITIONAL REZONING PLAN - GRADING AND DRAINAGE  | 2   |
| RZ04   | CONDITIONAL REZONING PLAN - UTILITY               | 1   |
| RZ05   | CONDITIONAL REZONING PLAN - SIGHT DISTANCE        | 1   |
| RZ06   | CONDITIONAL REZONING PLAN - LANDSCAPE             | 2   |
| RZ07   | CONDITIONAL REZONING PLAN - TREE SAVE             | 2   |
| RZ08   | CONDITIONAL REZONING PLAN - EXISTING CONDITIONS   | 1   |
| RZ09   | CONDITIONAL REZONING PLAN - STREET CROSS SECTIONS | 2   |
| A-4.0  | BUILDING ELEVATIONS                               | 1   |
| A-4.1  | BUILDING ELEVATIONS                               | 1   |
| A-4.2  | BUILDING ELEVATIONS                               | 1   |
|        | BOUNDARY AND TOPO SURVEY                          |     |
|        | TREE SURVEY                                       |     |

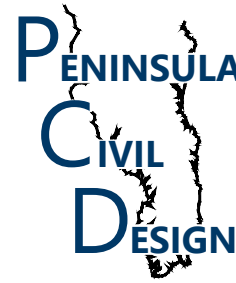
## PROJECT TEAM



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



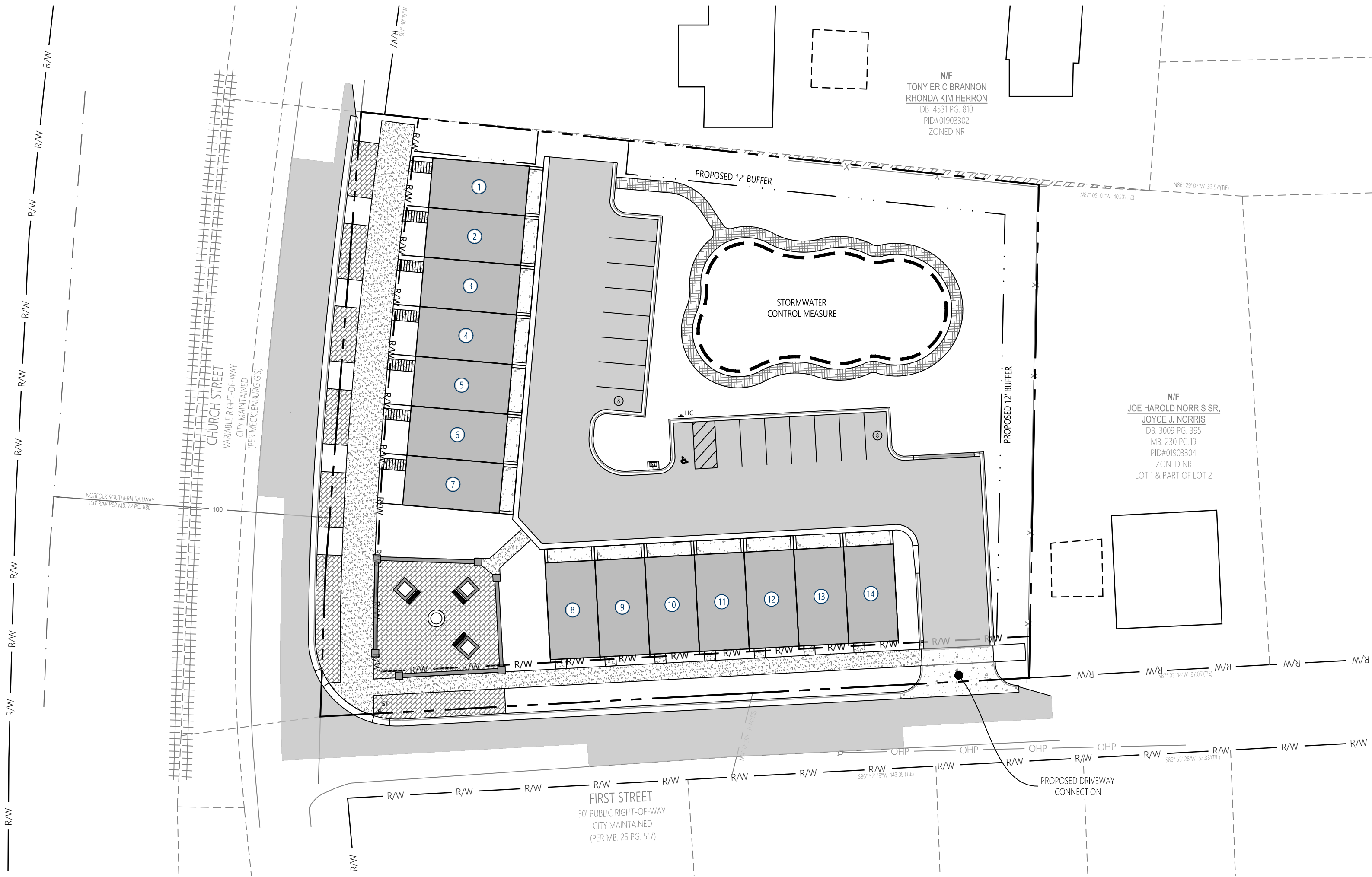
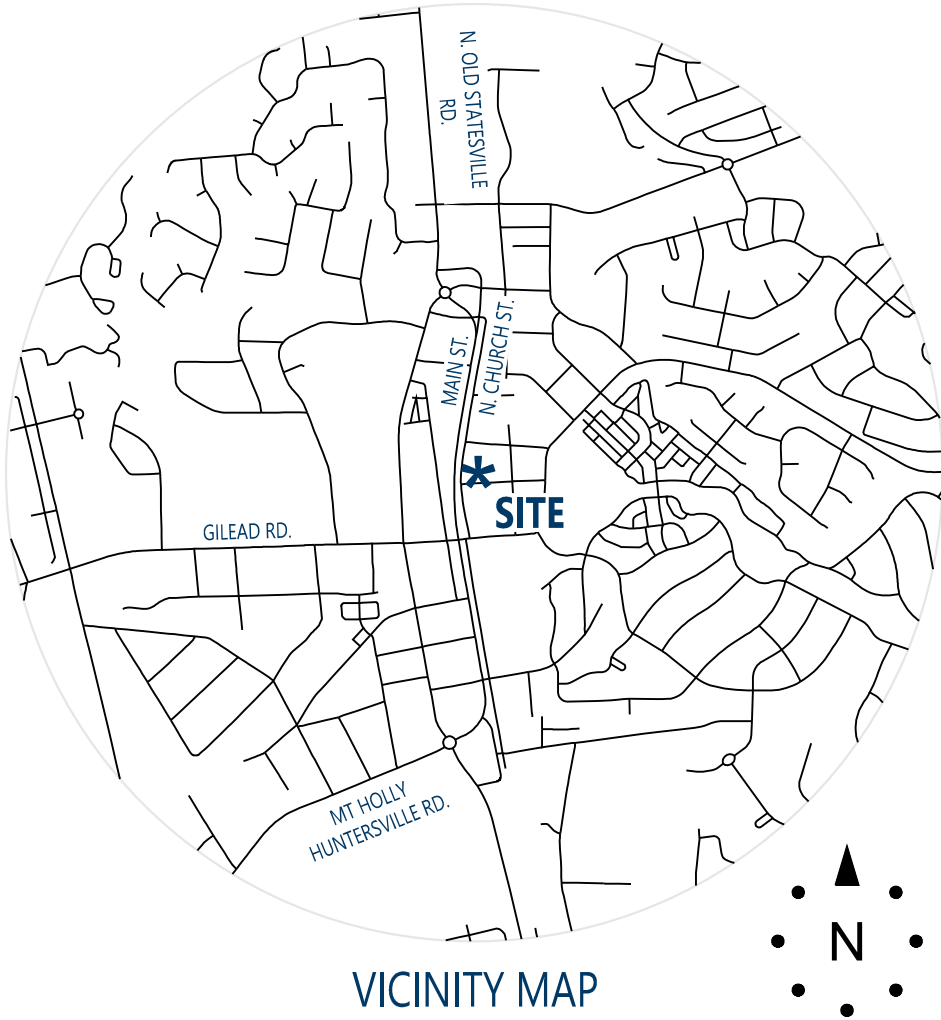
**SURVEYOR**  
TIDEMARK LAND SERVICES  
3556 CENTER CIRCLE, STE A  
FORT MILL, SC 29715  
PHONE: 844-865-5263



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

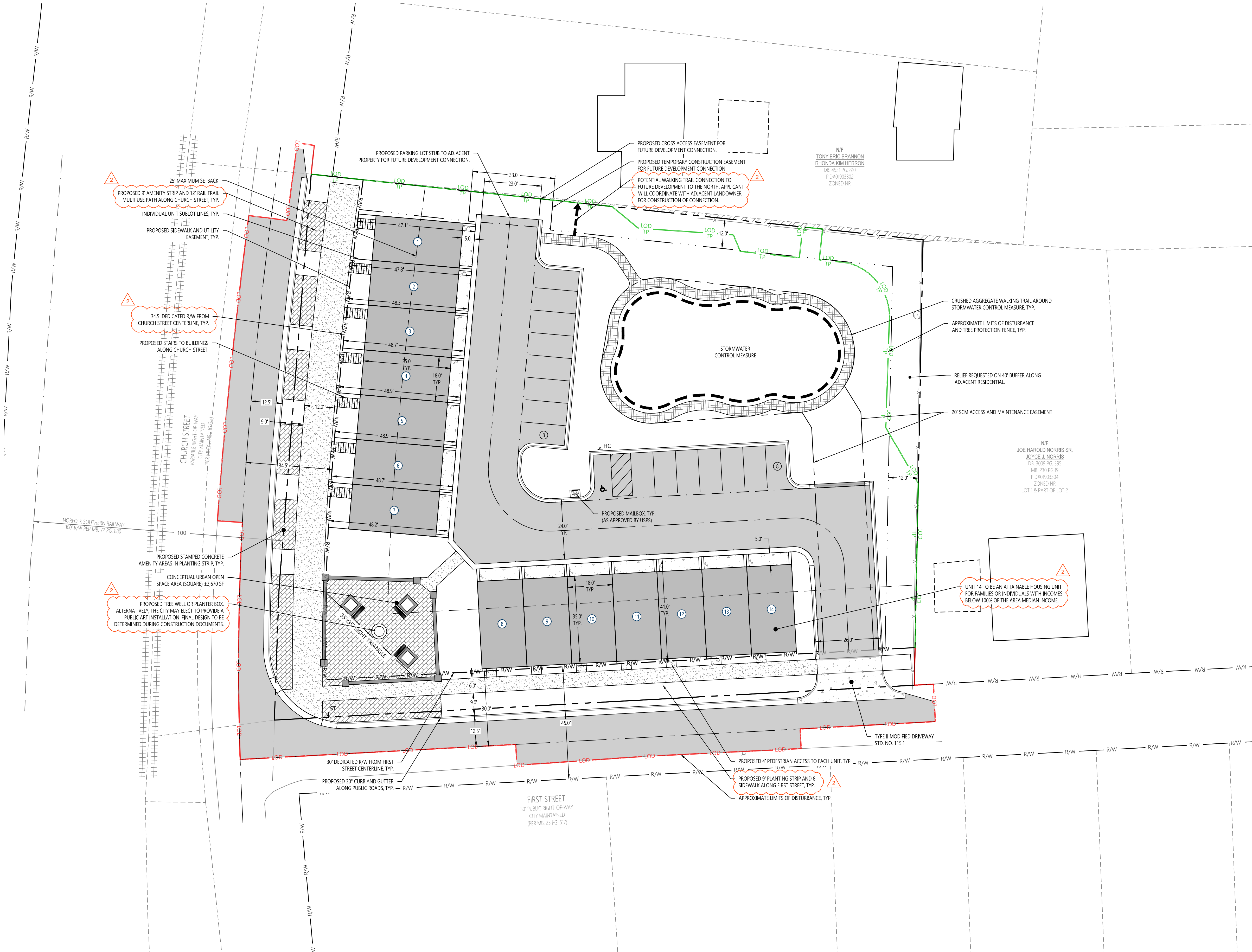


**ARCHITECT**  
SCALE AND SKETCH, LLC  
1069 COUNTY ROAD 679  
RANBURN, AL 36273  
PHONE: 404-433-3567



SITE PLAN  
NOT TO SCALE





#### 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 RALEY JR  
OWNER ADDRESS: PO BOX 286 HUNTERSVILLE, NC  
PARCEL ADDRESS: 101 FIRST ST.  
PARCEL NUMBER: 01903303  
PARCEL OWNER: EDITH S RALEY  
OWNER ADDRESS: PO BOX 286 HUNTERSVILLE, NC  
PARCEL ADDRESS: 200 N CHURCH ST.  
PARCEL NUMBER: 01903308  
PARCEL OWNER: DANIEL E RALEY JR  
OWNER ADDRESS: PO BOX 286 HUNTERSVILLE, NC  
PARCEL ADDRESS: 103 FIRST ST.  
PARCEL SIZE: 1.47 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):**  
BUILDING: ±8,800 SF  
CORNER: 0' MIN. - 25' MAX.  
SIDE: N/A  
REAR: 35' REAR TO ATTACHED GARAGE  
REQUESTED ALTERNATIVE: 5' REAR TO ATTACHED GARAGE

**BUILDING REQUIREMENTS (ZO. 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'  
\*SEE 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: ±3,670 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: ±8,800 SF

SIDEWALK: ±2,300 SF

DRIVEWAY: ±1,120 SF

PARKING: ±11,440 SF

TOTAL: ±23,660 SF

NET NEW IMPERVIOUS: ±19,080 SF

|                                                               |                                                                     |                  |
|---------------------------------------------------------------|---------------------------------------------------------------------|------------------|
| Total Parcel Area (acres/square feet)                         | 1.147 ac.                                                           | 49,965 sf        |
| Area in Dedicated Right of Way (acres/square feet)            | 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)          | ±1.13 ac.                                                           | ±49,286 sf       |
| River Basin                                                   | Yadkin-Pee Dee                                                      |                  |
| Stream Classification                                         | South Prong Clarke Creek                                            | Classification C |
| Principal Land Use (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)                                                              |                  |
| County 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 area range                                                | 738.00 sf - 180.20 sf                                               |                  |
| Number of lots within each range                              | 14                                                                  |                  |
| (Use more lines if needed)                                    |                                                                     |                  |
| Lot width range (Z.O. Article 3)                              | 18.0' - 18.0'                                                       |                  |
| Number of lots within each range                              | 14                                                                  |                  |
| (Use more lines if needed)                                    |                                                                     |                  |
| Setbacks and Build-to-lines (Z.O. Article 3, 4, & 8)          |                                                                     |                  |
| Front BTL range or Setback                                    | 0' min.                                                             |                  |
| Corner setbacks                                               | 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 7.200) |                                                                     |                  |
| Is the property in a regulated watershed district?            | Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> |                  |
| Watershed District                                            | N/A                                                                 |                  |
| Low Density/High Density                                      | High Density                                                        |                  |
| Modifications Requested                                       | Yes                                                                 |                  |
| Planning 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:

- 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))
- ALL DEVELOPMENT AND CONSTRUCTION SHALL COMPLY WITH ALL ZONING AND SUBDIVISION STANDARDS OF THE TOWN OF HUNTERSVILLE, MECKLENBURG COUNTY, AND NC DOT, AS APPLICABLE.
- THIS PROPERTY MAY BE SUBJECT TO ANY EASEMENTS AND/OR RIGHT-OF-WAY OF RECORD.
- ALL AREAS DESIGNATED AS COMMON AND/OR URBAN OPEN SPACE SHALL BE OWNED AND MAINTAINED BY THE HOMEOWNERS ASSOCIATION AND DEDICATED FOR PERPETUITY.
- ACCESS (INGRESS/EGRESS) LOCATION AND DESIGN SHOWN ON THIS SKETCH PLAN AREA SUBJECT TO ACHIEVING VERTICAL AND HORIZONTAL SIGHT DISTANCES, TURN LANE IMPROVEMENTS (INCLUDING) RIGHT-OF-WAY AND INTERSECTION WITH ADJACENT AND OPPOSING ACCESS POINTS. MODIFICATIONS TO PLAN MAY RESULT.
- LARGE MATURING TREES WILL BE PLANTED 40' O/C WITHIN THE REQUIRED PLANTING STRIP ALONG ALL STREETS. 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.
- SMALL MATURING TREES ARE TO BE USED WHERE OVERHEAD POWER LINES EXIST.
- FIRE APPARATUS ACCESS ALONG CHURCH STREET AND FIRST STREET ONLY. ACCESS INTO PARKING NOT INTENDED FOR EMERGENCY ACCESS.
- MAIL DELIVERY TO BE PROVIDED BY USPS AT DESIGNATED MAILBOX CBU SHOWN ON PLANS.
- GARBAGE PICK-UP VIA INDIVIDUAL UNIT ROLL-OUT CANS PICKED UP WITH STANDARDS STREET SERVICE.
- 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.
- 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 AND 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.

#### DEVELOPMENT NOTES

- BUILDING AC MECHANICAL EQUIPMENT LOCATED ON SECOND FLOOR BALCONY ON REAR OF UNITS. UNITS NOT VISIBLE FROM ROADWAY.
- PROPOSED HOA RESPONSIBLE FOR MAINTENANCE OF COMMON OPEN SPACES AND STAMPED CONCRETE IN RIGHT OF WAY.
- 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.



#### Better Path Homes, LLC

10935 Winds Crossing Drive, Suite 300  
Charlotte, NC 28073



#### VICINITY MAP

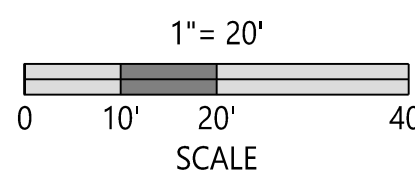
BOUNDARY, TOPOGRAPHIC, AND UNDERGROUND UTILITY SURVEY DATED NOVEMBER, 18 2024 PROVIDED BY TIDEWATER LAND SERVICES, INC., 3556 CENTRE CIRCLE, SUITE A, FORT MILL, SC 29440-9526, NC FIRM C-4291.

PCD PROJECT NUMBER:  
2449



6/23/25

This drawing and the design presented are the intellectual property of Peninsula Civil Design, PLLC and the property of the project client listed on this document. The reproduction, copying, and unauthorized use without the consent of Peninsula Civil Design, PLLC is prohibited. ©2025



#### First and Church Townhomes

101 First Street  
Huntersville, NC 28078

ISSUE DATE:  
February 27, 2025

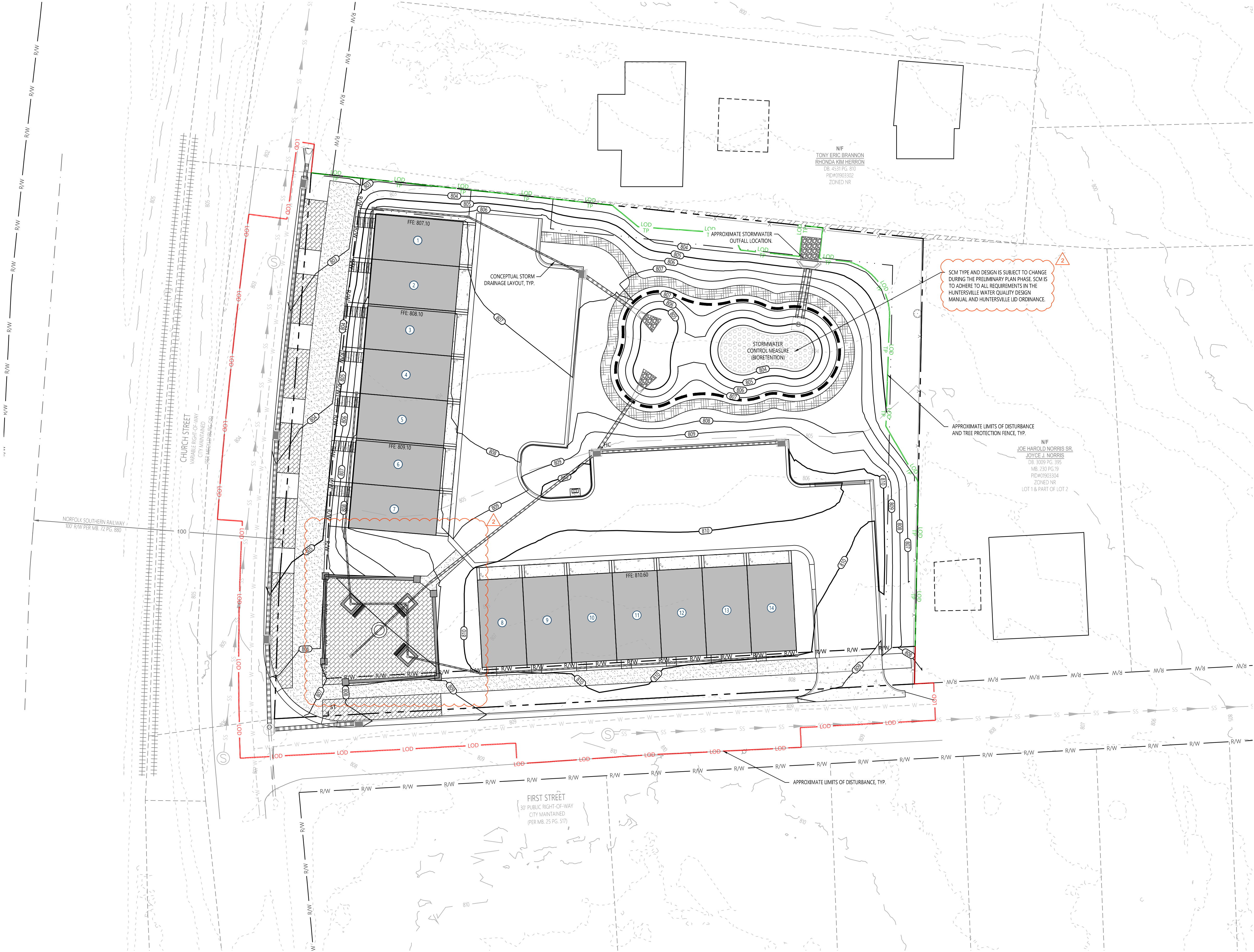
#### REVISIONS:

- 04/28/25 | 1st City Comments
- 06/23/25 | 2nd City Comments

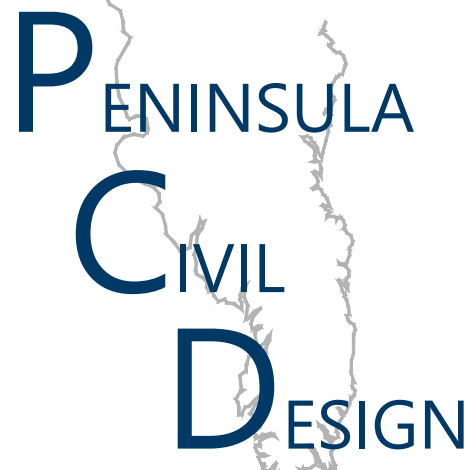
#### CONDITIONAL REZONING PLAN - SITE

RZ02





**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.



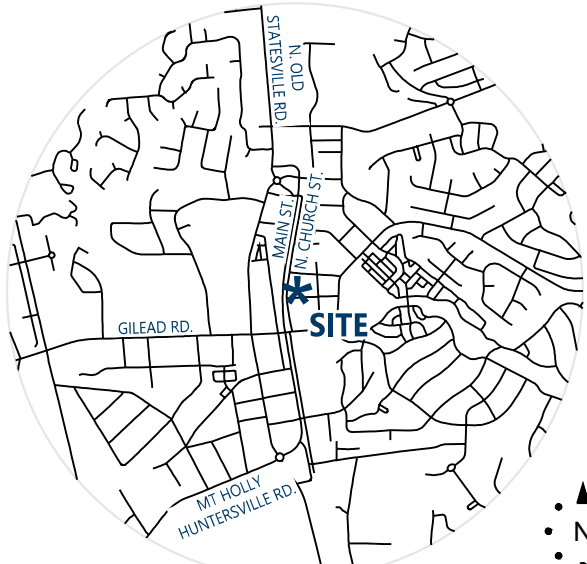
Civil Engineering | Land Planning

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



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 TIDEWATER LAND SERVICES, INC., 3556 CENTRE CIRCLE, SUITE A, FORT MILL, SC 29504-8655-5263, NC FIRM C-4291.

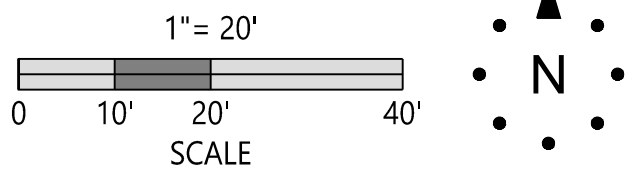
PCD PROJECT NUMBER:  
2449



*Nicholas T. Vesely*  
SEAL  
047011  
NICHOLAS T. VESLEY  
6/23/25

NOT FOR CONSTRUCTION

This drawing and the design presented are the intellectual property of Peninsula Civil Design, PLLC and the property of the project client listed on this document. The reproduction, copying, and unauthorized use without the consent of Peninsula Civil Design, PLLC is prohibited. ©2025



### First and Church Townhomes

101 First Street  
Huntersville, NC 28078

ISSUE DATE:  
**February 27, 2025**

REVISIONS:

- 04/28/25 | 1st City Comments
- 06/23/25 | 2nd City Comments

**CONDITIONAL REZONING  
PLAN - GRADING &  
DRAINAGE  
RZ03**

### 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=6.46"  
Prepared by Peninsula Civil Design, PLLC Printed: 4/10/2025  
HydroCAD® 10.00-26, sht 07800, © 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, Attenu= 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= 2.031 cf

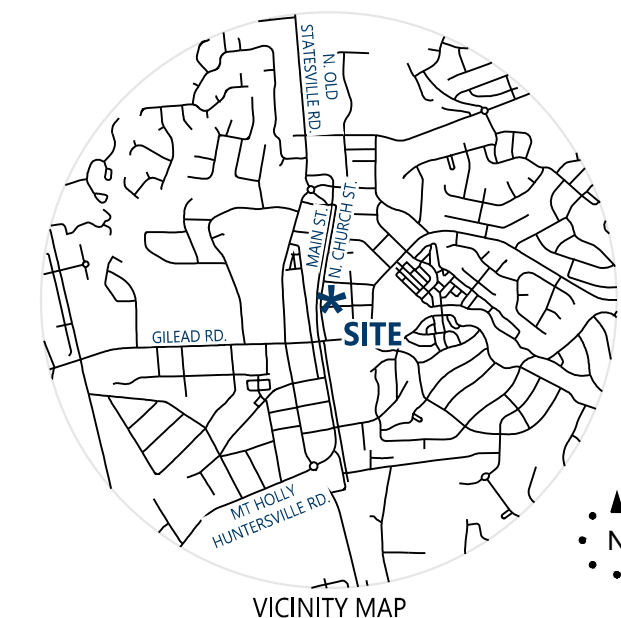
Plug-Flow detention time= 135.6 min calculated for 0.291 af (100% of inflow)  
Center-of-Mass det. time= 135.8 min ( 925.6 - 790.9 )

| Volume           | Invert            | Avail Storage           | Storage Description                                   |
|------------------|-------------------|-------------------------|-------------------------------------------------------|
| #1               | 804.00'           | 5,169 cf                | Custom Storage Data (Prismatic) Listed below (Recalc) |
| Elevation (feet) | Surf Area (sq-ft) | Inc. Stove (cubic-feet) | Cum. Stove (cubic-feet)                               |
| 804.00           | 888               | 0                       | 0                                                     |
| 805.00           | 1,332             | 960                     | 960                                                   |
| 806.00           | 2,087             | 1,715                   | 2,675                                                 |
| 807.00           | 2,891             | 2,484                   | 5,159                                                 |

| Device | Routing  | Invert  | Outlet Devices                                                                                                                                                                 |
|--------|----------|---------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| #1     | Primary  | 804.00' | 12.0" Round Culvert X 2.00'<br>Ln= 25.0' RCP, square edge headwall, K=0.500<br>Inlet / Outlet Invert= 804.00' / 803.70' S= 0.0120 7' C= 0.900<br>on 0.012' Flow Depth= 0.75 af |
| #2     | Device 1 | 804.00' | 1.000 In-Hr Bioretention X 0.33 over Surface area<br>Conductivity to Groundwater Elevation = 798.00'                                                                           |
| #3     | Device 1 | 804.75' | 3.0" Vert. Orifice C= 0.800                                                                                                                                                    |
| #4     | Device 1 | 803.75' | 4.0' long x 1.25' High Top of Structure X 4.00' 2 End Contractions                                                                                                             |

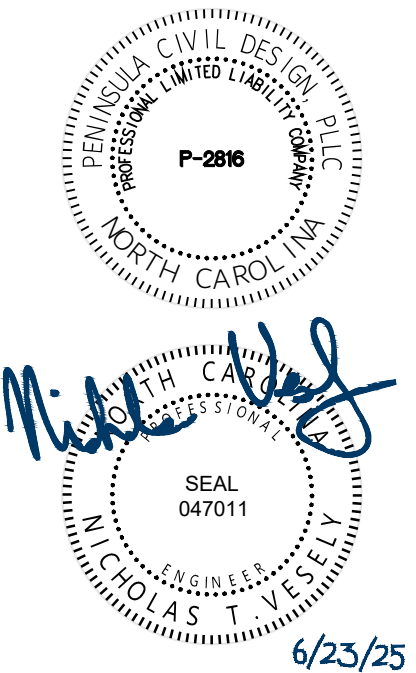
Primary Outflow Max= 5.93 cfs @ 11.97 hrs With= 605.98' (Free Discharge)  
1- Bioretention (Controls 0.12 cfs)  
2- Orifice (Controls 0.25 cfs @ 5.06 fpa)  
3- Orifice (Controls 0.25 cfs @ 5.06 fpa)  
4- Top of Structure (Weir Controls 5.66 cfs @ 1.96 fpa)





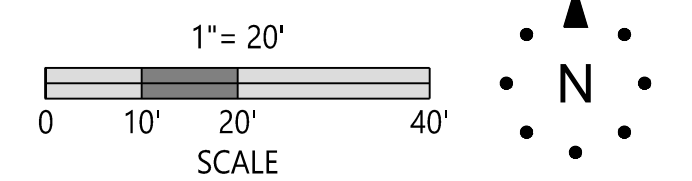
BOUNDARY, TOPOGRAPHIC, AND UNDERGROUND UTILITY SURVEY DATED  
NOVEMBER, 18 2024 PROVIDED BY TIDEMARK LAND SERVICES, INC., 3558  
CENTRE CIRCLE, SUITE A, FORT MILL, SC 844-865-5263, NC FIRM C-4291.

PCD PROJECT NUMBER:  
2449



NOT FOR CONSTRUCTION

This drawing and the design presented are the intellectual property of  
Peninsula Civil Design, PLLC and the property of the project client listed on  
this document. The reproduction, copying, and unauthorized use without  
the consent of Peninsula Civil Design, PLLC is prohibited. ©2025



First and Church  
Townhomes

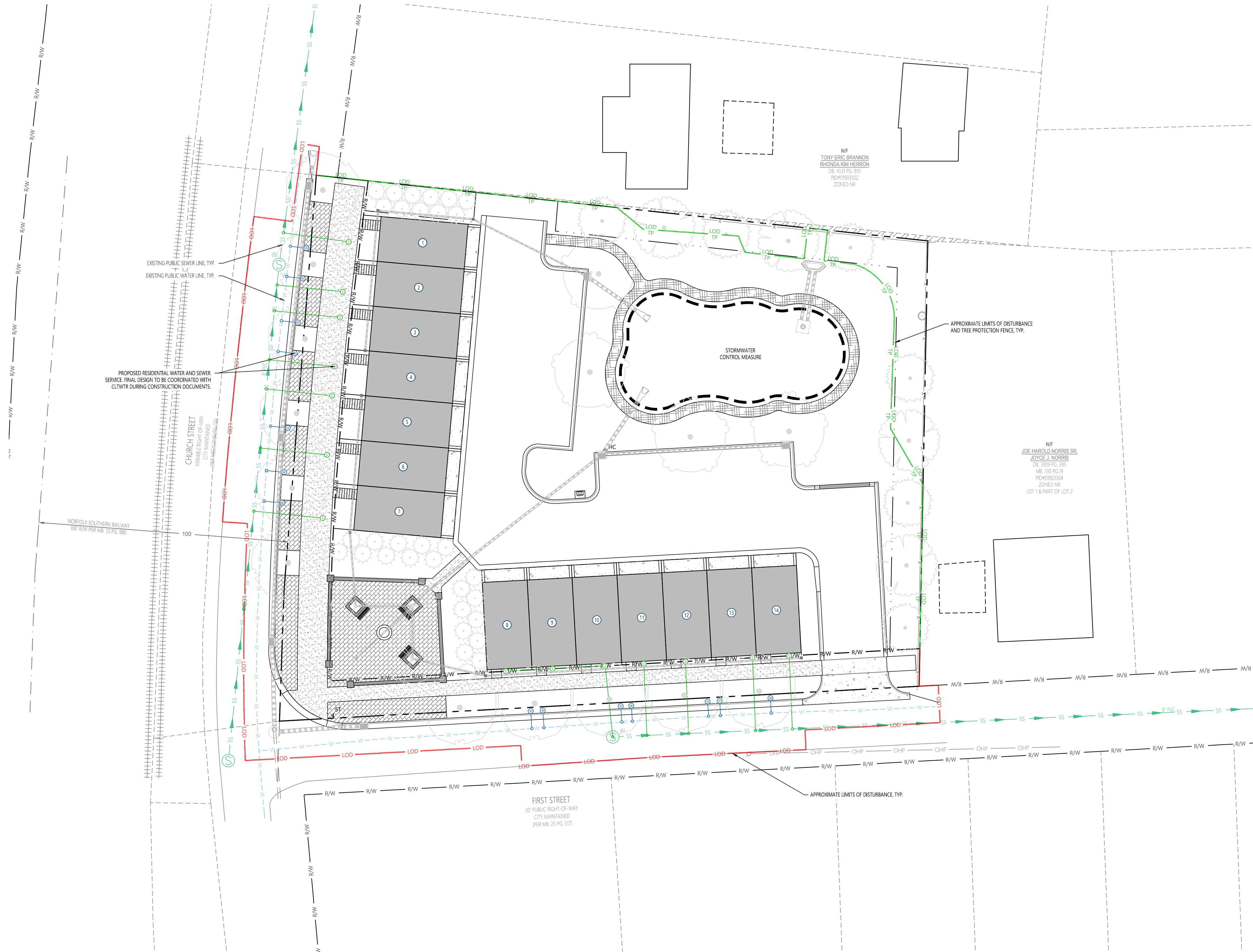
101 First Street  
Huntersville, NC 28078

ISSUE DATE:  
February 27, 2025

REVISIONS:  
04/28/25 | 1st City Comments

CONDITIONAL REZONING  
PLAN - UTILITY

RZ04

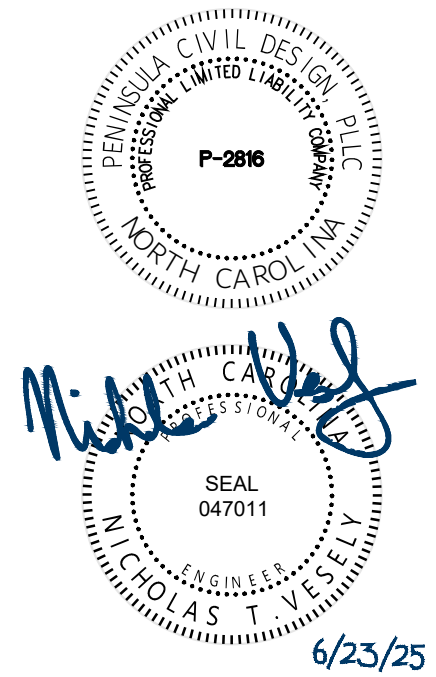






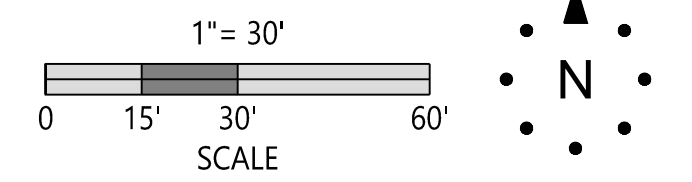
BOUNDARY, TOPOGRAPHIC, AND UNDERGROUND UTILITY SURVEY DATED  
NOVEMBER, 18 2024 PROVIDED BY TIDEWATER LAND SERVICES, INC., 3556  
CENTRE CIRCLE, SUITE A, FORT MILL, SC 844-865-5263, NC FIRM C-4291.

PCD PROJECT NUMBER:  
2449



NOT FOR CONSTRUCTION

This drawing and the design presented are the intellectual property of  
Peninsula Civil Design, PLLC and the property of the project client listed on  
this document. The reproduction, copying, and unauthorized use without  
the consent of Peninsula Civil Design, PLLC is prohibited. ©2025



First and Church  
Townhomes

101 First Street  
Huntersville, NC 28078

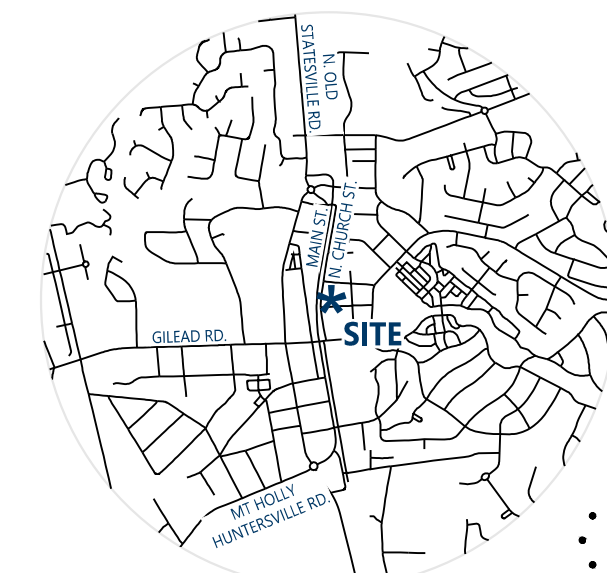
ISSUE DATE:  
February 27, 2025

REVISIONS:  
04/28/25 | 1st City Comments

CONDITIONAL REZONING  
PLAN - SITE DISTANCE

RZ05

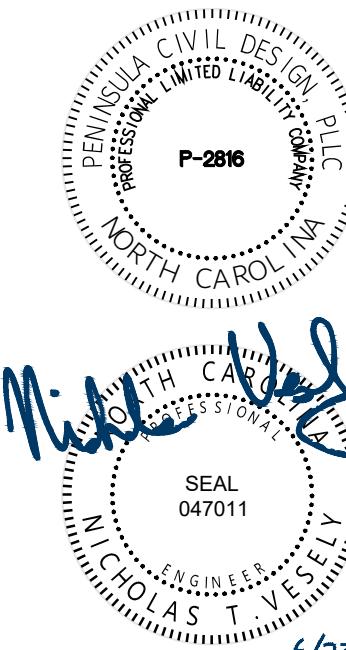




VICINITY MAP

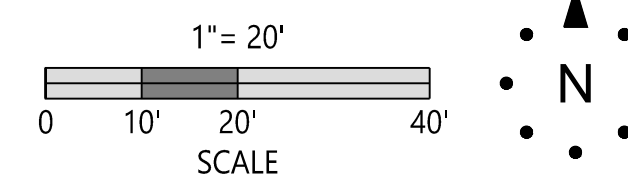
BOUNDARY, TOPOGRAPHIC, AND UNDERGROUND UTILITY SURVEY DATED  
NOVEMBER, 18 2024 PROVIDED BY TIDEWATER LAND SERVICES, INC., 3556  
CENTRE CIRCLE, SUITE A, FORT MILL, SC, 844-865-5263, NC FIRM C-4291.

PCD PROJECT NUMBER:  
2449



NOT FOR CONSTRUCTION

This drawing and the design presented are the intellectual property of  
Peninsula Civil Design, PLLC and the property of the project client listed on  
this document. The reproduction, copying, and unauthorized use without  
the consent of Peninsula Civil Design, PLLC is prohibited. ©2025



First and Church  
Townhomes

101 First Street  
Huntersville, NC 28078

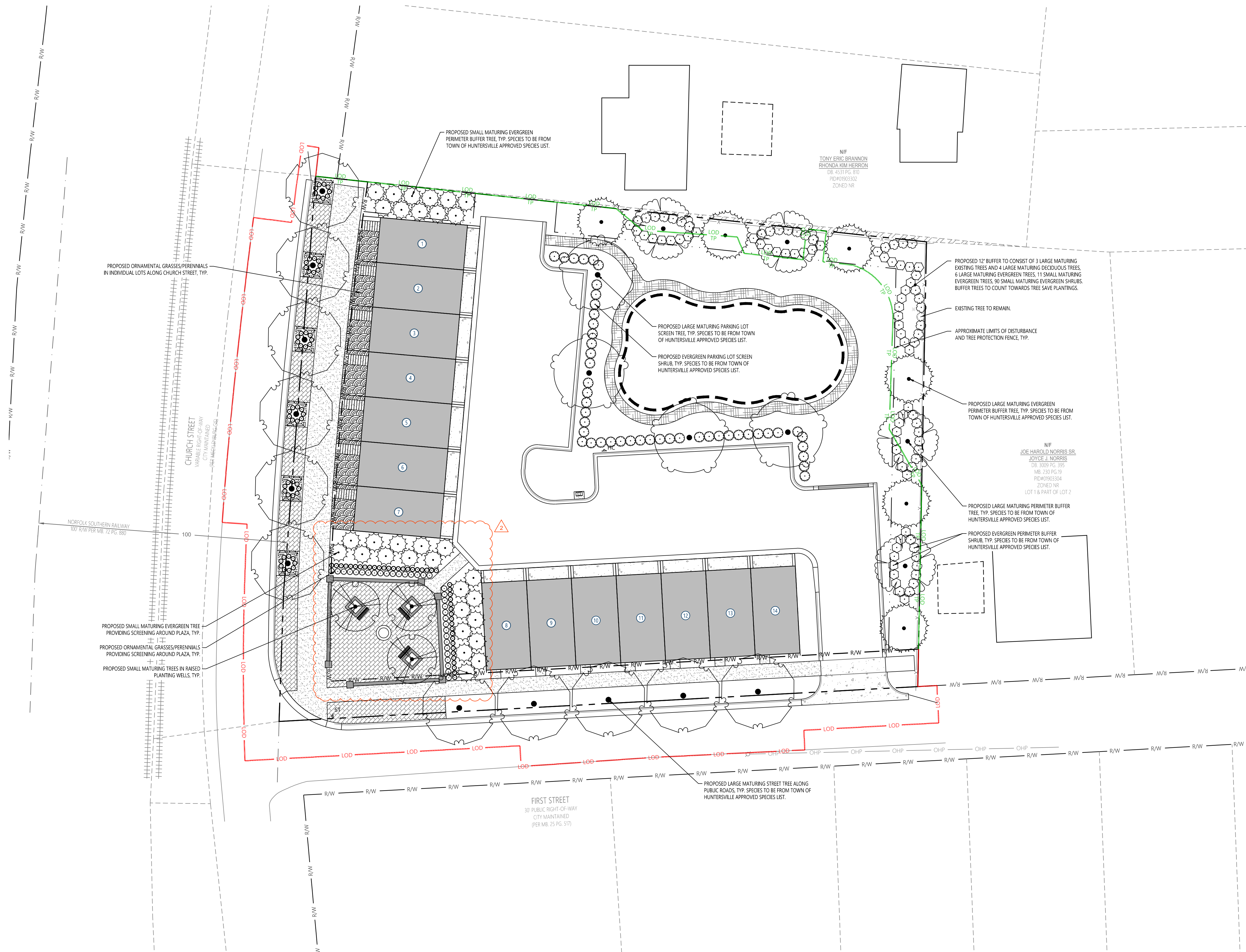
ISSUE DATE:  
February 27, 2025

REVISIONS:

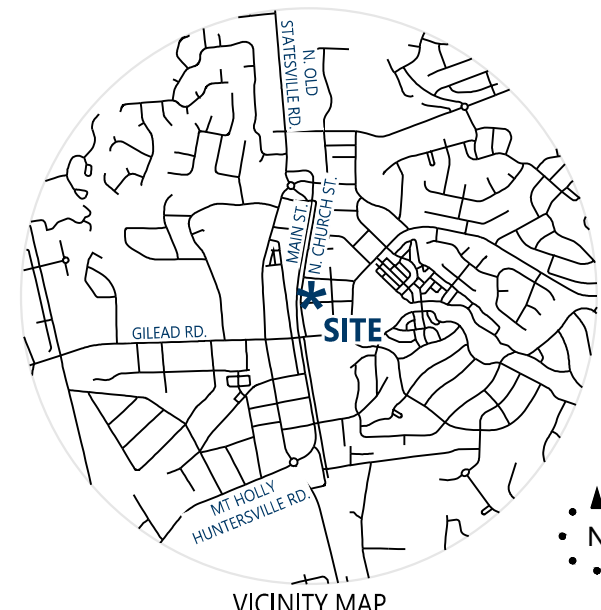
- 04/28/25 | 1st City Comments  
06/23/25 | 2nd City Comments

CONDITIONAL REZONING  
PLAN - LANDSCAPE

RZ06







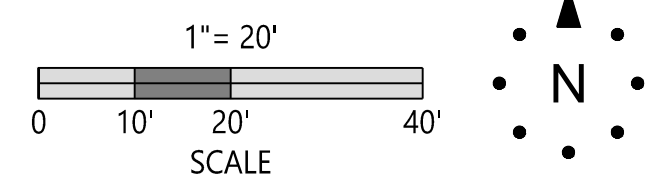
BOUNDARY, TOPOGRAPHIC, AND UNDERGROUND UTILITY SURVEY DATED NOVEMBER 18, 2024 PROVIDED BY TIDEWATER LAND SERVICES, INC., 3556 CENTRE CIRCLE, SUITE A, FORT MILL, SC 29504-5263, NC FIRM C-4291.

PCD PROJECT NUMBER:  
2449



6/23/25

This drawing and the design presented are the intellectual property of Peninsula Civil Design, PLLC and the property of the project client listed on this document. The reproduction, copying, and unauthorized use without the consent of Peninsula Civil Design, PLLC is prohibited. ©2025



First and Church  
Townhomes

101 First Street  
Huntersville, NC 28078

ISSUE DATE:  
February 27, 2025

REVISIONS:

- 1 04/28/25 | 1st City Comments  
2 06/23/25 | 2nd City Comments

CONDITIONAL REZONING  
PLAN - TREE SAVE

RZ07

| TREE CANOPY PRESERVATION SUMMARY:                                                                                                                                                                                                                                                        |  |  |  |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|--|--|
| PARCEL AREA: 49,965 SF                                                                                                                                                                                                                                                                   |  |  |  |
| EXISTING CANOPY: 25,344 SF (50.7%)                                                                                                                                                                                                                                                       |  |  |  |
| REQUIRED PRESERVATION: MIN. 10% OF SITE = 4,996.5 SF (EXISTING AND PLANTED)                                                                                                                                                                                                              |  |  |  |
| PROPOSED PRESERVATION: ±12.92% OF SITE (6,455 SF)                                                                                                                                                                                                                                        |  |  |  |
| EXISTING: ±0.91% OF SITE (455 SF)                                                                                                                                                                                                                                                        |  |  |  |
| PLANTED: ±12.01% OF SITE (6,000 SF) = 3 MITIGATION TREES                                                                                                                                                                                                                                 |  |  |  |
| HERITAGE TREE PRESERVATION SUMMARY:                                                                                                                                                                                                                                                      |  |  |  |
| HERITAGE TREES = 0 TREES (TBD BY ARBORIST)                                                                                                                                                                                                                                               |  |  |  |
| REQUIRED PRESERVATION = 100%                                                                                                                                                                                                                                                             |  |  |  |
| PROVIDED PRESERVATION = IF DETERMINED BY AN ARBORIST THAT HERITAGE TREES EXIST ON SITE, APPLICABLE MITIGATION METHODS WILL BE UTILIZED FOR REMOVAL OF ALL HERITAGE TREES ON SITE                                                                                                         |  |  |  |
| SPECIMEN TREE PRESERVATION SUMMARY:                                                                                                                                                                                                                                                      |  |  |  |
| SPECIMEN TREES ON SITE = 2 TREES (TBD BY ARBORIST)                                                                                                                                                                                                                                       |  |  |  |
| REQUIRED PRESERVATION = 10%                                                                                                                                                                                                                                                              |  |  |  |
| PROVIDED PRESERVATION = 0% PRESERVED                                                                                                                                                                                                                                                     |  |  |  |
| SPECIMEN TREE CALIPER REMOVED = 83" DBH                                                                                                                                                                                                                                                  |  |  |  |
| REPLANTED MITIGATION CALIPER PROVIDED = 0"                                                                                                                                                                                                                                               |  |  |  |
| MITIGATION TREE CALIPER REQUIRED = 83" (42 TREES)*                                                                                                                                                                                                                                       |  |  |  |
| * FOR PROPOSED MITIGATION PAYMENT TO TOWN TREE BANK FUND, 3 QUOTES ARE TO BE PROVIDED FOR INSTALLATION OF 42 TREES AT 2" CALIPER AND AN AVERAGE TAKEN OF THE 3 QUOTES. THE AVERAGE OF THE THREE QUOTES WILL BE PAID TO THE TOWN TREE BANK FUND AS MITIGATION FOR REMOVED SPECIMEN TREES. |  |  |  |

| POINT NUMBER | TREE              | SPECIMEN/HERITAGE | SAVE/REMOVE  |
|--------------|-------------------|-------------------|--------------|
| 3            | 11" PECAN         |                   | REMOVE       |
| 4            | 48" OAK           | TBD BY ARBORIST   | REMOVE       |
| 5            | 9" DOGWOOD        |                   | REMOVE       |
| 6            | 8" DOGWOOD        |                   | REMOVE       |
| 7            | 10" DOGWOOD       |                   | REMOVE       |
| 8            | 9" CEDAR          |                   | REMOVE       |
| 9            | 8" CEDAR          |                   | REMOVE       |
| 10           | 16" PECAN         |                   | REMOVE       |
| 11           | 18" BRADFORD PEAR |                   | REMOVE       |
| 12           | 12" MAPLE         |                   | OFF-PROPERTY |
| 13           | 12" MAPLE         |                   | OFF-PROPERTY |
| 17           | 8" PRIVETTE       |                   | REMOVE       |
| 21           | 11" MULBERRY      |                   | REMOVE       |
| 22           | 11" MULBERRY      |                   | REMOVE       |
| 23           | 10" MULBERRY      |                   | REMOVE       |
| 24           | 8" MAPLE          |                   | REMOVE       |
| 27           | 11" PECAN         |                   | REMOVE       |
| 36           | 16" MAPLE         |                   | SAVE         |
| 40           | 18" PINE          |                   | REMOVE       |
| 41           | 18" BRADFORD PEAR |                   | REMOVE       |
| 45           | 8" PECAN          |                   | REMOVE       |
| 62           | 16" CEDAR         |                   | REMOVE       |
| 64           | 11" BLACK CHERRY  |                   | REMOVE       |
| 65           | 18" CEDAR         |                   | REMOVE       |
| 68           | 13" CEDAR         |                   | REMOVE       |
| 71           | 35" CEDAR         | TBD BY ARBORIST   | REMOVE       |
| 79           | 15" MAPLE         |                   | REMOVE       |
| 85           | 12" CEDAR         |                   | REMOVE       |
| 87           | 8" CRAPE MYRTLE   |                   | REMOVE       |
| 92           | 9" HOLLY          |                   | REMOVE       |
| 96           | 8" DOGWOOD        |                   | REMOVE       |
| 101          | 8" HOLLY          |                   | REMOVE       |
| 106          | 8" PRIVETTE       |                   | REMOVE       |
| 108          | 9" CEDAR          |                   | REMOVE       |
| 109          | 9" CEDAR          |                   | REMOVE       |
| 111          | 8" CEDAR          |                   | REMOVE       |
| 112          | 8" CEDAR          |                   | REMOVE       |
| 113          | 8" MAPLE          |                   | REMOVE       |
| 114          | 8" HOLLY          |                   | REMOVE       |
| 117          | 18" BIRCH         |                   | REMOVE       |
| 118          | 8" CEDAR          |                   | REMOVE       |

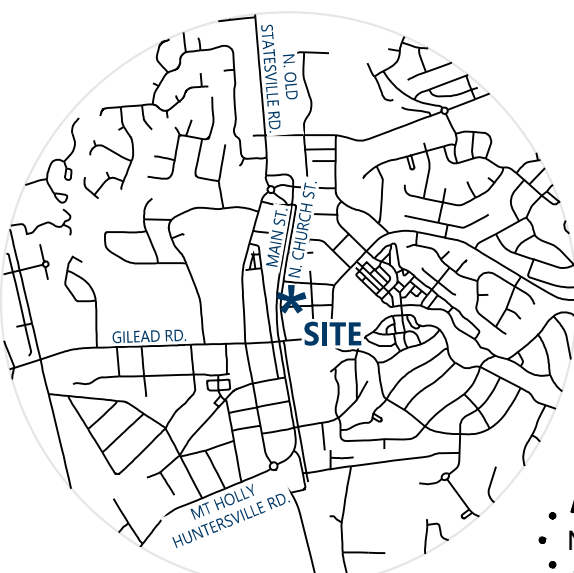






| POINT NUMBER | TREE              |
|--------------|-------------------|
| 1            | 6" HICKORY        |
| 2            | 3" BRADFORD PEAR  |
| 3            | 11" PECAN         |
| 4            | 48" OAK           |
| 5            | 9" DOGWOOD        |
| 6            | 8" DOGWOOD        |
| 7            | 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" BIRCH         |
| 118          | 8" CEDAR          |
| 119          | 2" PRIVETTE       |

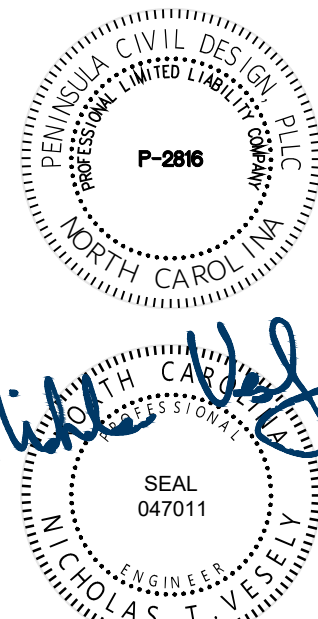
| SLOPE ANALYSIS |            |            |        |          |
|----------------|------------|------------|--------|----------|
| RANGE          | MIN. SLOPE | MAX. SLOPE | COLOR  | AREA     |
| 1              | 10%        | 15%        | Yellow | 0.04 AC. |
| 2              | 15%        | 25%     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



VICINITY MAP

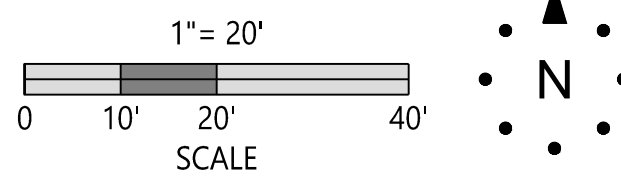
BOUNDARY, TOPOGRAPHIC, AND UNDERGROUND UTILITY SURVEY DATED NOVEMBER, 18 2024 PROVIDED BY TIDEWATER LAND SERVICES, INC., 3556 CENTRE CIRCLE, SUITE A, FORT MILL, SC 29440-6553, NC FIRM C-4291.

PCD PROJECT NUMBER:  
2449



6/23/25

This drawing and the design presented are the intellectual property of Peninsula Civil Design, PLLC and the property of the project client listed on this document. The reproduction, copying, and unauthorized use without the consent of Peninsula Civil Design, PLLC is prohibited. ©2025



First and Church  
Townhomes

101 First Street  
Huntersville, NC 28078

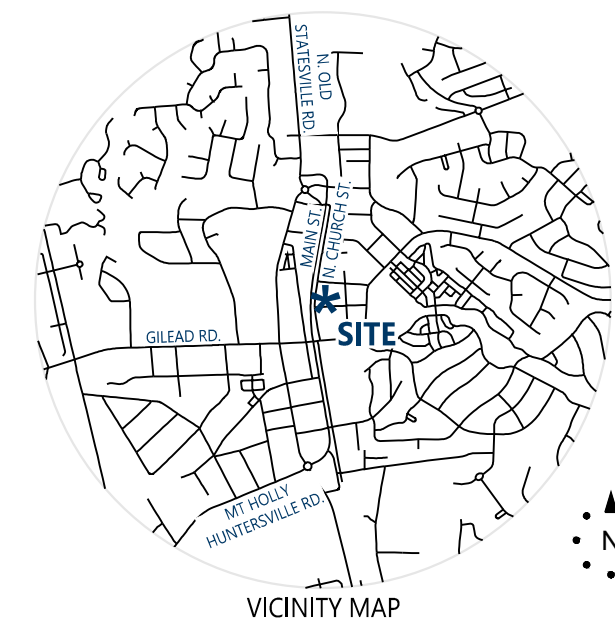
ISSUE DATE:  
February 27, 2025

REVISIONS:  
04/28/25 | 1st City Comments

CONDITIONAL REZONING  
PLAN - EXISTING CONDITIONS

RZ08





BOUNDARY, TOPOGRAPHIC, AND UNDERGROUND UTILITY SURVEY DATED  
NOVEMBER 18, 2024 PROVIDED BY TIDEMARK LAND SERVICES, INC., 3556  
CENTRE CIRCLE, SUITE A, FORT MILL, SC 29504-5263, NC FIRM C-4291.

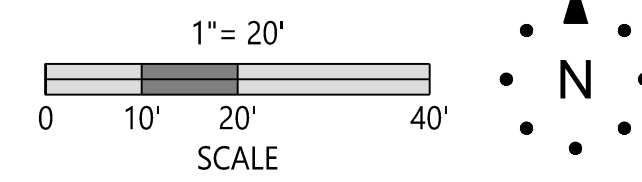
PCD PROJECT NUMBER:  
2449



6/23/25

NOT FOR CONSTRUCTION

This drawing and the design presented are the intellectual property of  
Peninsula Civil Design, PLLC and the property of the project client listed on  
this document. The reproduction, copying, and unauthorized use without  
the consent of Peninsula Civil Design, PLLC is prohibited. ©2025



First and Church  
Townhomes

101 First Street  
Huntersville, NC 28078

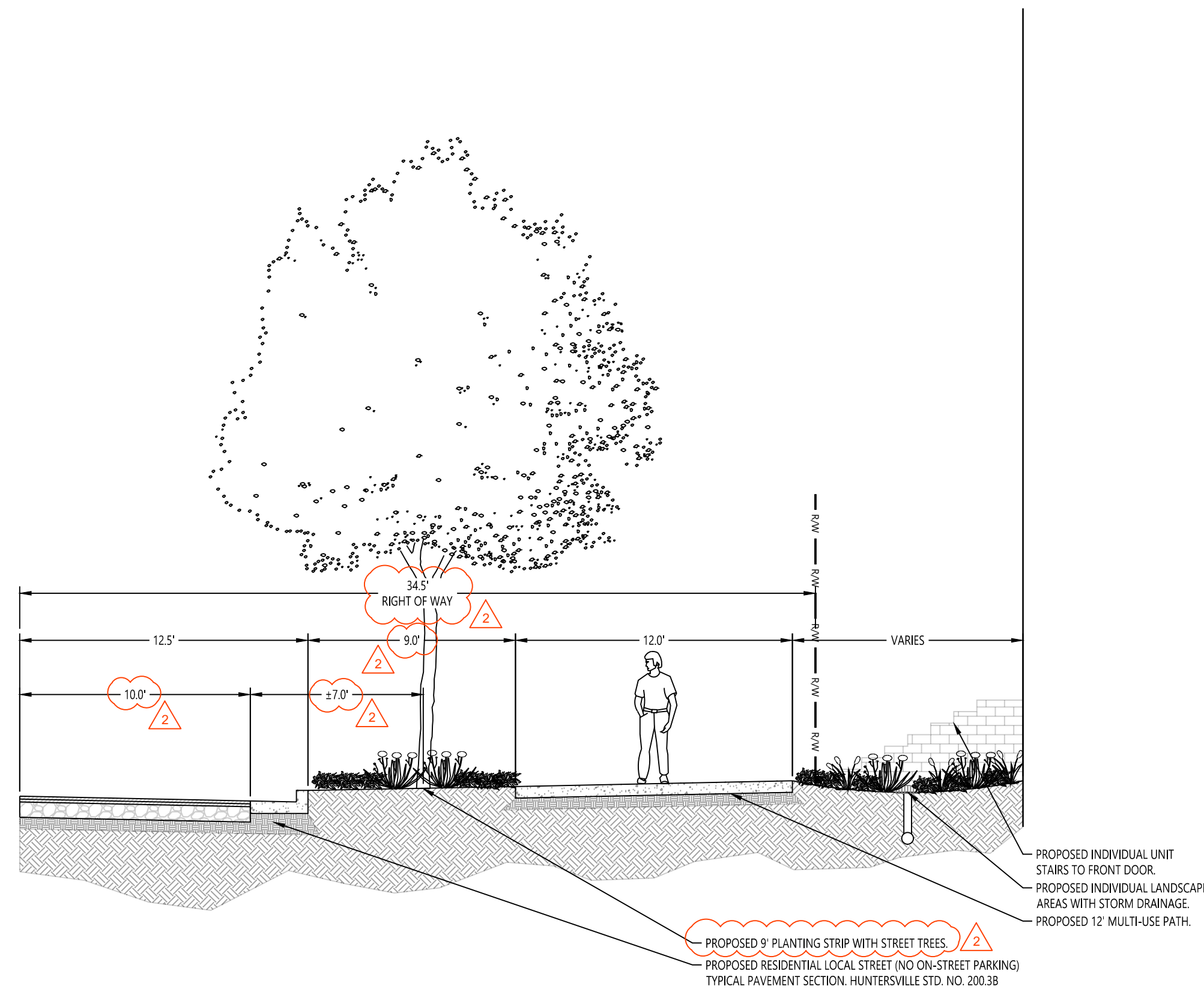
ISSUE DATE:  
February 27, 2025

REVISIONS:

- 1 04/28/25 | 1st City Comments  
2 06/23/25 | 2nd City Comments

CONDITIONAL REZONING PLAN  
- STREET CROSS SECTIONS

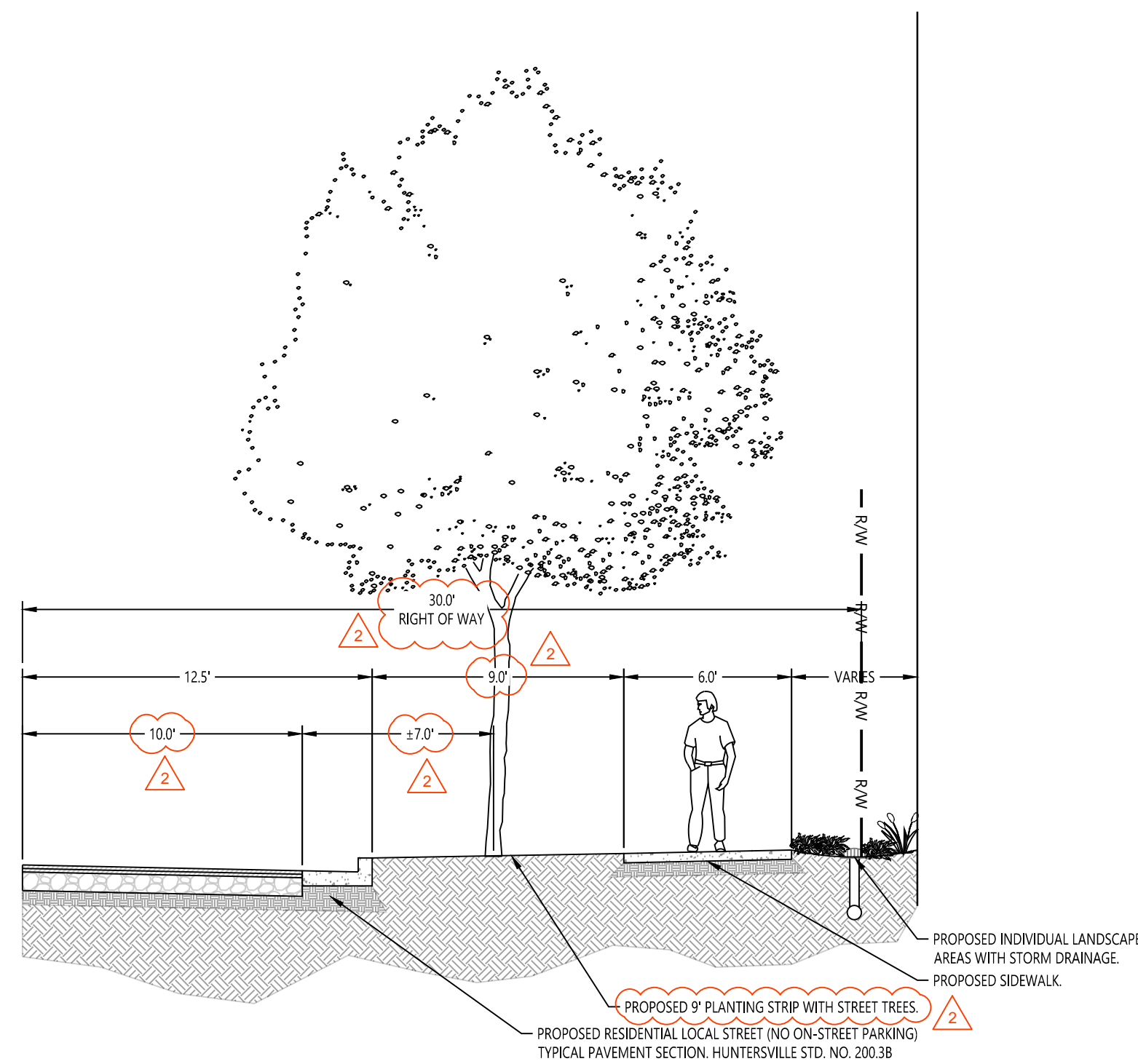
RZ09



1 CHURCH STREET SECTION  
1"=5'



3 REPRESENTATIVE IMAGE OF STREETScape  
NOT AN ACTUAL DEPICTION OF STREETScape



1 FIRST STREET SECTION  
1"=5'





WWW.SCALEANDSKETCH.COM

CONTACT INFORMATION

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

BUILDING GROUP

SLATE

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)

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)

REAR ELEVATION

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



WWW.SCALEANDSKETCH.COM

CONTACT INFORMATION

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

BUILDING GROUP

SLATE

SLATE BUILDING GROUP PROUDLY PRESENTS THE:

WHEATLEY  
3-STORY TOWNHOME  
REAR LOAD "B"

DATE: 02/24/2025

DRAWN BY:

REVISION DATE:

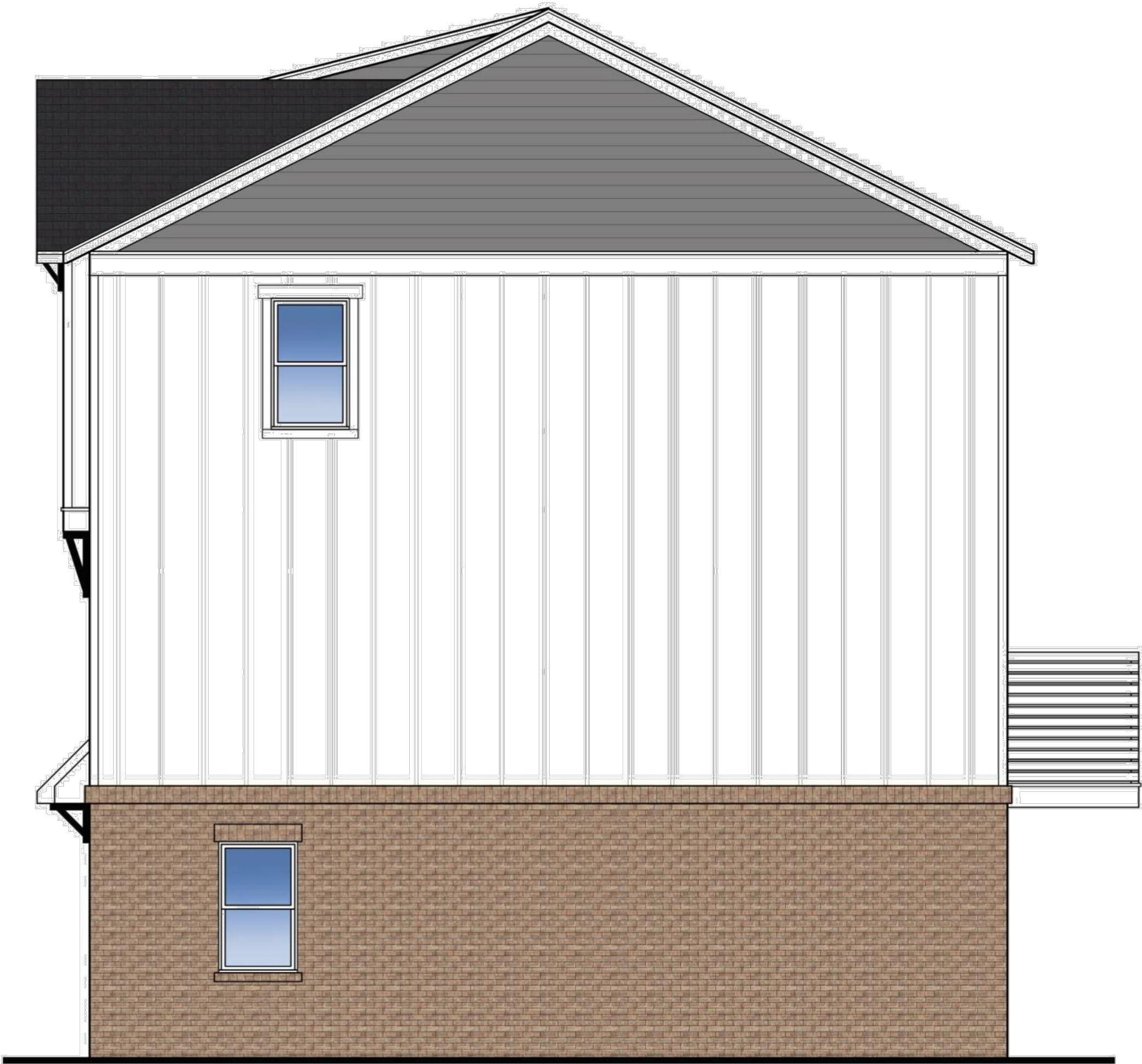
SHEET#

A-4.1





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)



WWW.SCALEANDSKETCH.COM

CONTACT INFORMATION

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

BUILDING GROUP

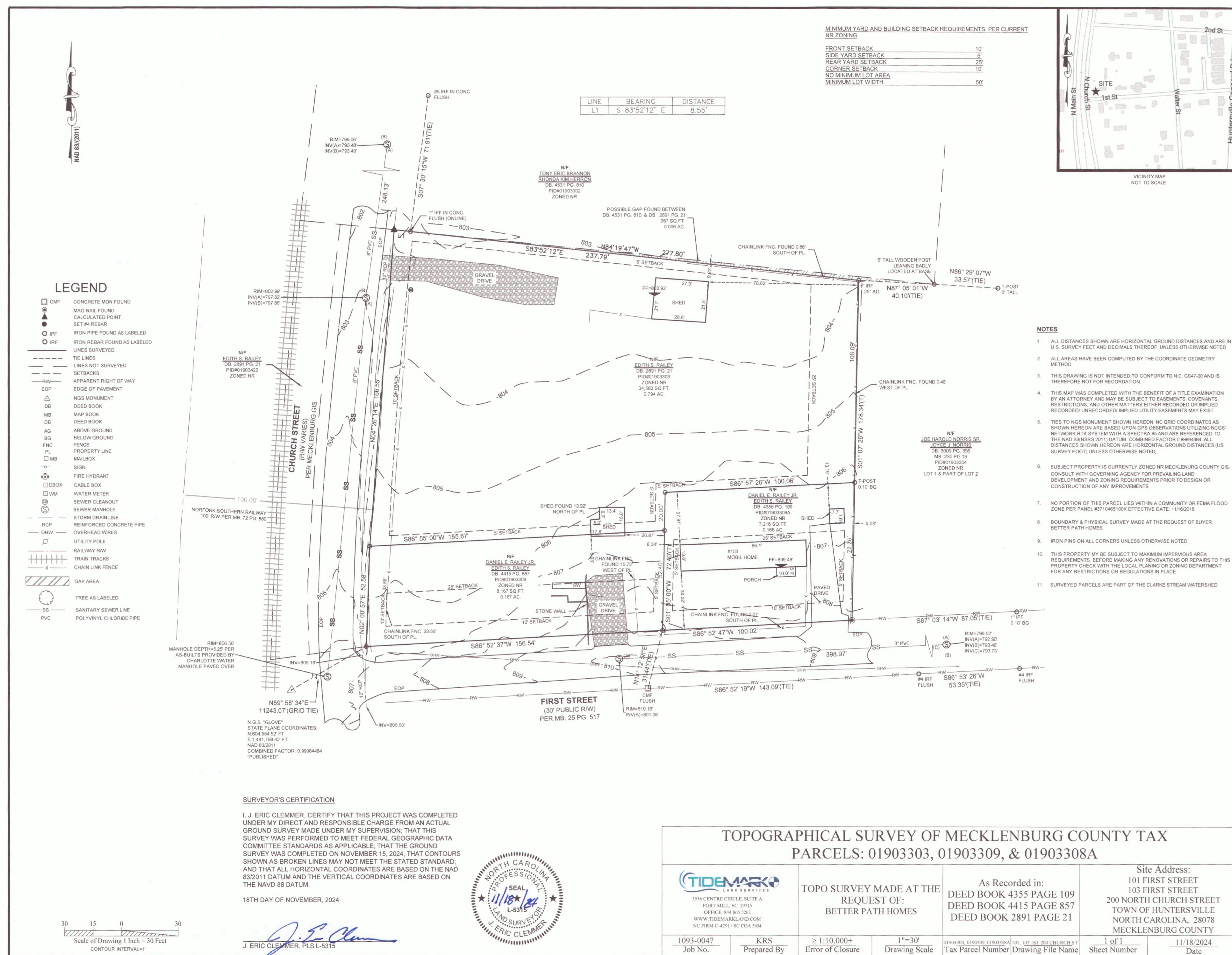
SLATE

SLATE BUILDING GROUP PROUDLY PRESENTS THE:

WHEATLEY  
3-STORY TOWNHOME  
REAR LOAD "B"

|                  |       |
|------------------|-------|
| DATE: 02/24/2025 |       |
| DRAWN BY:        |       |
| REVISION DATE:   |       |
|                  |       |
| SHEET #          | A-4.2 |







| POINT NUMBER | TREE              |
|--------------|-------------------|
| 1            | 6" HICKORY        |
| 2            | 3" BRADFORD PEAR  |
| 3            | 15" PECAN         |
| 4            | 48" OAK           |
| 5            | 8" DOGWOOD        |
| 6            | 8" DOGWOOD        |
| 7            | 10" DOGWOOD       |
| 8            | 9" CEDAR          |
| 9            | 6" CEDAR          |
| 10           | 18" 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           | 8" PRIVETTE       |
| 29           | 4" PRIVETTE       |
| 30           | 1" PRIVETTE       |
| 31           | 8" MAPLE          |
| 32           | 4" MULBERRY       |
| 33           | 6" HACKBERRY      |
| 34           | 6" HACKBERRY      |
| 35           | 2" HACKBERRY      |
| 36           | 16" MAPLE         |
| 37           | 4" PRIVETTE       |
| 38           | 1" SASSAPARILLA   |
| 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           | 5" HOLLY          |
| 55           | 7" HOLLY          |
| 56           | 2" Crape MYRTLE   |
| 57           | 5" MULBERRY       |
| 58           | 6" HOLLY          |
| 59           | 4" HOLLY          |
| 60           | 3" HOLLY          |
| 61           | 6" MULBERRY       |
| 62           | 18" CEDAR         |
| 63           | 3" PINE           |
| 64           | 12" 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           | 3" MULBERRY       |
| 77           | 3" MULBERRY       |
| 78           | 6" Crape MYRTLE   |
| 79           | 15" MAPLE         |
| 80           | 4" REDBUD         |
| 81           | 7" MAPLE          |
| 82           | 3" MULBERRY       |
| 83           | 8" HOLLY          |
| 84           | 6" PRIVETTE       |
| 85           | 12" CEDAR         |
| 86           | 3" CEDAR          |
| 87           | 8" Crape MYRTLE   |
| 88           | 6" HOLLY          |
| 89           | 3" PRIVETTE       |
| 90           | 4" PRIVETTE       |
| 91           | 2" PRIVETTE       |
| 92           | 9" HOLLY          |
| 93           | 2" Crape MYRTLE   |
| 94           | 8" 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          | 7" PECAN          |
| 103          | 5" HOLLY          |
| 104          | 8" PRIVETTE       |
| 105          | 3" CEDAR          |
| 106          | 8" PRIVETTE       |
| 107          | 6" CEDAR          |
| 108          | 9" CEDAR          |
| 109          | 6" 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       |

Scale of Drawing 1 Inch = 30 Feet

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

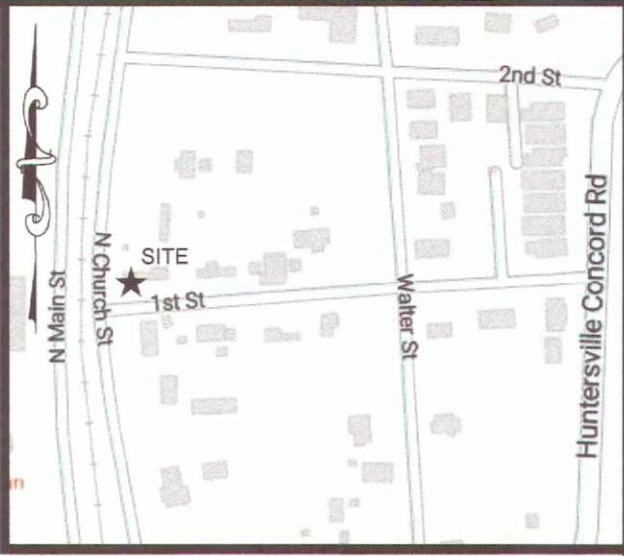
I, J. ERIC CLEMMER, CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DESCRIPTION RECORDED IN DEED BOOK 4355 PAGE 109, DEED BOOK 4415 PAGE 857, & DEED BOOK 2891 PAGE 21), THAT THE BOUNDARIES NOT SURVEYED ARE INDICATED AS DRAWN FROM INFORMATION IN MAP BOOK 25, PAGE 198; 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



| 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                                                     | 25' |
| CORNER SETBACK                                                        | 10' |
| NO MINIMUM LOT AREA                                                   |     |
| MINIMUM LOT WIDTH                                                     | 50' |



- NOTES**
- ALL DISTANCES SHOWN ARE HORIZONTAL GROUND DISTANCES AND ARE IN U.S. SURVEY FEET AND DECIMALS THEREOF, UNLESS OTHERWISE NOTED.
  - ALL AREAS HAVE BEEN COMPUTED BY THE COORDINATE GEOMETRY METHOD.
  - THIS DRAWING IS NOT INTENDED TO CONFORM TO N.C. GS47-30 AND IS THEREFORE NOT FOR RECORDATION.
  - 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 UNRECORDED (UNRECORDED/IMPLIED UTILITY EASEMENTS MAY EXIST).
  - TIES TO NGS MONUMENT SHOWN HEREON. NO GRID COORDINATES AS SHOWN HEREON ARE BASED UPON GPS OBSERVATIONS UTILIZING NGS NETWORK RTK SYSTEM WITH A SPECTRA RS AND ARE REFERENCED TO THE NAD 83 (NAD 83 2011) DATUM. COMBINED FACTOR 0.999994. ALL DISTANCES SHOWN HEREON ARE HORIZONTAL GROUND DISTANCES (US SURVEY FOOT) UNLESS OTHERWISE NOTED.
  - SUBJECT PROPERTY IS CURRENTLY ZONED NR MECKLENBURG COUNTY GIS. CONSULT WITH GOVERNING AGENCY FOR PREVAILING LAND DEVELOPMENT AND ZONING REQUIREMENTS PRIOR TO DESIGN OR CONSTRUCTION OF ANY IMPROVEMENTS.
  - NO PORTION OF THIS PARCEL LIES WITHIN A COMMUNITY OR FEMA FLOOD ZONE PER PANEL 43710469100K EFFECTIVE DATE: 11/15/2018.
  - BOUNDARY & PHYSICAL SURVEY MADE AT THE REQUEST OF BUYER, BETTER PATH HOMES.
  - IRON PINS ON ALL CORNERS UNLESS OTHERWISE NOTED.
  - THIS PROPERTY MAY BE SUBJECT TO MAXIMUM IMPERVIOUS AREA REQUIREMENTS. BEFORE MAKING ANY RENOVATIONS OR REPAIRS TO THIS PROPERTY CHECK WITH THE LOCAL PLANNING OR ZONING DEPARTMENT FOR ANY RESTRICTIONS OR REGULATIONS IN PLACE.
  - SURVEYED PARCELS ARE PART OF THE CLARKE STREAM WATERSHED.

**LEGEND**

- CMF CONCRETE MON FOUND
- SET MAG NAIL CALCULATED POINT SET #4 REBAR
- IRON PIPE FOUND AS LABELED
- IRON REBAR FOUND AS LABELED
- IFP LINES SURVEYED
- TIE LINES
| --- | LINES NOT SURVEYED |
| --- | SETBACKS |
| --- | 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 |
| CBX | CABLE BOX |
| VM | WATER METER |
| + | SEWER CLEANOUT |
| + | SEWER MANHOLE |
| + | STORM DRAIN LINE |
| + | REINFORCED CONCRETE PIPE |
| CHW | OVERHEAD WIRES |
| + | UTILITY POLE |
| + | RAILWAY RW |
| + | TRAIN TRACKS |
| + | CHAIN LINK FENCE |
| + | GAP AREA |
| + | TREE AS LABELED |

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

|                                                                                                                                                                                                                                                   |                    |                                                             |                                                                                                 |                                                                                                                                                         |                        |                   |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|-------------------------------------------------------------|-------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------|-------------------|
| <div><div>3556 CENTRE CIRCLE, SUITE A<br/>PORT HILL, NC 20115<br/>OFFICE: 844.865.5307<br/>WWW.TIDEMARKLAND.COM<br/>NC FIRM C-4291 / SC COA 3554</div></div> |                    | TREE SURVEY MADE AT THE<br>REQUEST OF:<br>BETTER PATH HOMES | As Recorded in:<br>DEED BOOK 4355 PAGE 109<br>DEED BOOK 4415 PAGE 857<br>DEED BOOK 2891 PAGE 21 | Site Address:<br>101 FIRST STREET<br>103 FIRST STREET<br>200 NORTH CHURCH STREET<br>TOWN OF HUNTERSVILLE<br>NORTH CAROLINA, 28078<br>MECKLENBURG COUNTY |                        |                   |
| 1093-0047<br>Job No.                                                                                                                                                                                                                              | KRS<br>Prepared By | ≥ 1:10,000+<br>Error of Closure                             | 1"=30'<br>Drawing Scale                                                                         | 01903303, 01903309, 01903308A   101-103-1ST-ST-CHURCH-ST<br>Tax Parcel Number/Drawing File Name                                                         | 1 of 1<br>Sheet Number | 11/7/2024<br>Date |



March 21, 2025

## 1<sup>st</sup> 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 trailer 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 Compagnone | 17 |
| 2  | Adam Compagnone    | 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 |

| ownr1stnm                                | ownr1stnm           | ownr21stnm        | ownr21rstn                   | mailaddr1                    | zipcode    | state | mailcity      |
|------------------------------------------|---------------------|-------------------|------------------------------|------------------------------|------------|-------|---------------|
| AMERICAN LEGION POST 321                 | LINDA M             |                   |                              | PO BOX 1501                  | 28070-0001 | NC    | HUNTERSVILLE  |
| BOWMAN                                   | GROUP INC           |                   |                              | 13815 CINNABAR PLACE         | 28078      | NC    | HUNTERSVILLE  |
| BOWMAN DEVELOPMENT                       | TONY E              | RHONDA H BRANNON  |                              | 13815 CINNABAR PL            | 28078      | NC    | HUNTERSVILLE  |
| BRANNON                                  | TONY ERIC           | RHONDA KIM HERRON |                              | PO BOX 198                   | 28078      | 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    |                   |                              | PO BOX 286                   | 28078-4202 | NC    | HUNTERSVILLE  |
| RAILEY                                   | EDITH S             | RAILEY            | EDITH S                      | PO BOX 286                   | 28070-0286 | NC    | HUNTERSVILLE  |
| RAILEY                                   | DANIEL E JR         |                   |                              | PO BOX 286                   | 28078      | NC    | HUNTERSVILLE  |
| RED CEDAR HOMES NC LLC                   | BRIAN W             | ROSENFELD         | NANCY B                      | 1235 E BLVD STE E            | 28078      | NC    | CHARLOTTE     |
| ROSENFELD                                |                     |                   |                              | 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                      | CHARLES S           |                   |                              | PO BOX 797                   | 28070      | NC    | HUNTERSVILLE  |
| GUIGNARD                                 |                     |                   |                              | PO BOX 1766                  | 28078      | NC    | HUNTERSVILLE  |
| HILL STREET BOWMAN LLC                   |                     |                   |                              | 13815 CINNABAR PL            | 28031      | NC    | CORNELIUS     |
| 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    | GREENSBORO    |
| NSR-HTC LLC                              |                     |                   |                              | 800 GREEN VALLEY RD STE 203  | 27408      | NC    | DAVIDSON      |
| 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

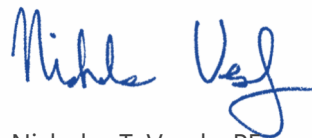
We are assisting Better Path Homes, LLC (Petitioner) in connection with Daniel Railey, JR (Property Owner) for a rezoning petition filed with the Town of Huntersville. The request is to rezone an approximately 1.147 AC site located at the intersection of Church Street and First Street (Parcels 01903309, 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.

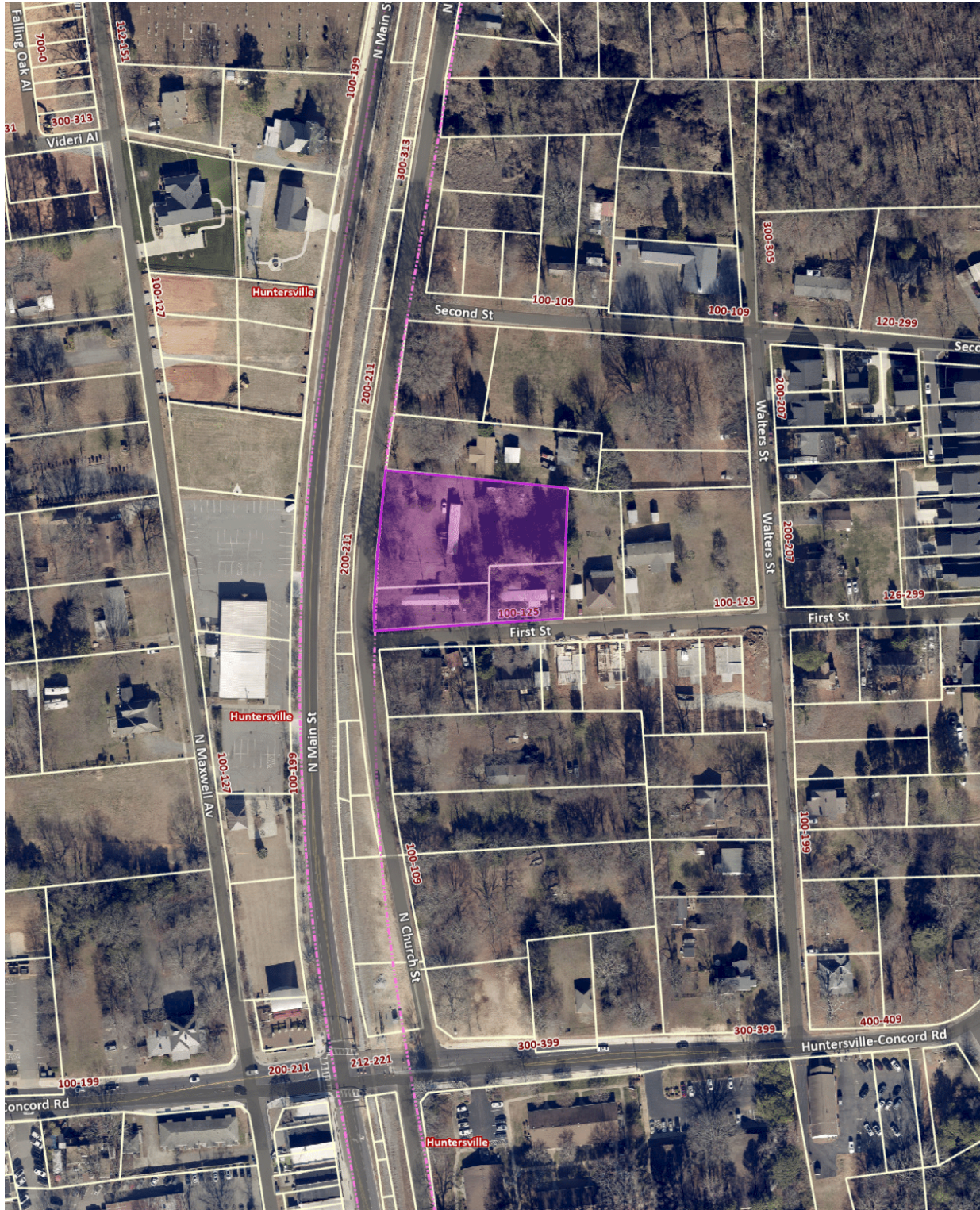
In the meantime, should you have any questions or comments, please contact Nicholas Vesely, PE at 917-842-2233 or email at [nvesely@pcdstudio.com](mailto:nvesely@pcdstudio.com). Project site plans located at [www.huntersville.org/planning](http://www.huntersville.org/planning).

Sincerely,

A handwritten signature in blue ink that reads "Nicholas Vesely".

Nicholas T. Vesely, PE  
Principal Engineer











N Church Street



First Street



**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) \*Update- This rezoning was submitted prior to the approval of the mobility plan. Though not required, it would be staff's recommendation that the plan align with the lane width if possible. \* 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 approximately 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 2/27/25

Daily Trips Anticipated 56

Peak Hour Trips Anticipated AM 2 PM 4

TIA Required (Yes/No) No

Date of Determination: 3/11/25

Comments: Determination based on 14 single-family attached housing units.



## Request for Board Action

July 15, 2025

**To:** The Honorable Mayor and Board of Commissioners

**From:** Jesse James, Principal Planner

**Subject:** Petition #R25-03 Mint Landscaping Rezoning

---

### **EXPLAIN REQUEST:**

Consider a decision 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 decision

### **FINANCIAL IMPLICATIONS:**

N/A

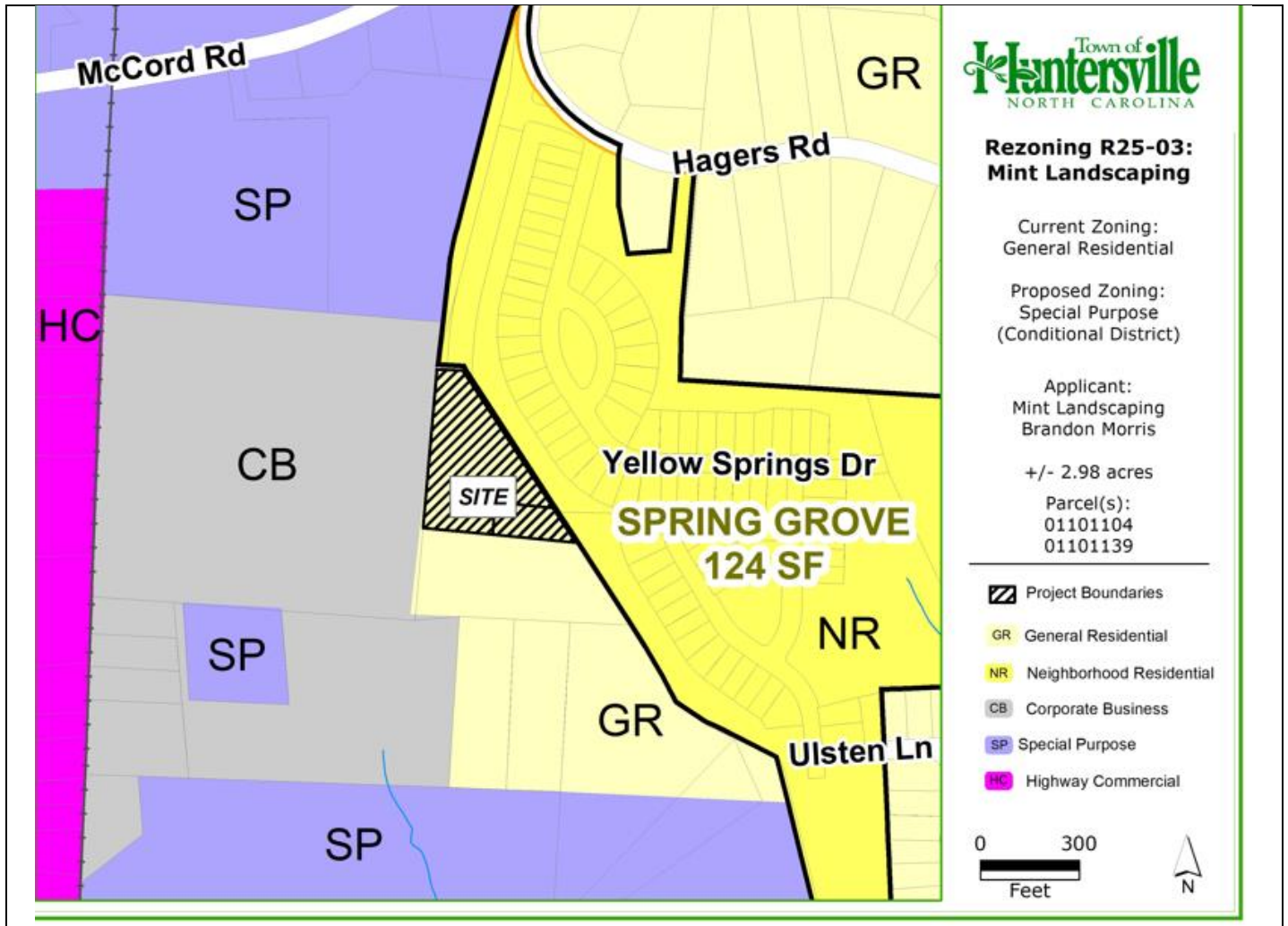
### **ATTACHMENTS:**

1. R25-03 Mint Landscaping Final 7-15-25 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 \* No Changes Made Since Planning Board Meeting\*



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

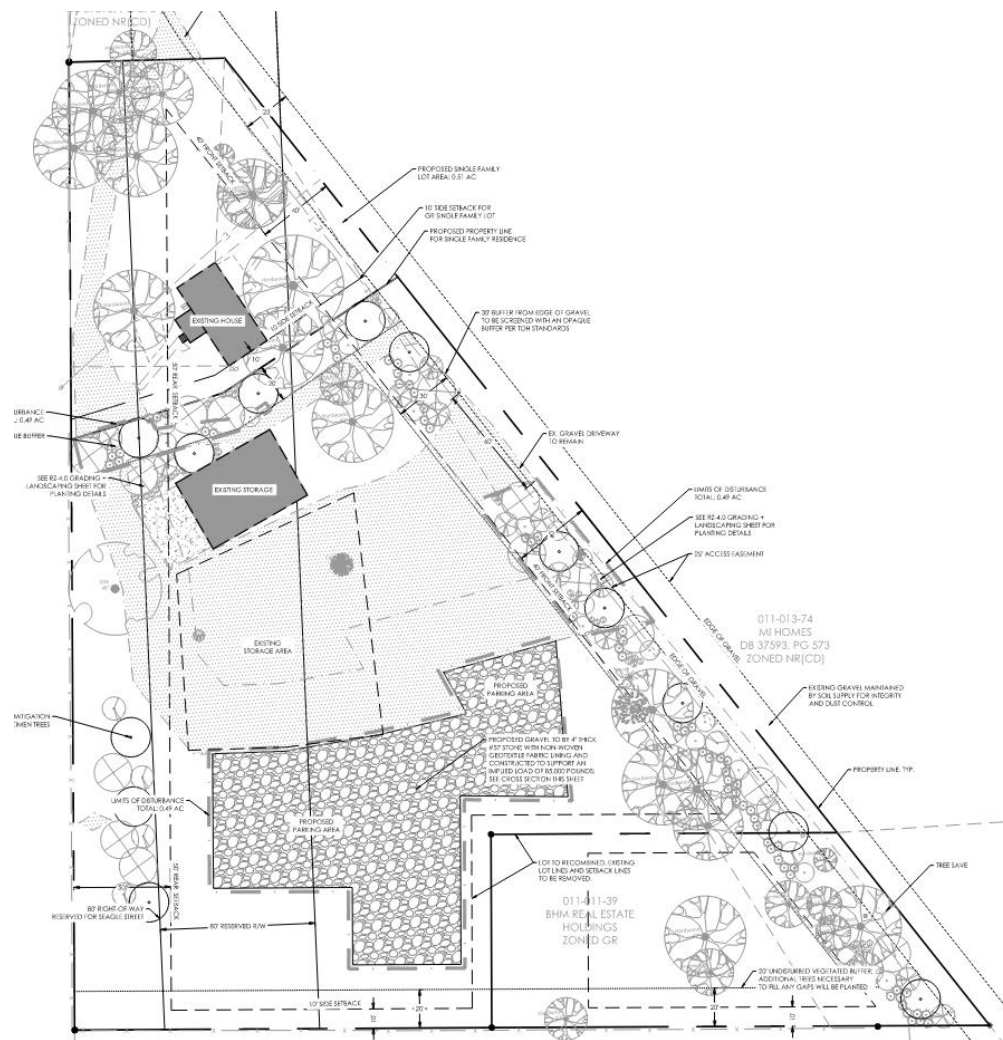
South: General Residential- Vacant

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

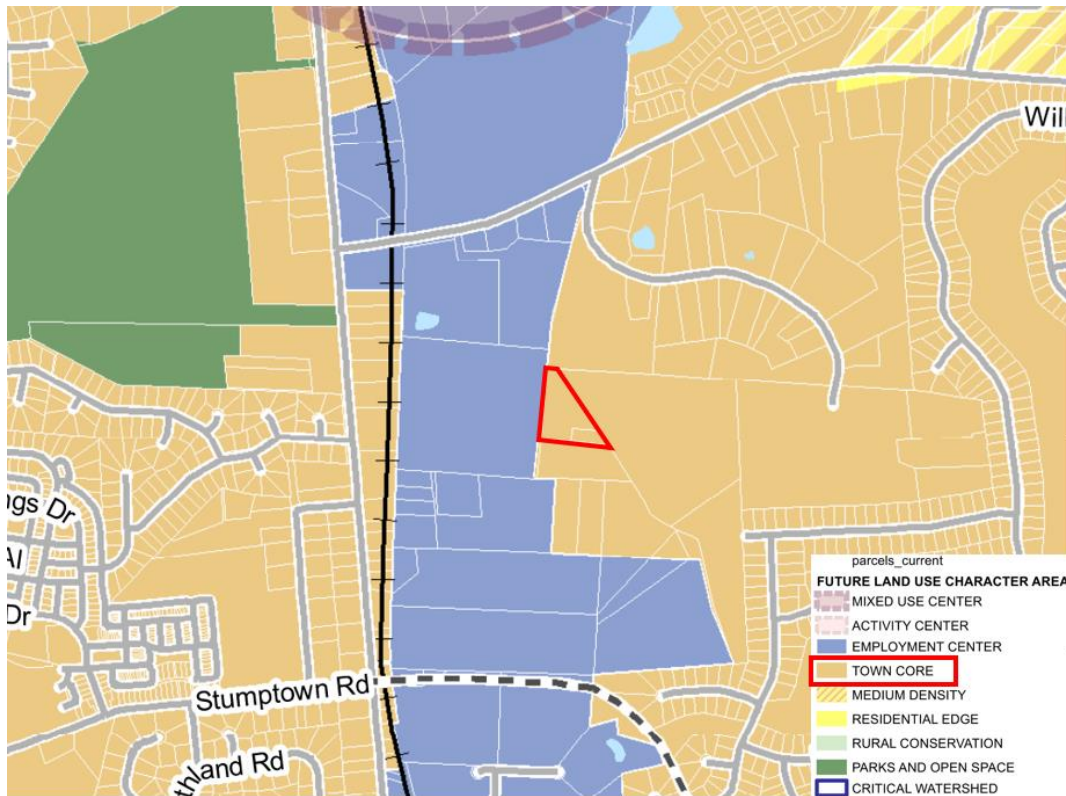
- Minimum Tree Preservation (specimen tree save) for Special Purpose is 30%. There are 25 specimen trees on site. 6 were removed. The site still saves 76% of the required specimen trees.
- There are no identified Heritage Trees on site.

**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.

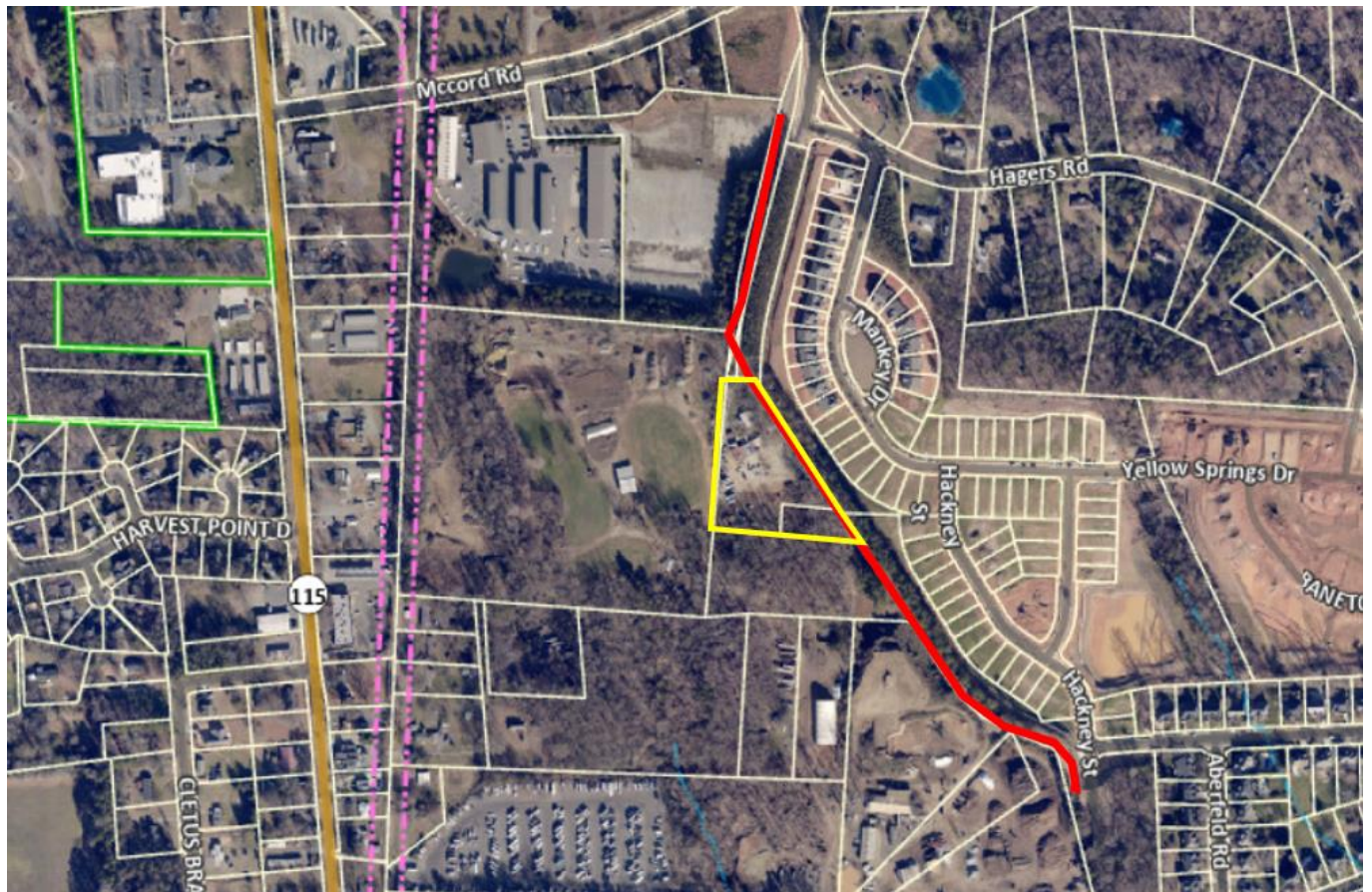


Article 11 Section 11.4.7(e) of the Zoning Ordinance states that: “in considering any petition to reclassify property the Planning Board in its recommendation and the Town Board in its decision should consider:

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 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 was held on June 24, 2025. The vote was to approve the plan 4-0 with one abstention.

Motion: “The Planning Board recommends approval of Petition 25-03, Mint Landscaping with the following conditions: 1) Buffer modifications are approved; 2) Parking lot modifications are approved to allow unpaved parking; 3) Frontage conditions are improved with the site fronting on access easement; 4) The site approvals are contingent on the site being used as it exists today, as a temporary use until the future Segal Street is constructed. This plan agrees to reserve the right-of-way for future extension and once the project is let for construction, the applicants agree to cease operation in the proposed rezoning.

With this implementation the plan will be consistent with the 2040 Community Plan, specifically policies LU-6.3, LU8.1 and it would be reasonable and in the public interest to approve the rezoning plan because it supports an existing Huntersville business and provides a way for them to continue to use their property as they have for the past few years.”

## PART 8: TOWN BOARD RECOMMENDATION

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

## PART 9: ATTACHMENTS

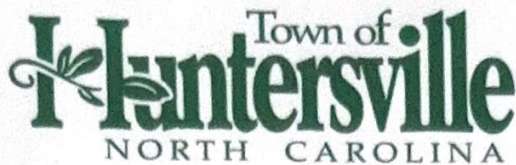
- A – Rezoning Application
- B – Proposed CD Rezoning Plan
- C – Neighborhood Meeting Report
- E- Engineering Report

## PART 10: CONSISTENCY STATEMENT – R25-03 Mint Landscaping

| Planning Department                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Planning Board                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Board of Commissioners                                                                                                                                                                |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>Approval: In considering the proposed rezoning petition R25-03, Mint Landscaping, staff recommend approval with the following conditions:</p> <ol style="list-style-type: none"> <li>1) Buffer modifications are approved</li> <li>2) Parking lot modifications are approved to allow unpaved parking</li> <li>3) Frontage conditions are approved with the site fronting an access easement</li> <li>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.</li> </ol> <p>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</p> | <p>APPROVAL: The Planning Board recommends approval of Petition 25-03, Mint Landscaping with the following conditions: 1) Buffer modifications are approved; 2) Parking lot modifications are approved to allow unpaved parking; 3) Frontage conditions are improved with the site fronting on access easement; 4) The site approvals are contingent on the site being used as it exists today, as a temporary use until the future Segal Street is constructed. This plan agrees to reserve the right-of-way for future extension and once the project is let for construction, the applicants agree to cease operation in the proposed rezoning.</p> <p><b><u>With this implementation the plan will be consistent with the 2040 Community Plan, specifically policies LU-6.3, LU8.1 and it would be reasonable and in the public interest to approve the rezoning plan because it supports an existing Huntersville business and provides a way for them to continue to use their property as they have for the past few years.</u></b></p> | <p>APPROVAL: <b><u>(insert applicable plan reference).</u></b></p> <p><b><u>It is reasonable and in the public interest to approve the Rezoning Plan because... (Explain)</u></b></p> |

|                                                      |         |                                                                                                                                                                                                                    |
|------------------------------------------------------|---------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| in the public interest to approve the Rezoning Plan. |         |                                                                                                                                                                                                                    |
| DENIAL:                                              | DENIAL: | <b>DENIAL: <u>(consistent OR inconsistent with (insert applicable plan reference)).</u></b><br><br><b><u>It is not reasonable and in the public interest to approve the Rezoning Plan because... (Explain)</u></b> |





# 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 ☒ 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

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 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 [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: \_\_\_\_\_

☐ 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

| 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

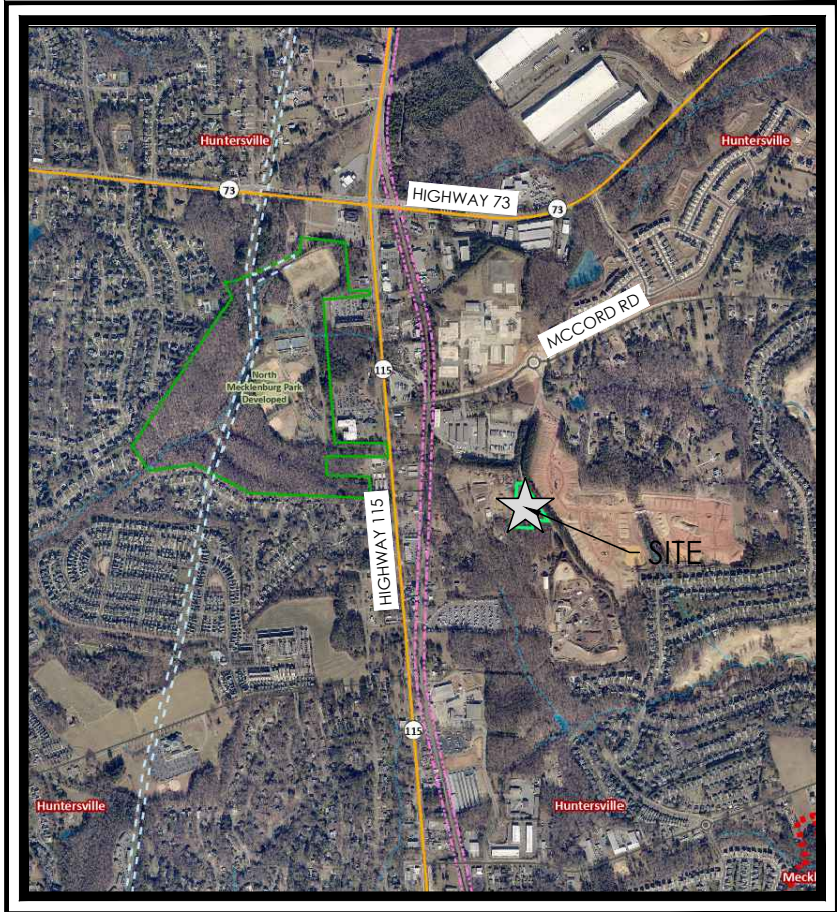
|                        |                   |                                                                                                                         |
|------------------------|-------------------|-------------------------------------------------------------------------------------------------------------------------|
| 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:          | <a href="https://www.huntersville.org/228/Planning-Department">https://www.huntersville.org/228/Planning-Department</a> |



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



**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

OWNER/DEVELOPER:

BRANDON MORRIS  
10319 HAGERS ROAD  
HUNTERSVILLE, NC 28078

ENGINEER:

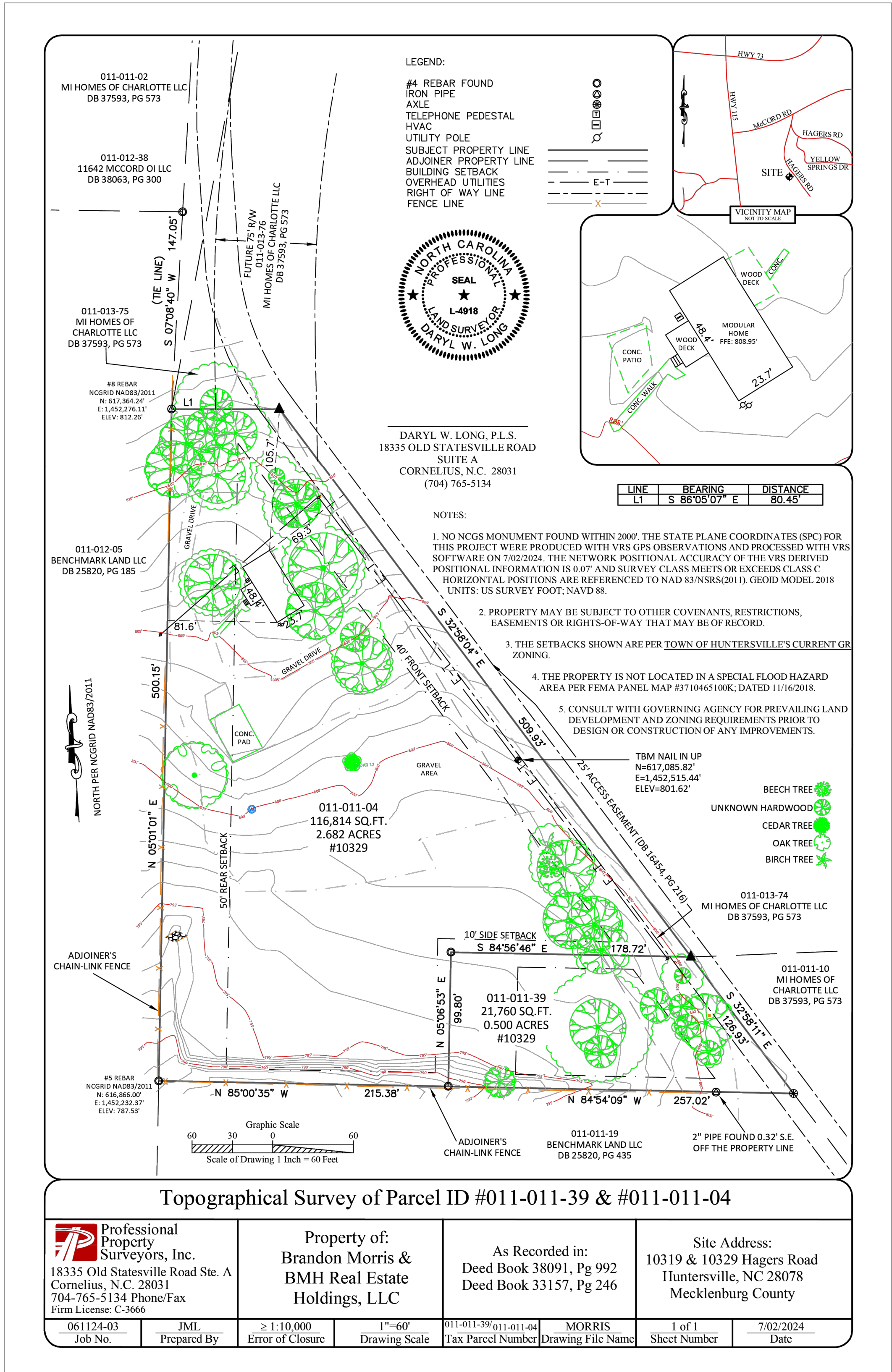
W&A ENGINEERING  
121 GILEAD RD  
HUNTERSVILLE, NC 28078  
ATTN: JAY HENSON, ASLA  
704.875.1615

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

ALL DRAWINGS SHALL REMAIN THE PROPERTY OF W&A ENGINEERING.  
THESE INSTRUMENTS OF SERVICE ARE TO BE USED ONLY 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.

## REVISIONS

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

|  |  |
|--|--|
|  |  |
|  |  |
|  |  |
|  |  |
|  |  |
|  |  |
|  |  |
|  |  |
|  |  |
|  |  |

INITIAL SUB. DATE: 03/03/2025

ISSUANCE DATE: 06/10/2025

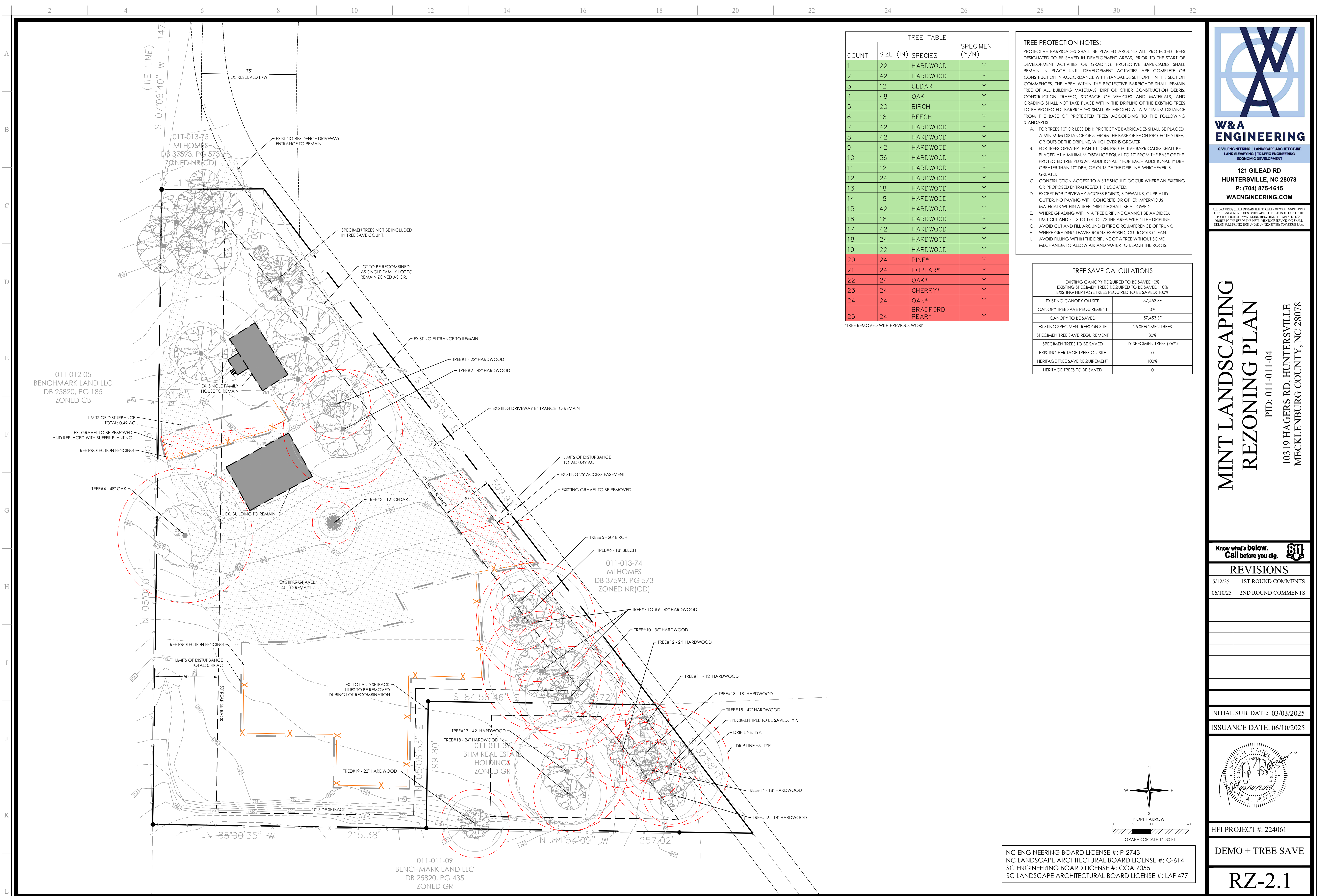
HFI PROJECT #: 224061

EXISTING  
CONDITIONS

RZ-2.0

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





| 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 ERRECTED 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 AT 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, LIMIT CUT AND FILLS TO 1/4 TO 1/2 THE AREA WITHIN THE DRIPLINE.
  - F. AVOID CUT AND FILL AROUND ENTIRE CIRCUMFERENCE OF TRUNK.
  - G. 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                       |



**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 ONLY 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.

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

INITIAL SUB. DATE: 03/03/2025  
ISSUANCE DATE: 06/10/2025



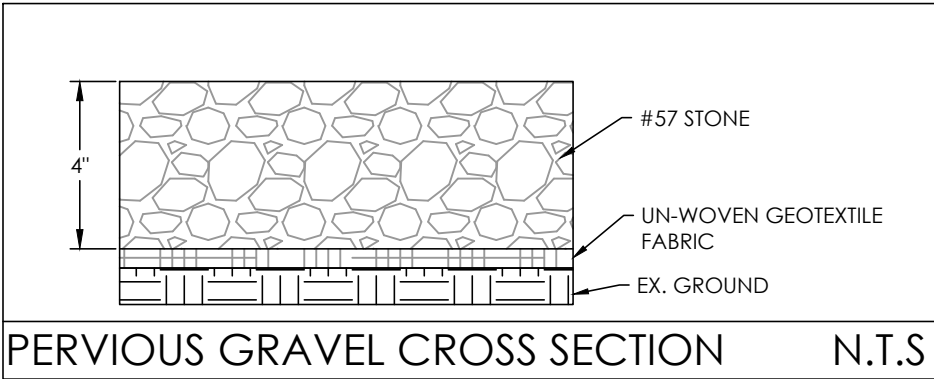
HFI PROJECT #: 224061

DEMO + TREE SAVE

RZ-2.1

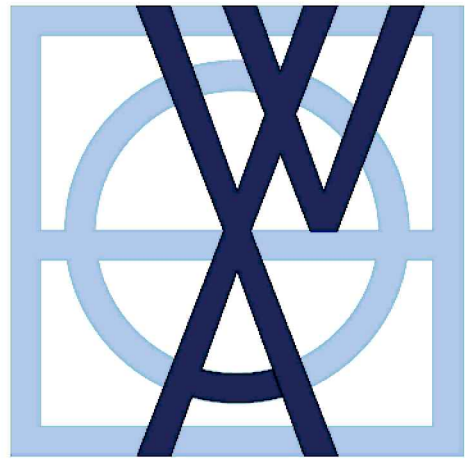
NC ENGINEERING BOARD LICENSE #: P-2743  
NC LANDSCAPE ARCHITECTURAL BOARD LICENSE #: C-614  
SC ENGINEERING BOARD LICENSE #: COA 7055  
SC LANDSCAPE ARCHITECTURAL BOARD LICENSE #: LAF 477





| SITE DATA               |                                                                                   |
|-------------------------|-----------------------------------------------------------------------------------|
| PARCEL ID               | 011-011-04; 011-011-39                                                            |
| TOTAL AREA              | 2.98 AC (TOTAL RECOMMENDED)                                                       |
| PROPOSED LOT AREA       | 2.47 AC                                                                           |
| CURRENT ZONING          | GR - GENERAL RESIDENTIAL DISTRICT                                                 |
| PROPOSED ZONING         | SP-CD = SPECIAL PURPOSE CONDITIONAL DISTRICT<br>GR = GENERAL RESIDENTIAL DISTRICT |
| PROPOSED USE            | OUTDOOR STORAGE - LANDSCAPING BUSINESS                                            |
| PROPOSED DUA            | 1                                                                                 |
| PROPOSED DISTURBED AREA | 21,750 SF/ 0.49 AC                                                                |
| RIVER BASIN             | YAKDIN 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%)                                                                   |

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 30<sup>TH</sup>, 2025 (THE "FILING DATE") AS A C29-000066, R22-031 & SKETCH PLAN (THE "REZONING PLAN") THAT APPROXIMATELY 2.98 ACRES 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 ("WHICH IS CURRENTLY USED AS A LOT 100' X 100' X 100' X 100' TRACT OF LAND") AND TO REMOVE THE PROPERTY FROM THE REMAINING GENERAL RESIDENTIAL DISTRICT (GRZ) IN ACCORDANCE WITH THE PROVISIONS OF THE TOWN OF HUNTSVILLE 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 PETITION, 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 DOES NOT CONSTITUTE A GENERAL ZONING ORDINANCE. THE REZONING PETITION 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 EXISTS FROM THE DATE OF THE REZONING PETITION. IF PETITIONER APPLIES 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 LANDSHOWN ON THE REZONING PLAN (THE "REZONED LAND") FOR A PERIOD OF FIVE YEARS AS PERMITTED BY N.C. GEN. STAT. § 160A-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 INTENDED USE OF THE PROPERTY. HOWEVER, THE REZONING PETITION RESTRICT THE PROPERTY IN A MANNER THAT CONFLICTS WITH THE PROVISIONS OF THESE DEVELOPMENT STANDARDS.
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 ORDINANCE. IF THE REZONING PETITION, 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 CONFLICTS WITH THE REZONING PLAN, THE ORDINANCE, OR THE PROPERTY OWNED BY SUCH OWNER. ANY PORTION OF 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 WOULD BE CALCULATED IN THE EVENT OF AN INITIAL APPROVAL. THIS NOTE SHALL BE SHOWN ON THE FINAL PLAN 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 ON ALL OWNERS OF THE SITE AND ALL SUCCESSORS, INCLUDING 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 OF ANY PORTION 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 HUNTSVILLE ZONING ORDINANCE PURSUANT TO PAVED COMMERCIAL DRIVEWAYS AND PARKING AREAS. REQUEST TO ALLOW GRASS TO REMAIN AS DRIVEWAY AND PARKING AREA FOR TEMPORARY USE AND TO BE REMOVED FOR PERMANENT USE. REQUEST FOR RELIEF FROM THE STANDARDS OF A PREVIOUS 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 HUNTSVILLE ZONING ORDINANCE PURSUANT TO THE REQUIREMENT OF 100' BUFFER TO THE PROPERTY 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 AN AMENDMENT TO THE ORDINANCE TO ALLOW ACCESS EASEMENT, PETITIONER WILL EXPAND EASTERN BUFFER TO PROPERTY LINE.
  - 8.3. **STREET FRONTAGE.** REQUEST FOR RELIEF FROM ARTICLE 8.1 OF THE HUNTSVILLE ZONING ORDINANCE PURSUANT TO ABUTTING A PUBLIC STREET. REQUEST FOR RELIEF FROM THE REQUIREMENT OF 80' FRONTAGE. REQUEST FOR RELIEF FROM 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 COMPLETION OF THE CONSTRUCTION OF SEAGLE STREET, PETITIONER WILL CEASE ITS TEMPORARY USE AS A LANDSCAPING BUSINESS/OUTDOOR STORAGE.



**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.

## REVISIONS

[illegible]

INITIAL SUB. DATE: 03/03/2025

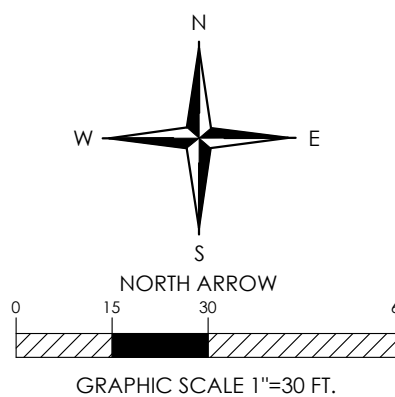
ISSUANCE DATE: 06/10/2025



HFI PROJECT #: 224061

## SITE PLAN

RZ-3.0



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





---

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



**MINT LANDSCAPING  
REZONING PLAN**

PID: 011-011-04

---

10319 HAGERS RD, HUNTERSVILLE  
MECKLENBURG COUNTY, NC 28078



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:

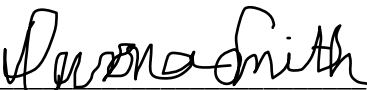
The following materials, printed on 24"x36" foam board, were presented at the meeting:

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

**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<br>2) SHEW VICKI L                             |
| 6.  | 01101202  | 10237 HAGERS RD HUNTERSVILLE NC 28078                                          | 1) SHEW DONALD R<br>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<br>2) C/O OPEN INDUSTRIAL MANAGEMENT LLC |
| 11. | 01101236  | 11628 MCCORD RD HUNTERSVILLE NC 28078<br>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 |

*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.*

| ownr1stnme                             | 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 23<sup>rd</sup> 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](http://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.





**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.  
BEST INSTRUMENTS OF SERVICE ARE TO BE USED EXCLUSIVELY 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.



## REVISIONS

| DATE | COMMENT |
|------|---------|
|      |         |
|      |         |
|      |         |
|      |         |
|      |         |
|      |         |
|      |         |
|      |         |
|      |         |

INITIAL SUB. DATE: ####

ISSUANCE DATE: ####

HFI PROJECT #: 224061

SITE PLAN RENDER

RZ-7.0





**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

July 15, 2025

**To:** The Honorable Mayor and Board of Commissioners

**From:** Brad Priest, Assistant Planning Director

**Subject:** Petition #R25-04: The Holbrook Phase 2

---

### **EXPLAIN REQUEST:**

Consider decision on 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:**

Consider final decision.

### **FINANCIAL IMPLICATIONS:**

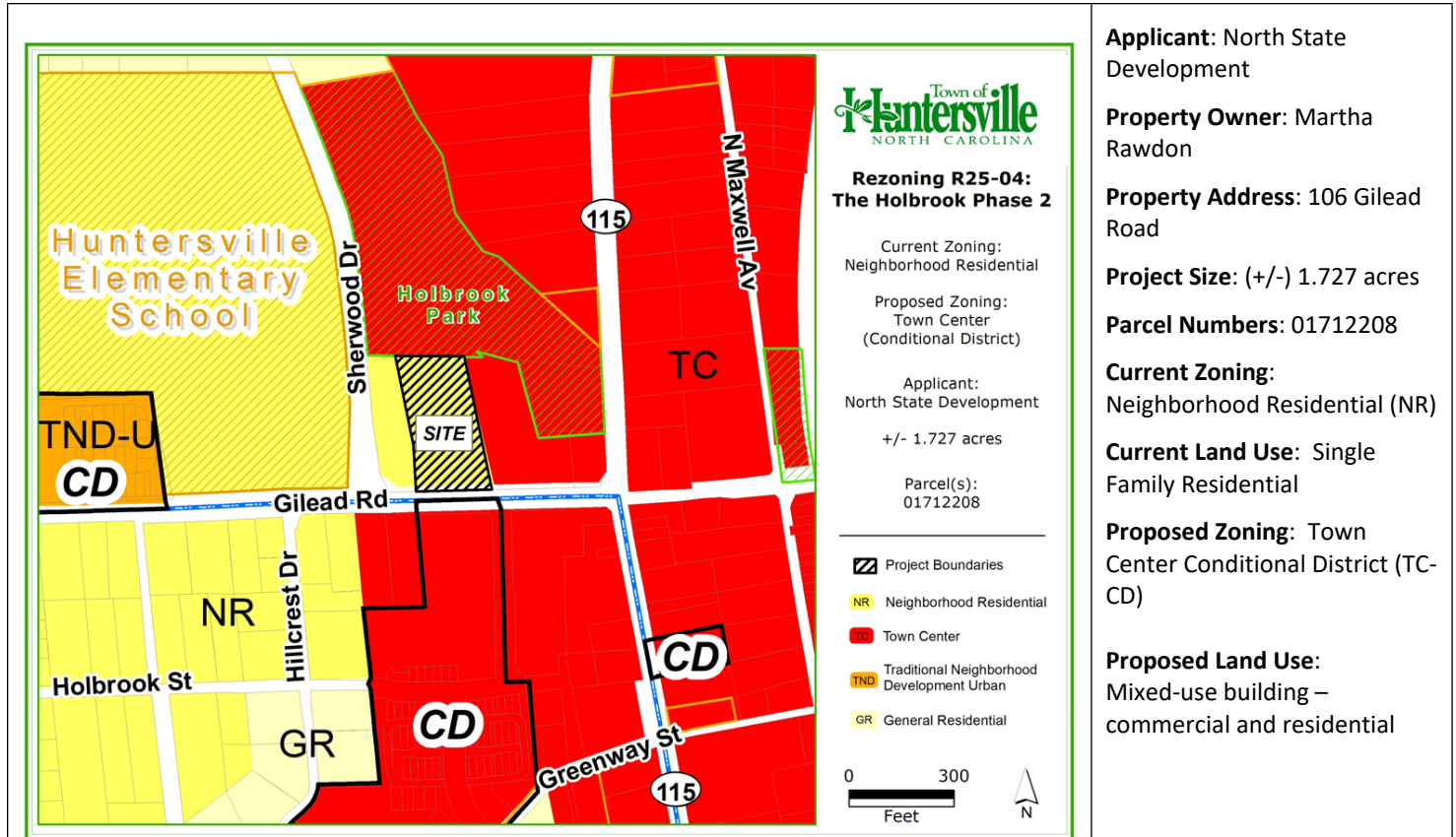
N/A

### **ATTACHMENTS:**

1. R25-04 The Holbrook Phase 2 - TB - 7 15 25
2. 07.02.2025 Holbrook Phase 2 Rezoning Set
3. Preservation Assessment - North State Development - 106 Gilead Site
4. Rezoning Engineering Comment Summary - The Holbrook Phase 2 (R25-04)
5. HTC 2 Community Meeting Report Package
6. ToH General Application Rezoning - signed

## Petition R25-04 The Holbrook Phase 2 Mixed Use Building

### PART 1: PROJECT SUMMARY



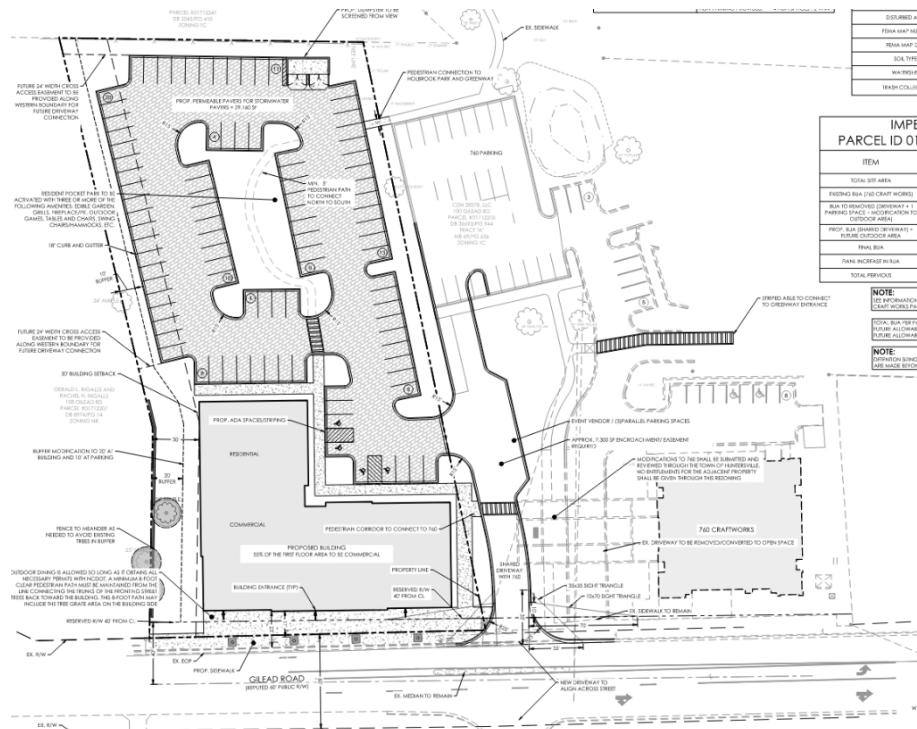
1. Purpose: Petition #R25-04 The Holbrook Phase 2 is a request by North State Development to rezone +/- 1.727 acres at 106 Gilead Road (ID 01712208) from Neighborhood Residential (NR) to Town Center Conditional District (TC-CD) for a mixed use building.
2. Adjoining Zoning and Land Uses.
  - North: Holbrook 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 ft<sup>2</sup>, 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 ft<sup>2</sup> on the first floor (of the total 15,000 ft<sup>2</sup>), 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.
  - **UPDATE 7/7/15:** The second version of the site plan has been removed. Only the version shown below remains in the updated rezoning package.
- 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:



### 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 7/7/25: The updated plan shows a 20-foot buffer along the front of the property near the proposed building, however the rear of the building near the parking lot remains 10 feet wide. A tree save/management plan has also been submitted along with a note that commits to additional efforts to save 3 mature maple trees in/near the buffer. With the 20 feet of buffer, and the additional commitments saving mature trees near the building, staff finds the buffer proposal acceptable.
- 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 ft<sup>2</sup> in size. Therefore 9,000 ft<sup>2</sup> 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 ft<sup>2</sup> 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 ft<sup>2</sup> of commercial is required with no residential shared areas, a modification to allow 8,500 ft<sup>2</sup> could be considered with no residential shared area. Staff could support 8,500 ft<sup>2</sup> as that would still be 56% of the first-floor area.

- **UPDATE 7/7/25:** The note on the plan has been amended to provide 55% of the first floor as code required commercial space. This update and modification is acceptable to staff.
- **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.
  - **UPDATE 6/13/25:** The updated plan shows a 20-foot buffer along the front of the property near the proposed building, however the rear of the building near the parking lot remains 10 feet wide. A tree save/management plan has also been submitted along with a note that commits to additional efforts to save 3 mature maple trees in/near the buffer. With the 20 feet of buffer, and the additional commitments saving mature trees near the building, staff finds the buffer proposal acceptable.
- **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.
  - **UPDATE 7/7/25:** The updated plan now includes a note stating, “No TIA Required”. Staff is currently discussing with the applicant proposed alternatives for TIA compliance and any potential traffic mitigation.



- 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

- UPDATE 7/7/25: The updated plan changes the note to state that “Outdoor dining is allowed so long as it obtains all necessary permits with NCDOT. A minimum 8-foot clear pedestrian path must be maintained from the line connecting the trunks of the fronting street trees back toward the building. This 8-foot path may include the tree grate area on the building side.” Staff find this new condition acceptable.
- 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.

- **UPDATE 7/7/25:** The updated plan, as shown on Sheet Z07, includes revised elevations featuring enhanced building articulation and roofline offsets, recessed street-level entries, expansive upper-level balconies, and entrance canopies along the street frontage. Staff finds the “South Elevation Conceptual Rendering” (middle image on Sheet Z07) acceptable in terms of architectural articulation. Therefore, staff recommends the addition of a conditional note stating that the general architectural elements and articulation depicted in the South Elevation Conceptual Rendering are part of the applicant’s commitment.
- **UPDATE 7/7/25:** An additional amount of brick has been added to the corners of the second-floor elevation. However, staff recommends that additional brick be incorporated into the front elevation to enhance the building’s visual weight, convey a greater sense of permanence, and add material texture to the upper stories.
- **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.
- **UPDATE 7/7/25:** Three additional new notes have been added to the latest plan on sheet Z03:
  - **Note “I” - Access:** the note states “Notwithstanding the provisions of paragraph #6 of these rezoning notes, if the petitioner is unable, using commercially reasonable efforts, to obtain driveway access at the location shown on the rezoning plan, alternate access may be provided with staff approval, so long as the alternate access meets ordinance standards for access to the property and is not to Gilead between the building and the western boundary of the property.” **STAFF COMMENT:** It should be noted that the ultimate driveway location would need to be approved by NCDOT, not by town staff. Planning staff does not object however to allowing minor changes to the site plan to achieve alternate access as approved by NCDOT.
  - **Note “J” - Tree Save Management:** A tree save/management plan has been submitted along with a note that commits to additional efforts to save 3 mature maple trees in/near the western buffer. The management plan as recommended by the arborist has been forwarded in the agenda packet for Board review.
  - **Note #12 - Attainable Housing:** A note was added to the plan stating that at least 2 attainable housing units would be available to households earning less than 80% of the Area Median Income as published by HUD, for a period of 7 years. Staff’s preference would be that the attainable units are dedicated for perpetuity. Such dedication would statutorily address the massing issue, and contribute to public good as recommended in Policy 8.2 of the Huntersville 2040 Plan. However, the Town has recently accepted a minimum affordability period of 15 years for attainable rental units, therefore a minimum of 15 years would also be acceptable.
- **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

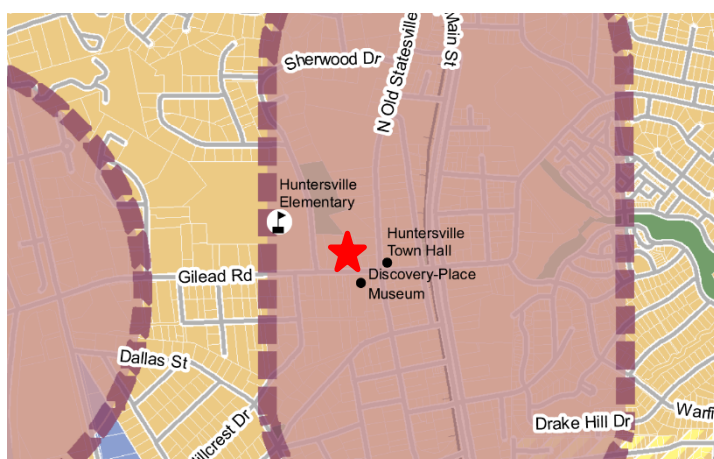
#### Traffic Impact Analysis (TIA)

- 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.
- UPDATE 7/7/25: The updated plan now includes a modification note stating: “No TIA Required”. Staff is currently discussing with the applicant proposed alternatives for TIA and potential mitigation compliance.

### 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”



#### FUTURE LAND USE CHARACTER AREA

-  MIXED USE CENTER
-  ACTIVITY CENTER
-  EMPLOYMENT CENTER
-  TOWN CORE
-  MEDIUM DENSITY
-  RESIDENTIAL EDGE
-  RURAL CONSERVATION
-  PARKS AND OPEN SPACE
-  CRITICAL WATERSHED



## 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 7/7/25:** Although none of the site's specimen trees' root systems will remain undisturbed per code requirements, 3 trees have been identified for special tree preservation efforts during



construction. The applicants have submitted an arborist recommended tree preservation plan that they committed to for the 3 maple trees near the western buffer.

- **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.
  - **UPDATE 7/7/25:** The applicants now propose a 20-foot buffer near the western property line along the building, with 10 feet proposed back near the parking lot. A tree preservation plan has been committed to as recommended by an arborist for 3 trees in the buffer. Option 2 of the rezoning plan has been removed from the package.
- **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 amenitized open space on the property as well as direct connections to Holbrook Park and the Downtown Greenway from Gilead Road.

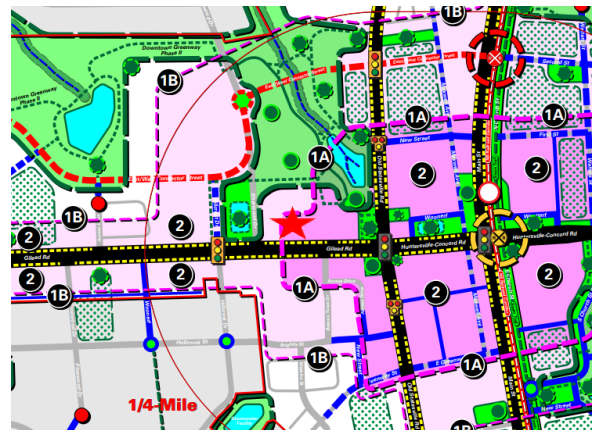


### **2023 Huntersville Downtown Master Plan**

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.



**2B** Alignment preserves American Legion building, however does not facilitate potential development frontage along Town Hall Site.

**3** Expansion of Holbrook Park with Pedestrian & Bicycle Trail - Explore Potential Acquisition and/or Conservation Easement Strategies with Adjacent Property Owners.

**4** Maxwell Ave - Woonerf (Shared/Living Street). Opportunity for Temporary Closure of Street Segment for Pedestrians Only During Special Events in Veterans 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.
- UPDATE 7/7/25: The updated plan shows a 20-foot buffer along the front of the property near the proposed building, however the rear of the building near the parking lot remains 10 feet wide. A tree save/management plan has also been submitted along with a note that commits to additional efforts to save 3 mature maple trees in/near the western buffer. With the 20 feet of buffer, and the additional commitments saving mature trees near the building, staff finds the buffer proposal acceptable.

**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 developing these properties as a mixed-use project with commercial and retail fronting Gilead Road, in alignment with the Key Recommendations of the Huntersville Downtown Plan. While both the Huntersville 2040 Plan and the Downtown Plan suggest the potential for Holbrook Park expansion in this area, staff believes that continued commercial and residential development in core locations—such as the subject property—is essential to fostering a sustainable, vibrant, and economically resilient 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 recommends approval with the following conditions:

1. Modifications are approved for:
  - a. Buffer width 20 feet/10 feet as shown with mature tree preservation plan commitment.
  - b. Buffer disturbance with enhanced new evergreen tree plantings.
  - c. Max building height of 55 feet.
  - d. First floor area is a minimum 55% of code required commercial space.
  - e. Side yard parking is permitted if it's located a minimum of 70 feet from Gilead Road.
  - f. Massing modification to allow a 4-story building as shown adjacent to a 2-story single family home.
  - g. No Traffic Impact Analysis (TIA) is required.
2. The building is updated to include a breezeway or pedestrian entrance along Gilead Road giving street access to the residential portion of the building.
3. An updated note is added to the plan stating that the general architectural elements and articulation depicted in the South Elevation Conceptual Rendering are part of the applicant's commitment.
4. Additional brick material is added to the front of the building elevation on the upper stories.
5. The two attainable housing units offered at 80% AMI are conditioned as attainable for a minimum of 15 years.
6. The Town Board and applicants agree on an acceptable project design in lieu of Traffic Impact Analysis (TIA) compliance.

## **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](https://www.youtube.com/watch?v=5xAJwB_uHwE&t=5607s).

## **PART 7: PLANNING BOARD RECOMMENDATION**

The Planning Board reviewed the application on Tuesday June 24, 2025. The live stream of the meeting can be viewed here. [https://www.youtube.com/watch?v=x-Fuparm1\\_M&t=8676s](https://www.youtube.com/watch?v=x-Fuparm1_M&t=8676s)

After discussion with staff and the applicant, the Board unanimously (5-0) recommended denial of the application due to unaddressed items and the unshared driveway site plan option proposed.

## **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
- Arborist Recommended Tree Preservation Plan

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

| Planning Department                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Planning Board                                                                                                                                                                                                                                                                                                                                                                            | Board of Commissioners                                                                                                                                                                                                                                                                                                                                          |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>APPROVAL:</b> In considering the proposed rezoning application R25-04, The Holbrook Phase 2, staff recommends approval of the application with conditions, as it is consistent with policies LU-1.1, LU-5, LU-6, EV-2.2, EV-2.3, and DT-11 of the Huntersville 2040 Plan, and the Key Recommendations of the Huntersville Downtown Plan.</p> <p>Approval of the Rezoning Plan is reasonable and in the public interest because, with the attached conditions, the development will: (1) establish an adequate buffer and preserve mature trees to ensure appropriate visual transition between adjacent properties; (2) contribute to the public good by including attainable housing; and (3) support the continued growth of downtown Huntersville by providing needed commercial development along Gilead Road.</p> | <p>APPROVAL: N/A</p>                                                                                                                                                                                                                                                                                                                                                                      | <p>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 <u>(insert applicable plan reference)</u>.</p> <p><u>It is reasonable and in the public interest to approve the Rezoning Plan because... (Explain)</u></p>                               |
| <p><b>DENIAL:</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | <p><b>DENIAL:</b> M. Pollard made a motion to recommend denial (Petition R25-04 The Holbrook Phase 2) based on the plan being inconsistent with the elements of the 2040 Plan including LU-7, LU-11.1, LU-11.2, DT1.1. It is reasonable and in the public interest to deny said application. C. Boyd seconded the motion. The motion passed unanimously (5-0) with J. Henson recused.</p> | <p><b>DENIAL:</b> In considering the proposed rezoning application R24-16 Blythe Landing Residential, the Town Board recommends denial based on the Plan being <u>(consistent OR inconsistent) with (insert applicable plan reference)</u>.</p> <p><u>It is not reasonable and in the public interest to approve the Rezoning Plan because... (Explain)</u></p> |



| 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                  |
| Z04              | PRELIM GRADING PLAN            |
| Z05              | PRELIM LANDSCAPE               |
| Z06              | PRELIM UTILITY PLAN            |
| Z07              | BUILDING ELEVATIONS<br>CONCEPT |

R25-04

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

ACCELA# CSP-500067

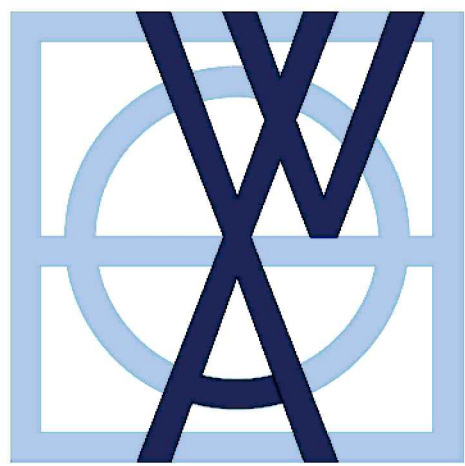
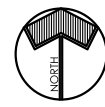
OWNER  
MARTHA M RAWDON  
FRANCES M (GARNER L/TST) GARNER  
189 SCALYBARK TRAIL  
CONCORD NC 28027

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

- NOTE:
- 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.).
  - 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.
  - PERMEABLE PAVERS SHALL MEET REQUIREMENTS SET FORTH IN CHAPTER 4.12 OF THE NCDEQ STORMWATER DESIGN MANUAL



VICINITY MAP  
SCALE: 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.

THE HOLBROOK PHASE 2

106 GILEAD ROAD  
HUNTERSVILLE, NC

Know what's below.  
Call before you dig.



REVISIONS

| DATE | COMMENT |
|------|---------|
|      |         |
|      |         |
|      |         |
|      |         |
|      |         |
|      |         |
|      |         |
|      |         |
|      |         |

INITIAL SUB. DATE: 03/03/2025

ISSUANCE DATE: 03/03/2025



HFI PROJECT #: 25-00003

COVER

Z01

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



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.

CONC MONUMENT FOUND  
S 89°13'17" E 83.79' (TIE)

IRON PIPE FOUND 1.25'

TOWN OF HUNTERSVILLE  
100 SHERWOOD DR  
PARCEL #01712241  
DB 3845/PG 410

IRON ROD FOUND #5

MARTHA M. RAWDON, TRUSTEE OF THE  
LIZZY MAYBERRY REVOCABLE TRUST,  
LARRY W. GARNER AND FRANCES M.  
GARNER, TRUSTEES, OR THEIR SUCCESSORS  
IN TRUST UNDER THE GARNER LIVING  
TRUST DATED JANUARY 6, 2004  
106 GILEAD RD  
PARCEL #01712208  
DB 1550/PG 428  
DB 27333/PG 402  
DB 28432/PG 480

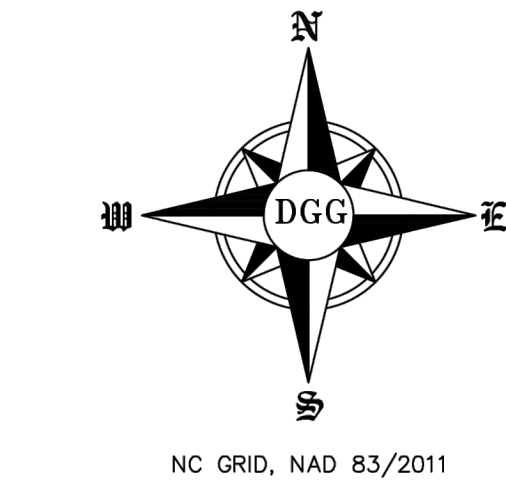
AREA= 75,237 SQ FT, 1.727 AC

GERALD L. INGALLS AND  
RACHEL H. INGALLS  
108 GILEAD RD  
PARCEL #01712207  
DB 8974/PG 14

CDH 28078, LLC  
100 GILEAD RD  
PARCEL #01712210  
DB 36693/PG 944  
TRACT "A"  
MB 69/PG 636

NCGS MONUMENT  
"COULTER"  
N= 627115.01  
E= 1451150.97

BENCHMARK  
SURVEY NAIL SET  
N= 609750.70  
E= 1450602.91  
ELEV= 801.36'



0 20 40 60  
SCALE: 1" = 20'

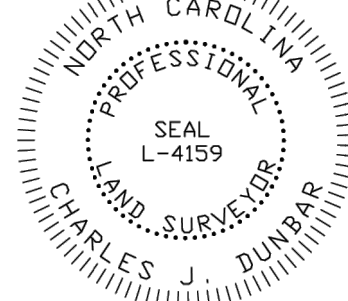
SURVEYOR'S CERTIFICATE:

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  
Date: 2024.12.09 16:01:34-05'00'

CHARLES J. DUNBAR, NC PLS L-4159



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

PREPARED FOR:  
NORTH STATE DEVELOPMENT

DUNBAR GEOMATICS GROUP, PLLC  
PROFESSIONAL SURVEYORS  
P.O. BOX 3933  
HUNTERSVILLE, NC 28078  
704-946-4159  
NC LIC. NO. P-4865



SCALE: 1" = 20'  
MAP DATE: 12/09/2024  
FIELD DATE: 11/07/2024  
JOB NO.: 24042  
SHEET: 1 OF 1  
DRAWING: 40 - HUNTERSVILLE TOWN CENTER PHASE 2 - BOUNDARY TIPS

DRAWN BY: SCD

CHECKED BY: CJD

CREW CHIEF: AR

FILE NO.: 06-44





**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.



## REVISIONS

| DATE | COMMENT |
|------|---------|
|      |         |
|      |         |
|      |         |
|      |         |
|      |         |
|      |         |
|      |         |
|      |         |
|      |         |

INITIAL SUB. DATE: 03/03/2025

ISSUANCE DATE: 03/03/2025

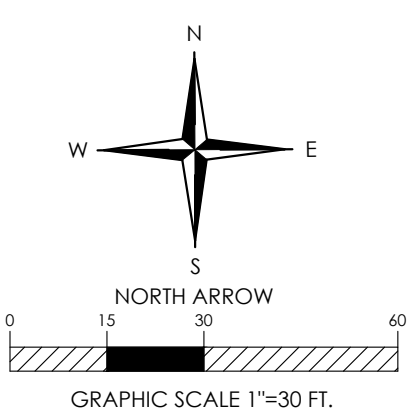
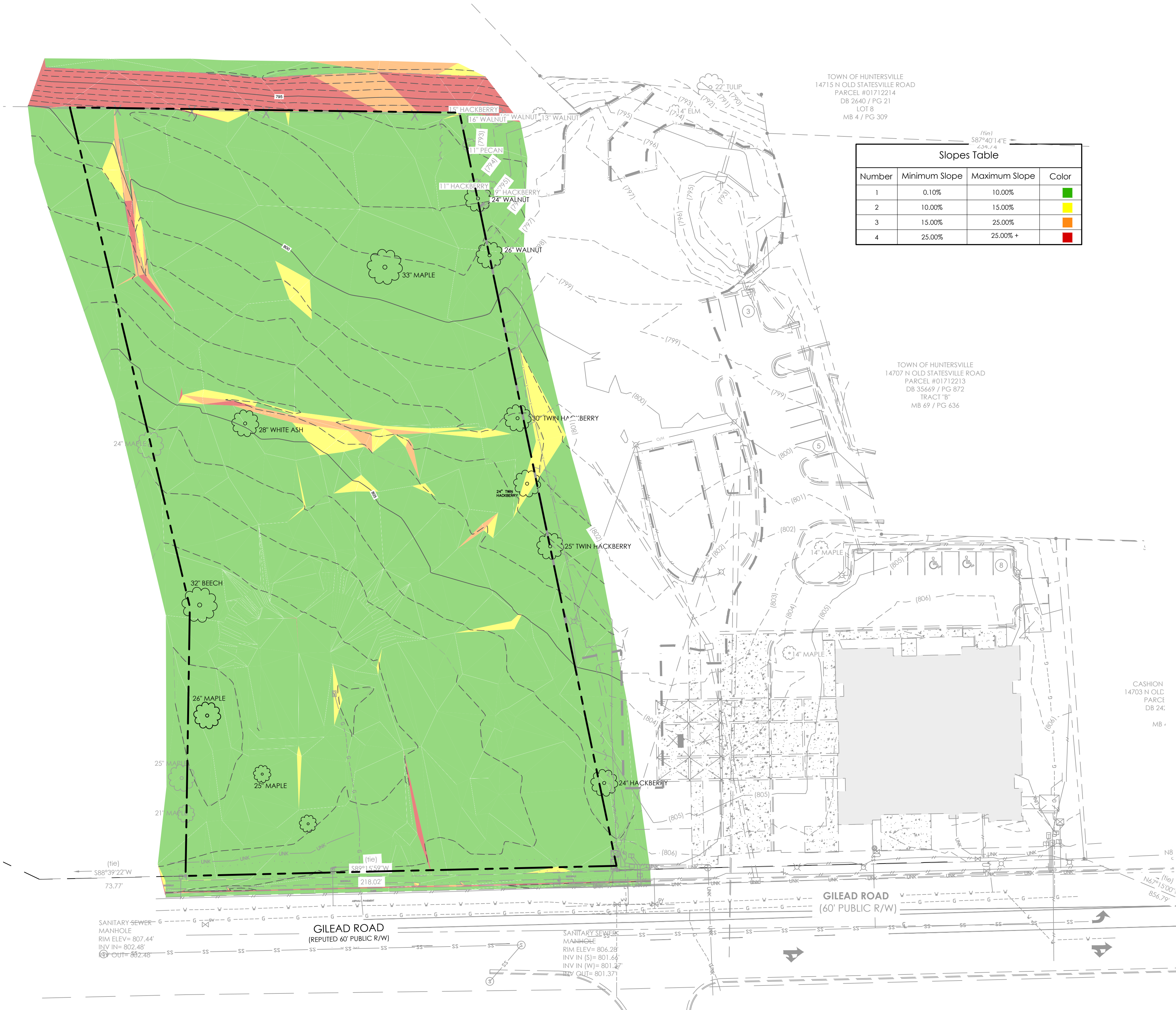


HF1 PROJECT #: 25-00003

SLOPE ANALYSIS

Z02.1

- 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.



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

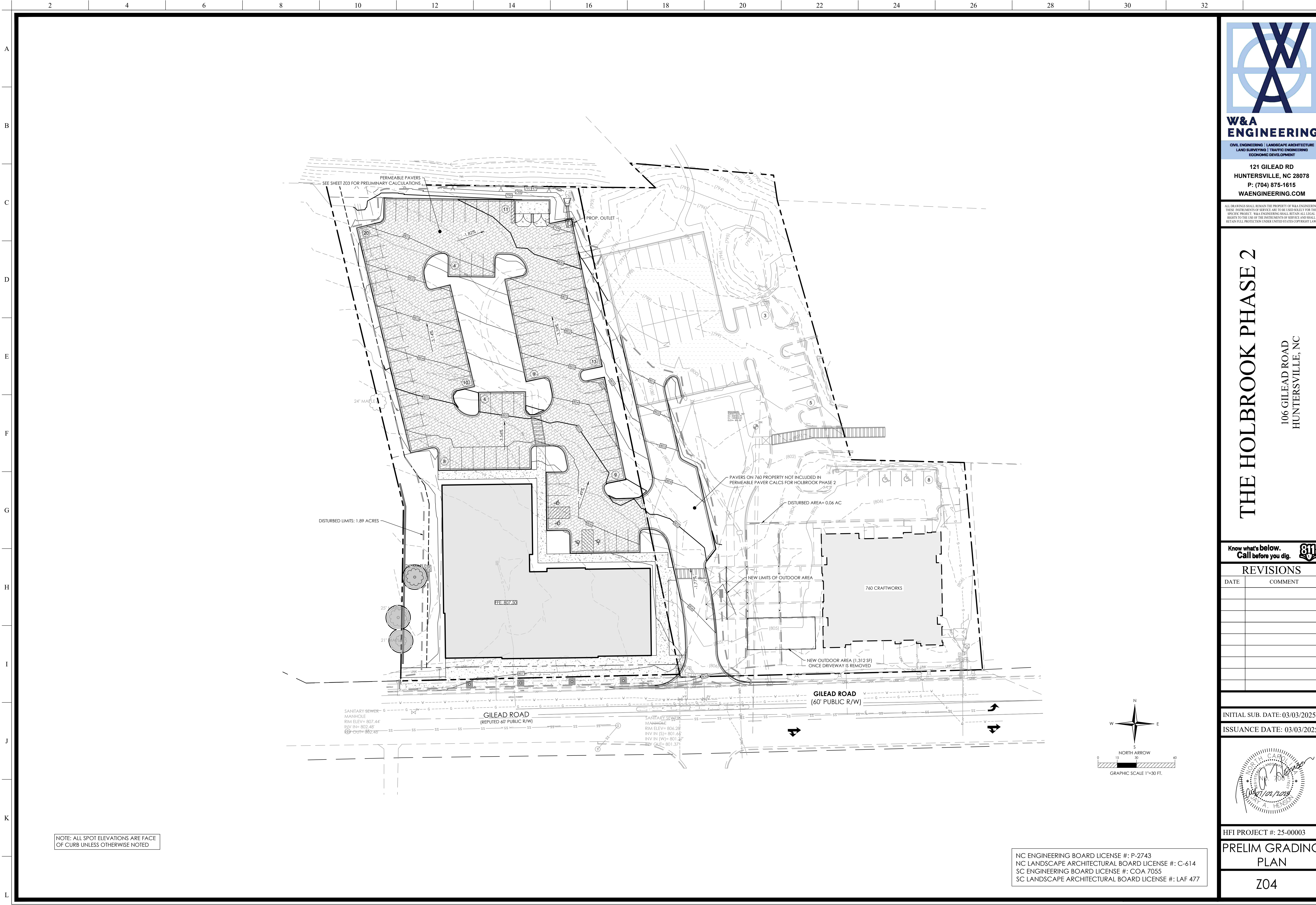












NOTE: ALL SPOT ELEVATIONS ARE FACE OF CURB UNLESS OTHERWISE NOTED

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.

| REVISIONS |         |
|-----------|---------|
| DATE      | COMMENT |
|           |         |
|           |         |
|           |         |
|           |         |
|           |         |
|           |         |
|           |         |
|           |         |
|           |         |

INITIAL SUB. DATE: 03/03/2025

ISSUANCE DATE: 03/03/2025

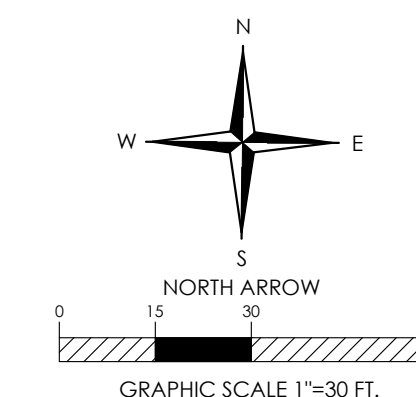


HFI PROJECT #: 25-00003

**PRELIM GRADING  
PLAN**

Z04





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.

## REVISIONS

[illegible]

INITIAL SUB. DATE: 03/03/2025

ISSUANCE DATE: 03/03/2025

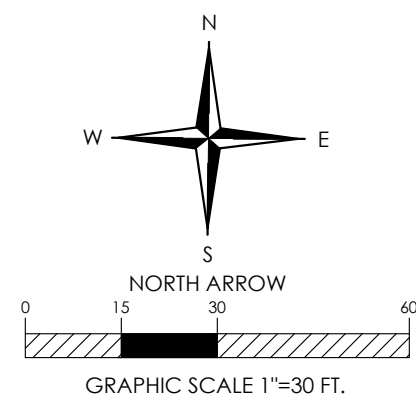
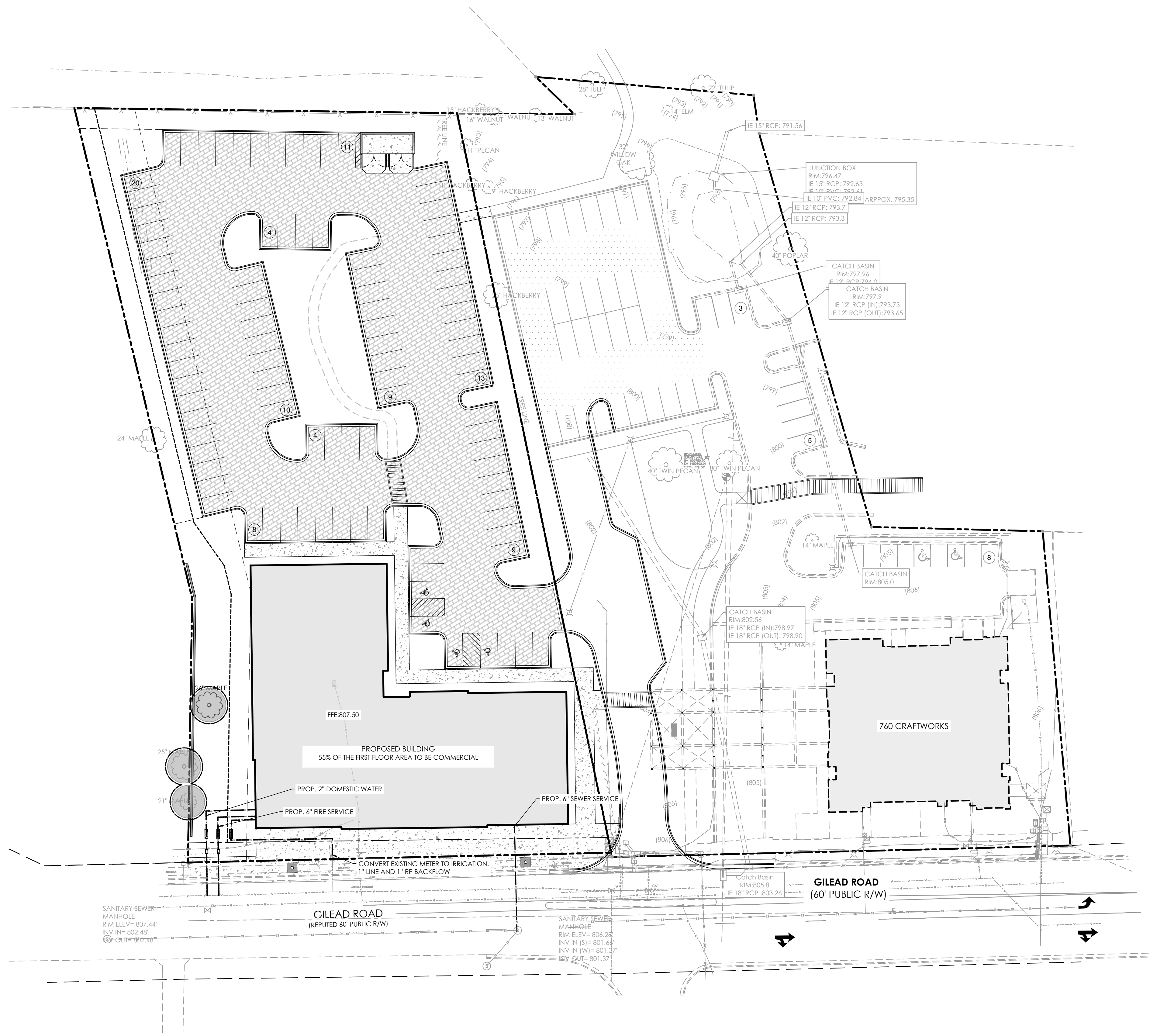


HFI PROJECT #: 25-00003

## PRELIM LANDSCAPE

Z05





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 ONLY 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.

### REVISIONS

| DATE | COMMENT |
|------|---------|
|      |         |
|      |         |
|      |         |
|      |         |
|      |         |
|      |         |
|      |         |
|      |         |
|      |         |

INITIAL SUB. DATE: 03/03/2025

ISSUANCE DATE: 03/03/2025



HFI PROJECT #: 25-00003

PRELIM UTILITY PLAN

Z06



ELEVATION CONCEPTS



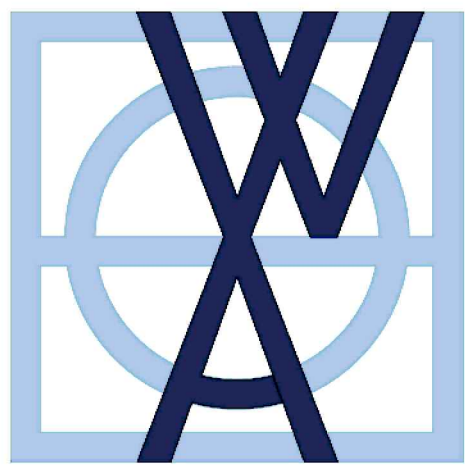
South Elevation  
Concepts



South Elevation  
Conceptual Rendering



West/East/North  
Elevation Concepts



**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 ONLY FOR THE 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.



| REVISIONS |         |
|-----------|---------|
| DATE      | COMMENT |
|           |         |
|           |         |
|           |         |
|           |         |
|           |         |
|           |         |
|           |         |
|           |         |
|           |         |

INITIAL SUB. DATE: 03/03/2025

ISSUANCE DATE: 03/03/2025

HFI PROJECT #: 25-00003

BUILDING ELEVATIONS  
CONCEPT

Z07





# Tree Preservation Report

*3 Maples at 106 Gilead Road*

**Prepared For:**

**North State Development**  
19925 Jetton Road  
Cornelius, NC 28031

**Prepared By:**

**Casey Diffley**  
ISA Certified Arborist #SO-10676A  
ISA Qualified Tree Risk Assessor  
Plant Health Care Assistant Manager  
Heartwood Tree Care

July 7th, 2025



## Contents

|                                                              |           |
|--------------------------------------------------------------|-----------|
| <b>Executive Summary.....</b>                                | <b>3</b>  |
| <b>Introduction.....</b>                                     | <b>3</b>  |
| Background and History.....                                  | 3         |
| Scope of Work.....                                           | 3         |
| Limits of Assignment.....                                    | 3         |
| Purpose of the Report.....                                   | 3         |
| Effective Date.....                                          | 4         |
| <b>Observations.....</b>                                     | <b>4</b>  |
| Site Location and Condition.....                             | 4         |
| Tree Identification and Description.....                     | 4         |
| <b>Discussion.....</b>                                       | <b>5</b>  |
| Critical Root Zone (CRZ).....                                | 5         |
| Mitigation of Construction Damage.....                       | 5         |
| <b>Conclusion and Recommendations.....</b>                   | <b>6</b>  |
| Remediation and Risk Mitigation.....                         | 6         |
| <b>Bibliography.....</b>                                     | <b>9</b>  |
| <b>Appendix A – Site Photos.....</b>                         | <b>10</b> |
| <b>Appendix B - Assumptions and Limiting Conditions.....</b> | <b>13</b> |
| <b>Appendix C – Certification of Performance.....</b>        | <b>13</b> |

## Executive Summary

Out of concern for the impact that potential construction may have on three maples, and in the interest of preserving said trees, North State Development, contacted Heartwood Tree Care to provide an assessment of the three maples in question. The assessment included identifying the trees, their size, condition, and a preservation plan to include tree protection and recommendations for pruning/cabling, soil decompaction, and plant healthcare. These recommendations are to be made in regards to before, during and after construction with respect to the plans provided by the Lagniappe Group.

## Introduction

### Background and History

North State Development contacted Kevin Hartke with Heartwood Tree Care for the purpose of assessing and creating a preservation plan for three Red Maples that would potentially be impacted by upcoming development of the area. Kevin performed a site visit and created a proposal for the report, which was accepted on June 18th, 2025. I then performed a site visit on June 30th, 2025, to assess the site and gather the information necessary to complete the report.

### Scope of Work

During my visit we agreed to provide the following services:

- Determine size and condition of three Red Maples that will potentially be impacted by construction.
- Create a preservation plan for the 3 identified trees in preparation for upcoming construction, to include recommendations for tree protection, pruning, cabling, soil decompaction and plant healthcare.
- Provide a written report summarizing the results and recommendations.

### Limits of Assignment

This investigation was limited to ground level observations of the subject trees and the surrounding site at the time of inspection. This assessment is based solely upon an arborist site inspection, client reporting, and images obtained by me on site. Any information regarding the history of the site and the subject trees was assumed to be true. If any information is found to be false, the conclusions in this report may be invalidated.

### Purpose of the Report

The purpose of this report is to provide a preservation plan of the trees of concern at the 106 Gilead Road site and to provide recommendations to save the tree before, during and after construction, and to provide that information in summary form to fulfill the needs of the client.

This report was conducted on behalf of North State Development. Upon submission of this report, it will become the property of North State Development to be used at their discretion. This report is not an appraisal, nor a tree risk assessment, nor does it provide any estimates for the cost of remedies. My expertise in this matter is limited to arboriculture, and this report is not

intended to be legal advice. There is no warranty or guarantee, expressed or implied, that problems or deficiencies in the subject tree may not arise in the future.

### Effective Date

The onsite inspection for the report was conducted on June 30th, 2025. The effective date of this report is July 1st., 2025.

## Observations

### Site Location and Condition

The site is located at 106 Gilead Road, with construction having not begun yet. The site currently is a residential home with a variety of mature trees and plants. The topography of the site is fairly flat, particularly in the area where the trees are located on the western side of the site along the current gravel driveway. This site is in an established area of Huntersville, that is being developed, causing a mix of older adolescents to mature trees, as well as a significant amount of ornamental landscape plants where the larger canopy in the area has been removed. The soil condition is typical of an urban environment for our region, and can be described as having a heavy clay composition with the only heavy compaction being found on the gravel driveway running between the trees in question and the home. Located on the western side of the trees in question is the home of 108 Gilead Road, on which two of the trees are located. This site is a residential home with a mix of mature trees and ornamental landscape material.

### Tree Identification and Description

1. 21 DBH Inch Red Maple - Located on western side of 106 Gilead site just over property boundary on 108 Gilead Road property, west of gravel driveway, closest to Gilead Road of three trees in question.
  - Canopy Spread of 30 feet
  - Condition - Fair
  - Compacted soil in driveway
2. 25 DBH Inch Red Maple - Located on western side of 106 Gilead site just over property boundary on 108 Gilead Road property, west of gravel driveway, north of identified Red Maple #1.
  - Canopy Spread of 30 feet
  - Condition - Fair
  - Compacted soil in driveway
3. 26 DBH Inch Red Maple - Located on western side of site on 106 Gilead road, western side of driveway, directly North of identified Red Maple #2.
  - Canopy Spread of 30 feet
  - Condition - Fair
  - Compacted soil in driveway

## Discussion

### Critical Root Zone (CRZ)

Roots help keep trees alive by providing stability, access to water and nutrients, storage of energy, and cultivating relationships with beneficial soil biota. The minimum number of roots needed for survival are called “critical roots”, and they exist in the area surrounding the tree called the “Critical Root Zone,” or CRZ. A legal CRZ is determined using a formula based on trunk diameter as defined in municipal codes. The CRZ in Charlotte Mecklenburg as defined in Section 01000 of the Landscape Construction standards lists the CRZ as 1 foot for every 1 inch of trunk diameter. In certain circumstances, the city will make allowance for an asymmetrical root zone equal to the area of the defined CRZ.

### Mitigation of Construction Damage

Though it is far better to mitigate these issues ahead of time using Tree Protection Zones, typically efforts are undertaken after the damage has occurred. The use of compressed air tools such as an air knife allow the soil to be broken up without damaging the root system. The goal is to return the soil to as close to its original structure as possible, giving the tree’s root system the greatest opportunity at recovery. A layer of mulch can then be applied to protect the soil and root system from future damage.

The use of slow-release fertilizers in combination with plant growth regulators has also been shown to reduce stress from construction damage by providing the building blocks needed for recovery, then slowing the expenditure of those resources on twig and shoot growth, and finally redirecting those resources into the production of fibrous roots and defensive compounds.

When trees are under stress, opportunistic insects such as wood boring beetles are attracted to the trees as their defenses have been significantly reduced. Preventative borer spray applications can prevent infestation.

Where roots have been crushed or severed, clean cutting the damage and backfilling as quickly as possible can prevent the roots from drying out and speed development of new fibrous roots while preventing disease.

A proper layer of mulch prior to construction in both tree protection zones and in disturbed zones reduces the severity of soil compaction that can occur from the moving of machinery, objects, and material.

Proper pruning to mitigate the risk of impact with construction equipment, as well as to properly support the future structure of the tree helps to reduce the chance of unnecessary damage to the tree specimen and lessen the future interference of tree growth towards building or structures, while also removing any weakly attached limbs in the canopy.

Cabling and bracing of codominant limbs or leads can help alleviate the impact on the canopy during wind events and lessen the likelihood of failure during normal weather conditions by reducing stress being placed upon union areas.

## Conclusion and Recommendations

### Remediation and Risk Mitigation

The following recommendations are made in regards to the site as a whole and each tree individually. The numbers beside each tree correspond to the tree descriptions listed above. For all trees included in this list, it is advised to have a Certified Arborist come assess the condition of the trees annually for the purpose of advising on current status and of any further concerns that may arise post construction.

1. 21 DBH Inch Red Maple -
  - a. Tree protection fencing installed at least 7.5 feet from the base of the tree. This fencing is not to be removed or altered, nor is material to be stored or disturbance to occur within the fencing without proper mitigation for disturbance
  - b. Application of a slow-release organic fertilizer, through deep root inoculation, in Spring and Fall to assist in tree recovery by providing beneficial nutrients, organic matter, and fungi. This also assists in opening pore space and alleviating some soil compaction.
  - c. Continued regular application of a preventative treatment for wood boring insects and fungal bark diseases. Wood boring insects tend to be attracted to stressed tree specimens, and the stress caused by construction around the tree in question can contribute to the start of an infestation. Fungal bark infections tend to arise from the entrance of these pests, furthering the impacts.
  - d. Application of a tree growth regulator prior to construction for the purpose of facilitating tree recovery. Tree growth regulators assist in the production of fibrous roots that are necessary for ideal nutrient uptake, as well as assisting the tree in recovery processes from any stress or damage caused by the upcoming construction.
  - e. Performing reduction pruning to reduce weight being placed upon the unions of the tree canopy leads, removing weak attachments, and deadwood that may be at risk of failure later. Tree failures cause stress to internal tree systems and disrupt vascular processes as the tree recovers. Failures also expose the interior of the tree to fungal pathogens and insect infestations.
  - f. Advanced assessment of the union of the tree leads to ensuring there is no excessive cavity or decay that would lead to failure. Should either be present, but not excessive, cabling and/or bracing systems are recommended in order to support the tree canopy and union area during wind events.
  - g. Root invigoration to be performed within the tree protection fencing in order to remove any girdling roots, maintain correct grade, and to provide decompacted, nutrient rich soil to the fibrous root zone at the base of the tree.
  - h. Should disturbance need to occur within 15 feet of the base of the tree, providing a layer of mulch to alleviate compaction from moving of machinery and equipment.
  - i. Should roots need to be pruned or removed within the Critical Root Zone of the tree, excavation of these roots in order to be cleanly cut/pruned is recommended.
2. 25 DBH Inch Red Maple -
  - a. Tree protection fencing installed at least 7.5 feet from the base of the tree. This fencing is not to be removed or altered, nor is material to be stored or disturbance to occur within the fencing without proper mitigation for disturbance

- b. Application of a slow-release organic fertilizer, through deep root inoculation, in Spring and Fall to assist in tree recovery by providing beneficial nutrients, organic matter, and fungi. This also assists in opening pore space and alleviating some soil compaction.
  - c. Continued regular application of a preventative treatment for wood boring insects and fungal bark diseases. Wood boring insects tend to be attracted to stressed tree specimens, and the stress caused by construction around the tree in question can contribute to the start of an infestation. Fungal bark infections tend to arise from the entrance of these pests, furthering the impacts.
  - d. Application of a tree growth regulator prior to construction for the purpose of facilitating tree recovery. Tree growth regulators assist in the production of fibrous roots that are necessary for ideal nutrient uptake, as well as assisting the tree in recovery processes from any stress or damage caused by the upcoming construction.
  - e. Performing reduction pruning to reduce weight being placed upon the unions of the tree canopy leads, removing weak attachments, and deadwood that may be at risk of failure later. Tree failures cause stress to internal tree systems and disrupt vascular processes as the tree recovers. Failures also expose the interior of the tree to fungal pathogens and insect infestations.
  - f. Advanced assessment of the union of the tree leads to ensuring there is no excessive cavity or decay that would lead to failure. Should either be present, but not excessive, cabling and/or bracing systems are recommended in order to support the tree canopy and union area during wind events.
  - g. Root invigoration to be performed within the tree protection fencing in order to remove any girdling roots, maintain correct grade, and to provide decompacted, nutrient rich soil to the fibrous root zone at the base of the tree.
  - h. Should disturbance need to occur within 15 feet of the base of the tree, providing a layer of mulch to alleviate compaction from moving of machinery and equipment.
  - i. Should roots need to be pruned or removed within the Critical Root Zone of the tree, excavation of these roots in order to be cleanly cut/pruned is recommended.
3. 26 DBH Inch Red Maple -
- a. Tree protection fencing installed at least 7.5 feet from the base of the tree. This fencing is not to be removed or altered, nor is material to be stored or disturbance to occur within the fencing without proper mitigation for disturbance
  - b. Application of a slow-release organic fertilizer, through deep root inoculation, in Spring and Fall to assist in tree recovery by providing beneficial nutrients, organic matter, and fungi. This also assists in opening pore space and alleviating some soil compaction.
  - c. Continued regular application of a preventative treatment for wood boring insects and fungal bark diseases. Wood boring insects tend to be attracted to stressed tree specimens, and the stress caused by construction around the tree in question can contribute to the start of an infestation. Fungal bark infections tend to arise from the entrance of these pests, furthering the impacts.
  - d. Application of a tree growth regulator prior to construction for the purpose of facilitating tree recovery. Tree growth regulators assist in the production of fibrous roots that are necessary for ideal nutrient uptake, as well as assisting the tree in recovery processes from any stress or damage caused by the upcoming construction.



- e. Performing reduction pruning to reduce weight being placed upon the unions of the tree canopy leads, removing weak attachments, and deadwood that may be at risk of failure later. Tree failures cause stress to internal tree systems and disrupt vascular processes as the tree recovers. Failures also expose the interior of the tree to fungal pathogens and insect infestations.
- f. Advanced assessment of the union of the tree leads to ensuring there is no excessive cavity or decay that would lead to failure. Should either be present, but not excessive, cabling and/or bracing systems are recommended in order to support the tree canopy and union area during wind events.
- g. Root invigoration to be performed within the tree save fencing in order to remove any girdling roots, maintain correct grade, and to provide decompacted, nutrient rich soil to the fibrous root zone at the base of the tree.
- h. Should disturbance need to occur within 15 feet of the base of the tree, providing a layer of mulch to alleviate compaction from moving of machinery and equipment.
- i. Should roots need to be pruned or removed within the Critical Root Zone of the tree, excavation of these roots in order to be cleanly cut/pruned is recommended.
- j. Remove Vines that are growing into canopy of tree.

## Bibliography

- Alberty, C.A., H.M. Pellett, and D.H. Taylor. 1984. [Characterization of Soil Compaction at Construction Sites and Woody Plant Response](#). J. Environ. Hortic. 2(2):48-53.
- American National Standards Institute, ANSI A300, Part 1, Pruning. American National Standards for Arboricultural Operations. 2017.
- American National Standards Institute, ANSI A300, Part 2, Soil Management, Fertilization. American National Standards for Arboricultural Operations. 2018.
- Bai, S., W.R. Chaney and Y. Qi. 2004. Response of cambial and shoot growth in trees treated with paclobutrazol. Journal of Arboriculture 30:137-145.
- Chaplin, Jonathan, Min, and Reid Pulley. 2008. [Compaction Remediation for Construction Sites](#). Final Report. Department of Bioproducts and Biosystems Engineering, University of Minnesota, St. Paul, Minnesota.
- Coder, Kim D., Trees & storm wind loads. Warnell School of Forestry & Natural Resources, University of Georgia, Thompson Mills Forest & State Arboretum Outreach Product. 2018.
- Costello, Perry, Matheny, Henry, Geisel (2003); Abiotic Disorders of Landscape Plants
- NCUFC.org Tree Protection During Construction <https://www.ncufo.org>
- Council of Tree and Landscape Appraisers. "Guide for Plant Appraisal," 10th Edition, Second Printing. 2019.
- Dirr, Michael A. "Manual of Woody Landscape Plants: Their Identification, Ornamental Characteristics, Culture, Propagation, and Uses." 1998.
- Fite, Kelby E., Smiley, Thomas, McIntyre, John, and Wells, Christina E., Evaluation of a Soil Decompaction and Amendment Process for Urban Trees. Journal of Arboriculture and Forestry. 2011.
- Fraedrich, Bruce R., Ph.D., Preventing Construction Damage to Trees, Technical Report, Bartlett Tree Research Laboratories. 1999.
- Lilly, Sharon; Matheny, Nelda P.; and Smiley, Edgar T.; Glossary of Arboricultural Terms. International Society of Arboriculture. 2005.
- Matheny, Nelda, and Clark, James R., A Photographic Guide to the Evaluation of Urban Trees in Urban Areas (2nd ed). International Society of Arboriculture. 1993.
- Sydnor, David T., The Response of Ohio's Native and Naturalized Trees to Construction Activity; Urban Forestry, The School of Natural Resources, Ohio State University, Columbus, Ohio. 2003.
- Charlotte Tree Manual  
<https://docs.google.com/document/d/1wqlsKhe5CUOk65YrYtljGA7o4sX1MuvjNo2uTMk6gs/edit?tab=t.0>



## Appendix A – Site Photos



**FIGURES 1-4: (TREE 1) - TAPE MARK AT 10 FEET, UNION AREA OF CONCERN**





**FIGURES 5-8: (TREE 2) - TAPE MARK AT 10 FEET, UNION AREA OF CONCERN**





**FIGURES 8-12: (TREE 3) - TAPE MARK AT 10 FEET, UNION AREA OF CONCERN, VINES**



## Appendix B - Assumptions and Limiting Conditions

1. Care has been taken to obtain all information from reliable sources. All data had been verified insofar as possible; however, the consultant can neither guarantee nor be responsible for the accuracy of information provided by others.
2. The consultant shall not be required to give testimony or to attend court by reason of this report unless subsequent contractual arrangements are made, including payment of an additional fee for such services as described in the fee schedule.
3. Loss or alteration of any part of this report invalidates the entire report.
4. Possession of this report or a copy thereof does not imply right of publication or use for any purpose by any other than the person to whom it is addressed, without the prior expressed written or verbal consent of the consultant.
5. This report represents the opinion of the consultant, and the consultant's fee is in no way contingent upon the reporting of a specified value, a stipulated result, the occurrence of a subsequent event, nor upon any finding to be reported.
6. Sketches, diagrams, graphs, and photographs in this report, being intended as visual aids, are not necessarily to scale and should not be so construed as engineering or architectural reports or surveys.
7. Unless expressed otherwise, information contained in this report covers only those items that were examined and reflects the condition of those items at the time of inspection. There is no warranty or guarantee, expressed or implied, that problems or deficiencies of the plants or property in question may not arise in the future.

## Appendix C – Certification of Performance

I, Casey Diffley, certify that:

1. I have personally inspected the trees and property referred to in this report and have stated my findings accurately.
2. I have no current or prospective interest in the tree or the property that is the subject of this report and have no personal interest or bias with respect to the parties involved.
3. The analysis, opinions and conclusions stated herein are my own and are based on current scientific procedures and facts.
4. My analysis, opinions and conclusions were developed and this report has been prepared according to commonly accepted arboricultural practices.
5. No one provided significant professional assistance to me, except as indicated within the report.
6. My compensation is not contingent upon the reporting of a predetermined conclusion that favors the cause of the Client or any other party nor upon the results of the assessment, the attainment of stipulated results, or the occurrence of any subsequent events.

Casey Diffley  
ISA Certified Arborist #SO-10676A  
ISA Qualified Tree Risk Assessor  
Plant Health Care Assistant Manager  
Heartwood Tree Care





**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:

| <u>Name</u>         | <u>Address</u>                 | <u>Email/Phone #</u>                                                   |
|---------------------|--------------------------------|------------------------------------------------------------------------|
| Frank Gammon        | 8912 Deerland Ct, Huntersville | <a href="mailto:gammonf@icloud.com">gammonf@icloud.com</a>             |
| Brad Priest         | 107 Gilead Rd, Huntersville    | <a href="mailto:bpriest@huntersville.org">bpriest@huntersville.org</a> |
| Dan Boone           | 317 Southland Rd, Huntresville | <a href="mailto:danboonenc@gmail.com">danboonenc@gmail.com</a>         |
| 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 | <a href="mailto:amytaylor@roadrunner.com">amytaylor@roadrunner.com</a> |

**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 30<sup>th</sup>, 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 30<sup>th</sup>, 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](http://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.

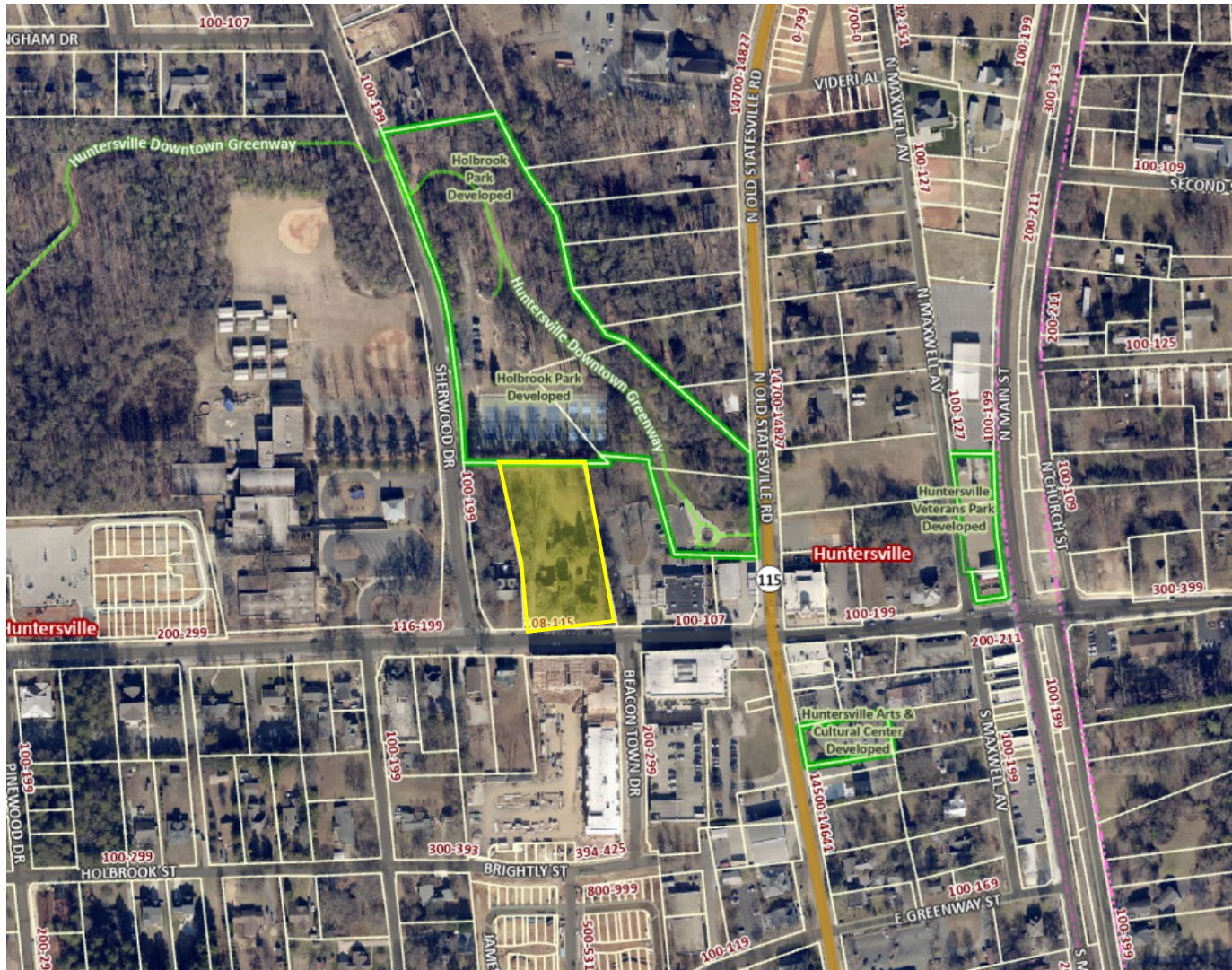
cc: Brad Priest, Principal Assistant Planning Director (via email)

| ownr1stnm                                | 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      |
|--------------------------|------------------------------|------------|-------|---------------|
| CAROL                    | 20415 MARBLEHEAD CT          | 28031      | NC    | CORNELIUS     |
|                          | 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       |
|                          | PO BOX 2786                  | 28070      | NC    | HUNTERSVILLE  |
| RACHEL H                 | 8715 PRESERVE POND RD        | 28031      | NC    | CORNELIUS     |
| VILAS                    | 227 KNOXVIEW LN              | 28117      | NC    | MOORESVILLE   |
| AMANDA LEIGH             | 9140 CANTRELL WY             | 28078      | NC    | HUNTERSVILLE  |
| C/O LESLIE GANDY         | 18825 W CATAWBA AV STE 250   | 28031      | NC    | HUNTERSVILLE  |
|                          | 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       |
| R MANAGEMENT GROUP LLC   | 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  |
|                          | 130 BEN CASEY DR STE 100     | 29708      | SC    | FORT MILL     |
|                          | 13815 CINNABAR PLACE         | 28078      | NC    | HUNTERSVILLE  |
|                          | PO BOX 1378                  | 28036      | NC    | CORNELIUS     |
| IP                       | 2400 SOUTH BOULEVARD STE 300 | 28203      | NC    | CHARLOTTE     |
|                          | PO BOX 25168                 | 27114      | NC    | WINSTON-SALEM |
|                          | 14024 SIMS RD                | 28078      | NC    | HUNTERSVILLE  |

Community Meeting  
April 30, 2025



# DEVELOPMENT TEAM

Owner/Developer



Civil Engineer & Landscape Architect



Development Manager



Architect & Interior Design



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





# 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)*

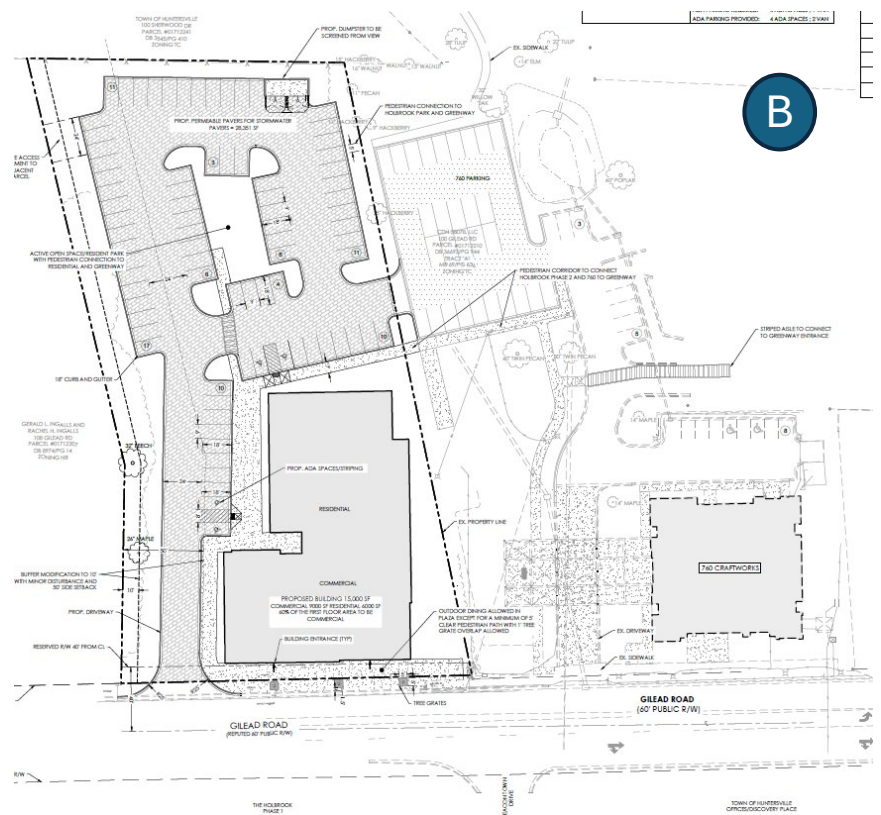
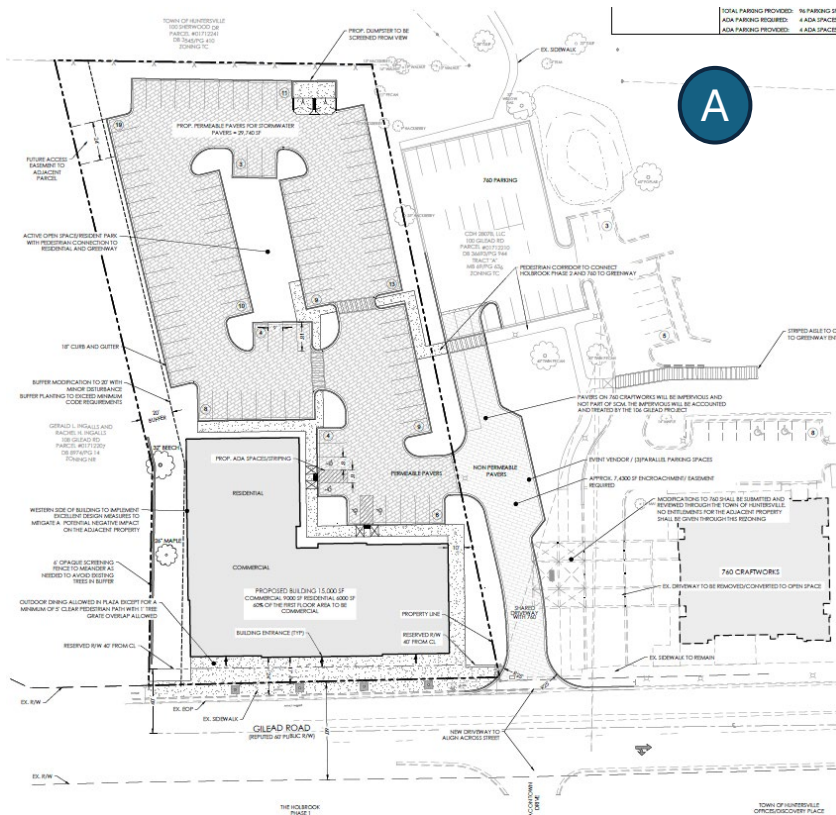
The Neighborhood Residential District provides for residential infill development surrounding the traditional town center and its logical extensions. This district also provides for town-scaled residential development within walking distance (generally ½ mile) of satellite village centers, identified 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 21<sup>st</sup> 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](mailto: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        |
| <b>Total Proposed Development Trips</b>                 |        |     | <b>120</b>   | <b>124</b> | <b>244</b> | <b>118</b>   | <b>99</b> | <b>217</b> |
| <i>Internal Capture Reduction</i>                       |        |     | -1           | -1         | -2         | -17          | -17       | -34        |
| <i>Pass-By Reduction</i>                                |        |     | 0            | 0          | 0          | -17          | -16       | -33        |
| <b>Total Proposed Development Trips With Reductions</b> |        |     | <b>119</b>   | <b>123</b> | <b>242</b> | <b>84</b>    | <b>66</b> | <b>150</b> |

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         |
| <b>Phase 1 Total Trips</b>                                    |       |     | <b>34</b>    | <b>77</b>  | <b>111</b> | <b>99</b>    | <b>71</b>  | <b>170</b> |
| 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         |
| <b>Phase 2 Total Trips</b>                                    |       |     | <b>23</b>    | <b>38</b>  | <b>61</b>  | <b>58</b>    | <b>45</b>  | <b>103</b> |
| <b>Total Development Trips</b>                                |       |     | <b>57</b>    | <b>115</b> | <b>172</b> | <b>157</b>   | <b>116</b> | <b>273</b> |
| <i>Internal Capture Reduction</i>                             |       |     | -2           | -2         | -4         | -17          | -17        | -34        |
| <b>Total Proposed Development Trips With Reductions</b>       |       |     | <b>55</b>    | <b>113</b> | <b>168</b> | <b>140</b>   | <b>99</b>  | <b>239</b> |
| <b>Difference Between Updated Plan and Previous TIA Trips</b> |       |     | <b>-64</b>   | <b>-10</b> | <b>-74</b> | <b>56</b>    | <b>33</b>  | <b>89</b>  |

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<sup>x</sup> \_\_\_\_\_ 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 a 15,000 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

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



## 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 Sedgebrook 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.

Every owner of each parcel included in this application, or the owner (s) duly authorized agent, must sign this application. If signed by an agent on behalf of the Owner, this application MUST be accompanied by a notarized Limited Power of Attorney signed by the property owner (s), specifically authorizing the agent to act on the owner (s) behalf in signing this application. Failure of each owner, or their duly authorized agent, to sign, or failure to include the authority of the agent signed by the property owner, will result in an INVALID APPLICATION. If additional space is needed for signatures, attach the Town of Huntersville Signature Addendum Form.

## 8. Development/Design Firm Contact Information

| Development Firm | Name of Contact | Phone | Email |
|------------------|-----------------|-------|-------|
|------------------|-----------------|-------|-------|

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

## Contact Information

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



## 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 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 garnerlw0@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.

Every owner of each parcel included in this application, or the owner (s) duly authorized agent, must sign this application. If signed by an agent on behalf of the Owner, this application MUST be accompanied by a notarized Limited Power of Attorney signed by the property owner (s), specifically authorizing the agent to act on the owner (s) behalf in signing this application. Failure of each owner, or their duly authorized agent, to sign, or failure to include the authority of the agent signed by the property owner, will result in an INVALID APPLICATION. **If additional space is needed for signatures, attach the Town of Huntersville Signature Addendum Form.**

## 8. Development/Design Firm Contact Information

| Development Firm | Name of Contact | Phone | Email |
|------------------|-----------------|-------|-------|
|------------------|-----------------|-------|-------|

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

## Contact Information

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



## 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 Francis 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 garnerlm@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.

Every owner of each parcel included in this application, or the owner (s) duly authorized agent, must sign this application. If signed by an agent on behalf of the Owner, this application MUST be accompanied by a notarized Limited Power of Attorney signed by the property owner (s), specifically authorizing the agent to act on the owner (s) behalf in signing this application. Failure of each owner, or their duly authorized agent, to sign, or failure to include the authority of the agent signed by the property owner, will result in an INVALID APPLICATION. If additional space is needed for signatures, attach the Town of Huntersville Signature Addendum Form.

## 8. Development/Design Firm Contact Information

| Development Firm | Name of Contact | Phone | Email |
|------------------|-----------------|-------|-------|
|------------------|-----------------|-------|-------|

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

## Contact Information

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



## **Request for Board Action**

July 15, 2025

**To:** The Honorable Mayor and Board of Commissioners

**From:** Patrick Patterson, Planner II

**Subject:** Petition #R25-05 MHH Logistics

---

### **EXPLAIN REQUEST:**

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

### **ACTION RECOMMENDED:**

Consider a decision

### **FINANCIAL IMPLICATIONS:**

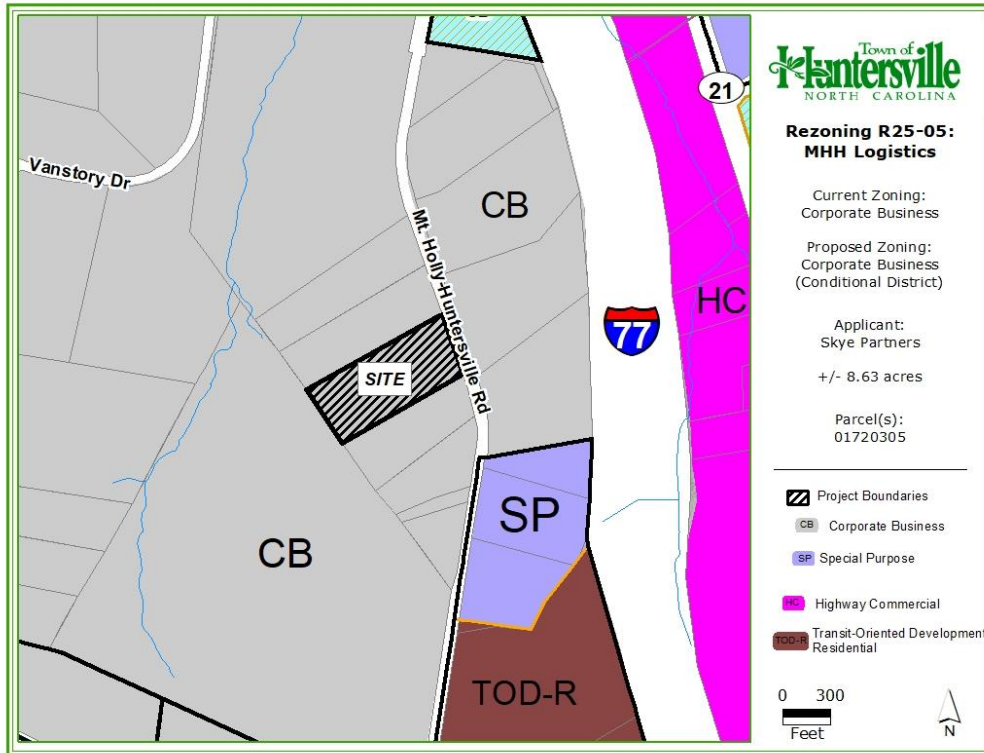
N/A

### **ATTACHMENTS:**

1. R25-05 Staff Report- Final Action
2. R25-05 Rezoning Application
3. R25-05 Rezoning Plans- MHH Logistics
4. R25-05 Community Meeting Package MHH Logistics
5. R25-05 Engineering Report
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 28<sup>th</sup>, 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.





## 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.



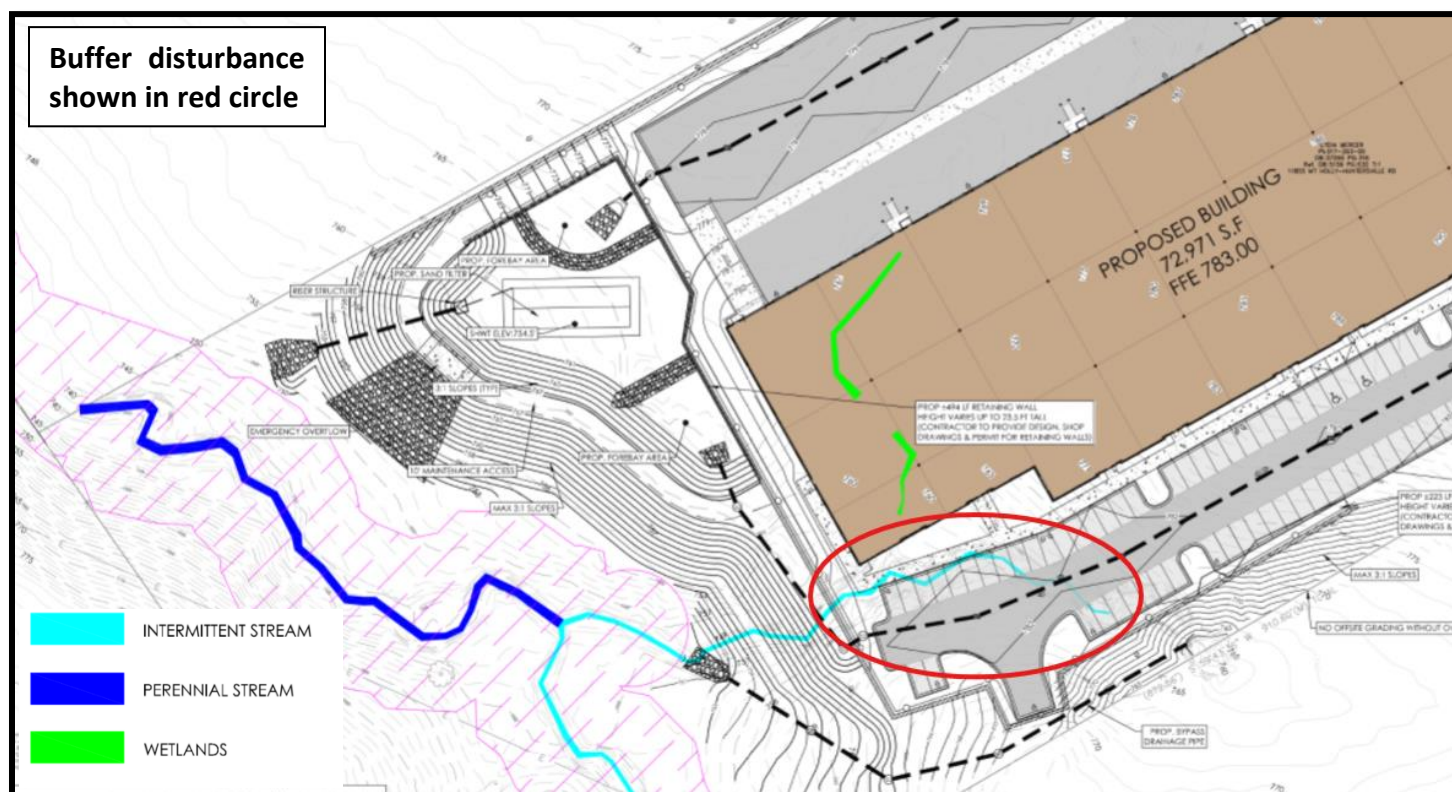
- Staff Comment: Staff supports the proposed modifications and the buffers being replanted as the site has sparse existing vegetation for the required buffer and a grade/slope at the front. See image to left for proposed replanted buffer.
- Replanted buffer will meet the requirements found in Article 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 7/15/25): The applicant has purchased the required mitigation credits and obtained approval from Charlotte-Mecklenburg Storm Water Services, thereby meeting the ordinance requirements. In addition, the applicant is proposing to replant a portion of the rear buffer in accordance with Charlotte-Mecklenburg Water Quality Buffer standards.
- In alignment with Article 3.1.2.1 of the Zoning Ordinance and Policy 8.2 of the Huntersville 2040 Plan, staff encourage the applicant to exceed the minimum ordinance requirements by exploring additional, practical ways to mitigate stream encroachment and enhance water quality within Huntersville.
- Town staff and the applicant have confirmed with Charlotte-Mecklenburg Storm Water Services that the mitigation credits may be applied to the South Prong Clarke Creek Stream Restoration project, which is located within the Town of Huntersville. The applicant has also agreed to include the following note on the plans: *"Mitigation credit fees shall be applied to a project within the Town of Huntersville, if allowed by Mecklenburg County."* Through collaboration with staff, the applicant has exceeded the minimum requirements of the ordinance.





## PART 3: TRANSPORTATION ISSUES

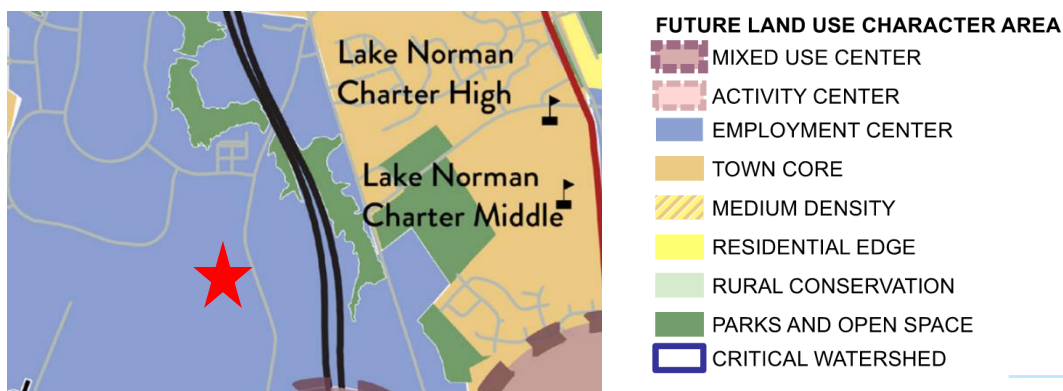
### Traffic Impact Analysis (TIA)

- 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 7/15/25):** 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. Town staff and the applicant have confirmed with Charlotte-Mecklenburg Storm Water Services that the mitigation credits may be applied to the South Prong Clarke Creek Stream Restoration project, which is located within the Town of Huntersville. The applicant has also agreed to include the following note on the plans: *"Mitigation credit fees shall be applied to a project within the Town of Huntersville, if allowed by Mecklenburg County."* Through collaboration with staff, the applicant has exceeded the minimum requirements of the ordinance.

**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. Addition of note stating,: *"Mitigation credit fees shall be applied to a project within the Town of Huntersville, if allowed by Mecklenburg County."*

#### **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 and 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](https://www.youtube.com/watch?v=5xAJwB_uHwE)

#### **PART 7: PLANNING BOARD RECOMMENDATION**

The Planning Board considered the application on June 24<sup>th</sup>, 2025. After discussion with staff and the applicant, the Planning Board unanimously recommended approval (6-0) with staff's conditions. Please find the link to the meeting attached, as well as the motion from the Planning Board below. [https://www.youtube.com/watch?v=x-Fuparm1\\_M&t=8677s](https://www.youtube.com/watch?v=x-Fuparm1_M&t=8677s)

C. Boyd made the motion: In considering the proposed rezoning application R25-05 MHH Logistics, the Planning Board recommends approval based on the Plan being consistent with 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 and Mecklenburg County.

#### **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                                                                                                                                                                                                                                                                                                                      |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>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.</p> <p>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.</p> | <p>APPROVAL: In considering the proposed rezoning application R25-05 MHH Logistics, the Planning Board recommends approval based on the Plan being consistent with the plan would be consistent with Policies LU 1.1 and LU 5.</p> <p>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 and Mecklenburg County.</p> | <p>APPROVAL: In considering the proposed rezoning application R25-05 MHH Logistics, the Town Board recommends approval based on the Plan being consistent with <u>(insert applicable plan reference)</u>.</p> <p><u>It is reasonable and in the public interest to approve the Rezoning Plan because... (Explain)</u></p>                   |
| <p>DENIAL: N/A</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | <p>DENIAL: N/A</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | <p>DENIAL: In considering the proposed rezoning application R25-05 MHH Logistics, the Town Board recommends denial based on the Plan being <u>(consistent OR inconsistent) with (insert applicable plan reference)</u>.</p> <p><u>It is not reasonable and in the public interest to approve the Rezoning Plan because... (Explain)</u></p> |





# 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 ☐ 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>.

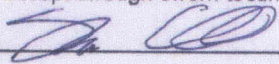


**5. Outside Agency Information**

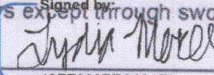
Other agencies may have applications and fees associated with the land development process. The Review Process list includes plan documents needed for most town and county reviewing agencies. For major subdivisions, commercial site plans, and rezoning petitions please enclose a copy of the Charlotte-Mecklenburg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

**6. Applicant**Printed Name Skye PartnersPhone 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@skypespartnersllc.comAddress of Applicant 19000 Davidson Concord Rd.**7. Property Owner (if different than applicant)**\*Printed Name Lydia MercerPhone 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 Title land owner Email mercerlydia15@gmail.comAddress 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@skypespartnersllc.com 704-494-977 |
| 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                                     |

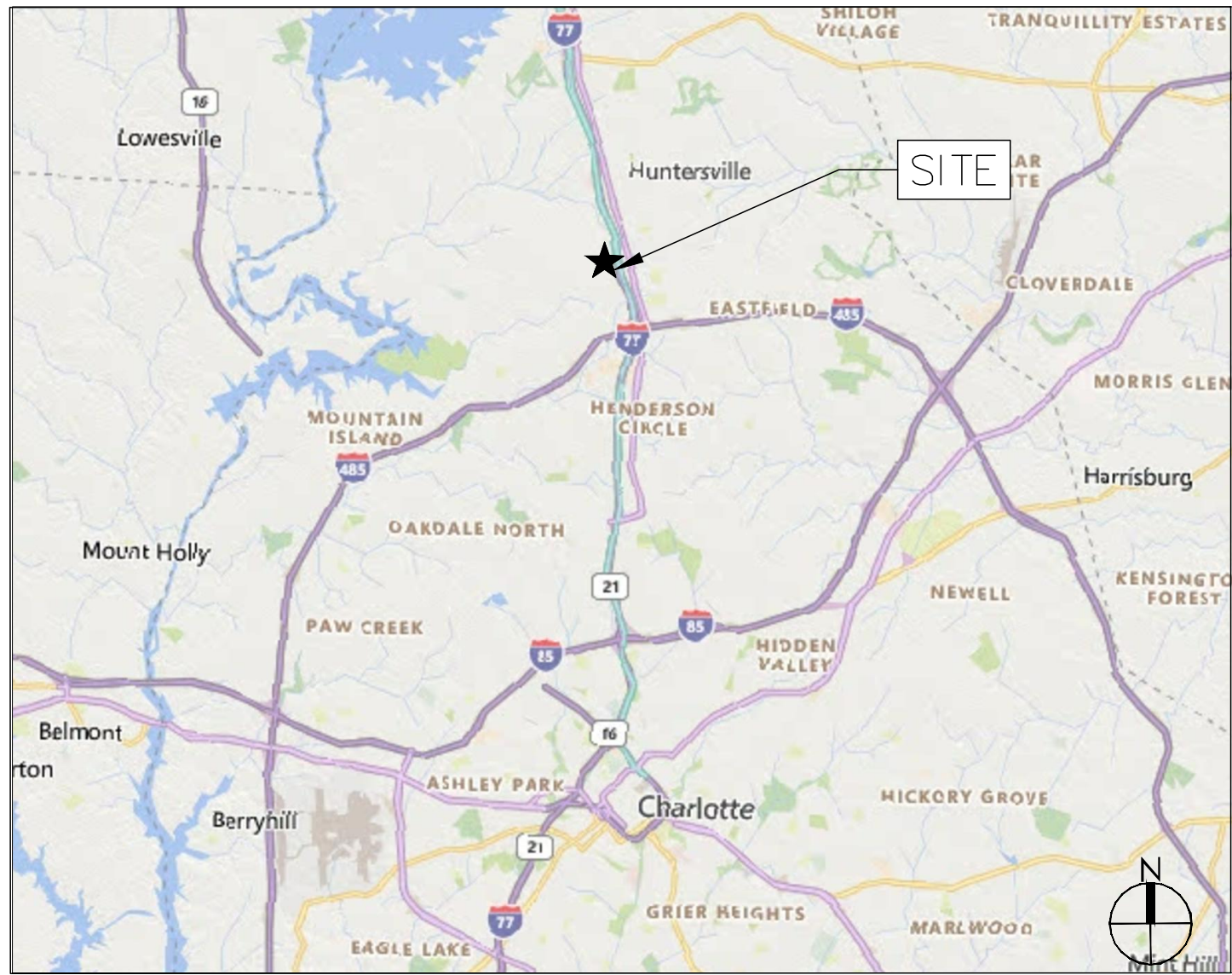
**Contact Information**

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

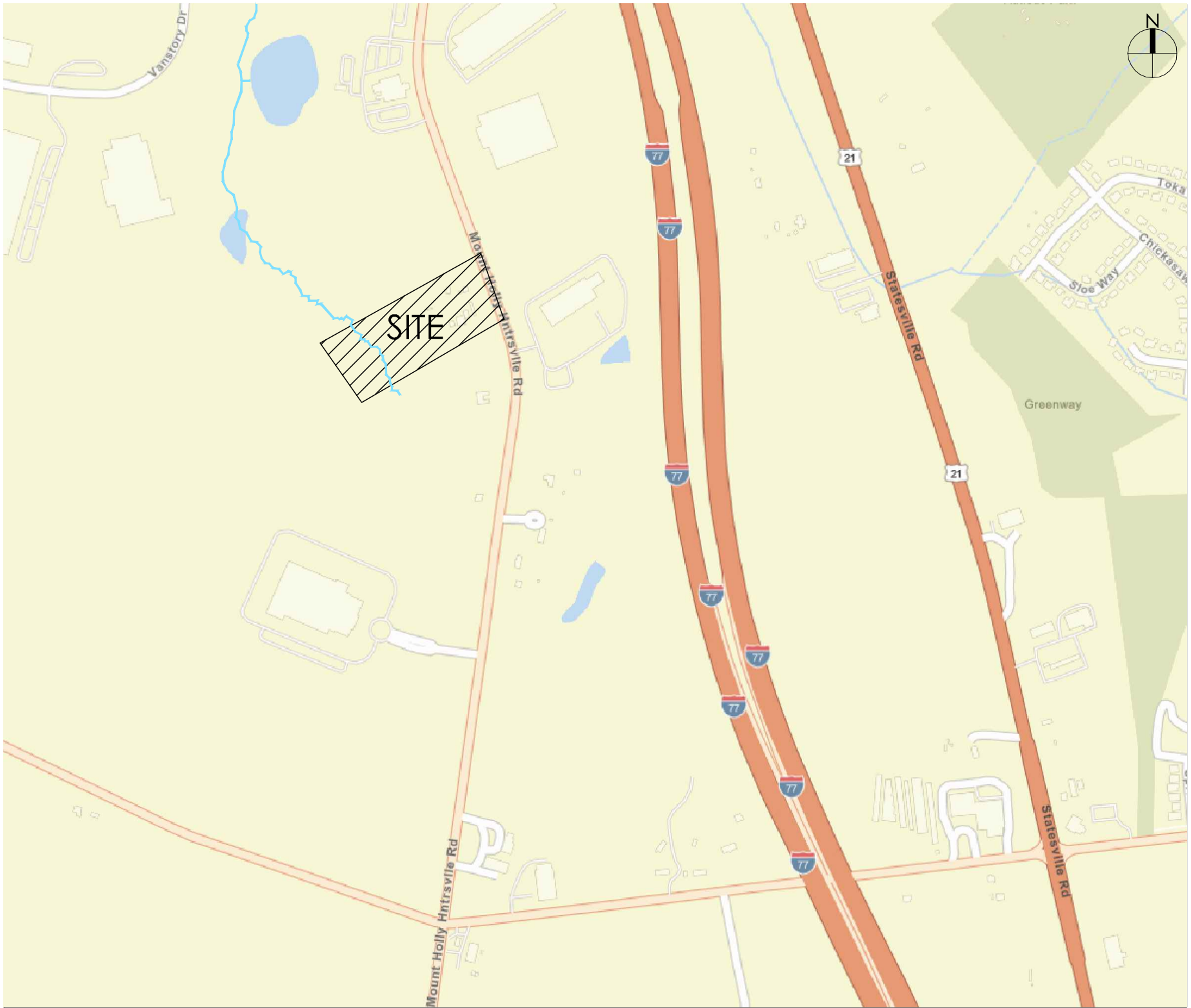


# MHH LOGISTICS

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



VICINITY MAP  
NOT TO SCALE



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 LOTTIN  
105 GILEAD RD  
HUNTERSVILLE, NC 28070  
(704) 766-2256

FIRE MARSHAL  
MECKLENBURG COUNTY FIRE MARSHAL  
2145 SUTELLE 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



### 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-2.3    | EXISTING TREE SURVEY    |
| RZ-3      | SITE PLAN               |
| RZ-4      | GRADING PLAN            |
| RZ-5      | LANDSCAPING PLAN        |
| RZ-6      | REZONING NOTES          |

### 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

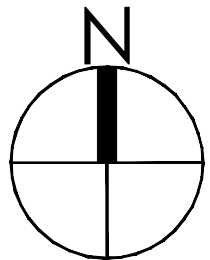
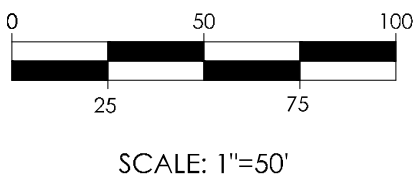
| DATE       | BY       | REVISION                          |
|------------|----------|-----------------------------------|
| 6/18/25    | TTB      | REV PER REZONING CYCLE 2 COMMENTS |
| 5/12/25    | TTB      | REV PER REZONING CYCLE 1 COMMENTS |
| PROJECT #: | DATE:    | SHEET:                            |
| 242001     | 4/1/2025 | C1                                |



6/18/2025

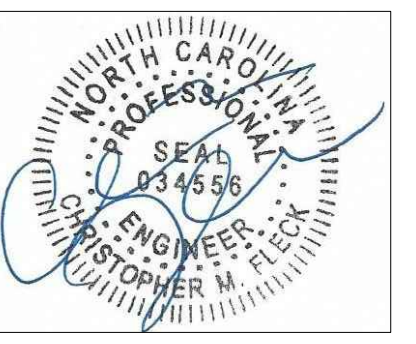


EXISTING CONDITIONS & REMOVAL PLAN



**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:



6/18/2025



**MHH LOGISTICS**  
**11855 MT HOLLY - HUNTERSVILLE RD**  
SKYE PARTNERS LLC  
ATTN: SHERRIE CHAFFIN TEL:704.400.1348  
**EXISTING CONDITIONS & REMOVAL**

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

SITE LEGEND:

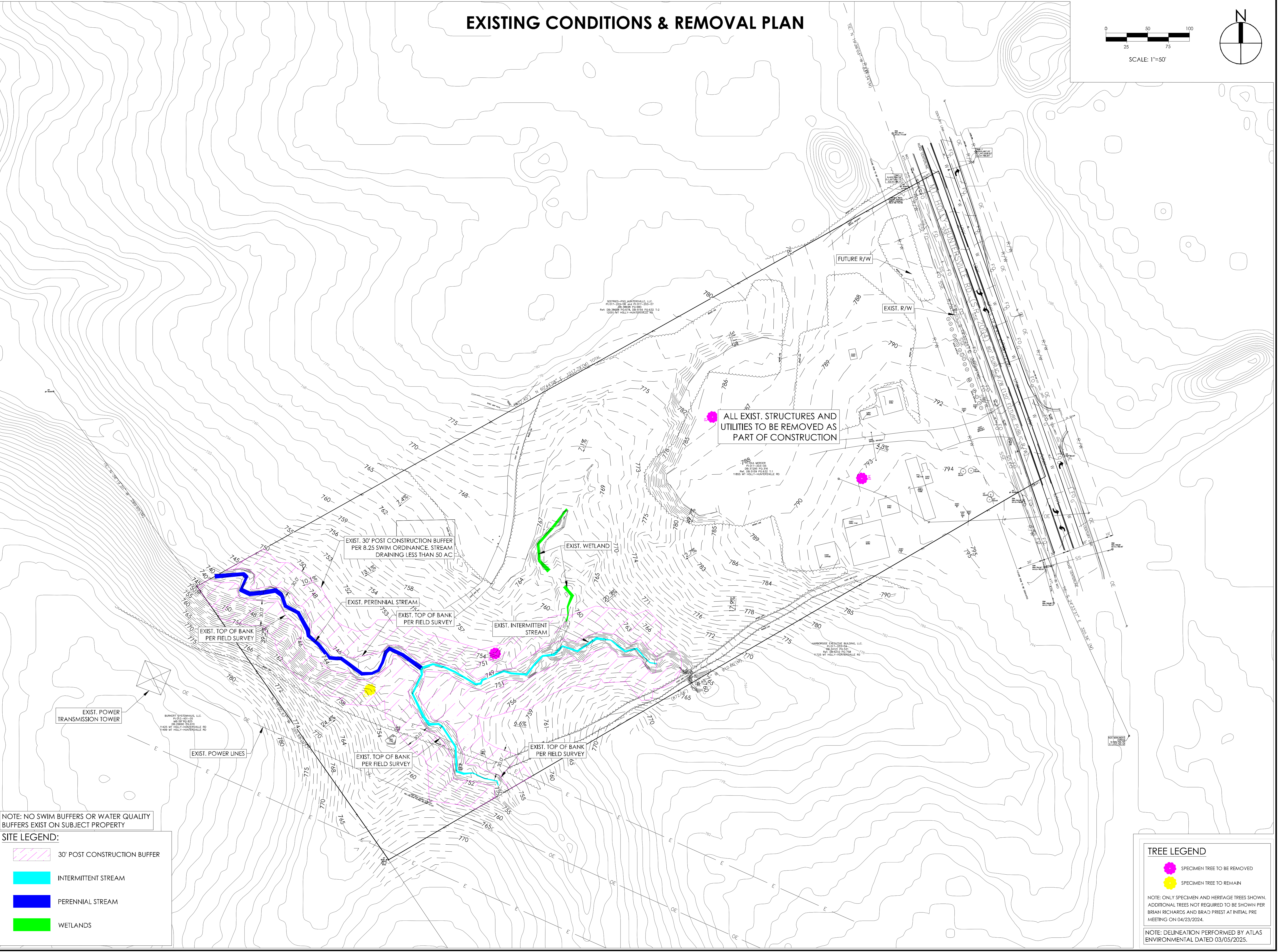
- 30' POST CONSTRUCTION BUFFER
- INTERMITTENT STREAM
- PERENNIAL STREAM
- WETLANDS

TREE LEGEND

- SPECIMEN TREE TO BE REMOVED
- SPECIMEN TREE TO REMAIN

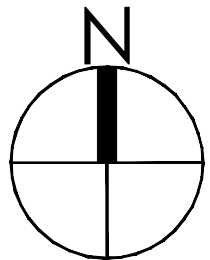
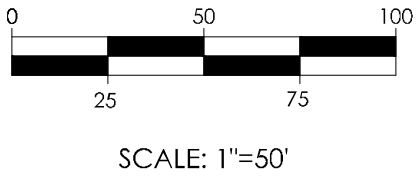
NOTE: ONLY SPECIMEN AND HERITAGE TREES SHOWN.  
ADDITIONAL TREES NOT REQUIRED TO BE SHOWN PER  
BRIAN RICHARDS AND BRAD PRIEST AT INITIAL PRE  
MEETING ON 04/23/2024.

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



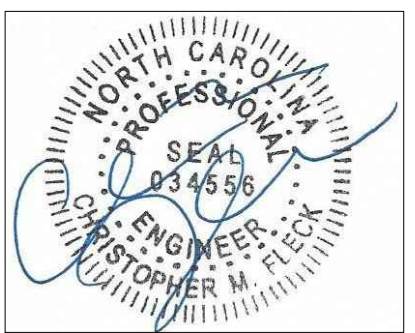


BUFFER DISTURBANCE PLAN



**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:



6/18/2025



**MHH LOGISTICS**  
**11855 MT HOLLY - HUNTERSVILLE RD**  
 SKYE PARTNERS LLC  
 ATTN: SHERIE CHAFFIN TEL:704.400.1348  
**BUFFER DISTURBANCE PLAN**

SITE LEGEND:

|  |                            |
|--|----------------------------|
|  | BUFFER NOT TO BE DISTURBED |
|  | BUFFER TO BE DISTURBED     |
|  | BUFFER TO BE RESTORED      |
|  | 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.

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 |



## EXISTING SURVEY

TOPOGRAPHIC and BOUNDARY SURVEY  
for  
MHH LOGISTICS, LLC

| LEGEND |                              |
|--------|------------------------------|
|        | PROPERTY LINE                |
|        | RIGHT OF WAY                 |
|        | FUTURE RIGHT OF WAY          |
|        | ADJOINER RIGHT OF WAY        |
|        | ADJOINER PROPERTY LINE       |
|        | ROAD CENTERLINE              |
|        | EDGE OF PAVEMENT             |
|        | SANITARY SEWER EASEMENT      |
|        | SANITARY SEWER LINE          |
|        | EXISTING FENCE               |
|        | DUKE ENERGY R/W              |
|        | OVERHEAD ELECTRIC            |
|        | UNDERGROUND FIBER OPTIC LINE |
|        | 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           |
|        | 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. 3710444000K 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 HUNTERVILLE 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 CERTIFY 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 HUNTERVILLE SEDIMENT AND EROSION CONTROL ORDINANCE. CONTACT THE TOWN OF HUNTERVILLE TO DETERMINE IF DEVELOPMENT THRESHOLDS REQUIRE ADDITIONAL PLAN APPROVAL.

## REFERENCES:

1. DEED BOOK 37295, PAGE 316 (SUBJECT PROPERTY)
2. DEED BOOK 5159, PAGE 668 and DEED BOOK 2684 PAGE 337 (DUKE ENERGY R/W)
3. 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 |

SEEFRIED-PSO HUNTERVILLE, LLC.  
PI: 017-203-06 and PI: 017-203-07  
DB: 38698 PG: 683  
Ref: DB: 38698 PG: 678, DB: 5159 PG: 632 T: 2  
12001 MT HOLLY-HUNTERVILLE RD

## DIVISION OF HIGHWAYS DISTRICT ENGINEER CERTIFIED

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 \_\_\_\_\_

## 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 HUNTERVILLE

Town Planner \_\_\_\_\_ 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 \_\_\_\_\_

## 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.



01/09/2025  
Professional Land Surveyor L-3222 Date

## VICINITY MAP N.T.S.

SURVEY & MAPPING CONTROL, INC.  
CHARLOTTE, NORTH CAROLINA  
Phone (704) 542-8095  
NCBELS License C-1915



Map Prepared By:

| DATE                            | SCALE      |
|---------------------------------|------------|
| 03/03/24                        | 1"=40'     |
| JOB NO.                         |            |
| D&A/030324/MHH LOGISTICS - TOPO |            |
| CAD FILE PATH                   |            |
| Freeman/Dakley                  |            |
| SURVEYED BY                     | T. Sanders |
| CHECKED BY                      | T. Sanders |
| DATE                            | 05/08/2024 |
| PREPARED BY                     | E. Cantor  |

## TOPOGRAPHIC and BOUNDARY SURVEY

for  
MHH LOGISTICS, LLC

of

PI: 017-203-05

11855 MT HOLLY-HUNTERVILLE RD

CITY OF HUNTERVILLE, MECKLENBURG COUNTY, NORTH CAROLINA

| SHEET | REVISIONS | DATE    | BY  | NOTE        |
|-------|-----------|---------|-----|-------------|
| 1     | 1         | 12/5/24 | SMC | PUBLIC R/W  |
|       |           | 12/5/24 | SMC | NOTES ADDED |
|       |           | 1/9/25  | SMC | UTIL UPDATE |

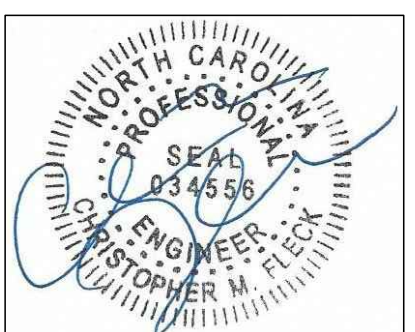
MHH LOGISTICS  
11855 MT HOLLY-HUNTERVILLE RD

SKYE PARTNERS LLC  
ATTN: SHERRIE CHAFFIN TEL: 704.400.1348

## EXISTING SURVEY



## SEAL:



6/18/2025

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



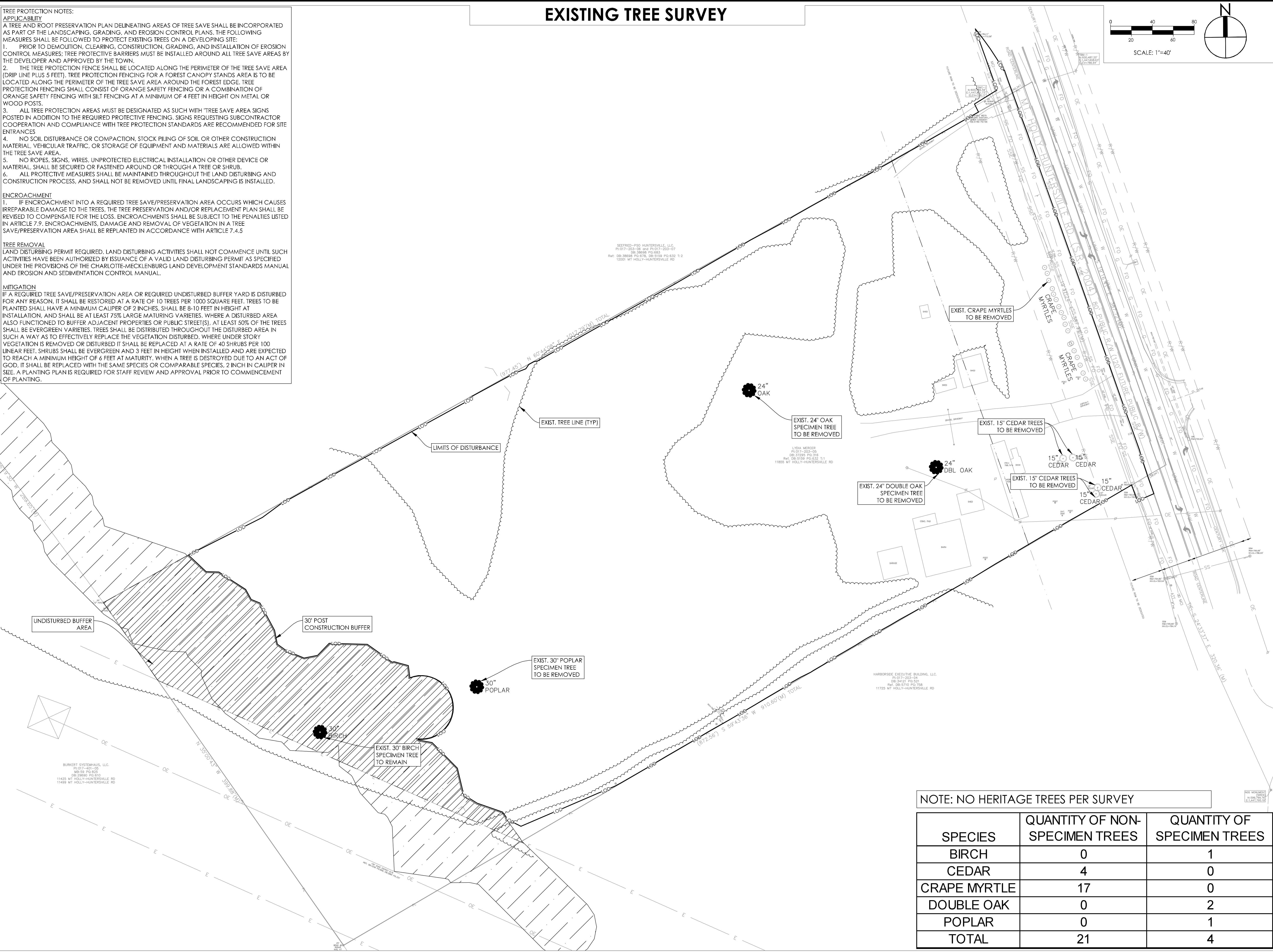
EXISTING TREE SURVEY

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:  
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 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.  
3. 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.  
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.  
6. 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.



NOTE: NO HERITAGE TREES PER SURVEY

| SPECIES     | QUANTITY OF NON-SPECIMEN TREES | QUANTITY OF SPECIMEN TREES |
|-------------|--------------------------------|----------------------------|
| BIRCH       | 0                              | 1                          |
| CEDAR       | 4                              | 0                          |
| CAPE MYRTLE | 17                             | 0                          |
| DOUBLE OAK  | 0                              | 2                          |
| POPLAR      | 0                              | 1                          |
| TOTAL       | 21                             | 4                          |

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

ENGINEER

SEAL

034656

WOLVERINE, PLLC

OPWHER M. F. LICK

6/18/2025

MHH LOGISTICS

11855 MT HOLLY-HUNTERSVILLE RD

SKYE PARTNERS LLC

ATTN: SHERIE CHAFFIN TEL:704.400.1348

EXISTING TREE SURVEY

|            |          |                                   |
|------------|----------|-----------------------------------|
| 6/18/25    | TTB      | REV PER REZONING CYCLE 2 COMMENTS |
| 5/12/25    | TTB      | REV PER REZONING CYCLE 1 COMMENTS |
| DATE       | BY       | REVISION                          |
| PROJECT #: | 242001   | DRAWN BY: TTB                     |
| DATE:      | 4/1/2025 | CHECKED BY: FLG                   |
| SCALE:     | 1" = 40' | APPROVED BY: CMF                  |
|            |          | SHEET: RZ-2.3                     |



## 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                    | 52%                                 |
| AMOUNT OF LOT AREA SET ASIDE FOR FUTURE IMPERVIOUS BY HOMEOWNER | N/A                                 |

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.

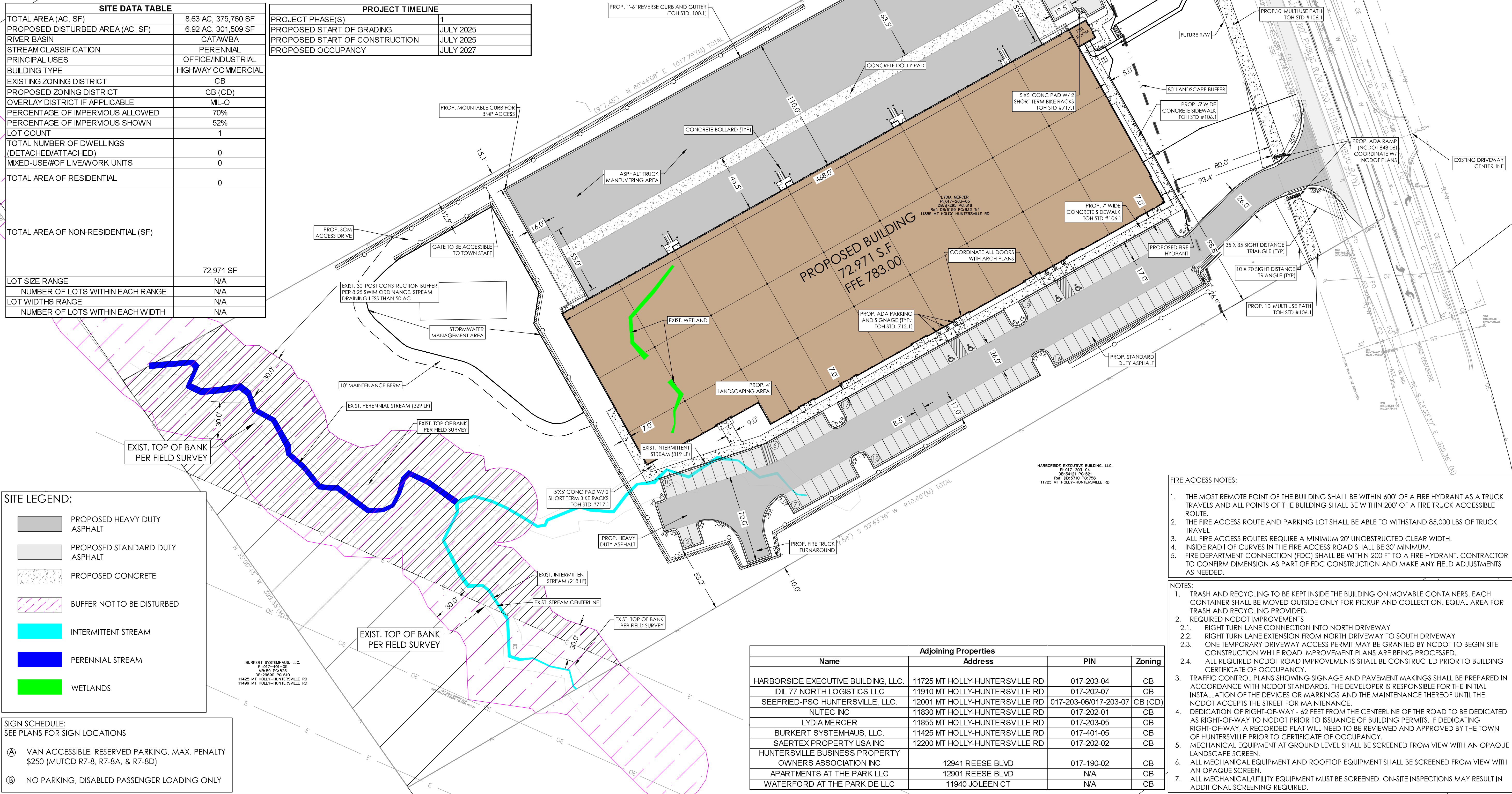
B. MODIFICATION TO ALLOW IMPACT TO AN INTERMITTENT STREAM BUFFER AS SHOWN ON THE REZONING PLAN FOR FIRE ACCESS, DRIVEWAY, PARKING, BUILDING, RETAINING WALLS AND UTILITIES.

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.

LIST ALL MODIFICATIONS FROM THE APPROVED SKETCH PLAN AND ANY CONDITIONS OF THE REZONING PLAN, IF THE PROPERTY IS SUBJECT A CONDITIONAL REZONING PLAN

| SITE DATA TABLE                               |                     |
|-----------------------------------------------|---------------------|
| TOTAL AREA (AC, SF)                           | 8.63 AC, 375,760 SF |
| PROPOSED DISTURBED AREA (AC, SF)              | 6.92 AC, 301,509 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                | 52%                 |
| LOT COUNT                                     | 1                   |
| TOTAL NUMBER OF DWELLINGS (DETACHED/ATTACHED) | 0                   |
| MIXED-USE/NOF 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 |



| 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:**
- 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.
  - THE FIRE ACCESS ROUTE AND PARKING LOT SHALL BE ABLE TO WITHSTAND 85,000 LBS OF TRUCK TRAVEL.
  - ALL FIRE ACCESS ROUTES REQUIRE A MINIMUM 20' UNOBSTRUCTED CLEAR WIDTH.
  - INSIDE RADIUS OF CURVES IN THE FIRE ACCESS ROAD SHALL BE 30' MINIMUM.
  - 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:**
- 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.
  - REQUIRED NCDOT IMPROVEMENTS
    - RIGHT TURN LANE CONNECTION INTO NORTH DRIVEWAY
    - RIGHT TURN LANE EXTENSION FROM NORTH DRIVEWAY TO SOUTH DRIVEWAY
    - ONE TEMPORARY DRIVEWAY ACCESS PERMIT MAY BE GRANTED BY NCDOT TO BEGIN SITE CONSTRUCTION WHILE ROAD IMPROVEMENT PLANS ARE BEING PROCESSED.
    - ALL REQUIRED NCDOT ROAD IMPROVEMENTS SHALL BE CONSTRUCTED PRIOR TO BUILDING CERTIFICATE OF OCCUPANCY.
  - 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.
  - 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.
  - MECHANICAL EQUIPMENT AT GROUND LEVEL SHALL BE SCREENED FROM VIEW WITH AN OPAQUE LANDSCAPE SCREEN.
  - ALL MECHANICAL EQUIPMENT AND ROOFTOP EQUIPMENT SHALL BE SCREENED FROM VIEW WITH AN OPAQUE SCREEN.
  - ALL MECHANICAL/UTILITY EQUIPMENT MUST BE SCREENED. ON-SITE INSPECTIONS MAY RESULT IN ADDITIONAL SCREENING REQUIRED.

**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:

**SKYE** partners

**MHH LOGISTICS**  
**11855 MT HOLLY-HUNTERSVILLE RD**  
SKYE PARTNERS LLC  
ATTN: SHERRIE CHAFFIN TEL: 704.400.1348  
**SITE PLAN**

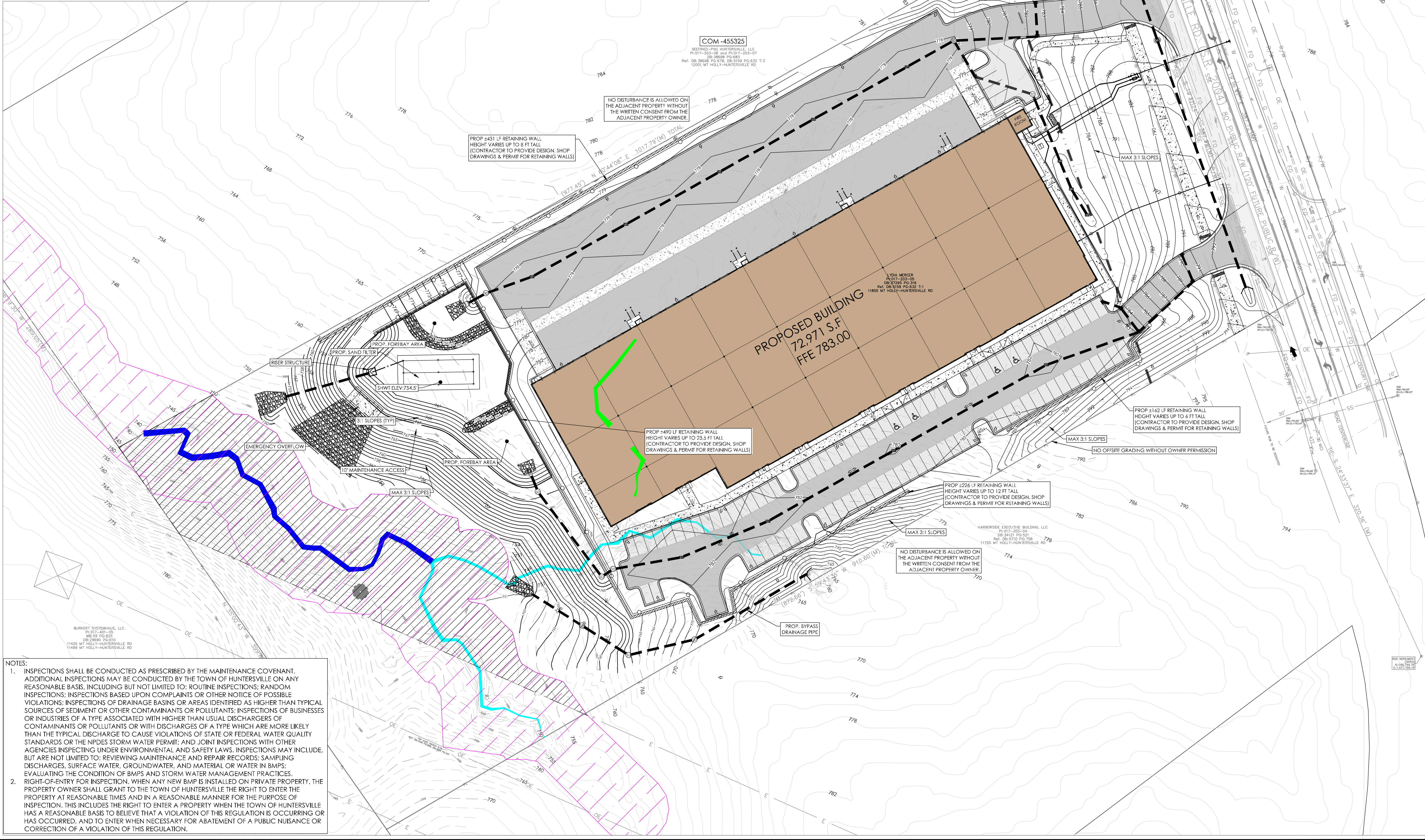
|            |          |                                   |
|------------|----------|-----------------------------------|
| 6/18/25    | TTB      | REV PER REZONING CYCLE 2 COMMENTS |
| 5/12/25    | TTB      | REV PER REZONING CYCLE 1 COMMENTS |
| DATE       | BY       | REVISION                          |
| PROJECT #: | 242001   | DRAWN BY: TTB                     |
| DATE:      | 4/1/2025 | CHECKED BY: FLG                   |
| SCALE:     | 1" = 40' | APPROVED BY: CMF                  |
|            |          | SHEET: RZ-3                       |



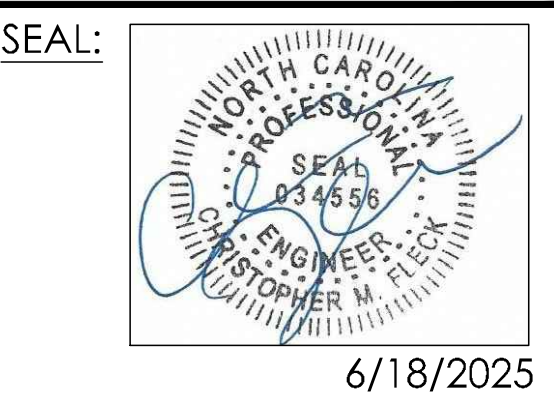
CONSTRUCTION SEQUENCE

|                                    | 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.      |      |     |      |     |     |      |     |     |     |

GRADING PLAN



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



MHH LOGISTICS  
11855 MT HOLLY-HUNTERSVILLE RD  
SKYE PARTNERS LLC  
ATTN: SHERIE CHAFFIN TEL: 704.400.1348  
GRADING PLAN

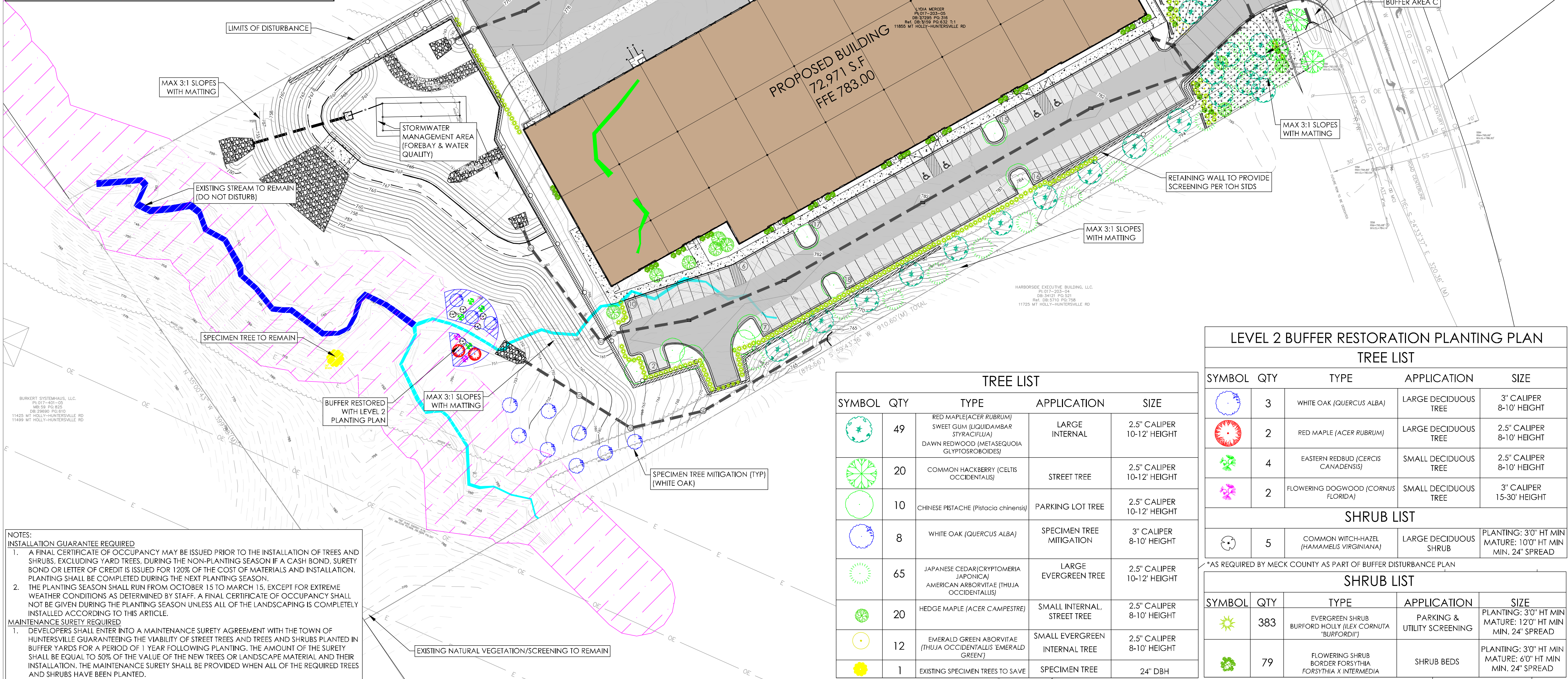
|            |          |                                   |
|------------|----------|-----------------------------------|
| 6/18/25    | TTB      | REV PER REZONING CYCLE 2 COMMENTS |
| 5/12/25    | TTB      | REV PER REZONING CYCLE 1 COMMENTS |
| DATE       | BY       | REVISION                          |
| PROJECT #: | 242001   | DRAWN BY: TTB                     |
| DATE:      | 4/1/2025 | CHECKED BY: FLG                   |
| SCALE:     | 1" = 40' | APPROVED BY: CMF                  |
|            |          | SHEET: RZ-4                       |



LANDSCAPING PLAN

| Landscape Requirements                                                                           |                                                                                                        |                                                                       |
|--------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------|
| Buffer Yards (Section 7.5)                                                                       |                                                                                                        |                                                                       |
| Buffer Area A<br>(4793 SF)                                                                       | Required                                                                                               | Provided                                                              |
| Width                                                                                            | 80 FT                                                                                                  | 80 FT                                                                 |
| Trees                                                                                            | 4 per 1000 sf = 19 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 = 10 trees                                                                               | 10 trees                                                              |
| Shrubs                                                                                           | 5 per 1000 sf = 24 shrubs                                                                              | 24 shrubs                                                             |
| Evergreen Shrubs                                                                                 | 75% Evergreen = 18 shrubs                                                                              | 18 shrubs                                                             |
| Buffer Area B<br>(17353 SF)                                                                      | Required                                                                                               | Provided                                                              |
| Width                                                                                            | 80 FT                                                                                                  | 80 FT                                                                 |
| Trees                                                                                            | 4 per 1000 sf = 69 trees                                                                               | 69 trees                                                              |
| Large Maturing Trees                                                                             | 75% Large Maturing = 52 trees                                                                          | 52 trees                                                              |
| Small Maturing Trees                                                                             | 25% Small Maturing = 17 trees                                                                          | 17 trees                                                              |
| Evergreen Trees                                                                                  | 50% Evergreen = 35 trees                                                                               | 35 trees                                                              |
| Shrubs                                                                                           | 5 per 1000 sf = 87 shrubs                                                                              | 87 shrubs                                                             |
| Evergreen Shrubs                                                                                 | 75% Evergreen = 65 shrubs                                                                              | 65 shrubs                                                             |
| Buffer Area C<br>(4134 SF)                                                                       | Required                                                                                               | Provided                                                              |
| Width                                                                                            | 80 FT                                                                                                  | 80 FT                                                                 |
| Trees                                                                                            | 4 per 1000 sf = 17 trees                                                                               | 19 trees                                                              |
| Large Maturing Trees                                                                             | 75% Large Maturing = 13 trees                                                                          | 15 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 (DOUBLEROW) = 20                                                                           | 20 Trees                                                              |
| Tree Preservation (Section 7.4)                                                                  |                                                                                                        |                                                                       |
|                                                                                                  | Required                                                                                               | Provided                                                              |
| Specimen Trees                                                                                   | 4 Specimen Trees on Site. 30% of existing (4) specimen trees = 1.2 Trees. Round up to 2 trees required | 1 existing specimen tree to remain. 1 tree to be mitigated. See below |
| Specimen Tree Mitigation                                                                         | 1 specimen tree at 24 inches to be mitigated = 24 inches required.                                     | 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 |                                                                                                        |                                                                       |
| Note: No heritage trees on site per survey                                                       |                                                                                                        |                                                                       |

| SPECIMEN TREE SAVE CALCULATIONS                  |      |
|--------------------------------------------------|------|
| ON SITE 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                          |
|           | 49  | RED MAPLE (ACER RUBRUM)<br>SWEET GUM (LIQUIDAMBAR STRYACILLUA)<br>DAWN REDWOOD (METASEQUOIA GLYPTOSTROBOIDES) | LARGE INTERNAL                | 2.5" CALIPER<br>10-12' HEIGHT |
|           | 20  | COMMON HACKBERRY (CELTIS OCCIDENTALIS)                                                                        | STREET TREE                   | 2.5" CALIPER<br>10-12' HEIGHT |
|           | 10  | CHINESE PISTACHE (Pistacia chinensis)                                                                         | PARKING LOT TREE              | 2.5" CALIPER<br>10-12' HEIGHT |
|           | 8   | WHITE OAK (QUERCUS ALBA)                                                                                      | SPECIMEN TREE MITIGATION      | 3" CALIPER<br>8-10' HEIGHT    |
|           | 65  | JAPANESE CEDAR (CRYPTOMERIA JAPONICA)<br>AMERICAN ARBORVITAE (THUJA OCCIDENTALIS)                             | LARGE EVERGREEN TREE          | 2.5" CALIPER<br>10-12' HEIGHT |
|           | 20  | HEDGE MAPLE (ACER CAMPESTRE)                                                                                  | SMALL INTERNAL STREET TREE    | 2.5" CALIPER<br>8-10' HEIGHT  |
|           | 12  | EMERALD GREEN ARBORVITAE (THUJA OCCIDENTALIS 'EMERALD GREEN')                                                 | SMALL EVERGREEN INTERNAL TREE | 2.5" CALIPER<br>8-10' HEIGHT  |
|           | 1   | EXISTING SPECIMEN TREES TO SAVE                                                                               | SPECIMEN TREE                 | 24" DBH                       |

| LEVEL 2 BUFFER RESTORATION PLANTING PLAN |     |                                                              |                             |                                                                  |
|------------------------------------------|-----|--------------------------------------------------------------|-----------------------------|------------------------------------------------------------------|
| TREE LIST                                |     |                                                              |                             |                                                                  |
| SYMBOL                                   | QTY | TYPE                                                         | APPLICATION                 | SIZE                                                             |
|                                          | 3   | WHITE OAK (QUERCUS ALBA)                                     | LARGE DECIDUOUS TREE        | 3" CALIPER<br>8-10' HEIGHT                                       |
|                                          | 2   | RED MAPLE (ACER RUBRUM)                                      | LARGE DECIDUOUS TREE        | 2.5" CALIPER<br>8-10' HEIGHT                                     |
|                                          | 4   | EASTERN REDBUD (CERCIS CANADENSIS)                           | SMALL DECIDUOUS TREE        | 2.5" CALIPER<br>8-10' HEIGHT                                     |
|                                          | 2   | FLOWERING DOGWOOD (CORNUS FLORIDA)                           | SMALL DECIDUOUS TREE        | 3" CALIPER<br>15-30' HEIGHT                                      |
| SHRUB LIST                               |     |                                                              |                             |                                                                  |
|                                          | 5   | COMMON WITCH-HAZEL (HAMAMELUS VIRGINIANA)                    | LARGE DECIDUOUS SHRUB       | PLANTING: 3'0" HT MIN<br>MATURE: 10'0" HT MIN<br>MIN. 24" SPREAD |
| SHRUB LIST                               |     |                                                              |                             |                                                                  |
| SYMBOL                                   | QTY | TYPE                                                         | APPLICATION                 | SIZE                                                             |
|                                          | 383 | EVERGREEN SHRUB<br>BURFORD HOLLY (ILEX CORNUTA "BURFORDII")  | PARKING & UTILITY SCREENING | PLANTING: 3'0" HT MIN<br>MATURE: 12'0" HT MIN<br>MIN. 24" SPREAD |
|                                          | 79  | FLOWERING SHRUB<br>BORDER FORSYTHIA (FORSYTHIA X INTERMEDIA) | SHRUB BEDS                  | PLANTING: 3'0" HT MIN<br>MATURE: 6'0" HT MIN<br>MIN. 24" SPREAD  |

**D&A WOLVERINE**  
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  
ENGINEER  
6/18/2025

**SKYE** partners

**MHH LOGISTICS**  
11855 MT HOLLY-HUNTERSVILLE RD  
SKYE PARTNERS LLC  
ATTN: SHERRIE CHAFFIN TEL: 704.400.1348  
LANDSCAPING PLAN

| 6/18/25    | TTB      | REV PER REZONING CYCLE 2 COMMENTS |
|------------|----------|-----------------------------------|
| 5/12/25    | TTB      | REV PER REZONING CYCLE 1 COMMENTS |
| DATE       | BY       | REVISION                          |
| PROJECT #: | 242001   | DRAWN BY: TTB                     |
| DATE:      | 4/1/2025 | CHECKED BY: FLG                   |
| SCALE:     | 1" = 40' | APPROVED BY: CMF                  |
|            |          | 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;

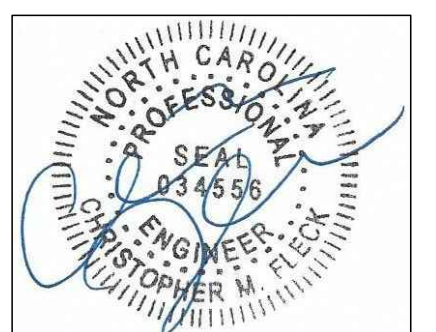
- provided, however, in the event any portion of the Property is conveyed to a third party, Petitioner may request an amendment to the Rezoning Plan without the written consent of any other owner of all or any portion of the Property unless such amendment constitutes a change in the building or use of 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.



**D&A WOLVERINE, PLLC**  
6120 BROOKSHIRE BOULEVARD UNIT R  
CHARLOTTE, NC 28273  
TEL: 704.494-9776  
[WWW.DNAWOLVERINE.COM](http://WWW.DNAWOLVERINE.COM)  
NCBELS LICENSE NO: P-1223

SEAL:  


6/18/2025



MMH LOGISTICS

11855 MT HOLLY - HUNTERSVILLE RD

SKYE PARTNERS LLC

ATTN: SHERRIE CHAFFIN TEL:704.400.1348

CONDITIONAL RE-ZONING NOTES

|            |              |                                      |
|------------|--------------|--------------------------------------|
|            |              |                                      |
|            |              |                                      |
|            |              |                                      |
| 6/18/25    | TTB          | REV PER REZONING CYCLE 2<br>COMMENTS |
| 5/12/25    | TTB          | REV PER REZONING CYCLE 1<br>COMMENTS |
| DATE       | BY           | REVISION                             |
| PROJECT #: | DRAWN BY:    | TTB                                  |
| 242001     | CHECKED BY:  | FLG                                  |
| DATE:      | APPROVED BY: | CMF                                  |
| 4/1/2025   | SHEET:       |                                      |
| SCALE:     |              |                                      |
| N/A        |              | RZ-6                                 |





2907 Providence Rd  
Suite 304  
Charlotte, NC 28211

T. 704.342.9876  
F. 704.334.4246

wgmdesign.com



MHH LOGISTICS  
11855 MOUNT HOLLY  
HUNTERVILLE ROAD  
HUNTERVILLE, NC 28078

'OCCASIONALLY  
OCCUPIED  
STORAGE  
BUILDING'



MARCH 4, 2025

| REV. | DATE     | DESCRIPTION       |
|------|----------|-------------------|
| C    | 03.04.25 | ZONING COMMENTS   |
| B    | 12.17.24 | CIVIL PERMIT      |
| A    | 10.28.24 | TOWN PRESUBMITTAL |

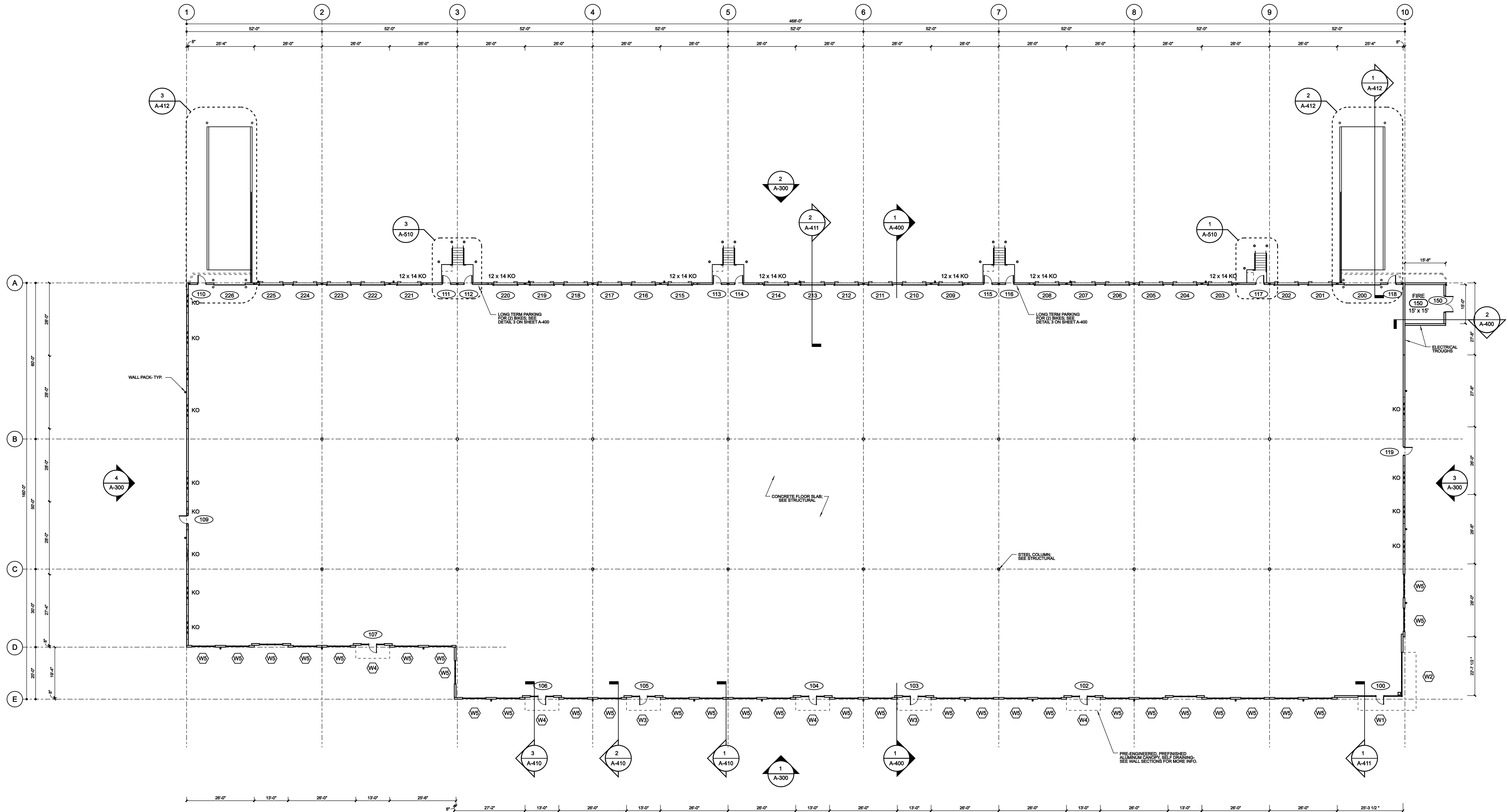
DATE:  
DECEMBER 20, 2024

PROJECT NO.:  
24070.01

TITLE:  
OVERALL FLOOR  
PLAN

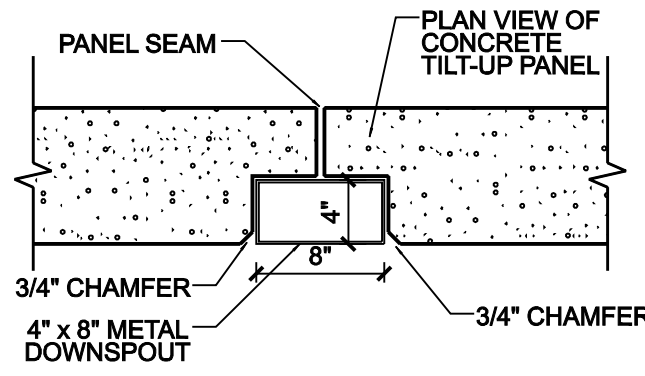
DRAWING NO.

A-110



1 OVERALL FLOOR PLAN  
SCALE: 1/16" = 1'-0" 72,971 SF





2 RECESSED DOWNSPOUT DETAIL  
SCALE: 1" = 1'-0"

ROOF DRAINAGE CALCULATIONS AND NOTES:

DOWNSPOUT & VERTICAL LEADER CALCULATIONS

- ALL CALCULATIONS & CHARTS FROM CHAPTER 11 - STORM DRAINAGE OF THE 2024 NC PLUMBING CODE.
- 100 YEAR 60 MINUTE PRECIPITATION FROM FIGURE 1106.1 - 4.0 INCHES.
- MAXIMUM PROJECTED ROOF AREAS:

| DOWNSPOUT | ROOF AREA # | PARAPET AREA (TAKE 1/2) | MAX ROOF AREA (ROOF AREA + PARAPET AREA) | MIN. DOWNSPOUT SIZE         | ACTUAL DOWNSPOUT SIZE |
|-----------|-------------|-------------------------|------------------------------------------|-----------------------------|-----------------------|
| DS-1      | 2           | 682 / 2 = 341           | 2,019 + 341 = 2,360                      | 3" x 4" (12 SQ IN)          | 4" x 8" (32 SQ IN)    |
| DS-1      | 1 + 1       | 32 / 2 = 16             | (2,045 + 16) * 2 = 4,122                 | 3 1/2" x 5" (17.5 SQ IN)    | 4" x 8" (32 SQ IN)    |
| DS-2      | 3           | 396 / 2 = 198           | 235 + 198 = 433                          | 1 3/4" x 2 1/2" (4.5 SQ IN) | 3" x 4" (12 SQ IN)    |

- DS-1- WILL BE 4" x 8" DOWN SPOUT
- DS-2- WILL BE 3" x 4" DOWN SPOUT

ROOF GUTTER SIZING- TABLE 1106.6

- AREA ONE (WORST CASE SCENARIO)
- WITH 4.0 INCHES OF RAIN & AREA OF 2,045 SQ FT AND A MINIMUM 0.5-PERCENT SLOPE ON THE GUTTERS, A 10" DIAMETER GUTTER IS REQUIRED
- AN 10" DIAMETER GUTTER IS 39.25 SQ. INCHES.
- A 7" x 9" GUTTER WILL BE USED. A 7" x 9" GUTTER IS 63 SQ INCHES.

ROOF GENERAL NOTES:

ARROWS INDICATE DIRECTION OF ROOF SLOPE AND/OR TAPERED INSULATION

- SEE STRUCTURAL DRAWINGS FOR ROOF STUCTURE ELEVATIONS

FLASHING & ROOF DETAILS - SINCE ROOF MANUFACTURERS HAVE DIFFERENT DETAILS FOR INSTALLATION OF THEIR ROOF SYSTEMS, FLASHING CONDITIONS, ETC., THE DETAILS SHOWN ON THE DRAWINGS ARE TO BE CONSIDERED SCHEMATIC. ITEMS SUCH AS PARAPET FLASHING, CANTS, BLOCKING, ROOF PENETRATIONS AND EXPANSION JOINTS ARE TO BE INSTALLED PER MANUFACTURES DETAILS. THE GC IS TO SUBMIT THE MANUFACTURES STANDARD ROOF DETAILS PRIOR TO THE BEGINNING OF THE WORK.

NCMC 304.11 GUARDS - GUARDS SHALL BE PROVIDED WHERE VARIOUS COMPONENTS THAT REQUIRE SERVICE AND ROOF HATCH OPENINGS ARE LOCATED WITHIN 10 FEET (1829 MM) OF A ROOF EDGE OR OPEN SIDE OF A WALKING SURFACE AND SUCH EDGE OR OPEN SIDE IS LOCATED MORE THAN 30 INCHES (762 MM) ABOVE THE FLOOR, ROOF, OR GRADE BELOW. THE GUARD SHALL EXTEND NOT LESS THAN 30 INCHES (762 MM) BEYOND EACH END OF COMPONENTS THAT REQUIRE SERVICE. THE TOP OF THE GUARD SHALL BE LOCATED NOT LESS THAN 42 INCHES (1067 MM) ABOVE THE ELEVATED SURFACE ADJACENT TO THE GUARD. THE GUARD SHALL BE CONSTRUCTED SO AS TO PREVENT THE PASSAGE OF A 21-INCH-DIAMETER (533 MM) SPHERE AND SHALL COMPLY WITH THE LOADING REQUIREMENTS FOR GUARDS SPECIFIED IN THE INTERNATIONAL BUILDING CODE.



2907 Providence Rd  
Suite 304  
Charlotte, NC 28211

T. 704.342.9876  
F. 704.334.4246

wgmdesign.com



MHH LOGISTICS

11855 MOUNT HOLLY-  
HUNTERVILLE ROAD  
HUNTERVILLE, NC 28078

'OCCASIONALLY  
OCCUPIED  
STORAGE  
BUILDING'



DECEMBER 17, 2024

| REV. | DATE | DESCRIPTION |
|------|------|-------------|
|------|------|-------------|

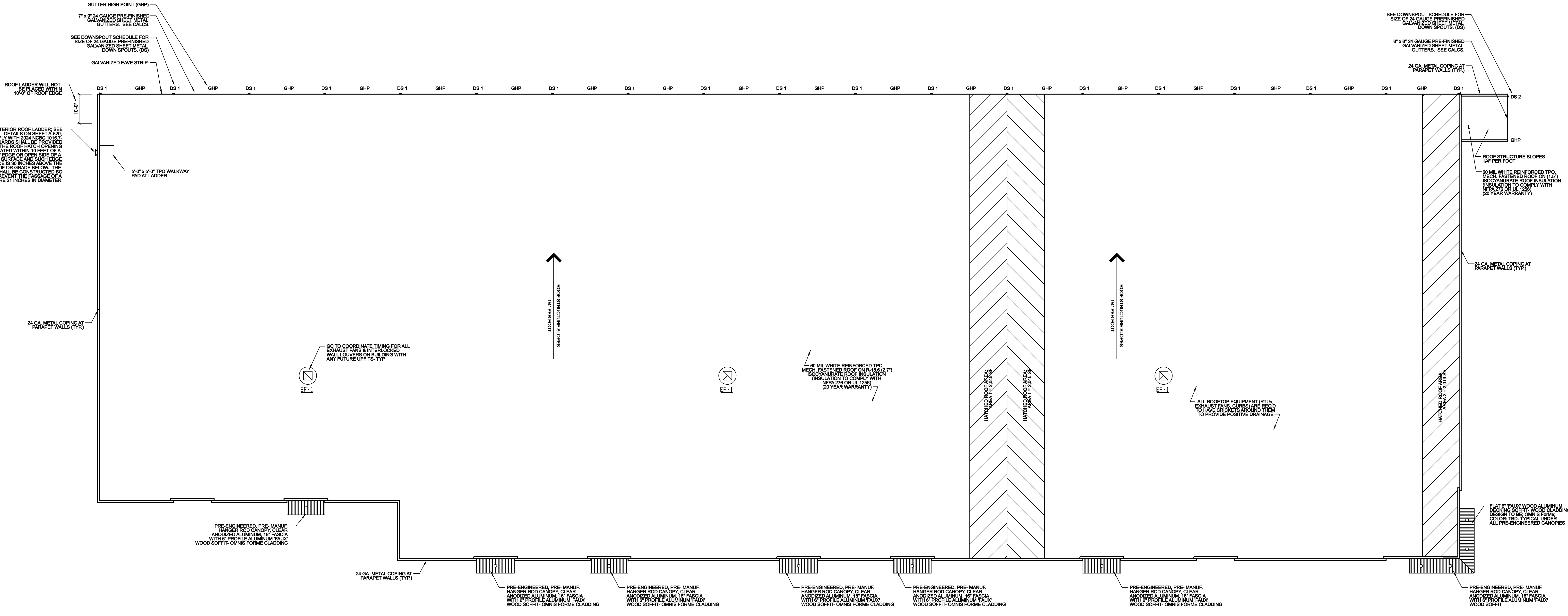
DATE:  
DECEMBER 17, 2024

PROJECT NO.:  
24070.01

TITLE:  
ROOF  
PLAN

DRAWING NO.

A-120



1 OVERALL ROOF PLAN  
SCALE: 1/16" = 1'-0"



1. TO PREVENT GLARE ON OFF-SITE LOCATIONS, ALL OUTDOOR LIGHTING FIXTURES SHALL BE FULL CUT-OFF. WHERE NECESSARY TO PREVENT LIGHT TRESPASS OR GLARE, ACCESSORIES SUCH AS HOODS AND SHIELDS SHALL BE USED ON FIXTURES. NO SOURCE OF GLARE SHALL BE VISIBLE FROM ANY ADJACENT PROPERTY OR STREET.

2. LIGHTING SHALL NOT BE DIRECTED AT BUILDING WALLS OR FENCES, WHICH CONTROL LIGHT PROJECTION. IN NO CASE SHALL THE SPILLOVER LIGHT LEVEL FROM SITE LIGHTING ONTO ADJACENT PROPERTY OR A PUBLIC ROAD EXCEED 0.1 FOOT-CANDLE MEASURED AT GROUND LEVEL 10' INTO ADJACENT PROPERTY OR STREET FROM ANY ORIENTATION OF THE MEASURING DEVICE.

3. LIGHTING SHALL NOT BE DIRECTED AT ADJACENT PROPERTIES OR STREETS. LIGHTING SHALL BE DIRECTED ABOVE STRAIGHT DOWN (HALF-WAY BETWEEN STRAIGHT DOWN & STRAIGHT DOWN THE SIDE) MEASURED PERPENDICULAR FROM THE POLE OR MOUNTING WALL, UNLESS OTHERWISE SPECIFIED BY THIS ORDINANCE. UNIFORMITY RATIOS SHALL NOT EXCEED 4:1. UNIFORMITY SHALL BE BASED ON AVERAGE ILLUMINANCE. UNIFORMITY RATIOS SHALL NOT BE MEASURED FOR DEVELOPED AREAS OF THE SITE FOR PARCELS GREATER THAN ONE ACRE.

4. LIGHTING SHALL NOT BE DIRECTED AT ADJACENT PROPERTIES OR STREETS AT AN ILLUMINANCE LEVEL GREATER THAN 0.1 FOOT-CANDLE AS MEASURED AT GROUND LEVEL 10' INTO ADJACENT PROPERTY OR STREET.

5. AN AS-BUILT INSTALLED LIGHTING CERTIFICATION SEALED BY A REGISTERED ENGINEER STATING THAT ALL SITE LIGHTING IS INSTALLED ACCORDING TO AN APPROVED SITE PLAN SHALL BE REQUIRED PRIOR TO ISSUANCE OF A CERTIFICATE OF OCCUPANCY.

6. DECORATIVE LIGHTING SHALL BE FOCUSED TOWARD THE GROUND, BE DESIGNED AND INSTALLED TO PREVENT LIGHT TRESPASS AND UNNECESSARY GLARE, AND ONLY BE USED TO HIGHLIGHT SIGNIFICANT ARCHITECTURAL OR NATURAL FEATURES. LIGHTING SHALL NOT BE USED TO ILLUMINATE THE SKY OR TO BE DIRECTED AT ADJACENT PROPERTIES OR STREETS.

7. PROHIBITED LIGHTING AND FIXTURES DROP LENSES AND SIMILAR LIGHTING FIXTURES ARE PROHIBITED.

8. LIGHTING SHALL NOT BE USED FOR SOUNDING OR NOISE DURING NON-OPERATING HOURS.

9. LIGHTING SHALL BE PROHIBITED IN RESIDENTIAL DISTRICTS UNLESS EXPRESSLY PERMITTED BY THIS ORDINANCE.

10. IN ALL APPLICATIONS, LIGHTING SHALL BE DIRECTED DOWNWARD.

11. FLOODLIGHTS IN RESIDENTIAL DISTRICTS SHALL NOT SHINE DIRECTLY ONTO AN ADJACENT PROPERTY OR PUBLIC RIGHTS OF WAY.

12. COLORED AND ANIMATED USED FOR BUILDING ACCENTS SHALL NOT BE IN RESIDENTIAL DISTRICTS.

13. FLASHING, COLORED OR OBTRUSIVE LIGHTING IS PROHIBITED.

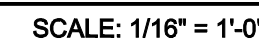
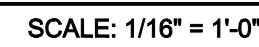
14. LIGHTING SHALL NOT BE USED FOR ADVERTISING PURPOSES.

15. THE USE OF LASER SOURCE LIGHT OR ANY SIMILAR HIGH INTENSITY LIGHT FOR OUTDOOR ADVERTISING OR ENTERTAINMENT IS PROHIBITED.

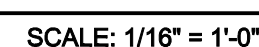
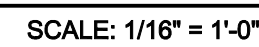
16. THE OPERATION OF SEARCHLIGHTS FOR ADVERTISING PURPOSES IS PROHIBITED.

17. BLACK LIGHTS AND NEON LIGHTS (INCLUDING ARSON AND SIMILAR RARE GAS FIXTURES), EXCEPT FOR SIGNAGE, ARE PROHIBITED.

18. MAINTENANCE REQUIREMENTS. ALL LIGHT FIXTURES THAT ARE REQUIRED TO BE SHIELDED SHALL BE INSTALLED AND MAINTAINED IN SUCH A MANNER THAT THE SHIELDING IS EFFECTIVE AS REQUIRED. ANYTHING OTHER THAN ROUTINE MAINTENANCE OF THE LIGHTING SYSTEM OR EXTERNAL TOWN APPROVAL PRIOR TO INSTALLATION. ANY DAMAGED, BROKEN OR MALFUNCTIONING LIGHT FIXTURE OR POLE, WHICH RESULTS IN FAILURE TO MEET ANY PART OF THIS ORDINANCE, SHALL BE REPAIRED OR REPLACED IMMEDIATELY.



1. PAINT ALL TILT CONCRETE 'A' U.N.O.
  2. PAINT ALL INTERIOR BOLLARDS & GUARDS SAFETY YELLOW.
  3. PAINT ALL EXTERIOR BOLLARDS SAFETY YELLOW.
  4. DIRECT METAL PRIMER TO BE USED ON ALL PAINTED GALVANIZED METAL.
  5. PAINT FIRE RISERS RED.
  6. EXTERIOR RAILINGS TO BE GALVANIZED
  7. GUTTERS, DOWNSPOUTS, GUARDS & GRAVEL STOPS TO BE PREFINISHED METAL; COLOR TBD.
  8. CONTRACTOR TO PAINT ONE PANEL MOCK UP FOR APPROVAL
  9. PROVIDE TINTED PRIMER FOR ALL TEXTURED COATING APPLICATIONS. ALL TEXTURED COATINGS TO BE 'MEDIUM TEXTURED'
- FORMLINER  
(CUSTOM/ROCK PATTERN #4009 3/4" DEEP  
RIB 4" OC (1" PEAK, 2 1/2" VALLEY))



ALL WALLS TO BE PAINTED CONC. TILT WALLS- U.N.O.  
VINYL AS A BUILDING MATERIAL IS ONLY PERMITTED  
FOR WINDOWS, SOFFIT AND TRIM.





1 RENDERING  
SCALE: NOT TO SCALE



2907 Providence Rd  
Suite 304  
Charlotte, NC 28211

T. 704.342.9876  
F. 704.334.4246

wgmdesign.com



MHH LOGISTICS

11855 MOUNT HOLLY-  
HUNTERVILLE ROAD  
HUNTERVILLE, NC 28078

'OCCASIONALLY  
OCCUPIED  
STORAGE  
BUILDING'



DECEMBER 17, 2024

| B    | 12.17.24 | CIVIL PERMIT      |
|------|----------|-------------------|
| A    | 10.28.24 | TOWN PRESUBMITTAL |
| REV. | DATE     | DESCRIPTION       |

DATE:  
DECEMBER 17, 2024

PROJECT NO.:  
24070.01

TITLE:  
BUILDING  
RENDERING

DRAWING NO.  
A-320



## Wall Mounted Bike Track

Item #: 116-1035



The Bike Trac is a robust wall mounted rack that can accommodate the widest range of bikes from narrow road wheels to full size fat tires. Available with a pivoting locking arm that adjusts to the ideal position for your bike and folds out of the way when not in use.

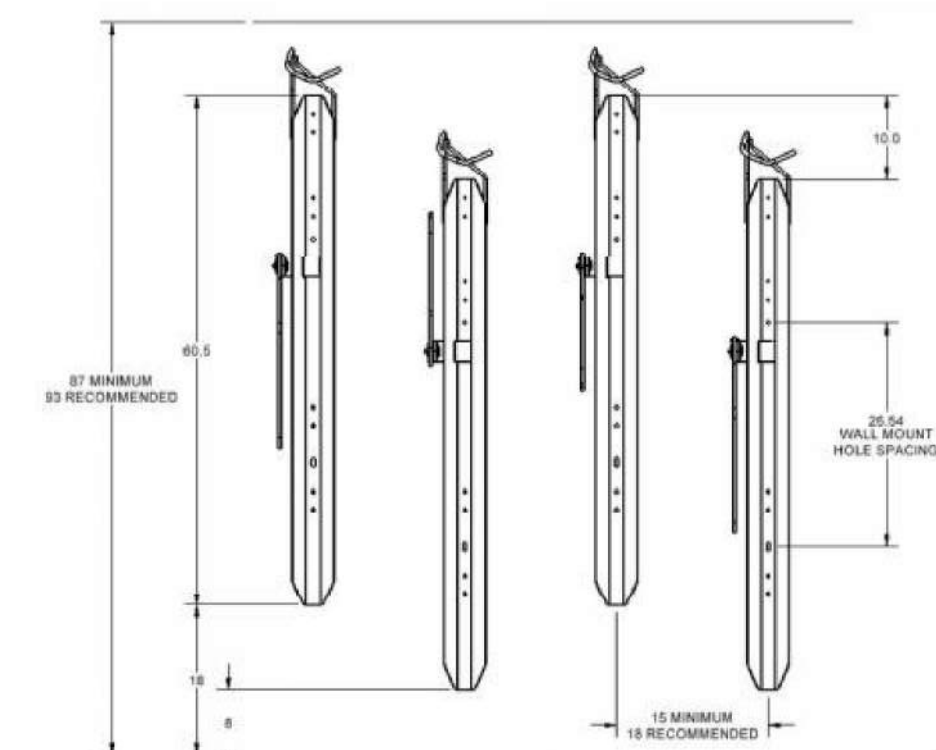
### Product Specifications

- Pivoting lock bar allows optimized locking position on all bike frames and is shaped to prevent theft by use of a pipe cutter
- Full length bike tracs protect walls and provide support for both front and rear wheels for greater stability.
- Accommodates fat bikes tires up to 5" wide
- Tracs can be staggered in height to limit handlebar interference between bikes

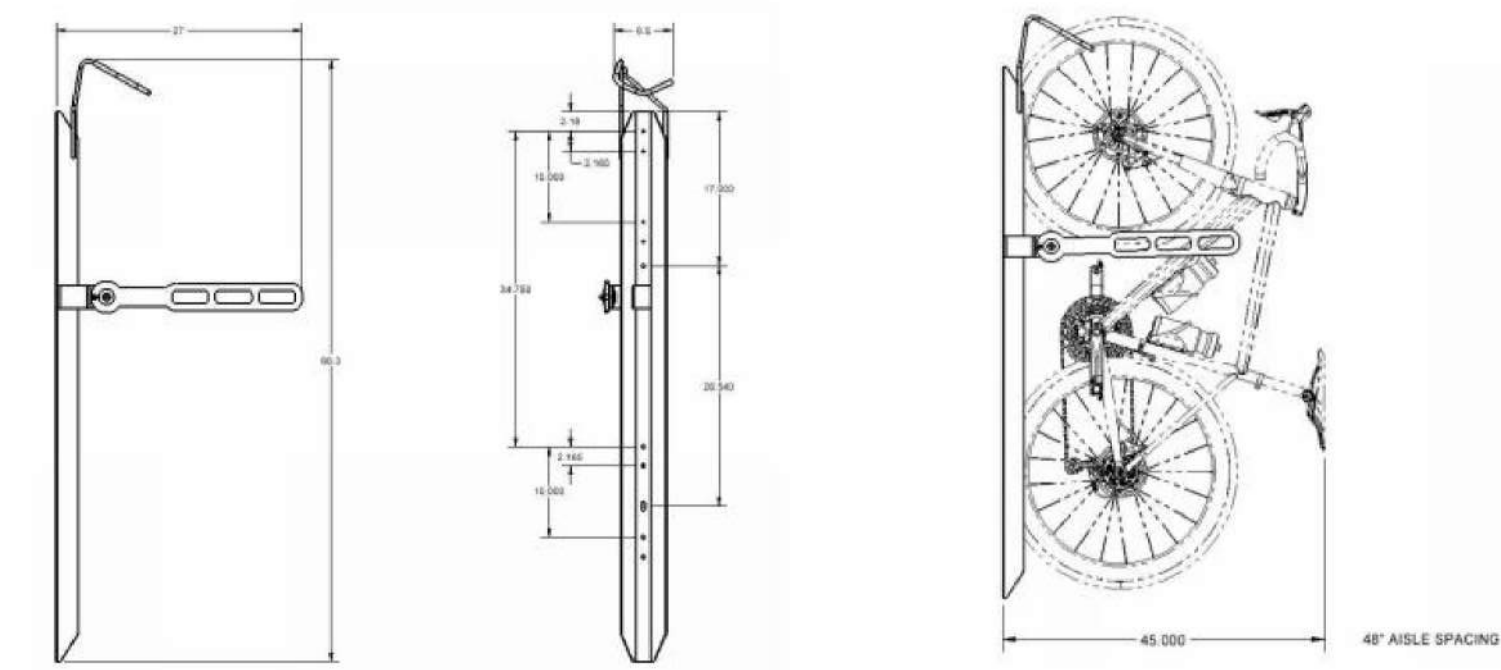


## Bike Tracs

### Recommended Setbacks



### Product Dimensions



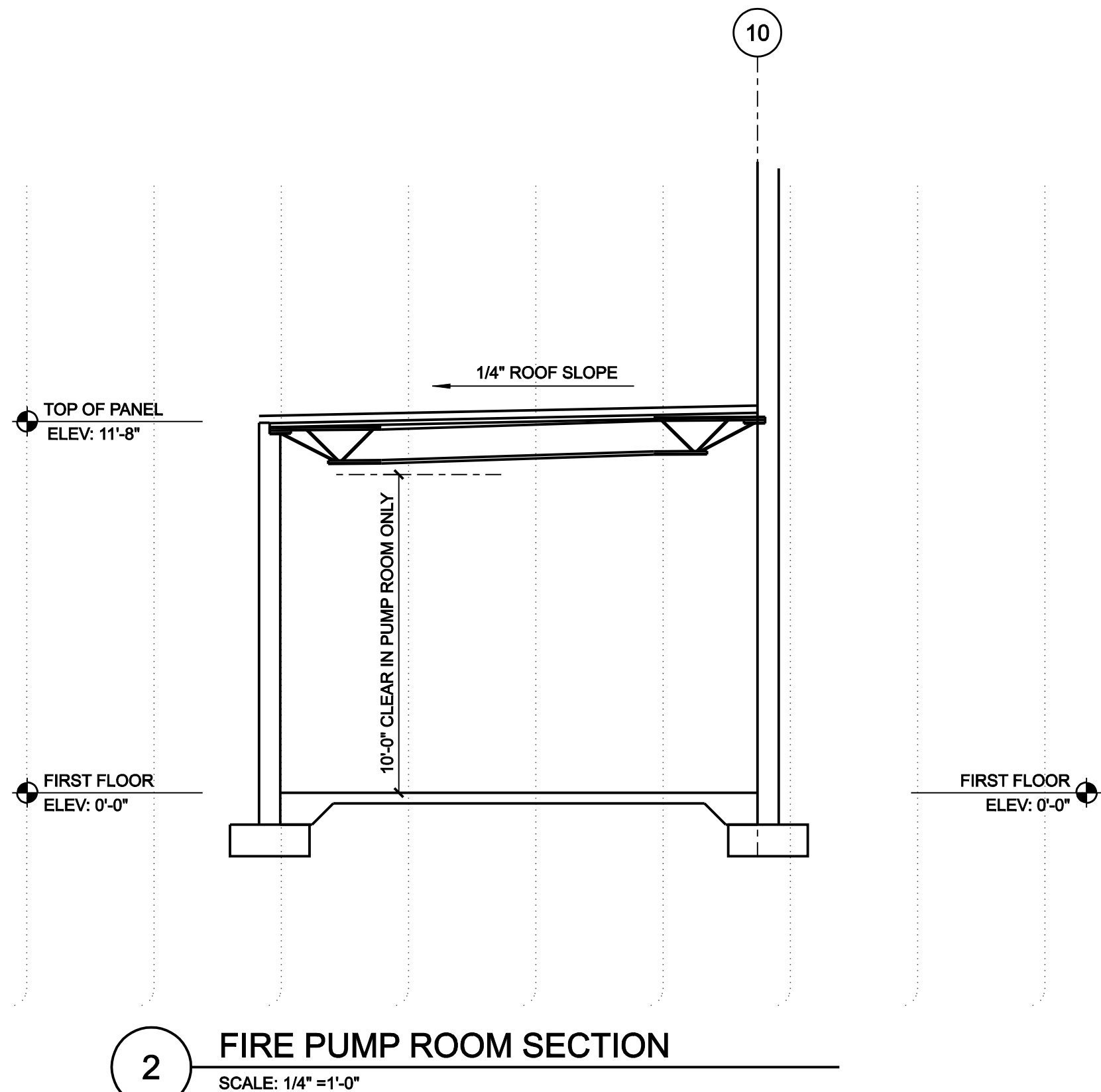
| Dimensions |                       |        |       |
|------------|-----------------------|--------|-------|
| Model #    | Description           | Length | Width |
| 6106       | Bike Trac w/ Lock Bar | 66.3"  | 6.5"  |

THE PARK AND FACILITIES ITEM #116-1035  
OR OTHER APPROVED SYSTEM



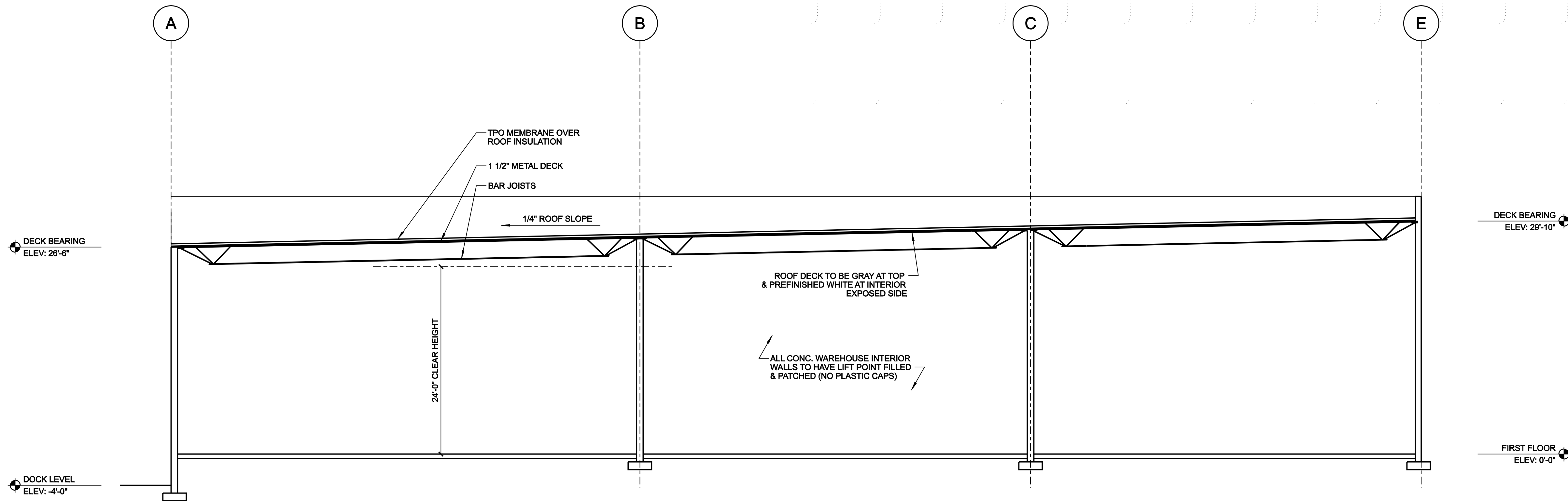
### 3 WALL MOUNTED BIKE RACK DETAIL

SCALE: N.T.S.



### 2 FIRE PUMP ROOM SECTION

SCALE: 1/4" = 1'-0"



### 1 BUILDING SECTION

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





2907 Providence Rd  
Suite 304  
Charlotte, NC 28211

T. 704.342.9876  
F. 704.334.4246

wgmdesign.com



MHH LOGISTICS  
11855 MOUNT HOLLY-  
HUNTERVILLE ROAD  
HUNTERVILLE, NC 28078

'OCCASIONALLY  
OCCUPIED  
STORAGE  
BUILDING'



DECEMBER 17, 2024

|      |          |                   |
|------|----------|-------------------|
| B    | 12.17.24 | CIVIL PERMIT      |
| A    | 10.28.24 | TOWN PRESUBMITTAL |
| REV. | DATE     | DESCRIPTION       |

DATE:  
DECEMBER 17, 2024

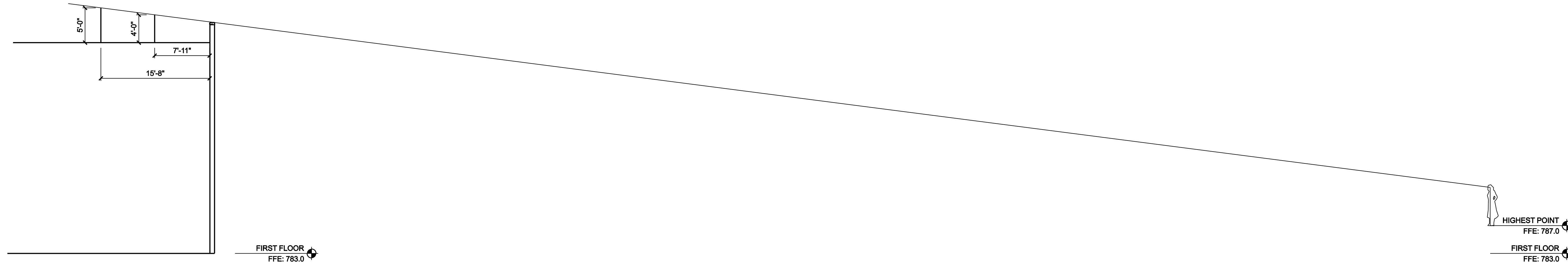
PROJECT NO.:  
24070.01

TITLE:

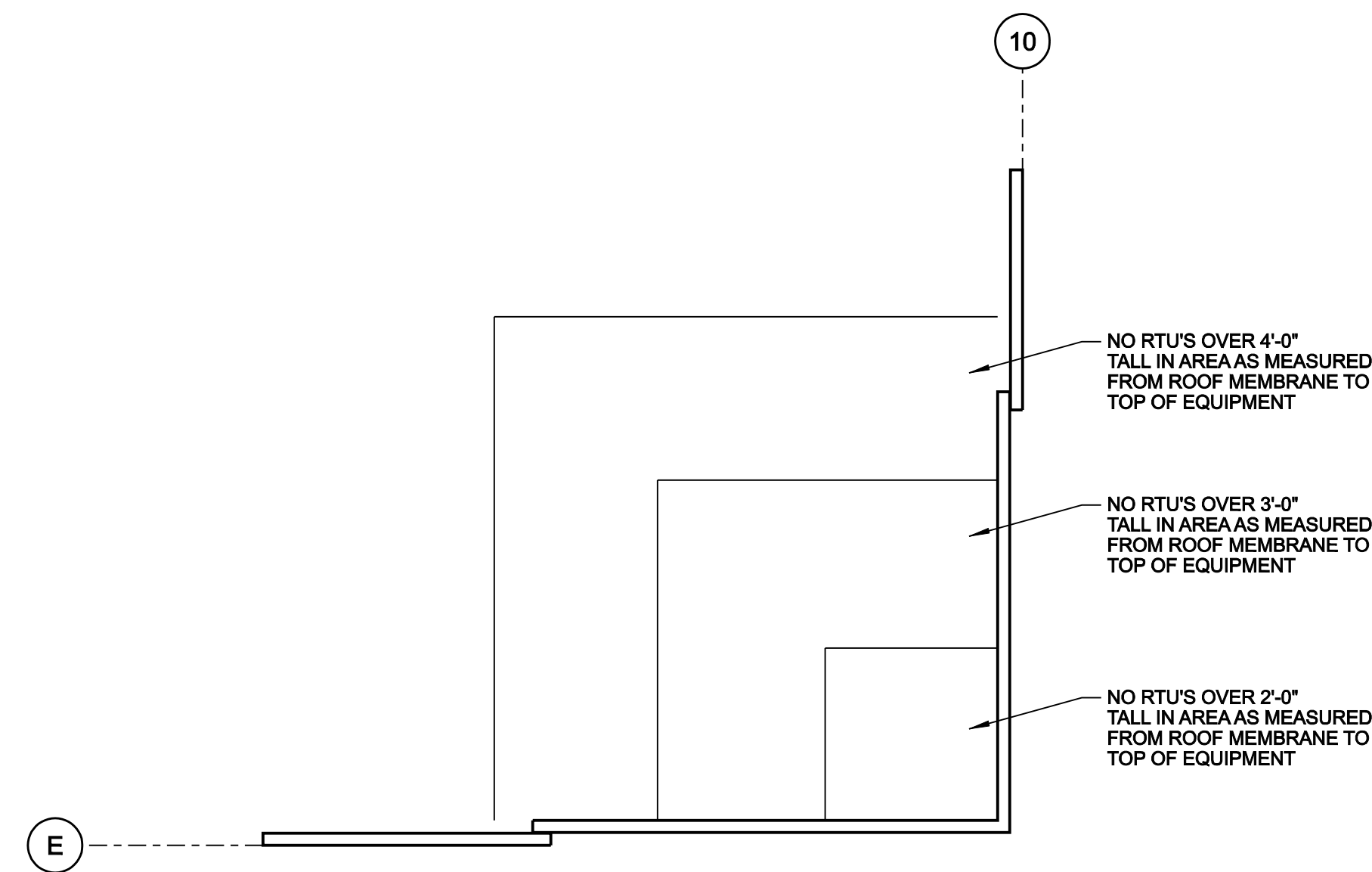
SITE SECTIONS-  
RTU SCREENING

DRAWING NO.

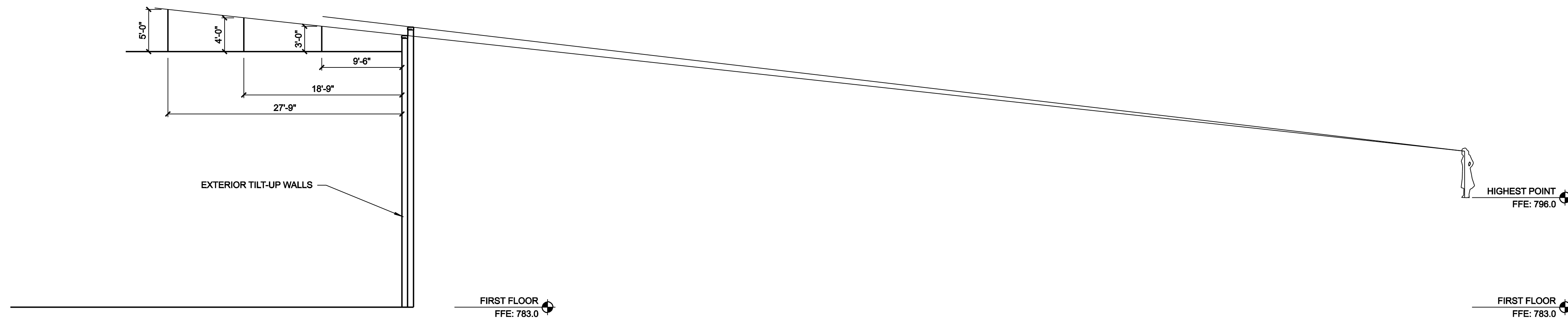
A-401



3 SITE SECTION: TRUCK COURT ENTRY  
SCALE: 1/8" = 1'-0"



2 ROOF PLAN: RTU LOCATIONS  
SCALE: 1/8" = 1'-0"



1 SITE SECTION: PARKING LOT ENTRY  
SCALE: 1/8" = 1'-0"

THERE ARE NOT RTU'S  
IN THE SHELL BUILDING.  
ALL EXHAUST FANS ARE  
FAR ENOUGH TO BE SCREENED  
BY PARAPET WALLS. THIS SHEET  
TO ILLUSTRATE ZONES TO BE  
AVOIDED DURING FUTURE  
UPFITS.



**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 | Neighborhood association, property woner association, and hom |
| APARTMENTS AT THE PARK LLC        | N/A       | 4/16/2025 | Certified Mail | Neighborhood association, property woner association, and hom |
| WATERFORD AT THE PARK DE LLC      | N/A       | 4/16/2025 | Certified Mail | Neighborhood association, property woner association, and hom |

# Community Meeting Attendance Log

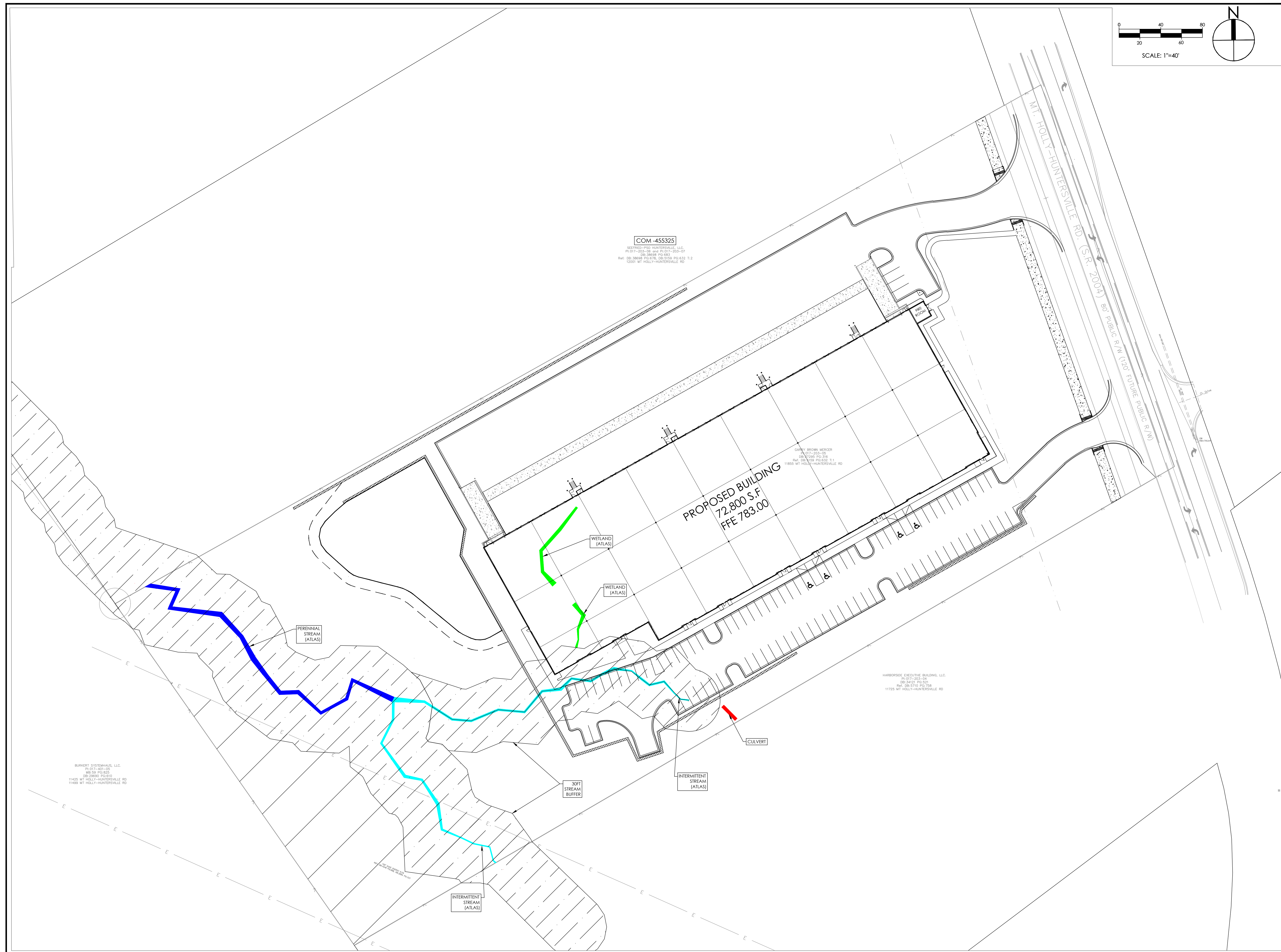
|                      |                                             |
|----------------------|---------------------------------------------|
| Project Name:        | R25-05 MHH LOGISTICS                        |
| Location of Meeting: | CPCC - CJW Belk Center for Justice Building |
| Date:                | 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    | 26 |  |
| 2  | Patricia Patterson | 27 |  |
| 3  | Chris Fleck        | 28 |  |
| 4  |                    | 29 |  |
| 5  |                    | 30 |  |
| 6  |                    | 31 |  |
| 7  |                    | 32 |  |
| 8  |                    | 33 |  |
| 9  |                    | 34 |  |
| 10 |                    | 35 |  |
| 11 |                    | 36 |  |
| 12 |                    | 37 |  |
| 13 |                    | 38 |  |
| 14 |                    | 39 |  |
| 15 |                    | 40 |  |
| 16 |                    | 41 |  |
| 17 |                    | 42 |  |
| 18 |                    | 43 |  |
| 19 |                    | 44 |  |
| 20 |                    | 45 |  |
| 21 |                    | 46 |  |
| 22 |                    | 47 |  |
| 23 |                    | 48 |  |
| 24 |                    | 49 |  |
| 25 |                    | 50 |  |





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.

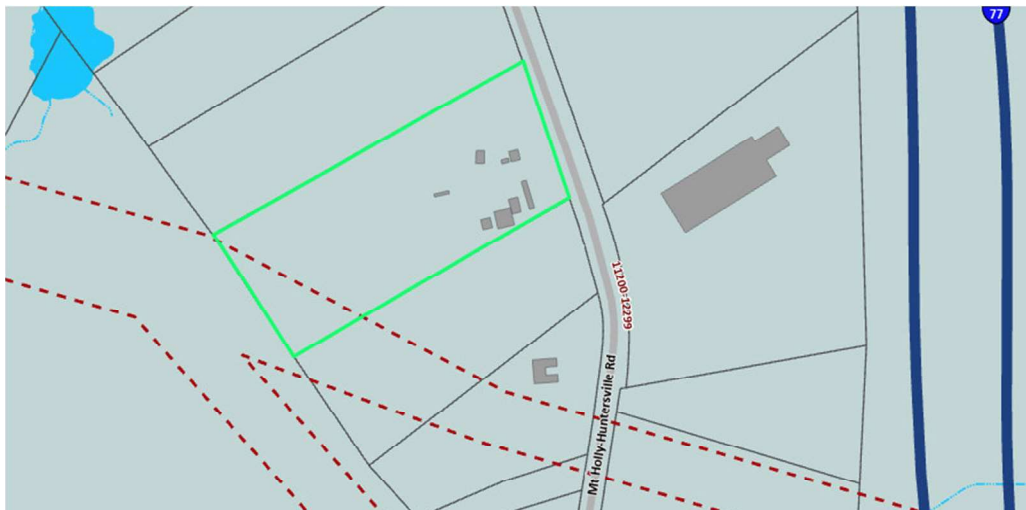
Sincerely,



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

Sherrie Chaffin, Manager

Skye Partners LLC





**Town 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.





## 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

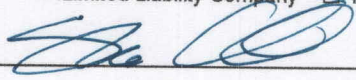
Project Description (including square footage for each proposed land use):

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 ☒ Limited Liability Company ☐ Trust ☐ Partnership ☐ Other: \_\_\_\_\_

Signature 

Title Partner Email sherrie@skypepartnersllc.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

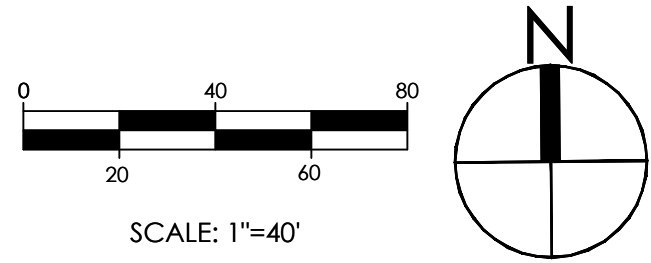
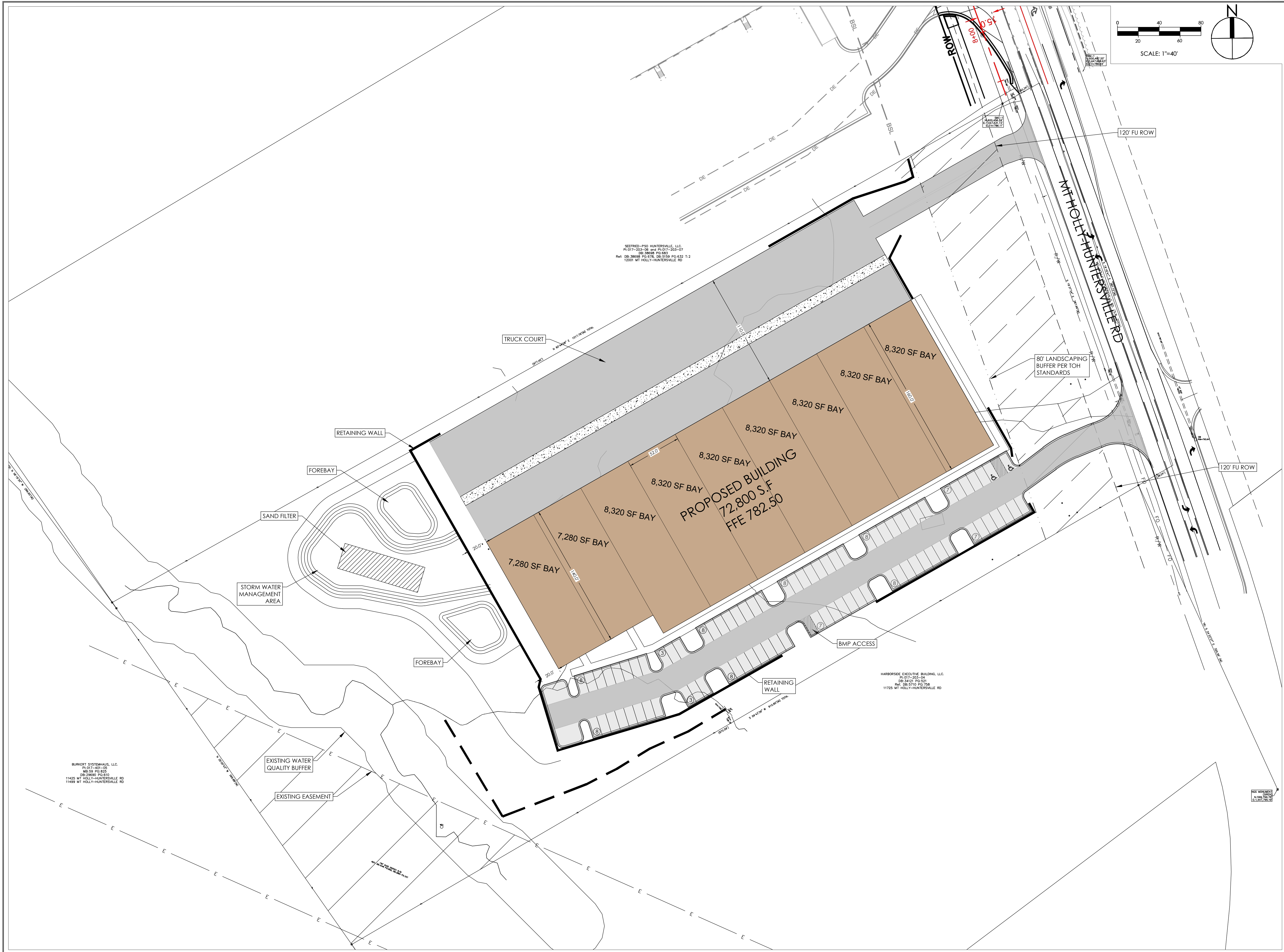
Peak Hour Trips Anticipated AM 102 PM 110

TIA Required (Yes/No) No

Date of Determination: 9/10/24

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





**D&A WOLVERINE, PLLC**  
CIVIL ENGINEERING  
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**  
**11855 MT HOLLY-HUNTERSVILLE RD**  
  
SKYE PARTNERS LLC - ATTN: SHERRIE CHAFFIN  
  
**CONCEPT 27**

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

**C27**



## Request for Board Action

July 15, 2025

**To:** The Honorable Mayor and Board of Commissioners

**From:** Becca Prichard, Planner II

**Subject:** Petition #TA25-05 to Align the Town's Code of Ordinances With State Law

---

### **EXPLAIN REQUEST:**

Consider a decision on Petition #TA25-05 to align Articles 150.05 and 150.14 of the Town's Code of Ordinances with NC Senate Bill 166.

### **ACTION RECOMMENDED:**

Consider approving amendment

### **FINANCIAL IMPLICATIONS:**

None

### **ATTACHMENTS:**

1. TA25-05 Staff Report FA 7-15-25
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 on June 3rd, 2025.

### PART 5: PLANNING BOARD RECOMMENDATION

The Planning Board recommended approval at the June 24th, 2025 meeting.

### 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                                                                                                                                                                  |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>APPROVAL:</b> In considering the proposed amendment TA25-05, Planning Staff recommends approval as it aligns the Town’s Code of Ordinances with state law. | <b>APPROVAL:</b> In considering the proposed amendment TA25-05, the Planning Board recommends approval based on the amendment being consistent with... <u>(insert applicable statement)</u> | <b>APPROVAL:</b> In considering the proposed amendment TA25-05, the Town Board recommends approval based on the amendment being consistent with... <u>(insert applicable statement)</u> |
| <b>DECISION:</b>                                                                                                                                              | <b>DECISION:</b>                                                                                                                                                                            | <b>DECISION:</b>                                                                                                                                                                        |





## 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

☒ 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

#### Current Ordinance

See attached

#### Proposed Text

See attached

#### Reason for Proposed Change

Compliance with State Statute

Attach additional pages if needed.

**NOTE: If the proposed text amendment effects property located along Hwy 73; is 2000 feet from an adjoining municipality, and/or the Mountain Island and Lake Norman Watersheds, additional peer review is required.**



## Applicant

Printed Name \_Planning Department\_\_\_\_\_

☐ Corporation ☐ Limited Liability Company ☐ Trust ☐ Partnership ☒ Other: \_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.(e)~~ 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 <del>basic certification</del> <u>grade level II</u> | <del>\$150.00</del> <u>\$200.00</u> |
| (2) | Application for <del>each</del> <u>grade level IV</u>                | <del>\$50.00</del> <u>\$300.00</u>  |



- |     |                                                         |                                     |
|-----|---------------------------------------------------------|-------------------------------------|
| (3) | Certification renewal <u>for:</u>                       | <del>\$100.00</del>                 |
| a.  | <u>Contractor or point-of-sale inspector</u>            | <del>\$75.00</del>                  |
| b.  | <u>Authorized On-Site Wastewater Evaluator</u>          | <del>\$100.00</del>                 |
| c.  | <u>Private Compliance Inspector</u>                     | <del>\$100.00</del>                 |
| (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 | <del>\$300.00</del> <u>\$300.00</u> |
| (7) | <u>Application for Private Compliance Inspector</u>     | <u>\$300.00.</u>                    |

(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                                               | <del>\$ 50.00</del> \$80.00 |
| <u>Application for corporate certificate of licensure</u> | <u>\$100.00</u>             |
| <u>Renewal of corporate certificate of licensure</u>      | <u>\$100.00</u>             |
| License                                                   | <del>85.00</del> \$185.00   |
| Renewal                                                   | <del>85.00</del> \$180.00   |
| Restoration                                               | <del>110.00</del> \$125.00  |
| Replacement license                                       | <del>50.00</del> \$100.00   |
| Seal                                                      | <del>30.00</del> \$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.

(l1) ~~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  $\pm 25\%$  to account for the rebound hammer's  $\pm 25\%$  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 committeeThe Council shall also consider any appeal or interpretation arising under G.S. 143-141 pertaining to codesCode 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 Code~~ 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 28<sup>th</sup> 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 11<sup>th</sup> day of September, 2024.

s/ Mr. James White  
House Principal Clerk



## Request for Board Action

July 15, 2025

**To:** The Honorable Mayor and Board of Commissioners

**From:** Patrick Patterson, Planner II

**Subject:** Petition #TA25-07 - Board of Adjustment Duties

---

### **EXPLAIN REQUEST:**

Consider a decision 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 decision

### **FINANCIAL IMPLICATIONS:**

N/A

### **ATTACHMENTS:**

1. TA25-07 Staff Report
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 and 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](https://www.youtube.com/watch?v=5xAJwB_uHwE)

### PART 6: PLANNING BOARD RECOMMENDATION

The Planning Board considered the application on June 24<sup>th</sup>, 2025. After discussion with staff, the Planning Board unanimously recommended approval. Please find the link to the meeting attached, as well as the motion from the Planning Board below. [https://www.youtube.com/watch?v=x-Fuparm1\\_M&t=8677s](https://www.youtube.com/watch?v=x-Fuparm1_M&t=8677s)

J. Henson made the motion: In considering the proposed amendment TA25-07, the Planning Board 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.



**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                                                                                                                                                                                                                                                                                                                                |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>APPROVAL:</b> In considering the proposed amendment TA25-07, Planning Staff recommends approval.</p> <p>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.</p> | <p><b>APPROVAL:</b> In considering the proposed amendment TA25-07, the Planning Board recommends approval.</p> <p>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.</p> | <p><b>APPROVAL:</b> In considering the proposed amendment TA25-07, the Town Board recommends approval based on the amendment being consistent with <b><u>(insert applicable plan reference)</u></b></p> <p>It is reasonable and in the public interest to amend the Zoning Ordinance because...<i>(Explain)</i></p>                                   |
| <p><b>DENIAL:</b> N/A</p>                                                                                                                                                                                                                                                                                       | <p><b>DENIAL:</b> N/A</p>                                                                                                                                                                                                                                                                                           | <p><b>DENIAL:</b> In considering the proposed amendment TA25-07, the Town Board recommends denial based on the amendment being <b><u>(consistent OR inconsistent)</u></b> with <b><u>(insert applicable plan reference)</u></b>.</p> <p>It is not reasonable and in the public interest to amend the Zoning Ordinance because....<i>(Explain)</i></p> |



## 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

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

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

### Description of Change

Proposed text amendment will affect the following:

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

See Attached

**Current Ordinance**

---

---

---

See Attached

**Proposed Text**

---

---

---

**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.

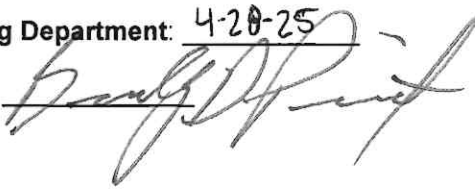
Every owner of each parcel included in this application, or the owner (s) duly authorized agent, must sign this application. If signed by an agent on behalf of the Owner, this petition MUST be accompanied by a Limited Power of Attorney signed by the property owner (s) and notarized, specifically authorizing 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: 4-20-25

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 Planning 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 Planning 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 Planning Board of Adjustment. An appeal is taken by filing a Notice of Appeal with the Clerk to the Planning 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 Planning 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 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.
  - 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.

**Deleted:** Board of Adjustment

#### 3.3.2-A Critical Areas (CA-1, CA-2, CA-3, CA4)

**(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.

**Deleted:** Board of Adjustment

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.

(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

**Deleted:** Zoning

**Deleted:** Board of Adjustment

**Deleted:** Board of Adjustment



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

**Deleted:** Zoning

**Deleted:** Board of Adjustment

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

**Deleted:** Board of Adjustment

[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 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.

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

**Deleted:** Zoning

**Deleted:** Board of Adjustment

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.

**Deleted:** Board of Adjustment



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.

**Deleted:** Zoning

**Deleted:** Board of Adjustment

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.

**Deleted:** Board of Adjustment

## 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.

**Deleted:** or Board of AdjustmentPlanning Board

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 <sup>3</sup> 10% of total site area | Existing canopy < 10% of total site area                            | Heritage Trees    |
| R               | 50% of existing trees <sup>2, 3, 4</sup>            | 10% of total site area (existing and planted) <sup>1, 2, 3, 4</sup> | 100% <sup>2</sup> |



|                                                |                                                               |                                                                  |                   |
|------------------------------------------------|---------------------------------------------------------------|------------------------------------------------------------------|-------------------|
| TR                                             | 35% of existing trees <sup>2, 3</sup>                         | 10% of total site area (existing and planted) <sup>1, 2, 3</sup> | 100% <sup>2</sup> |
| GR and NR Districts                            | 10% of total site area (existing and planted) <sup>2, 3</sup> | 10% of total site area (existing and planted) <sup>1, 2, 3</sup> | 100% <sup>2</sup> |
| TC, CI, TND, NC, TOD, HC, SP, CB, VS Districts | 0%                                                            | 0%                                                               | 100% <sup>2</sup> |

<sup>1</sup> 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.

<sup>2</sup> 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.

<sup>3</sup> 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. |
|------------------|--------------|--------------|

<sup>4</sup> 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.

**Deleted:** Board

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:

**Commented [ES1]:** See above.

**Deleted:** Board

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.

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  $\frac{1}{4}$  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  $\frac{1}{2}$  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.

**Deleted:** Board of Adjustment

**Deleted:** Board of Adjustment

**Deleted:** Board of Adjustment

**Deleted:** Board of Adjustment

**Deleted:** A-388 (e)

#### **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

**Deleted:** Board of Adjustment

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.

**Deleted:** Board of Adjustment

**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.

**Deleted:** Board of Adjustment

**Deleted:** Board of Adjustment

**Deleted:** Board of Adjustment

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.~~

~~Deleted:~~ Board of Adjustment

~~Deleted:~~ Board of AdjustmentPlanning Board.¶

~~Deleted:~~ Establishment. The Board of Adjustment

~~Deleted:~~ Planning Board

~~Deleted:~~ of the Town of Huntersville (the "Board of Adjustment

~~Deleted:~~ Planning Board

~~Deleted:~~ ") 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.¶ 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 ...

~~Deleted:~~ Planning Board

~~Deleted:~~ , and to members and alternates appointed t...

~~Deleted:~~ Planning Board

~~Deleted:~~ .¶

~~Deleted:~~ Planning Board

~~Deleted:~~ shall be appointed from the area within the ...

~~Deleted:~~ Planning Board

~~Deleted:~~ , including rights to vote on all matters comin...

~~Deleted:~~ Planning Board

~~Deleted:~~ after remaining off of the Board for at least ...

~~Deleted:~~ Planning Board

~~Deleted:~~ when there are no other members of the ...

~~Deleted:~~ Planning Board

~~Deleted:~~ shall be held at a regular place and shall be ...

~~Deleted:~~ Planning Board

~~Deleted:~~ shall have the following powers and duties:¶

**Formatted**

~~Deleted:~~ <#>Administrative Review. To hear and decid...

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.

Deleted: Board of Adjustment

Deleted: ¶

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:

Deleted: Board of Adjustment

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

Deleted: Board of Adjustment

Deleted: Board of Adjustment

Deleted: Board of Adjustment

Deleted: Board of Adjustment

Deleted: Board of Adjustment

Deleted: Board of Adjustment



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.

**Deleted:** Board of Adjustment

6. Subject to the provisions of subdivision (6) of this subsection, the Planning Board shall hear and decide the appeal within a reasonable time.

**Deleted:** Board of Adjustment

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.

**Deleted:** Board of Adjustment

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.

**Deleted:** Board of Adjustment

**Deleted:** Board of Adjustment

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.**

**Formatted:** Indent: Left: 0.75", No bullets or numbering

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.

**Deleted:** Board of Adjustment

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.

**Deleted:** Board of Adjustment

- 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.

**Deleted:** Board of Adjustment

**Deleted:** Board of Adjustment

- 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:

**Deleted:** Board of Adjustment

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.**

Deleted: Board of Adjustment

Deleted: Board of Adjustment

Deleted: 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 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

**Deleted:** Board of Adjustment

**Deleted:** Board of Adjustment

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.

**Deleted:** Board of Adjustment

**Deleted:** Board of Adjustment

- 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.

**Deleted:** Board of Adjustment

- 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.

**Deleted:** Board of Adjustment

- 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.

**Deleted:** Board of Adjustment

### 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.

**Deleted:** Board of Adjustment

**Deleted:** Board of Adjustment

#### 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**

#### **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.

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.

**Deleted:** Board of Adjustment. The Zoning Board of Adjustment of the Town of Huntersville.¶

**Deleted:** Board of Adjustment

**Deleted:** Board of Adjustm

**Deleted:** Board of Adjustment

#### 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.

Deleted: Board of Adjustment

#### 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.

Deleted: Zoning

Deleted: Board of Adjustment

##### 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.

Deleted: Zoning

Deleted: Board Of Adjustment

Deleted: Zoning

Deleted: Board of Adjustment

##### 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.

**Deleted:** Zoning

**Deleted:** Board of Adjustment

**Deleted:** Board of Adjustment

**Deleted:** Board of Adjustment

**Deleted:** Board of Adjustment

#### 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.

**Deleted:** Board Of Adjustment

**Deleted:** Board of Adjustment

**Deleted:** Board of Adjustment

#### 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 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.

**Deleted:** Board of Adjustment

**Deleted:** Board of Adjustment

#### 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.
- 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.

**Deleted:** Board of Adjustment

**Deleted:** Board of Adjustment

#### 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.

**Deleted:** Board of Adjustment

#### 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:
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;

**Deleted:** Board of Adjustment



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.
- 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.

**Deleted:** Board of Adjustment

#### 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:
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:

**Deleted:** Board of Adjustment

**Deleted:** Board of Adjustment

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.

**Deleted:** [Board Of Adjustment](#)

**Deleted:** Board of Adjustment

**Deleted:** Board of Adjustment

#### **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.

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

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