

Mayor  
Jill Swain

Mayor Pro-Tem  
Sarah McAulay

Commissioners  
Danae Caulfield  
Charles Jeter  
Ron Julian

Town Manager  
Gregory H. Ferguson

Town Attorney  
Bob Blythe



Department Heads  
Max Buchanan, Public Works  
Bill Coxe, Transportation  
Michael Jaycocks, Parks & Rec  
Craig Norfolk, Electric  
Philip Potter, Police Chief  
Jack Simoneau, Planning  
Janet Stoner, Finance

Assistant Town Manager  
Gerry Vincent

Town Clerk  
Janet Pierson

## AGENDA

Regular Town Board Meeting  
October 3, 2011 – 6:30 p.m.

TOWN HALL (101 Huntersville-Concord Road)

**I. Pre-meeting – 5:30 p.m.**

- A. Closed Session – Property Acquisition

**II. Call to Order**

**III. Invocation/Moment of Silence**

**IV. Pledge of Allegiance**

**V. Mayor and Commissioner Reports/Staff Questions**

- A. Mayor Swain (MTC, NMIP Management Team, ASC Board)
- B. Commissioner Danae Caulfield (COG, Police Dispatch)
- C. Commissioner Charles Jeter (LNTC)
- D. Commissioner Ron Julian (LNREDC Board, Lake Norman Chamber, School Advisory Committee)
- E. Commissioner Sarah McAulay (MPO, NC 73 COP, Planning Coordinating Committee, VLN)

**VI. Public Comments, Requests, or Presentations**

**VII. Agenda Changes**

- A. Agenda changes, if any.
- B. Adoption of Agenda.

**VIII. Public Hearings**

- A. Conduct public hearing on Petition #TA10-04, a request by Planning Staff to amend Article 9.54, Article 3 and Article 12 of the Huntersville Zoning Ordinance text in order to allow all commercial rooftop solar energy facilities to be defined as minor facilities and permit them by right in any zoning district. **Attachment No. 1.** (Lisa McCarter)

**IX. Other Business**

- A. Consider decision on Petition #TA11-08, a request by Raymer-Kepner Funeral Home and Cremation Services to amend Article 3.2.7 (a) and Article 9 of the Huntersville Zoning Ordinance text in order to allow on site crematorium services in the Highway Commercial district as an accessory use to a funeral home or cemetery with special conditions. **Attachment No. 2.** (Brad Priest)
- B. Consider appointment to the Parks & Recreation Commission. **Attachment No. 3.** (Michael Jaycocks)
- C. Update on street name change policy. (Jack Simoneau/Max Buchanan/Greg Ferguson)

**X. Consent Agenda**

- A. Approve minutes of the September 6, 2011 Regular Town Board Meeting. **Enclosure.**
- B. Approve budget amendment appropriating funds received in the amount of \$2,324.76 from DDRTC Holdings Pool 3 LLC for the month of August to the Police Department's budget for overtime and benefits.  
**Attachment No. 4.** (Janet Stoner/Chief Potter)
- C. Accept streets for Town maintenance. **Attachment No. 5.** (Max Buchanan)

**XI. Closing Comments**

**XII. Adjourn**

To speak concerning an item on the Agenda, please print your name and address on the sign-up sheet on the table outside the Board Room prior to the meeting. If you wish to speak concerning an item that is added to the Agenda during the meeting, please raise your hand during that item. Each speaker will be limited to 3 minutes.

**AS A COURTESY, PLEASE TURN CELL PHONES  
OFF WHILE MEETING IS IN PROGRESS**

# **ATTACHMENT NO. 1**

**Town of Huntersville  
REQUEST FOR BOARD ACTION  
October 3, 2011**

<b>REVIEWED:</b>	
Town Manager	<u>  <i>LM</i>  </u>
Finance Officer	_____
Town Attorney	_____

To: The Honorable Mayor and Board of Commissioners

From: Lisa McCarter, Planner

Subject: Text Amendment Petition # TA 10-04 – Commercial Minor Solar Energy Facilities

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**Request to hold a public hearing on Monday, October 3, 2011 at 6:30 PM, Huntersville Town Hall.** Petition # TA 10-04 is a request by Planning Staff to amend Article 9.54, Article 3 and Article 12 of the Huntersville Zoning Ordinance text in order to allow all commercial rooftop solar energy facilities to be defined as minor facilities and permit them by right in any zoning district. Currently, any non-residential rooftop solar facility requires a Special Use Permit. (*Staff: Lisa McCarter*).

**ACTION RECOMMENDED:** Public Hearing on October 3, 2011

**ATTACHMENTS:** N/A

**ENCLOSURES:** N/A

**FINANCIAL IMPLICATIONS:** N/A

TA 10-04  
**MINOR COMMERCIAL SOLAR ROOFTOP FACILITIES**

**DESCRIPTION**

This text amendment is a request by Planning Staff to amend Article 9.54, Article 3 and Article 12 of the Huntersville Zoning Ordinance text in order to allow all commercial rooftop solar energy facilities to be defined as minor facilities and permit them by right in any zoning district. Currently, any non-residential rooftop solar facility requires a Special Use Permit.

**BACKGROUND**

On April 5, 2010, a text amendment was approved establishing provisions for solar energy facilities. Amongst other provisions, the approved language requires a Special Use Permit for any solar facility installed at a non-residential use. Since that time, town staff has had two inquiries into rooftop solar facilities on non-residential buildings;

1. Bradford Store inquired about installing rooftop panels; and,
2. ABB expressed interest in installing rooftop solar panels in the Commerce Station Business Park.

Staff believes the length of time to process a Special Use Permit (2 ½ months) and the uncertainty of the outcome until a decision is made, is a disincentive to businesses considering solar energy. There is also an existing business, Webb & Allen Orthodontics, which was approved for rooftop solar panels prior to the adoption of the text amendment.

To minimize delays and uncertainties for commercial businesses who wish to pursue solar technology, staff proposes a text amendment that would allow commercial rooftop solar energy facilities to be defined as minor facilities and permit them by right in any zoning district. This is due to the interest in rooftop solar energy facilities on commercial buildings, and the increasing need for renewable energy credits by the power companies (12.5% of retail sales must be provided by renewable forms of energy by 2020).

**STAFF RECOMMENDATION**

Staff recommends approval.

**PUBLIC HEARING COMMENTS**

TBD

**PLANNING BOARD RECOMMENDATION**

TBD

**STATEMENT OF CONSISTENCY**

Per the North Carolina General Statues § 160A-383 and Article 11.4.7 b-d of the Town of Huntersville Zoning Ordinance, amendment actions must be accompanied by a *Statement of Consistency*. Two statements are provided below that need to be incorporated into the motion either to approve or deny the petitioner's request.

**[Approve]**

In considering the proposed amendment to the Zoning Ordinance, *Article 9.54*, Article 3 and Article 12, *generally, the Town Board finds the amendment is consistent* with the Town of Huntersville Community Plan and other applicable long range plans. We recommend amending the Zoning Ordinance. It is reasonable and in the public interest to amend the ordinance because..... (*Explain*)

**OR**

**[Deny]**

In considering the proposed amendment to the Zoning Ordinance, *Article 9.54*, Article 3 and Article 12, *generally, the Town Board finds the amendment is not consistent* with the Town of Huntersville Community Plan and other applicable long range plans. We recommend denial of Petition TA 10-04. It is not reasonable and not in the public interest to amend this ordinance because..... (*Explain*)



# Text Amendment Application

*Incomplete submissions will not be accepted.*

## Applicant Data

Date of Application 9-23-11

Name Town of Huntersville Planning Department

Address 105 Gilead Road, Town Center, 3rd Floor

Phone Number (home) 704-875-7000 (work) \_\_\_\_\_

Email \_\_\_\_\_

## Fee

Text Amendment to the Zoning/Subdivision Ordinance Fee \$400.00

## 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 (If possible, please provide a Word document of the proposed text change)

Proposed text amendment will affect the following:

Ordinance: Zoning Article: 12, 9.54, 3 Section: \_\_\_\_\_

Current Text: see attached proposed text

Proposed Text: \_\_\_\_\_

Reason for requested change (attach additional sheets if necessary):

to allow non-residential solar rooftop facilities by right without a Special Use Permit

**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.**

## Signatures

I hereby certify that the information presented by me in this application is accurate to the best of my knowledge, information and belief.

Applicant Signature: Lisa Mc Carter Date: 9-1-11

## 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  
Website: [http://www.huntersville.org/planning\\_0.asp](http://www.huntersville.org/planning_0.asp)

**AN ORDINANCE TO ADD PROVISIONS TO THE  
TOWN OF HUNTERSVILLE ZONING ORDINANCE ARTICLE 9, ARTICLE 3 AND  
ARTICLE 12 FOR ALTERNATIVE ENERGY SOURCES**

**Section 1. Be it ordained by the Board of Commissioners of the Town of Huntersville that the zoning ordinance is hereby amended as follows.**

**Article 12 Definitions**

Solar/Wind Energy Facility, Major: ~~a solar/wind farm~~ **energy facility** that is not a minor solar/wind energy facility and/or;

Solar/Wind 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
2. Is intended primarily to offset part or all of the beneficiary's requirements for electricity/gas; and **or is any non-residential rooftop facility.**
3. Is secondary to the beneficiary's use of the premises for other lawful purpose(s).

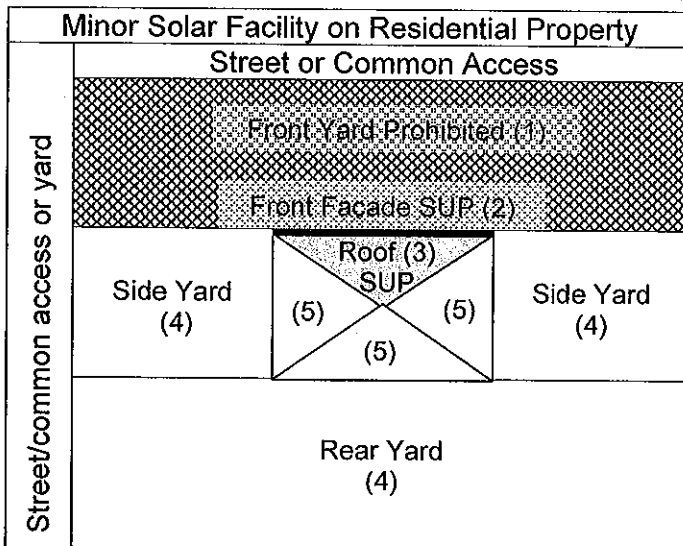
Solar/Wind Energy Facility, Major: solar/wind farm that is not a minor solar/wind energy facility.

Solar/Wind Energy Facility, Minor: a facility for the production of electrical energy ~~or solar heat~~ in which all of the following are met:

4. Is located on the power beneficiary's premises
5. Is intended primarily to offset part or all of the beneficiary's requirements for electricity/gas; and
6. Is secondary to the beneficiary's use of the premises for other lawful purpose(s).

**9.54 Uses Permitted with conditions; Solar Energy Facility**

1. **Any major or minor solar energy facility shall require approval from all applicable state and federal agencies as well as the affected energy provider.**
2. ~~4-~~ Minor Solar Energy Facilities:
  - (a) Residential Property (refer to illustration): Minor solar facilities shall be allowed in accordance with the provisions below:



- (1) Front yard placement is prohibited.
- (2) Front façade placement (if facing street or common access) requires a Special Use Permit (SUP).
- (3) Front roof slope placement requires a Special Use Permit (SUP).
- (4) Side & rear yard placement permitted as by-right accessory use in all districts subject to the issuance of a zoning permit.
- (5) Side & rear roof slope placement permitted as a by-right accessory use in all districts subject to the issuance of a zoning permit.

- (b) Non-Residential Property: Minor **free-standing** solar facilities on non-residential property shall require a Special Use Permit (SUP). **Minor rooftop solar facilities on non-residential property shall be permitted by right in any zoning district.**
  - (c) Minor free-standing facilities must comply with accessory structure setbacks—and spacing.
  - (d) Minor free-standing facilities shall be a maximum of 5 feet in height as measured from the grade at the base of the structure to the apex of the structure.
  - (e) Minor rooftop solar energy facilities shall not be considered as rooftop equipment on any building type and therefore, do not require screening and are not subject to any architectural standards that would prohibit reflective materials.
3. ~~2-~~ Major Solar Energy Facilities
- (a) Shall require the issuance of a Special Use Permit. and in addition to the Special Use Permit requirements found in Article 11.4.10 shall include the following:
    - (1) An existing features plan as described in the Subdivision Ordinance Article 6.300 1. 14. is required. Placement of solar panels shall be based on preserving existing features to the extent practical.
    - (2) Major solar energy facilities are exempt from any parking requirements in the Huntersville Zoning Ordinance if there is no commercial or office building component.
    - (3) Setbacks
      - i. Shall meet the minimum required setbacks for the underlying zoning district for installations in the R & TR zoning districts.
      - ii. Shall be a minimum of 20 feet from any property line in the SP zoning district.
    - (4) Height:
      - i. Free standing major solar facilities shall be a maximum of 8 feet in height as measured from the grade at the base of the structure to the apex of the structure.
    - (5)The minimum lot size requirement for major solar facilities is 10 acres.
  - (b) Town of Huntersville to be given copies of any lease agreement and plan for removal of facility/equipment.
  - (c) Glare resistant solar panels shall be used if the solar facility is adjacent to any airport.
  - (d) Rooftop major solar energy facilities should not be considered as rooftop equipment on any building type and therefore, does not require screening and are not subject to any architectural standards that would prohibit reflective materials.

**Article 3 Uses Permitted/Accessory Uses Permitted**

	<b>Solar Energy Facility: Minor</b>	<b>Solar Energy Facility; Major</b>
<b>R</b>	<p><u>Uses permitted by right:</u></p> <ul style="list-style-type: none"> <li>• <u>Solar facility, rooftop minor non-residential, rooftop (9.54)</u></li> </ul> <p>Uses permitted with Special Use Permit</p> <ul style="list-style-type: none"> <li>• solar facility, <u>free-standing</u> minor non-residential</li> </ul>	
<b>TR</b>	<u>See R above</u>	
<b>GR</b>	<u>See R above</u>	
<b>NR</b>	<u>See R above</u>	
<b>NC</b>	<u>See R above</u>	
<b>TC</b>	<u>See R above</u>	
<b>HC</b>	<u>See R above</u>	Rooftop installations by SUP with conditions (9.54)
<b>CI</b>	<u>See R above</u>	
<b>CB</b>	<u>See R above</u>	Rooftop installations by SUP with conditions (9.54)
<b>SP</b>	<u>See R above</u>	
<b>TND</b>	<u>See R above</u>	
<b>VS</b>	<u>See R above</u>	
<b>TOD-R</b>	<u>See R above</u>	
<b>TOD-E</b>	<u>See R above</u>	

**Section 2. That this ordinance shall become effective upon adoption.**

PUBLIC HEARING DATE: October 3, 2011  
 PLANNING BOARD MEETING: October 25, 2011  
 PLANNING BOARD RECOMMENDATION: TBD  
 TOWN BOARD DECISION: November 15, 2011

# **ATTACHMENT NO. 2**

**Town of Huntersville  
REQUEST FOR BOARD ACTION  
October 3, 2011**

**REVIEWED:**

Town Manager   JP  

Finance Officer       

Town Attorney       

To: The Honorable Mayor and Board of Commissioners

From: Brad Priest, Senior Planner

Subject: Text Amendment Petition # TA 11-08 – Crematoriums as an Accessory Use in Highway Commercial (HC).

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**Request to consider final action on Monday, October 3, 2011 at 6:30 PM, Huntersville Town Hall.** Petition # TA 11-08 is a request by Raymer-Kepner Funeral Home and Cremation Services to amend Article 3.2.7 (a) and Article 9 of the Huntersville Zoning Ordinance text in order to allow on site crematorium services in the Highway Commercial district (HC) as an accessory use to a funeral home or cemetery with special conditions (*Staff: Brad Priest*).

**ACTION RECOMMENDED:** Consider Final Action on October 3, 2011

**ATTACHMENTS:** Staff Analysis, Proposed Ordinance Text, Text Amendment Application, Setback Memo

**ENCLOSURES:** N/A

**FINANCIAL IMPLICATIONS:** N/A

**Petition # TA 11-08  
Crematoriums as an Accessory Use In Highway Commercial (HC)**

**Description of Proposed Zoning Text Change**

A request by Raymer-Kepner Funeral Home and Cremation Services to modify Article 3.2.7 and add Article 9.56 to the Huntersville Zoning Ordinance to allow cremation services in the Highway Commercial (HC) district as an accessory use to a funeral home with the issuance of a special use permit subject to special conditions. Currently, crematorium uses are only allowed in the Special Purpose district (SP) per the conditions of Article 9.24.

**Background for Proposed Text Changes**

Raymer Kepner Funeral home proposed adding an on-site crematorium service to their existing funeral home service at the corner of Sam Furr Road and Old Statesville Road. Since the ordinance does not currently define a crematorium service use or specify what zone that type of use is allowed, staff determined that crematoriums are currently classified as "Environmentally Sensitive Uses Not Expressly Permitted" in the ordinance and thus can only operate in Huntersville in the Special Purpose (SP) district with the issuance of a special use permit per Article 9.24. The applicant desires to modify the ordinance to allow crematoriums in the Highway Commercial district as an accessory to funeral homes with the issuance of a special use permit.

Crematorium operators in North Carolina are required to obtain a state license. If they process over 533 cases (burns) in one calendar year, they are also required to obtain a permit from the North Carolina Department of Air Quality.

**Staff Recommendation**

Due to the fact that many ordinances around the country allow crematoriums in their general business districts, staff does not oppose allowing some crematorium service in a general business district such as Highway Commercial. However because of the potential environmental impact of the use, staff recommends that the cases processed be reduced to 250 a year and a setback of 100 feet from adjacent property lines be established. UPDATE 10/3/11: Staff also supports the modifications recommended by the Planning Board in regard to the dispersion model. Please see the Planning Board recommendation below for details.

The applicant is agreeable to the recommendations by staff. It should be noted though that if the proposed language is adopted, any crematorium service that is not associated with a funeral home/cemetery or proposes more than 250 cases per year but is associated with a funeral home will only be allowed to operate in the Special Purpose District (SP) per Article 9.24. Staff supports the language proposed.

**Public Hearing**

The public hearing for the application was held on September 6, 2011. At the hearing, one resident spoke in opposition to the language due to environmental concerns and potential negative impacts on adjacent residential properties. Another resident who operates a funeral service spoke in favor of the application claiming that impact on adjacent properties is negligible.

At the hearing, various members of the Town Board also expressed concern over the potential environmental impacts that crematoriums may have on adjacent residential properties. The thought was expressed that if crematoriums were allowed in HC, it would be beneficial to have the crematoriums report their emissions to staff for monitoring even if they conducted less than the 533 cases that require a NC Air Quality Control Permit. There was also sentiment expressed that the proposed 100 foot setback is not far enough; especially for adjacent residential properties. A question was raised too on how Charlotte addressed crematoriums.

### **Public Hearing – Staff Update**

In response to the feedback given at the public hearing, staff contacted Mecklenburg County Air Quality to inquire if they would assist staff in monitoring the emissions of a crematorium that did not meet the threshold for permitting by NC Air Quality (533 cases). Joan Liu from County Air Quality stated that they would assist in identifying numerical amounts of pollutants emitted from a set number of crematorium cases, but that it was not necessary to monitor them if less than the 533 cases are processed. The 533 case threshold for crematoriums is based on and set by “acceptable ambient levels” for toxic pollutants. Using current emission factors for crematoriums and emission rates of various toxins, the North Carolina Department of Air Quality (NCDAQ) determined the threshold of 533 cases a year for permitting. In other words, if the number of crematorium cases is less than 533, current data suggests that the acceptable ambient level of toxins would not be exceeded. Thus, if the Town Board wishes, it is possible for the Town to require any crematorium to submit their emissions records to staff and the county would help us interpret the emission amounts. However because of the way the threshold is established, staff does not believe it necessary to do so. It may be beneficial though to request that the number of cases processed be submitted on a yearly basis to ensure that the 250 cases maximum is not exceeded.

Another question raised was in regard to how Charlotte, NC addresses crematoriums. Currently, Charlotte treats crematoriums very similar to other general businesses in their ordinance. However, staff found that due to a crematorium recently locating very close to a residence in Charlotte and a subsequent complaint, Charlotte’s planning staff is sponsoring a zoning text amendment that is just beginning to go through the review process. In that draft amendment, crematoriums are proposed to be removed as a “use permitted by right” in general business districts and changed to a use “permitted under prescribed conditions” instead (they’d still only be permitted in residential districts as an accessory use with prescribed conditions as they are now). One of the prescribed conditions proposed is that the building has to be a minimum of 200 feet from a residential structure.

In regard to increasing the proposed setback, staff is satisfied with a 100 foot setback due to the condition proposed that limits the cases to roughly half the threshold of requiring an air quality permit (250). However if the Town Board or Planning Board recommends increasing the setback to 200 feet, there is rationale to do so based on other ordinances so staff would not be opposed. It should be noted too that the way the drafted language is currently written, the setback would be measured from the portion of the building that handles the incineration to any property line. Charlotte’s proposed setback differs as it is measured from any portion of the building to any residential use in a residential zone; i.e. a residential building.

### **Planning Board Recommendation**

The Planning Board met on September 27, 2011 to discuss the application. In their discussions, effect on adjacent properties, odor, and environmental impact were all discussed at

length. Consensus of the Board was that even though the potential HC crematoriums would handle fewer cases than would require an Air Quality permit, odor could still be an issue. Thus the Board recommended that a "no noticeable odor" requirement be added to condition #2.

Regarding the setback requirement in condition #6, the Board was not convinced that a setback would be an effective tool to protect adjacent development from harmful emissions. Rather, consensus was to require an "air quality dispersion model" that shows where various emissions would travel from the crematorium stacks/vents based on topography, humidity levels, wind, etc. In order for the special use permit to be approved, the model would need to show that the pollutants from the emissions are below detectable limits at the property line; no matter what the actual setback is. The Planning Board unanimously recommended approval of the application as modified. The applicants were agreeable to the change. Staff also supports the changes made by the Planning Board. \*\*Please see the "PLANNING BOARD RECOMMENDATION" ordinance attached to see the wording of the Board's language.

#### Attachments

- Applicant Text Amendment Ordinance: Shows the proposed language as submitted by the applicant. All language proposed is new.
- Planning Board Recommendation Amendment Ordinance: Shows the proposed language as recommended by the Planning Board.
- Text Amendment Application
- Setback Memo to Town Board: Additional information from staff outlining various setbacks for crematorium uses in North Carolina and around the country.

#### Statement of Consistency

Per the North Carolina General Statutes § 160A-383 and Article 11.4.7 b-d of the Town of Huntersville Zoning Ordinance, amendment actions must be accompanied by a *Statement of Consistency*. Two statements are provided below that need to be incorporated into the motion either to approve or deny the petitioner's request.

#### **[Approve]**

In considering the proposed amendment to the Zoning Ordinance Articles 3.2.7 and 9 in regard to allowing crematorium uses in the Highway Commercial District (HC) as an accessory use, the Town Board finds the amendment is consistent with the Town of Huntersville Community Plan and other applicable long range plans. We recommend amending the Zoning Ordinance. It is reasonable and in the public interest to amend the ordinance because.....  
*(Explain).....(EXAMPLE) Allowing crematoriums as an accessory use in the Highway Commercial (HC) district is consistent with other ordinances around the country and allows funeral homes to expand the service they provide to the community. The conditions added and the review by way of a special use permit will allow the town to ensure that the environment and adjacent development is protected.*

OR

#### **[Deny]**

In considering the proposed amendment to the Zoning Ordinance Article 3.2.7 and 9 in regard to allowing crematorium uses in the Highway Commercial District (HC) as an accessory use, the Town Board finds that amending the Zoning Ordinance is not consistent with the Town of Huntersville Community Plan and other applicable long range plans. We recommend denial of

Amendment Petition TA 11-09. It is not reasonable and not in the public interest to amend this ordinance because..... *(Explain)...(EXAMPLE) Due to the potential environmental impact of crematorium uses, it is inappropriate to allow them in the Highway Commercial district along side other uses that have minimal impact on adjacent development. Such environmentally sensitive uses are more suitable to the Special Purpose (SP) district.*

## **APPLICANT'S SUBMITTAL**

### **AN ORDINANCE TO MODIFY THE ZONING ORDINANCE, ARTICLES 3.2.7 AND ARTICLE 9 TO ALLOW CREMATORIUM USES AS ACCESSORY USES IN THE HIGHWAY COMMERCIAL (HC) DISTRICT**

***Section 1. Be it ordained by the Board of Commissioners of the Town of Huntersville that the zoning ordinance is hereby amended as follows.***

Article 3.2.7

Uses permitted with a Special Use Permit:

- Crematoriums, accessory (9.56)

Article 9.56 Crematoriums, accessory

Crematoriums are permitted in the HC district subject to a Special use Permit, according to the procedures of Section 11.4.10.

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

1. Are accessory to an established Funeral Home or Cemetery.
2. That the proposed use will not endanger the public health and safety, nor substantially reduce the value of nearby property; and
3. That the proposed use will not be in conflict with the objectives of the most detailed plan adopted for the area; and
4. That the proposed use will be constructed and operated in compliance with all applicable environmental regulations; and
5. That the proposed use will limit the number of cremations to under 250 cases within one calendar year; and
6. That all storage, handling, incineration, and loading facilities will be located at least 100 feet from any exterior property line; and
7. That active use portions of the site will be entirely enclosed in the principal structure.

**Section 2. That this ordinance shall become effective upon adoption.**

**PUBLIC HEARING DATE: September 6, 2011**

**PLANNING BOARD MEETING: September 27, 2011**

**PLANNING BOARD RECOMMENDATION: Modify the conditions**

**TOWN BOARD DECISION: October 3, 2011**

## **PLANNING BOARD RECOMMENDATION**

### **AN ORDINANCE TO MODIFY THE ZONING ORDINANCE, ARTICLES 3.2.7 AND ARTICLE 9 TO ALLOW CREMATORIUM USES AS ACCESSORY USES IN THE HIGHWAY COMMERCIAL (HC) DISTRICT**

***Section 1. Be it ordained by the Board of Commissioners of the Town of Huntersville that the zoning ordinance is hereby amended as follows.***

#### Article 3.2.7

Uses permitted with a Special Use Permit:

- Crematoriums, accessory (9.56)

#### Article 9.56 Crematoriums, accessory

Crematoriums are permitted in the HC district subject to a Special use Permit, according to the procedures of Section 11.4.10.

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

1. Are accessory to an established Funeral Home or Cemetery.
2. That the proposed use will not endanger the public health and safety, substantially reduce the value of nearby property, *nor emit noticeable odors*; and
3. That the proposed use will not be in conflict with the objectives of the most detailed plan adopted for the area; and
4. That the proposed use will be constructed and operated in compliance with all applicable environmental regulations; and
5. That the proposed use will limit the number of cremations to under 250 cases within one calendar year; and
6. ~~That all storage, handling, incineration, and loading facilities will be located at least 100 feet from any exterior property line; and~~ *An Air Quality Dispersion Model is required to be conducted and submitted by a professional engineer showing that all air quality parameters including odors are below detectable limits at the outer most boundary point of the air dispersion plume measured at ground level at any adjacent property line.*
7. That active use portions of the site will be entirely enclosed in the principal structure.

**Section 2. That this ordinance shall become effective upon adoption.**

**PUBLIC HEARING DATE: September 6, 2011**

**PLANNING BOARD MEETING: September 27, 2011**

**PLANNING BOARD RECOMMENDATION: Approve**

**TOWN BOARD DECISION: October 3, 2011**

**date** 9/2/11

**to** Huntersville Mayor and Town Board Members

**from** Brad Priest, Senior Planner

**re** TA11-08 – Crematorium Setback Information

Raymer-Kepner Funeral Home proposes that a specific setback for crematorium uses be established at 100 feet in the Highway Commercial (HC) district. Staff supports this setback as mentioned in the staff analysis due to the potential environmental impact crematoriums may have on adjacent property. The purpose of this memo is to forward a little more background information on how other ordinances address setbacks for crematoriums.

Asheville, Chapel Hill, Concord, Durham, Greensboro, Mooresville, and others all have standard building setbacks for all commercial buildings. They also have buffer requirements between commercial and residential uses (as the Huntersville Ordinance currently has). None of the ordinances in North Carolina however require crematoriums to be setback any further than any other commercial use. Wilmington was the only ordinance that mentioned an increased setback. It required crematoriums be located “in such a way as to maximimize separation from existing residential uses”. No minimum distance was given though.

Some ordinances referenced to us by the Planning Advisory Service from other parts of the country however do require specific setbacks for crematoriums. They’re as follows:

- Annapolis, MD – 150 feet from residential property line.
- Fenton, MI – Setback equal to height of stack from any property line.
- Loudon, VA – 250 feet from residential line / 150 feet from any property line.
- Tampa, FL – 500 feet from residential property lines.

Also of interest are the current setbacks in Article 9 of our ordinance for other uses that may have adverse effects on adjacent development:

- Amusement Facility – 200 feet from residential property line.
- Outdoor Kennel – 200 feet from residential property line.
- Junk Yard – 100 feet from any property line.
- LCID Landfill – 100 feet from any disturbed area to any property line.
- Non-Hazardous Solid Waste Incineration – 200 feet from any property line

Hopefully this information will be helpful in future discussions. If you have any questions about the ordinance requirements or would like additional information please let me know. Thanks.

## **Planning**



Text Amendment Application

TA 11-00

Incomplete submissions will not be accepted.

Applicant Data

Date of Application 5-23-11
Name RAYNER-KEENER FUNERAL HOME & CREMATORY
Address 16901 OLD STATESVILLE ROAD, HUNTERSVILLE, NC
Phone Number (home) (work) 704-872-9669 28078
Email JDR@KEENERFUNERAL.COM

Fee \$400.00

Text Amendment to the Zoning/Subdivision Ordinance Fee \$400.00

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 (if possible, please provide a Word document of the proposed text change)

Proposed text amendment will affect the following:
Ordinance: Article: Section:
Current Text:

Proposed Text:

RECEIVED
MAY 23 2011
Town of Huntersville
Planning Department

Reason for requested change (attach additional sheets if necessary):
ADDITION OF A CREMATORY TO RAYNER-KEENER F.H
SEE ATTACHED
\* ENJO EMAILED TO CATHERINE STUTTS
5-23-11

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.

Public  
Hearing  
Text  
9/6/11

Proposed Text

Article 3.2.7

Uses permitted with a Special Use Permit:

\* Crematoriums, accessory ( 9.55 )

Article 9.55 Crematoriums, accessory

Crematoriums are permitted in the HC district subject to a Special use Permit, according to the procedures of Section 11.4.10

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

1. Are accessory to an established Funeral Home or Cemetery,
2. That the proposed use will not endanger the public health and safety, nor substantially reduce the value of nearby property; and
3. That the proposed use will not be in conflict with the objectives of the most detailed plan adopted for the area; and
4. That the proposed use will be constructed and operated in compliance with environmental regulations; and
5. That the proposed use will limit the number of cremations to under 250 cases within one calendar year; and
6. That all storage, handling, incineration, and loading facilities will be located at least 100 feet from any exterior property line; and
7. That active use portions of the site will be entirely enclosed in the principal structure.

# **ATTACHMENT NO. 3**

**Town of Huntersville  
REQUEST FOR BOARD ACTION  
October 3, 2011**

**REVIEWED:**

Town Manager   *Y*  

Finance Officer \_\_\_\_\_

Town Attorney \_\_\_\_\_

To:           The Honorable Mayor and Board of Commissioners

From:         Michael Jaycocks, Parks and Recreation Director

Subject:      Huntersville Parks and Recreation Advisory Board Appointment

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**ACTIONS RECOMMENDED:**

Consider filling one vacant Parks and Recreation Advisory Board position. The term of this vacant seat formerly held by Joe Murgolo will end on December 31, 2012. We have received five applications for this opening.

**ATTACHMENTS:**    Applications

**FINANCIAL IMPLICATIONS:**    NONE

**APPLICATION FOR SERVICE ON ADVISORY BOARDS  
FOR THE TOWN OF HUNTERSVILLE**

Please type or Print in Black Ink

NAME OF ADVISORY BOARD ON WHICH APPLICANT IS INTERESTED IN SERVING:

**PARKS AND RECREATION COMMISSION**

BACKGROUND INFORMATION

NAME Henry Stiene HOME PHONE 704-948-1982

HOME ADDRESS 6525 Neck Rd.  
HUNTERSVILLE, NC ZIP CODE 28078

E-MAIL ADDRESS henrystiene511@hotmail.com

PRESENT OCCUPATION retired WORK PHONE \_\_\_\_\_

PLACE OF EMPLOYMENT \_\_\_\_\_

APPROXIMATE HOURS AVAILABLE PER MONTH FOR SERVING ON ADVISORY BOARD \_\_\_\_\_

NAME OF ANY TOWN OR COUNTY BOARDS/COMMITTEES/COMMISSIONS YOU ARE PRESENTLY SERVING ON:

None EXPIRATION DATE \_\_\_\_\_

EXPIRATION DATE \_\_\_\_\_

EDUCATION high school diploma, and in company service credits

BUSINESS AND CIVIC EXPERIENCE

38 years switching equipment technician  
Volunteer at LATTA PLANTATION HISTORIC site.

AREAS OF EXPERTISE AND INTERESTS/SKILLS Local history, politics, hiking, going to local parks with grand daughter and making new friends

I, the undersigned, understand this application will be kept on the active file for a two (2) year period only.

Henry Stiene  
(Signature of Applicant)

9-26-2011  
(Date)

(Submitted by)

The Town of Huntersville Board of Commissioners sincerely appreciates the interest of all citizens in the Town's advisory committees. Applications may be sent to:

**HUNTERSVILLE PARKS AND RECREATION DEPARTMENT  
P.O. BOX 2879  
HUNTERSVILLE, NC 28070**

For more information on the responsibilities of the Parks & Recreation Commission, applicants may contact the above office at (704) 766.2220

**APPLICATION FOR SERVICE ON ADVISORY BOARDS  
FOR THE TOWN OF HUNTERSVILLE**

Please type or Print in Black Ink

NAME OF ADVISORY BOARD ON WHICH APPLICANT IS INTERESTED IN SERVING:

**PARKS AND RECREATION COMMISSION**

BACKGROUND INFORMATION

NAME MIKE DRYMAN HOME PHONE 704-677-4411

HOME ADDRESS 6518 BARKLEY FARM RD ZIP CODE 28078

E-MAIL ADDRESS mike.dryman@performancewon.com

PRESENT OCCUPATION OWNER/CEO WORK PHONE 704-677-4411

PLACE OF EMPLOYMENT PERFORMANCE SPORTS GROUP

APPROXIMATE HOURS AVAILABLE PER MONTH FOR SERVING ON ADVISORY BOARD 8-10

NAME OF ANY TOWN OR COUNTY BOARDS/COMMITTEES/COMMISSIONS YOU ARE PRESENTLY SERVING ON:

NORTH PARK & REC ADVISORY COMMITTEE EXPIRATION DATE 2013

EXPIRATION DATE \_\_\_\_\_

EDUCATION MS KINESIOLOGY UNC-GREENSBORO

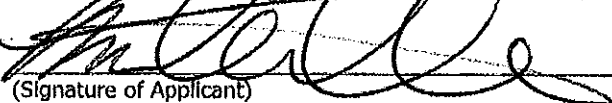
BUSINESS AND CIVIC EXPERIENCE

22 yr. OWNER OF 2 SPORT MANAGEMENT AND SPORT SCIENCE SERVICE BUSINESSES

AREAS OF EXPERTISE AND INTERESTS/SKILLS

COACHING, SPORT FACILITY DESIGN, TENNIS, TRIATHLON, CYCLING

I, the undersigned, understand this application will be kept on the active file for a two (2) year period only.

  
(Signature of Applicant)

9-10-2011  
(Date)

MIKE DRYMAN  
(Submitted by)

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**HUNTERSVILLE PARKS AND RECREATION DEPARTMENT  
P.O. BOX 2879  
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**APPLICATION FOR SERVICE ON ADVISORY BOARDS  
FOR THE TOWN OF HUNTERSVILLE**

Please type or Print In Black Ink

NAME OF ADVISORY BOARD ON WHICH APPLICANT IS INTERESTED IN SERVING:

**PARKS AND RECREATION COMMISSION**

BACKGROUND INFORMATION

NAME Sandor Helfgott HOME PHONE 704-948-3948

HOME ADDRESS 8702 Glade Ct. ZIP CODE 28078

E-MAIL ADDRESS sandorhelfgott@yahoo.com

PRESENT OCCUPATION Dir. of Phys. Education + Recreation WORK PHONE 704-894-2376

PLACE OF EMPLOYMENT Davidson College

APPROXIMATE HOURS AVAILABLE PER MONTH FOR SERVING ON ADVISORY BOARD whatever is needed

NAME OF ANY TOWN OR COUNTY BOARDS/COMMITTEES/COMMISSIONS YOU ARE PRESENTLY SERVING ON:

EXPIRATION DATE \_\_\_\_\_

EXPIRATION DATE \_\_\_\_\_

EDUCATION: Master of Education (University of Georgia) in Health + Physical Education; Bachelors Degree in Communications (Hunter College)

BUSINESS AND CIVIC

EXPERIENCE: All aspects of budget planning, including programming, instructors, faculty, equipment in current position as Director of Physical Education + Recreation at Davidson College

AREAS OF EXPERTISE AND INTERESTS/SKILLS Professional: Program assessment; Curriculum Development; above avg. computer skills  
Personal: Running, cycling, tennis... most things fitness related

I, the undersigned, understand this application will be kept on the active file for a two (2) year period only.

Sandor Helfgott  
(Signature of Applicant)

9/13/11  
(Date)

Sandor Helfgott  
(Submitted by)

The Town of Huntersville Board of Commissioners sincerely appreciates the interest of all citizens in the Town's advisory committees. Applications may be sent to:

**HUNTERSVILLE PARKS AND RECREATION DEPARTMENT  
P.O. BOX 2879  
HUNTERSVILLE, NC 28070**

For more information on the responsibilities of the Parks & Recreation Commission, applicants may contact the above office at (704) 766.2220

**APPLICATION FOR SERVICE ON ADVISORY BOARDS  
FOR THE TOWN OF HUNTERSVILLE**

Please type or Print in Black Ink

NAME OF ADVISORY BOARD ON WHICH APPLICANT IS INTERESTED IN SERVING:

**PARKS AND RECREATION COMMISSION**

BACKGROUND INFORMATION

NAME CASEY FITZSIMONS HOME PHONE 704-763-0301

HOME ADDRESS 12621 TWELVETREES LANE ZIP CODE 28078

E-MAIL ADDRESS sotg@att.net

PRESENT OCCUPATION MANAGING DIRECTOR WORK PHONE 704-892-9797 ext 10

PLACE OF EMPLOYMENT STEWARDS OF THE GAME

APPROXIMATE HOURS AVAILABLE PER MONTH FOR SERVING ON ADVISORY BOARD FLEXIBLE

NAME OF ANY TOWN OR COUNTY BOARDS/COMMITTEES/COMMISSIONS YOU ARE PRESENTLY SERVING ON:

EXPIRATION DATE \_\_\_\_\_

EXPIRATION DATE \_\_\_\_\_

EDUCATION B.A. HISTORY - SAMFORD UNIVERSITY - BIRMINGHAM, AL

M. DIVINITY - NEW ORLEANS BAPTIST THEOLOGICAL SEMINARY

BUSINESS AND CIVIC EXPERIENCE MANAGING DIRECTOR - STEWARDS OF THE GAME FEB 2011 - PRESENT

SALES DIRECTOR - ONE SOURCE LANDSCAPE & GOLF (ABM INDUSTRIES) 2006-2011

PASTOR OF COMMUNITY - JOURNEY CHURCH 2001 - 2005

AREAS OF EXPERTISE AND INTERESTS/SKILLS ATHLETICS / VOLUNTEER MOBILIZATION

I, the undersigned, understand this application will be kept on the active file for a two (2) year period only.

  
(Signature of Applicant)

8/23/2011  
(Date)

J. CASEY FITZSIMONS  
(Submitted by)

The Town of Huntersville Board of Commissioners sincerely appreciates the interest of all citizens in the Town's advisory committees. Applications may be sent to:

**HUNTERSVILLE PARKS AND RECREATION DEPARTMENT  
P.O. BOX 2879  
HUNTERSVILLE, NC 28070**

For more information on the responsibilities of the Parks & Recreation Commission, applicants may contact the above office at (704) 766.2220

Rcd 9/26/11

**APPLICATION FOR SERVICE ON ADVISORY BOARDS  
FOR THE TOWN OF HUNTERSVILLE**

Please type or Print in Black Ink

NAME OF ADVISORY BOARD ON WHICH APPLICANT IS INTERESTED IN SERVING:

**PARKS AND RECREATION COMMISSION**

BACKGROUND INFORMATION

NAME DAN BOONE HOME PHONE 704.948-1685

HOME ADDRESS 317 SOUTHLAND BL. ZIP CODE 28078

E-MAIL ADDRESS DANBOONE@AOL.COM

PRESENT OCCUPATION Retired WORK PHONE \_\_\_\_\_

PLACE OF EMPLOYMENT \_\_\_\_\_

APPROXIMATE HOURS AVAILABLE PER MONTH FOR SERVING ON ADVISORY BOARD 3 per wk

NAME OF ANY TOWN OR COUNTY BOARDS/COMMITTEES/COMMISSIONS YOU ARE PRESENTLY SERVING ON:

BOA. EXPIRATION DATE Aug 2012

EXPIRATION DATE \_\_\_\_\_

EDUCATION B.S. UNIV. OF TAMPA

BUSINESS AND CIVIC EXPERIENCE KRAFT FOODS 32 yrs. MID MANAGEMENT

AREAS OF EXPERTISE AND INTERESTS/SKILLS swimming, biking, scuba diving, workout

I, the undersigned, understand this application will be kept on the active file for a two (2) year period only.

Dan Boone 9/26/11  
(Signature of Applicant) (Date)

DAN BOONE  
(Submitted by)

The Town of Huntersville Board of Commissioners sincerely appreciates the interest of all citizens in the Town's advisory committees. Applications may be sent to:

**HUNTERSVILLE PARKS AND RECREATION DEPARTMENT  
P.O. BOX 2879  
HUNTERSVILLE, NC 28070**

For more information on the responsibilities of the Parks & Recreation Commission, applicants may contact the above office at (704) 766.2220

# **ATTACHMENT NO. 4**

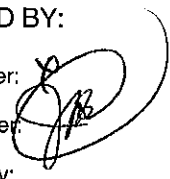
**Town of Huntersville  
REQUEST FOR BOARD ACTION  
October 3, 2011**

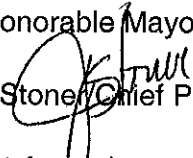
REVIEWED BY:

Town Manager:

Finance Officer:

Town Attorney:



To: The Honorable Mayor and Board of Commissioners  
From: Janet Stone  Chief Potter  
Subject: Budget Amendment

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**Appropriate funds received in the amount of \$2,324.76 from DDRTC Holdings Pool 3 LLC (per agreement for security services) for the month of August 2011. Funds will be appropriated to the Police Department's budget for overtime and benefits.**

**ACTION RECOMMENDED:** Approve Budget Amendment

**ATTACHMENTS:** None

**ENCLOSURES:** None

**FINANCIAL IMPLICATIONS:** Additional revenue in the amount of \$2,324.76.

# **ATTACHMENT NO. 5**

**Town of Huntersville  
REQUEST FOR BOARD ACTION  
October 3, 2011**

<b>REVIEWED:</b>
Town Manager <u>X</u>
Finance Officer _____
Town Attorney _____

To: The Honorable Mayor and Board of Commissioners  
From: Max Buchanan, PE – Town Engineer  
Subject: Consider the acceptance of roads for Town Maintenance

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It is recommended that the Town of Huntersville accept the streets listed below, which is located in the Carrington Ridge Subdivision, Phase 1, Map 4 for maintenance.

<b>Street Name</b>	<b>From</b>	<b>To</b>	<b>Approx. Length</b>
Chelsea Ridge Lane	225ft S of Carrington Ridge Dr.	Chelsea Ridge Dr.	1,050 Ft
Waverton Lane	Carrington Ridge Dr.	Waverton Ln.	375 Ft
Waverton Lane	Waverton Ln.	Chelsea Ridge Ln.	250 Ft
Cypress Woods Drive	Carrington Ridge Dr.	Chelsea Ridge Dr.	680 Ft
Colonial Garden Drive	Carrington Ridge Dr.	230 ft SW of Chelsea Ridge Dr.	800 Ft

**ACTION RECOMMENDED:** Approval of streets for maintenance.

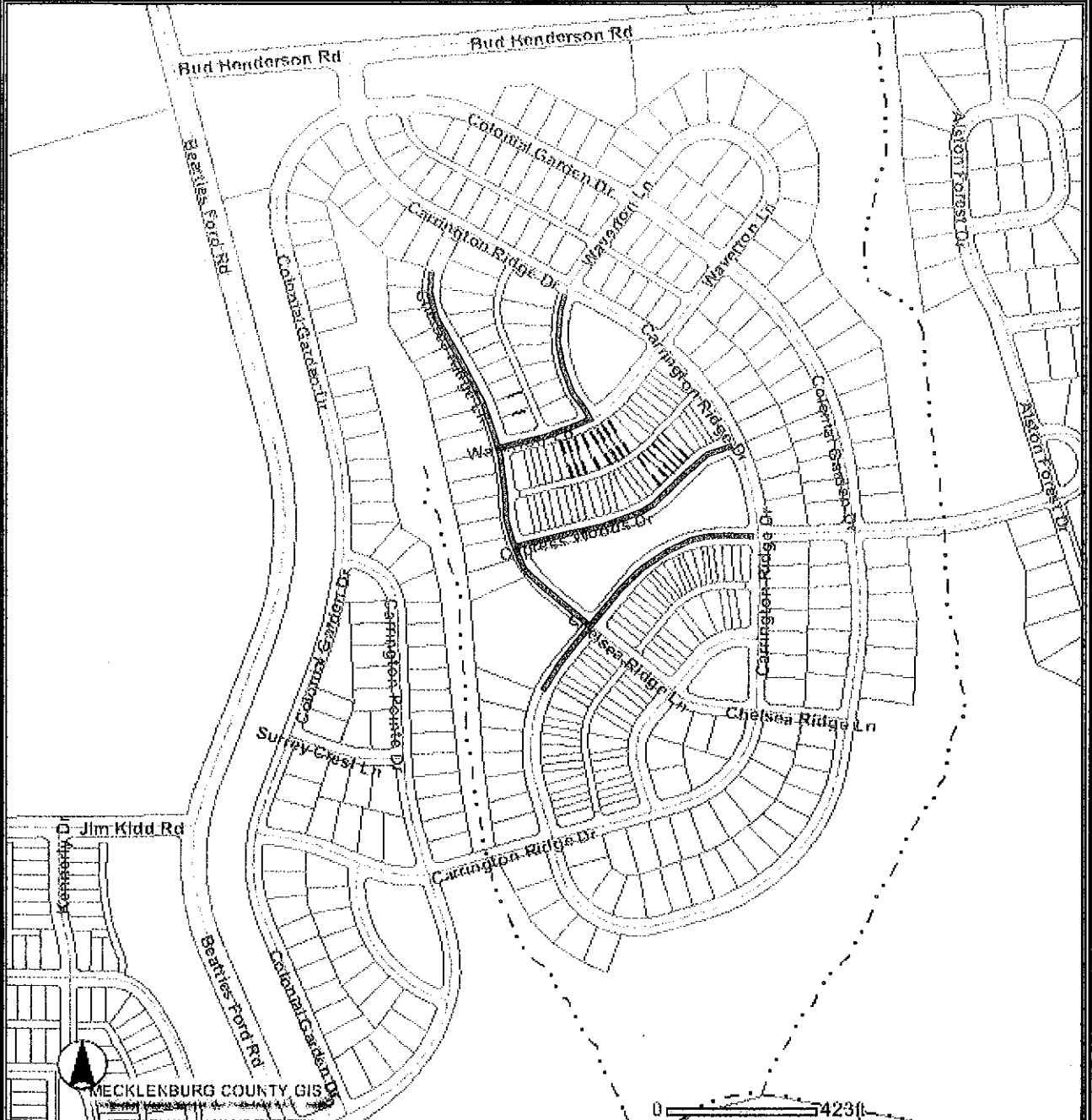
**ATTACHMENTS:**

**ENCLOSURES:**

**FINANCIAL IMPLICATIONS:** Powell Bill

Mecklenburg County, North Carolina  
**POLARIS**  
Property Ownership Land Records Information System  
Date Printed: Thu Sep 22 14:45:46 EDT 2011

**Carrington Ridge Ph1, Map 4**



This map 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 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.