



# Text Amendment Application

***Incomplete submissions will not be accepted.***

## **Applicant Data**

Date of Application \_\_\_\_\_

Name Gary Nelson and Icilda Nelson

Address 15250 Hus McGinnis Road, Huntersville, NC 28078-3651

Phone Number (home) 704-992-1755 (work) 704-992-1755

Email foodsgreat@familycateringservice.com

## **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: Huntersville Zoning Article: 3, 9, and 12 Section: 12.2.1 and 3.2.1a) and 9

Current Text: see attached

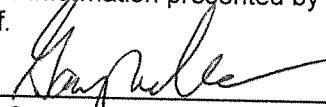

Proposed Text: see attached

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

**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:   Date: 3-20-18  
Gary Nelson Icilda Nelson

## 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/Departments/Planning.aspx>

## **ATTACHMENT TO TEXT AMENDMENT**

**Ordinance:** Huntersville Zoning Ordinance

**Article/Section:** Article 12 DEFINITIONS AND RULES OF CONSTRUCTION, Section 12.2.1 GENERAL DEFINITIONS

**Article/Section:** Article 3 ZONING DISTRICTS, Section 3.2.1 RURAL DISTRICT (R) a) Uses permitted with conditions

**Article/Section:** Article 9 CONDITIONS FOR CERTAIN USES

**Party Proposing the Text Amendment:** Gary and Icilda Nelson (“Owner”) are proposing this Text Amendment as owners of the property located at 15250 Hus McGinnis Road in Huntersville, North Carolina, tax parcel number 02120104

### **Reason for Requested Change:**

1. The proposed amendment is consistent with the Goals and Purposes of the Huntersville Zoning Ordinance (the “Ordinance”), as set forth in Article 1 Authority and Purpose, Section 1.2 Purposes as follows:
  - a. The proposed amendment will encourage the most appropriate use of land throughout the corporate area and extraterritorial zoning jurisdiction (the “ETJ”), in accordance with the Huntersville Community Plan (Strategic Update) and other adopted long-range plans for the Town of Huntersville by encouraging and promoting bona fide farms in the ETJ.
  - b. The proposed amendment will avoid undue concentration of population and provide adequate light and air by encouraging the use of land in the ETJ for bona fide farm purposes.
2. The proposed amendment is consistent with the Goals and Purposes of the Ordinance, as set forth in Article 7, Part B, “Open Space” as follows:
  - a. The proposed amendment will promote the existence and creation of quality Agricultural Open Space for the community (see definition of “Agricultural Open Space” at Section 7.11.2).
  - b. The proposed amendment is consistent with and will promote the goals of agricultural open space set out at Section 7.11.2 of the Ordinance as follows:
    - (a) To conserve areas of the town with productive soils for continued agricultural use by preserving large blocks of land large enough to allow for efficient operations.
    - (b) To minimize site disturbance and erosion through retention of existing vegetation and avoiding development in sensitive farmland areas.

(c) To protect scenic views and elements of the town's rural character, and to minimize perceived density by minimizing views of new development from existing roads.

3. The proposed amendment is consistent with Section 7.12 “Location of Natural, Recreational and Agricultural Open Space” of the Ordinance, preserving and protecting prime agricultural farmland, scenic views and vistas, providing convenient access by residents and providing adequate screening from nearby house lots.
4. The proposed amendment is consistent with the Vision Statement of the Town of Huntersville 2030 Community Plan by, among other things, contributing to a vibrant and visually attractive community, creating opportunities for recreation, including education, offering employment opportunities and preserving natural and scenic assets.
5. As set out below, the proposed amendment is consistent with the purpose of the Strategic Economic Development Plan in “Section 1. Executive Summary, A. Project Background”:

“Huntersville’s purpose in developing a Strategic Economic Development Plan (SEDP) is to promote job creation, private investment and tax base expansion while maintaining a high quality of life, including preservation of the Town’s natural, scenic, cultural and historic assets.”

The proposed amendment:

- a. Preserves natural and scenic vistas and assets in a rural farm setting;
  - b. Benefits the community by preserving a natural and scenic asset;
  - c. Promotes job creation and encourages family farmers;
  - d. Promotes private investment and tax base expansion through the offering of additional revenue opportunities for farmers living in the ETJ;
  - e. Provides a high quality of life by offering educational and recreational opportunities for individuals of all ages, centering around farm activities, including the offering of tours and demonstrations of hydroponic operations for the cultivation of herbs and vegetables and other economically sustainable farm production methods and the offering of outdoor picnic sites and hiking and nature trails through the forestlands.
6. The proposed amendment would not apply to a Catering operation unless the Catering operation is operated on the same property as, or as a component of, an Agritourism Facility, as defined below, and unless the Catering operation is in compliance with the provisions of the proposed amendment. Other than this exception, which recognizes the benefits and value brought to the community by a bona fide farm within the ETJ and the value that farm families provide to the community, the current requirements of the Ordinance applicable to Catering will not be altered by the adoption of this amendment.

**Proposed Change to the Ordinance:**

In order to accomplish these purposes, Owner proposes the following changes to the Ordinance:

Amend Article 12, Section 12.2.1 Definitions by adding the following language as a new definition, "Agritourism Facility":

"Agritourism Facility. An events venue facility located on a tract of land in the extraterritorial jurisdiction which is operated as an agritourism activity, (which activity is defined in N.C.G.S. Sections 99E-30 as '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, or natural activities and attractions')."

Amend Article 12, Section 12.2. Definitions by adding the following language as a new definition, "Catering":

"Catering. The service by a for profit business of preparing food and of providing, transporting, setting up and/or serving food and drink at remote venues for social and other events and functions, and may also include event support and other associated services."

Amend Article 3, Section 3.2.1 a) uses permitted with conditions by adding the following additional use permitted with conditions:

"Catering operated in one or more buildings on property that contains, or is operated in connection with, an Agritourism Facility, (9.60)"

Amend Article 9 by adding the following language as new "Section 9.60 Catering that is Operated on Property that Contains, or is Operated in connection with, An Agritourism Facility":

"9.60 Catering that is Operated on Property that Contains, or is Operated in connection with, an Agritourism Facility

.1 Any Catering operation that is operated on property that contains, or is operated in connection with, an Agritourism Facility:

- (a) shall have no more than 12 full time (i.e. 36 hours or more per week) non-family employees on site at any one time;
- (b) shall have sufficient parking for the Catering operation, employees and visiting clients;
- (c) shall have parking areas for the Catering operation that are visually buffered from any property boundary located in a residential district or developed for residential purposes;

(d) shall contain no outdoor storage or visible evidence of equipment or materials used in connection with the Catering operation, excepting equipment or materials of a type and quantity that could reasonably be associated with the Agritourism Facility (such as, by way of example, commercial hoods/ventilation systems);

(e) shall have the ability to expand or add additional improvements housing the Catering operation so long as in compliance with the applicable requirements of the Mecklenburg County Building Code; and

(f) shall, if in compliance with the provisions of this Section 9.60, be permitted without being classified as a Home Occupation pursuant to Section 9.19 of the Ordinance.