



Text Amendment Application

Date of Application August 26, 2021

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): Zoning Article(s): 8 Section(s): 8.25.10

Current Ordinance

See Attached

Proposed Text

See Attached

Reason for Proposed Change

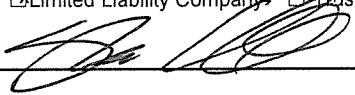
Attach additional pages if needed.

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 Sherrie Chaffin / Trinity Capital Advisors, LLC

Corporation Limited Liability Company Trust Partnership Other: _____

Signature  Date 8/26/21

Title Director of Development Email sls@trinitycapitaladvisors.com

Address of Applicant 440 S. Church Street, Suite 800, Charlotte, NC 28202

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: _____

8.25. 10 and 3.3.2 B.(g) ATTACHMENT TO TEXT AMENDMENT

ORDINANCE: Huntersville Zoning Ordinance

Sections:

Section 8.25.10 Buffer Impacts Permitted Under Section 8.25, S.W.I.M.

Section 3.3.2-B Protected Areas (PA-1, PA-2)

Party Proposing the Amendment: Trinity Capital Advisors, LLC

Reason for Requested Change:

1. The proposed amendment is consistent with the Purposes of the Huntersville Zoning Ordinance (the “Ordinance”) as set forth in Article 1.2 which states that the purpose of the zoning regulations is to encourage the most appropriate use of land throughout the corporate area in accordance with the Huntersville Community Plan and other adopted long range plans for the Town of Huntersville.
2. The proposed amendment is consistent with the Vision Statement, 2040 Town of Huntersville Community Plan, by, among other things, helping to provide meaningful economic development, balance the tax base, attract target industries, and provide more opportunities for people to work in Huntersville due to expansion of the industrial and commercial base.
3. The proposed amendment is consistent with the Policy Recommendations, 2040 Town of Huntersville Community Plan, by facilitating industrial and commercial growth in areas that are suitable for business and industrial development.
4. The proposed amendment is consistent with the Policy Recommendations, 2040 Town of Huntersville Community Plan, because the amendment improves a development standard that supports business growth.
5. The proposed amendment adds the Protected Area (PA2) of the Mountain Island Lake Watershed Overlay District (MIL District) to Section 8.25.10 and allows, as part of a conditional zoning, the Board of Commissioners to approve a modification of perennial tributary buffers in the PA2 areas of the MIL District which drain less than 50 acres, without a variance as long as one of the nine mitigation techniques set forth in Subsection 11(b) are implemented. The 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.
6. Section 3.3.2, Mountain Island Lake Watershed Overlay District, imposes additional buffer restrictions on property that is located in the critical and protected areas of the overlay district. The PA2 of the MIL District is the larger, less restricted area of the overlay district and, as such, a significant amount of property that is designated for Corporate Business in the Community Plan is in the PA2. The PA2 area has fewer restrictions than critical areas because the risk of water quality degradation from pollution is less in the protected areas than in the critical areas. This amendment will allow for industrial and commercial buildings in the Corporate Business, PA2 of the MIL District, that are shown in the 2040 Community Plan as preserved for industrial and commercial businesses, to be built without being required to reduce the size of the building, or not built at all, due to a perennial tributary. Mitigation is

still required and the amendment is limited 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.

Proposed Changes to the Ordinance:

In order to accomplish this purpose, the Applicant proposes the following changes to the Ordinance:

Amend Section 8.25.10 by adding the underlined section to .10:

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-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 stormwater.
- 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
- In the event the property is also in the Protected Area (PA2), of the Mountain Island Lake Watershed Overlay District, as defined in Section 3.3.2, and as part of an approved conditional zoning in the Corporate Business Zoning District, the Board of Commissioners may approve a modification to a perennial stream buffer draining under 50 acres without a variance subject to implementing one of the

nine mitigation techniques in Subsection 11(b) below. 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.

Amend Section 3.3.2. B. g) by adding the underlined section as 10):

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 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 “Watershed Buffer Guidelines for Mecklenburg County, NC” 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 Mecklenburg County Engineering Department and the Mecklenburg County Water Quality Program.
- 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 and pervious materials.
- 6) During new development or the expansion of existing development, the Town, upon the advice of the Mecklenburg County Water Quality Program, 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 “Watershed Buffer Guidelines for Mecklenburg County, NC”.
- 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 “Watershed Buffer Guidelines for Mecklenburg County, NC” 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 “Watershed Buffer Guidelines for Mecklenburg County, NC.” 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. The Built-upon area (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 buffers is 4%.

d. Existing BUA shall not be increased within the State minimum 50-foot buffer.

e. Best Management Practices (BMPs) (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):

i. 85% removal of Total Suspended Solids (TSS)

ii. 60% removal of Total Phosphorus (TP)

f. All BMPs shall be installed or planted in accordance with the Charlotte-Mecklenburg BMP Design Manual and in accordance with Huntersville’s Water Quality Ordinance.

g. Maintenance Agreements and Maintenance Plans must be recorded for all BMPs installed and/or planted and the location of the BMP and corresponding notes must be recorded on the deed in compliance with Huntersville’s Water Quality Ordinance.

h. Mitigation measures, including all BMPs, must be installed, inspected and approved and the provisions described in item g (above) satisfied prior to the release of any certificates of occupancy for the structural expansion.

i. All structural BMPs must be inspected and certified annually for compliance with design criteria by a licensed NC. 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 BMP 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 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.