



# Text Amendment Application

Date of Application: 10/22/21

## 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): \_\_\_\_\_ Section(s): \_\_\_\_\_

**Current Ordinance**

\_\_\_\_\_  
See attached  
\_\_\_\_\_

**Proposed Text**

\_\_\_\_\_  
See attached.  
\_\_\_\_\_

**Reason for Proposed Change**

\_\_\_\_\_  
Mandated by Senate Bill 300 & S.L. 2021-138 to remove criminal penalty from ordinances adopted under Article 18 of G.S. 153A (Planning and Regulation of Development) or 160D of the General Statutes, except those ordinances related to unsafe buildings. Mandated by House Bill 218 to allow an applicant to exceed the allowable built-upon area (density) under the water supply watershed rules if all circumstances are met.  
\_\_\_\_\_

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 Kayleigh Mickey Date 10/22/21

Title Planner I Email Kmielenz@huntersville.org

Address of Applicant 105 Gilead Rd, 3rd Floor, 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: 10/22/21

Staff Initials: KTM

**AN ORDINANCE TO AMEND SECTIONS 8.17.25(B), 8.17.25(B)(3), AND 11.2.3(A) OF THE ZONING ORDINANCE, AND TO AMEND SUBSECTION 1 OF SECTION 9.000 OF THE SUBDIVISION ORDINANCE, AND TO AMEND SECTIONS 151.02, 151.34, AND 151.48(E) OF THE FLOOD DAMAGE PREVENTION ORDINANCE, AND TO AMEND SECTIONS 110.99 OF TITLE XI, 150.01, 150.16(C), 150.16, 151.16(E), 158.18, 150.20, 150.23, AND 150.99(B) OF THE TOWN CODE OF ORDINANCES, AND TO ADD SECTION 99.99 TO TITLE IX OF THE TOWN CODE OF ORDINANCES TO REMOVE CRIMINAL PENALTY FROM ORDINANCES ADOPTED UNDER ARTICLE 18 OF G.S. 153A (PLANNING AND REGULATION OF DEVELOPMENT) OR 160D OF THE GENERAL STATUTES, EXCEPT THOSE ORDINANCES RELATED TO UNSAFE BUILDINGS.**

**AND, AN ORDINANCE TO AMEND SECTIONS 3.3.2.2 EXCEPTIONS TO APPLICABILITY, SUBSECTION (e) OF SECTION 3.3.2-A BUILT-UPON AREA DEVELOPMENT STANDARDS, SUBSECTION (e) OF SECTION 3.3.2-B BUILT-UPON AREA DEVELOPMENT STANDARDS, SECTION 3.3.3.2 EXCEPTIONS TO APPLICABILITY, (e) OF SECTION 3.3.3-A BUILT-UPON AREA DEVELOPMENT STANDARDS, AND SUBSECTION E OF SECTION 8.17.3 WATER QUALITY EXCEPTIONS TO APPLICABILITY OF THE ZONING ORDINANCE TO ALLOW AN APPLICANT TO EXCEED THE ALLOWABLE BUILT-UPON AREA (DENSITY) UNDER THE WATER SUPPLY WATERSHED RULES IF ALL CIRCUMSTANCES ARE MET.**

**Section 1. BE IT ORDAINED** by the Board of Commissioners of the Town of Huntersville, North Carolina, that subsection 1 of Section 9.000 of the Town of Huntersville Subdivision Ordinance, Enforcement, is hereby amended as follows:

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, ~~upon conviction, be guilty of a Class 1 misdemeanor, which shall result in the assessment of a civil penalty be punishable by a fine not to exceed of \$500.00 per offense and may result in other enforcement actions as allowed by law. or imprisonment for not more than 30 days for each and every offense.~~ 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.

**Section 2. BE IT ORDAINED** by the Board of Commissioners of the Town of Huntersville, North Carolina, that Section 8.17.25(b) of the Town of Huntersville Zoning Ordinance is hereby amended as follows:

Remedies and Penalties. The remedies and penalties provided for violations of this ordinance, ~~whether civil or criminal~~, shall be cumulative and in addition to any other remedy provided by law, and may be exercised in any order.

**Section 3. BE IT ORDAINED** by the Board of Commissioners of the Town of Huntersville, North Carolina, that Section 8.17.25(b)(3) of the Town of Huntersville Zoning Ordinance is hereby deleted and amended as follows:

~~Criminal Penalties Violation of this ordinance may be enforced as a misdemeanor subject to the maximum fine permissible under North Carolina law.~~

**Section 4. BE IT ORDAINED** by the Board of Commissioners of the Town of Huntersville, North Carolina, that Section 11.2.3(a) of the Town of Huntersville Zoning Ordinance, Enforcement Remedies and Penalties for Violation, is hereby amended as follows:

- (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 11.3.2(h)(4) 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.

**Section 5. BE IT ORDAINED** by the Board of Commissioners of the Town of Huntersville, North Carolina, that Section 151.02 of the Flood Damage Prevention Ordinance, Statutory Authorization, is hereby amended as follows:

The Legislature of the State of North Carolina has in G.S. Chapter 143, Art. 21, Part 6; Chapter 160D ~~160A, Art. 19~~, Parts 3, 5, and 8; and Chapter 160A, Art. 8, delegated to local governmental units the responsibility to adopt regulations designed to promote the public health, safety, and general welfare.

**Section 6. BE IT ORDAINED** by the Board of Commissioners of the Town of Huntersville, North Carolina, that Section 151.34 of the Flood Damage Prevention Ordinance, Penalties for Violation, is hereby amended as follows:

Violation of the provisions of this ordinance or failure to comply with any of its requirements including violation of conditions and safeguards established in connection with grants of Floodplain Development Permits, Variances or special exceptions, shall constitute a misdemeanor and shall, upon conviction thereof, be fined not more than five hundred dollars (\$500.00) or imprisoned for not more than thirty (30) days, but only if the violation is not related to Article 19 of Chapter 160A of the North Carolina General Statutes or a violation of Chapter 160D of the North Carolina General Statutes. ~~Any person who~~

~~violates this ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than five hundred dollars (\$500.00) or imprisoned for not more than thirty (30) days. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the Town of Huntersville or the Floodplain Administrator from taking such other lawful action as is necessary to prevent or remedy any violation, including but not limited to seeking injunctive relief, orders of abatement, or other similar equitable relief~~

**Section 7. BE IT ORDAINED** by the Board of Commissioners of the Town of Huntersville, North Carolina, that Section 151.48(E) of the Flood Damage Prevention Ordinance, Corrective Procedures, is hereby amended as follows:

(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 Board of Adjustment following an appeal, he/she ~~shall be guilty of a misdemeanor and shall be punished in the discretion of the court. In addition, the owner or occupant shall be subject to civil enforcement as described in Article II, Section 14.~~

**Section 8. BE IT ORDAINED** by the Board of Commissioners of the Town of Huntersville, North Carolina, that Section 110.99 of Title XI of the Town of Huntersville Code of Ordinances, Penalty, is hereby amended as follows:

~~(A) *Criminal penalty.* Any person who violates any of the following provisions of this chapter shall be guilty of a misdemeanor as provided in G.S. § 14-4 and, upon conviction, shall be subject to a maximum fine of \$500.00 or imprisonment, or both: Sections 110.20(B)(9)(a), 110.23, 110.26(D), 110.27(E), 110.30(C), 110.45, 110.46(C) and (D), 110.47(B) and 110.48(B) and (C). Each violation shall be considered a separate and distinct offense, and each day of continued violation shall be considered as a separate offense. The issuance of a notice of violation or a suspension or revocation of a sexually oriented business license shall not prohibit the imposition of a criminal penalty and the imposition of a criminal penalty shall not prevent the issuance of a notice of violation or a suspension or revocation of the license.~~

~~(A)(B) *Civil injunction.* In addition to the issuance of a notice of violation and, the suspension or revocation of a sexually oriented business license, or a prosecution for criminal violations, any person who violates this chapter may be subject to all civil and equitable remedies stated in G.S. § 160A-175.~~

**Section 9. BE IT ORDAINED** by the Board of Commissioners of the Town of Huntersville, North Carolina, that Section 150.01 of the Town of Huntersville Code of Ordinances, Findings; purpose, is hereby amended as follows:

- (A) Pursuant to G.S. § ~~160A-441~~160D-1201, it is hereby found and declared that there exist in the town dwellings which are unfit for human habitation due to dilapidation, defects increasing the hazards of fire, accidents and other calamities, lack of ventilation, light and sanitary facilities, and other conditions rendering such dwellings unsafe or unsanitary, dangerous and detrimental to the health and otherwise inimical to the welfare of the residents of the town.
- (B) In order to protect the health, safety and welfare of the residents of the town as authorized by G.S. § ~~160DA~~, Article ~~19, Part 6~~, it is the purpose of this chapter to establish minimum standards of fitness for the initial and continued occupancy of all buildings used for human habitation, as expressly authorized by G.S. § ~~160A-444~~160D-1205.

**Section 10. BE IT ORDAINED** by the Board of Commissioners of the Town of Huntersville, North Carolina, that Section 150.16(c) of the Town of Huntersville Code of Ordinances, Administrative Procedure, is hereby amended as follows:

(3) *In personam remedy.* If the owner of any deteriorated dwelling or dwelling unit shall fail to comply with an order of the Inspector to repair, alter, or improve the same within the time specified therein, or if the owner of a dilapidated dwelling shall fail to comply with an order of the Inspector to vacate and close, and remove or demolish the same within the time specified therein, the Inspector shall submit to the Board of Commissioners may adopt an ordinance at its next regular meeting a resolution directing the Town Attorney to petition the superior court for an order directing such owner to comply with the order of the Inspector, as authorized by G.S. § ~~160A-446(g)~~ 160D-1208.

(4) *In rem remedy.* After failure of an owner of a deteriorated dwelling or dwelling unit, or of a dilapidated dwelling, to comply with an order of the Inspector within the time specified therein, if injunctive relief has not been sought or has not been granted as provided in the preceding division (1), the Inspector shall submit to the governing body an ordinance ordering the Inspector to cause such dwelling or dwelling unit to be repaired, altered, improved, or vacated and closed and removed or demolished, as provided in the original order of the Inspector, and pending such removal or demolition, to placard such dwelling as provided by G.S. § ~~160A-443~~ 160D-1203 and Section 150.17 of this chapter.

**Section 11. BE IT ORDAINED** by the Board of Commissioners of the Town of Huntersville, North Carolina, that Section 150.16(d) of the Town of Huntersville Code of Ordinances, Appeals from orders of Inspector, is hereby amended as follows:

(1) An appeal from any decision or order of the Inspector 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 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. § ~~160A-446(f)~~ 160D-1208 and division (E) of this section.

**Section 12. BE IT ORDAINED** by the Board of Commissioners of the Town of Huntersville, North Carolina, that Section 150.16(e) of the Town of Huntersville Code of Ordinances is hereby amended as follows:

(E) Every decision of the Board shall be subject to review by proceedings in the nature of certiorari instituted within 15 days of the decision of the Board, but not otherwise, as provided in G.S. § ~~160A-446(e)~~ 160D-1208(c). In addition, any person aggrieved by an order issued by the Inspector or a decision

rendered by the Board shall also have the right, within 30 days after issuance of the order or rendering of the decision, to petition the Superior Court for a temporary injunction restraining the Inspector pending a final disposition of the cause, as provided by G.S. § ~~160A-446(f)~~ 160D-1208(d).

**Section 13. BE IT ORDAINED** by the Board of Commissioners of the Town of Huntersville, North Carolina, that Section 150.18 of the Town of Huntersville Code of Ordinances, In rem action by Inspector; placarding, is hereby amended as follows:

- (A) After failure of an owner of a dwelling or dwelling unit to comply with an order of the Inspector issued pursuant to the provisions of this chapter, and upon adoption by the governing body of the town of an ordinance authorizing and directing him or her to do so, as provided by G.S. § ~~160A-443(5)~~160D-1203(4) and § 150.16(C) of this chapter, the Inspector shall proceed to cause such dwelling or dwelling unit to be repaired, altered, or improved to comply with the minimum standards of fitness established by this chapter, or to be vacated and closed and removed or demolished, as directed by the ordinance of the governing body and shall cause to be posted on the main entrance of such dwelling or dwelling unit a placard with the following words: "This building is unfit for human habitation; the use or occupation of this building for human habitation is prohibited and unlawful." Occupation of a building so posted shall constitute a Class 1 misdemeanor.
- (B) Each such ordinance shall be recorded in the office of the Register of Deeds in the county wherein the property is located, and shall be indexed in the name of the property owner in the grantor index, as provided by G.S. § ~~160A-443(5)~~160D-1203(7).

**Section 14. BE IT ORDAINED** by the Board of Commissioners of the Town of Huntersville, North Carolina, that Section 150.20 of the Town of Huntersville Code of Ordinances, Costs a lien on premises, is hereby amended as follows:

As provided by G.S. § ~~160A-443(6)~~ 160D-1203(7), the amount of the cost of any repairs, alterations, or improvements, or vacating and closing, or removal or demolition, caused to be made or done by the Inspector pursuant to Section 150.18 of this chapter shall be a lien against the real property upon which such cost was incurred. Such lien shall be filed, have the same priority and be enforced and the costs collected as the lien for special assessments provided by G.S. § 160A, Article 10.

**Section 15. BE IT ORDAINED** by the Board of Commissioners of the Town of Huntersville, North Carolina, that Section 150.23 of the Town of Huntersville Code of Ordinances, Lis Pendens, is hereby amended as follows:

**Sec. 150.23- ~~Lis Pendens~~ Reserved**

~~Upon issuance of a complaint and notice of hearing or an order pursuant thereto, a notice of lis pendens, with a copy of the complaint and notice of hearing or order attached thereto, may be filed in the office of the clerk of superior court of the county. The notice of lis pendens and a copy of the complaint and the notice of hearing or order attached thereto shall be indexed and cross-indexed in accordance with the indexing procedures of G.S. § 1-117. From the date and time of indexing, the complaint and notice of hearing or order shall be binding upon successors and assigns of the owners of and parties in interest in the dwelling at the time of filing in accordance with G.S. § 160A-445. The notice of lis pendens shall remain in full force and effect until cancelled. The notice of lis pendens shall be~~

~~cancelled upon compliance with the order. Upon receipt of notice of cancellation from the town, the Clerk of Superior Court shall cancel the notice of lis pendens.~~

**Section 16. BE IT ORDAINED** by the Board of Commissioners of the Town of Huntersville, North Carolina, that Section 150.99(B) of the Town of Huntersville Code of Ordinances, Penalty, is hereby amended as follows:

(B) The violation of any provision related to unsafe buildings in ~~of~~ this chapter shall constitute a misdemeanor, as provided by G.S. § 14-4.

**Section 17. BE IT ORDAINED** by the Board of Commissioners of the Town of Huntersville, North Carolina, that Section 99.99 of Title IX of the Town of Huntersville Code of Ordinances, Penalty, is hereby amended and added as follows:

**Sec. 99.99- Penalty.**

This chapter may be enforced by any or all of the following ways as provided by law.

(A) Anyone violating this chapter shall be guilty of a Class 3 misdemeanor and shall be fined not more than \$100.00 or imprisoned for not more than 20 days.

(B) A violation of this chapter shall subject the violator to issuance of a citation in the amount of \$100.00 for each citation. A citation remaining unpaid to the Town of Huntersville after 15 days from the date of issuance shall subject the violator to a civil penalty, which may be recovered by the town in a civil action. A violation, which is a continuing violation, shall subject the violator to separate citations for each day the violation continues.

(C) Any other penalty provided by law as set forth in Section 10.99 of this Code.

**Section 18. BE IT ORDAINED** by the Board of Commissioners of the Town of Huntersville, North Carolina, that subsection (e) of Section 3.3.2-A, Built-Upon Area (BUA) Development Standards, is hereby amended as follows:

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 Section 3.3.2-A(h).
- (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 Section 3.3.2-A(f).



**Section 19. BE IT ORDAINED** by the Board of Commissioners of the Town of Huntersville, North Carolina, that subsection (e) of Section 3.3.2-B, Built-Upon Area (BUA) Development Standards, is hereby amended as follows:

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 Section 3.3.2-B(i).
- (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 Section 3.3.2-B(f).

**Section 20. BE IT ORDAINED** by the Board of Commissioners of the Town of Huntersville, North Carolina, that (e) of Section 3.3.3-A, Built-Upon Area (BUA) Development Standards, is hereby amended as follows:

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 Section 3.3.3-A(i).
- (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 Section 3.3.3-A(f).

**Section 21. BE IT ORDAINED** by the Board of Commissioners of the Town of Huntersville, North Carolina, that Section 3.3.2.2, Exceptions to Applicability, is hereby amended as follows:

**.2 Exceptions to Applicability:**

- a) Existing development, as defined in Section 12.2.3, is not subject to the requirements of the Mountain Island Lake Watershed Overlay District. Expansions to structures classified as existing development must meet the requirements of this section, however the built-upon area of the existing development is not required to be included in the impervious area calculations.

- b) An existing lot, as defined in Section 12.2.3, 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 Section 3.3.3-A, f) and g) or Section 3.3.3-B, f) and g), whichever are applicable.
- c) Existing public utilities may expand without being subject to the restrictions of this part provided that:
  - (i) Such expansion complies with all applicable laws of the State of North Carolina and the United States of America, and
  - (ii) Discharges associated with the existing public utilities may be expanded, however the pollutant load shall not be increased beyond presently permitted levels.
- d) This Section 3.3.2 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 as provided in G.S. 143-214.5(d3) and as further described in this Article 3

**Section 22. BE IT ORDAINED** by the Board of Commissioners of the Town of Huntersville, North Carolina, that Section 3.3.3.2, Exceptions to Applicability, is hereby amended as follows:

**.2 Exceptions to Applicability:**

- a) Existing development, as defined in Section 12.2.3, is not subject to the requirements of the Lake Norman Watershed Overlay District. Expansions to structures classified as existing development must meet the requirements of this section, however the built-upon area of the existing development is not required to be included in the impervious area calculations.
- b) An existing lot, as defined in Section 12.2.3, 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 Section 3.3.4-A, f) and g), whichever are applicable.
- c) Existing public utilities may expand without being subject to the restrictions of this part provided that:
  - (a) Such expansion complies with all applicable laws of the State of North Carolina and the United States of America; and
  - (b) Discharges associated with the existing public utilities may be expanded, however the pollutant load shall not be increased beyond presently permitted levels.
- d) This Section 3.3.3 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 as provided in G.S. 143-214.5(d3) and as further described in this Article 3.

**Section 23. BE IT ORDAINED** by the Board of Commissioners of the Town of Huntersville, North Carolina, that subsection e of Section 8.17.3, Exceptions to Applicability, is hereby amended as follows:

- 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. 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 as provided in G.S. 143-214.5(d3) and as further described in Article 3.

**Section 24. Effective Date.**

This ordinance shall become effective upon the date of adoption.

**Text Amendment Timeline**

Recommendation by HOAB: 10/07/21 & 11/04/21

Call for Public Hearing: 11/01/21

Proposed Recommendation by Planning Board: 12/21/21

Proposed Final Decision by Town Board: 01/08/22