



AGENDA
Ordinance Advisory Board Meeting
December 1, 2022 - 3:30 PM

TOWN HALL (101 HUNTERSVILLE-CONCORD ROAD)

Live Stream- Members of the public may view or access the meeting on YouTube at
<https://www.youtube.com/channel/UCqgiipdJL0ywl-LZrcN5MpQ/featured>.

- 1. Call to Order/Roll Call**
- 2. Approval of Minutes**
 - 2.A. Consider approval of the November 3, 2022 regular meeting minutes ()
- 3. Public Comments** - *Speakers are limited to 3 minutes. The Chairperson reserves the right to shorten the time limit for speakers when an unusually large number of persons have signed up to speak. Speakers may not give all or a portion of their time to other speakers*
- 4. Action Agenda**
 - 4.A. Consider recommendation on petition #TA22-13, a request by the Huntersville Planning Department for a text amendment to the Zoning Ordinance to amend Article 3.3.1(a) Manufactured Home Overlay District to update skirting requirements to comply with G.S. Chapter 160D-910 and to amend Article 11.6.1(a) Zoning Compliance to clarify application requirements and to amend Article 9.9 Commercial Communication Tower to comply with G.S. Chapter 160D-937 on co-locating wireless facilities on Town utility poles. *(Kayleigh Mielenz)*
 - 4.B. Consider an amendment to Section 7.3.3 of the Zoning Ordinance to increase the buffer yard width when a proposed development is more dense than adjoining existing development. ()
 - 4.C. Consider a Town Board sponsored amendment to Article 4, Urban Workplace and Shopfront Building Types clarifying how to count residential and non-residential floor areas in mixed-use buildings. ()
- 5. Other Business**
 - 5.A. Discuss making ordinances more user-friendly *(Kayleigh Mielenz, Brian Richards)*

- 5.B. Discussion on large-scale one building one lot apartments in certain zoning districts
(*Jack Simoneau*)
- 5.C. Take questions about table for UNC School of Government checklists (*Kayleigh Mielenz, Emily Sloop*)

6. Adjourn

Minutes of the Town of Huntersville Ordinance Advisory Board

The Town of Huntersville Ordinance Advisory Board met in person at 3:30 p.m. on Thursday, November 3, 2022, at Town Hall 101 Huntersville-Concord Road.

Call to Order/Roll Call

Chairman Jones called the meeting to order at 3:30 pm.

Voting Members Present: M. Jones, T. Taylor, A. Hallman, K. Jones, H. Whittaker, and F. Gammon

Voting Members Absent: B. Skelly, J. Kluttz, T. Finlay

Non-Voting Members Present: Commissioner Boone, J. Simoneau, T. Barron, E. Sloop, and J. Glass

Non-Voting Members Absent: None

Approval of Minutes

Item 2A. Consider approval of the October 6, 2022, Regular Meeting Minutes

Motion: K. Jones made a Motion to Approve the October 6, 2022, minutes. A. Hallman seconded the motion.

Vote: The motion passed unanimously (6-0).

Public Comments

No comments.

Action Agenda

Item 4A. Consider recommendation on petition #TA22-13, a request by the Huntersville Planning Department for a text amendment to the Zoning Ordinance to amend Article 3.3.1(a) Manufactured Home Overlay District to update skirting requirements to comply with G.S. Chapter 160D-910 and to amend Article 11.6.1(a) Zoning Compliance to clarify application requirements and to amend Article 9.9 Commercial Communication Tower to comply with G.S. Chapter 160D-937 on co-locating wireless facilities on Town utility poles
K. Mielenz, Planner I presented text amendment TA22-13 in three parts, the first part related to amending Article 3.3.1(a) to update skirting requirements to comply with NCGS Chapter 160D-910 for manufactured homes. Staff reviewed that the proposed amendments would update the skirting requirements for manufactured homes that are leased to the homeowner.

T. Taylor asked if the amendment would eliminate all under pinning or just masonry since only masonry is mentioned and some type of under pinning would be recommended. Staff responded that the current proposed statement would eliminate the masonry requirement.

F. Gammon asked who owns the manufactured home that is being leased out. M. Jones stated that if the owner of the land and home are the same then this exemption does not apply. If the owner of the land and the owner of the home are not the same person, then this exemption would apply.

H. Whittaker agreed that we may want to specify more clearly how the exemption applies with the proposed wording. He then asked why this would be an exemption for some and not others. Staff responded and shared the exact wording of the state statute and stated that the proposed amendment is to comply with the state statute. Staff continued that we are in agreement with the statement T. Taylor made that requiring some skirting would be a good recommendation and we could require an alternative skirting and not require masonry skirting.

K. Jones asked if existing landowners leasing to manufactured homes would be required to comply with this amendment. Staff responded that existing properties this applies to would be grandfathered in until which time a request to place a manufactured home was placed and then the amendment would apply.

M. Jones asked if this state statute is creating an unintended consequence of owners and renters being treated differently. Staff responded that it is possible that is occurring but this is not being proposed by staff, it is a state statute that we must comply with.

Motion: M. Jones made a motion to defer this item to the December 2022 meeting and requested that Staff provide additional language to address alternative skirting options for manufactured home owners that are leasing land and for staff to provide a rent versus own legal perspective referencing Adam Lovelady's article from 5/24/22 regarding build to rent communities from the UNC School of Government site. H. Whittaker seconded the motion.

Vote: The motion passed unanimously (6-0).

Staff provided the background on the requested amendment to Article 11.6.1(a) Zoning Compliance to clarify application requirements and that all applications shall be signed by the property owner and the proposed amendment to comply with NCGS Chapter 160D-937 on co-locating wireless facilities on town utility poles.

Item 4B: Consider an amendment to Section 7.3.3 of the Zoning Ordinance to increase the buffer yard width when a proposed development is more dense than adjoining existing development.

J. Simoneau, Planning Director advised that the Board could take this item for discussion or recommendation today. Staff explained that when amendments were made to the Subdivision Ordinance process there were adjustments that changed conformity from a requirement to a general guideline. Changing "Conformity" from a **Requirement** to a **General Guideline** does not allow the town to modify the 20'-wide buffers between developments on a case-by-case basis. The proposed amendment would allow buffer widths to be 20 or, where the proposed development is more than 2 times greater than the existing adjoining development, 40 feet..

Staff provided examples of how the buffer width would have been adjusted on recently approved projects.

K. Jones reviewed the proposed wording and highlighted areas where it could be misunderstood. Staff stated further wordsmithing could be considered.

F. Gammon commented on the wording of the text and asked for confirmation that the proposed 40-foot buffer would apply to all zoning districts. Staff confirmed they would bring back a few options for the wording to the next meeting and the proposed amendment would apply to determining the buffer for all proposed residential development that is twice the density of the existing adjacent development in all zoning districts.

A. Kovacs recommended using 'must' versus 'shall' for the language. E. Sloop provided a response regarding the use of language.

A. Hallman commented that with Town Center being the exception we may want to consider a buffer adjustment when the proposed development is adjacent to another zoning district so that it more appropriately feathers out. She expressed concerns over the use of shall/should as it relates to the definition of those terms being flexible and the participation of the developer being left up to the developer. Staff explained that when an applicant is applying for a conditional rezoning then modifications can be requested to items that are listed as 'shall' and the Town Board may make the decision to grant or not grant those modifications and apply conditions on the development.

K. Jones commented on how many times staff have asked developers to make adjustments and the developer has chosen not to showing how different the effects of shall/should are on what is being developed.

M. Jones recommended adding 'should' in the rules of construction to make it more user-friendly.

K. Jones asked for a definition on conformity as it seems subjective. Staff confirmed that it is a guideline here for subdivisions and in other instances conformity may be applied differently such as a special use permit.

Item 4C: Consider a Town Board sponsored amendment to Article 4, Urban Workplace and Shopfront Building Types clarifying how to count residential and non-residential floor areas in mixed-use buildings.

J. Simoneau, Planning Director reviewed the recent approved plan that identified that referencing non-residential space may not be achieving the desired results of the use of the space. The proposed amendment would adjust 'non-residential' to 'commercial' use for shopfront and workplace building types with the added wording to achieve the percentage indicated being used for commercial purposes only.

K. Jones reviewed the use of 'up to' in the proposed language and when would a developer be allowed to adjust this requirement. Staff confirmed that the proposed language would allow for the residential use to vary from 0 – 50% with the remaining square footage being used for commercial and a developer can always request a conditional rezoning that the Town Board would have to decide to grant or not grant on a variance from the standard.

K. Jones asked if 100% commercial could be proposed. Staff stated that the Board could offer that recommendation, staff would recommend keeping it as it is since there are times that commercial may not make sense on the first floor of these buildings, such as when facing a side property yard.

F. Gammon commented on approaches to the language that could create the requirement for this to be a conditional rezoning and allow for the developer to come before the Planning and Town Board to assist with avoiding further issues.

A. Hallman commented that she would like to see greater residential option on the first floor in Town Center and that commercial areas that do not face the storefront may be a good opportunity for start-up businesses with a lower rent option that can be connected to larger businesses.

M. Jones commented that there seems to be two pieces to this, the ordinance and the interpretation. Staff agreed that clarity is the goal and the proposed language is intended to achieve that.. M. Jones commented that a clear and consistent method for interpretation of the Board, motions, Staff, and the Ordinances.

Item 5A: Review table for School of Government checklist

Motion: M. Jones made a motion to table Items 5A, 5B & 5C to the December 2022 meeting. F. Gammon seconded the motion.

Vote: The motion passed unanimously (6-0).

Item 5B: Discuss making ordinances more user-friendly

Item 5C: Discussion on large-scale one building one lot apartment in certain zoning districts

Other Business

No other business.

Adjourn

Motion: F. Gammon made a Motion to Adjourn. A. Hallman seconded the motion.

Vote: The motion passed unanimously (6-0).

Approved this ____ day of _____ 2022.

Chairman or Vice Chairman

Board Secretary



Text Amendment Application

Date of Application 10/01/22

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): _____ Section(s): _____

Current Ordinance

See attached

Proposed Text

See attached

Reason for Proposed
Change

To comply with G.S. 160D-910 on manufactured home
skirting & comply with G.S. 160D-937 on the
co-location of wireless facilities on town owned utility poles.
Also to update permit application standards for Zoning Use
permits.

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: municipality

Signature Kayleigh Mielenz Date 10/01/22

Title Planner I Email Kmielenz@huntersville.org

Address of Applicant 105 Gilead Rd, 3rd Floor, Huntersville, NC 28070

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: 10/01/22

Staff Initials: KIM

AN ORDINANCE TO AMEND THE TOWN OF HUNTERSVILLE ZONING ORDINANCE ARTICLE 3.3.1(a) MANUFACTURED HOME OVERLAY DISTRICT TO UPDATE SKIRTING REQUIREMENTS FOR MANUFACTURED HOMES TO COMPLY WITH G.S. CHAPTER 160D-910 AND TO AMEND ARTICLE 11.6.1(a) ZONING COMPLIANCE TO CLARIFY APPLICATION REQUIREMENTS AND TO AMEND ARTICLE 9.9 COMMERCIAL COMMUNICATION TOWER TO COMPLY WITH G.S. CHAPTER 160D-937 ON CO-LOCATING WIRELESS FACILITIES ON TOWN UTILITY POLES

Section 1. BE IT ORDAINED by the Board of Commissioners of the Town of Huntersville, North Carolina, that Zoning Ordinance Section 3.3.1(a) Manufactured Home Overlay District (MH-O), Permitted Uses, is hereby amended as follows:

a) Permitted Uses

Uses permitted by right

- all uses permitted by right in the underlying district, according to the standards of the underlying district
- family care homes

Uses permitted with conditions

- all uses permitted with conditions in the underlying district, according to the standards and conditions associated with the underlying district.
- Manufactured Homes, provided that:
 - (a) The home shall be set up in accordance with the standards set by the North Carolina Department of Insurance.
 - (b) A continuous, permanent masonry wall, having the appearance of a conventional load-bearing foundation wall, unpierced except for required ventilation and access, shall be installed under the perimeter of the manufactured home. **Notwithstanding the foregoing, neither masonry walls nor masonry skirting shall be required for manufactured homes located on land leased to the owner of the manufactured home; however, non-masonry skirting shall be installed on such manufactured homes.**
 - (c) The home will have all wheels, transporting lights, and towing apparatuses removed.
 - (d) The structure must be at least 14 feet in width along the majority of its length.
 - (e) The roof shall have at least a 3:12 pitch.
 - (f) Exterior wall and roofing materials and finishes shall be comparable in composition, appearance and durability to those commonly used in conventional residential construction. As examples, exterior walls would be expected to be covered in wood, stucco, brick, stone, other masonry materials, or similar conventional exterior finishes. Roofing material should consist of wood shingle, wood shake, synthetic composite shingle, ceramic tile, concrete tile, or similar conventional roofing materials.

(g) All entrances to a manufactured home shall be provided with permanent steps, porch or similar suitable entry.

Section 2. BE IT ORDAINED by the Board of Commissioners of the Town of Huntersville, North Carolina, that Zoning Ordinance Article 11.6.1(a) Zoning Compliance is hereby amended as follows:

11.6 Zoning Compliance

.1 Zoning Compliance

- a. A completed application form for a Zoning Permit shall be submitted by filing a copy of the application in the office of the Zoning Administrator. **All applications shall be signed by the property owner(s).**
- b. The **Zoning** Administrator shall approve the Zoning Permit unless ~~he~~ **the Zoning Administrator** finds, after reviewing the application and consulting with the applicant that:
 - 1) The requested Permit is not within ~~his~~ **their** jurisdiction according to the Permitted Uses; or
 - 2) The application is incomplete; or
 - 3) If completed as proposed in the application, the development will not comply with one (1) or more requirements of this ordinance (not including those requirements for which a variance has been granted); or
 - 4) If required under Article 14, no Traffic Impact Assessment has been approved by the Town.

Section 3. BE IT ORDAINED by the Board of Commissioners of the Town of Huntersville, North Carolina, that Zoning Ordinance Article 9.9 Commercial Communication Tower is hereby amended as follows:

9.9 Commercial Communication Tower

A Commercial Communication tower shall meet the following standards:

1. To encourage future shared use of commercial communication towers, the tower owner must demonstrate that the tower will support a specified number of antennas and must file a letter of intent with the town to lease the space to other users in good faith. In turn, the owner may charge users a proportionate share of capital, financing, and operating costs, plus the cost of insulating equipment so that the transmissions do not interfere with one another. To encourage collocation of commercial communication antenna and facilities and to reduce the need for new commercial communication towers, co-location of such antennae and facilities shall be permitted on any commercial communication tower or tower for radio communication for business or governmental purposes of which the tower was in existence on July 20, 2009, regardless of when it was constructed, the underlying zoning district, or any condition of approval for the existing tower other than a condition which was imposed or accepted by the Board of Commissioners. To the extent practical as determined by the Planning Director, all standards of this Section 9.9 shall be applicable.

- .2 No new commercial communication tower may be established if there is a technically suitable space available on an existing communications tower within the geographic area that the proposed tower is to serve.
- .3 The entire facility must be aesthetically compatible with its environment. If not otherwise camouflaged, towers shall be of a coloration that will blend with the surroundings. Example: brown/green/gray.
- .4 Fencing must be provided to secure the communication equipment on site. If chain link or similar fencing material is used on the site, an opaque screen shall be provided on the exterior side of the fence.
- .5 All obsolete or unused facilities must be removed within 12 months of cessation of operations at the site.
- .6 Equipment, mobile or immobile, not used in direct support of the transmission or relay facility shall be stored or parked on the site unless repairs to the facility are being made.
- .7 Towers shall not be artificially lighted except to ensure human safety as required by the Federal Aviation Administration (FAA) regulations. To the extent possible, tower lighting shall be located and directed to avoid flashing or shining into the interior spaces of dwellings.
- .8 An opaque screen expected to reach minimum 8' height at maturity shall be planted around the perimeter of the area occupied by the tower, security fencing, and auxiliary uses such as parking. In addition, existing onsite trees and other vegetation shall be preserved to the extent possible.
- .9 No more than one communication tower shall be constructed on a single tract of land.
- .10 If such a structure is located on a lot adjacent to a lot or lots located in a residential or mixed-use district, it must be located at least 200 feet from all property lines adjacent to the residential or mixed use district(s).
- .11 To be permitted as an incidental accessory use in any zoning district, a tower shall be camouflaged on, with, or in an existing or proposed conforming structure (e.g., inside religious institution steeple, on utility transmission line tower). A detailed site plan and structural elevations must be submitted to the Planning Department for approval. The affirmative decision of the Planning Department shall be based upon a determination that the proposed tower is so camouflaged as to be unnoticeable to the public; or if placed upon a utility transmission line tower, that the additional equipment would not further diminish the quality of the view from surrounding properties and public streets, nor would additional light(s) intrude upon the private interior or exterior living areas of existing dwellings.
- .12 Commercial Communication Towers, in addition to meeting criteria 9.9.1-9.9.10, may be allowed in the Rural (R) district only if they meet the following criteria and are subject to a Special Use Permit, according to the procedures of Section 11.4.10:
 - a. The height of the commercial communication tower may not exceed 199 feet above ground level;

- b. The commercial communication tower may only be placed on properties in eight and a half (8.5) acres on a tract that existed as an eight and a half (8.5) acre tract or greater on February 6, 2012;
- c. The commercial communication tower must be set back a distance of at least 500 feet from any public right-of-way and 200 feet from any property line;
- d. The commercial communication tower may only be placed on a property where it will not require artificial illumination;
- e. The commercial communication tower must provide technically-suitable space for at least four (4) users;
- f. The commercial communication tower must be set back a distance of at least the tower's fall zone, as certified by a North Carolina Professional Engineer, from any occupied structure.
- g. All commercial communication towers in the Rural district shall be constructed using a monopole design.
- h. A new communication tower cannot be placed within a one-mile radius of an existing tower.

.13 Collocation on town-owned utility poles shall be in accordance with N.C.G.S. § 160D-937.

.14 Nothing in Article 9.9 shall be interpreted to conflict with the provisions of N.C.G.S. § 160D-938.

Section 4. EFFECTIVE DATE

This ordinance shall become effective upon the date of adoption.

HUNTERSVILLE ORDINANCE ADVISORY BOARD: November 3, 2022 & December 1, 2022

PUBLIC HEARING DATE: January 3, 2023

PLANNING BOARD MEETING: January 24, 2023

TOWN BOARD DECISION: February 20, 2023

§ 160D-910. Manufactured homes.

(a) The General Assembly finds that manufactured housing offers affordable housing opportunities for low- and moderate-income residents of this State who could not otherwise afford to own their own home. The General Assembly further finds that some local governments have adopted zoning regulations that severely restrict the placement of manufactured homes. It is the intent of the General Assembly in enacting this section that local governments reexamine their land-use practices to assure compliance with applicable statutes and case law and consider allocating more residential land area for manufactured homes based upon local housing needs.

(b) For purposes of this section, the term "manufactured home" is defined as provided in G.S. 143-145(7).

(c) A local government may not adopt or enforce zoning regulations or other provisions that have the effect of excluding manufactured homes from the entire zoning jurisdiction or that exclude manufactured homes based on the age of the home.

(d) A local government may adopt and enforce appearance and dimensional criteria for manufactured homes. Such criteria shall be designed to protect property values, to preserve the character and integrity of the community or individual neighborhoods within the community, and to promote the health, safety, and welfare of area residents. The criteria shall be adopted by ordinance.

(e) In accordance with the local government's comprehensive plan and based on local housing needs, a local government may designate a manufactured home overlay district within a residential district. Such overlay district may not consist of an individual lot or scattered lots but shall consist of a defined area within which additional requirements or standards are placed upon manufactured homes.

(f) Nothing in this section shall be construed to preempt or supersede valid restrictive covenants running with the land. The terms "mobile home" and "trailer" in any valid restrictive covenants running with the land shall include the term "manufactured home" as defined in this section.

(g) A local government may require by ordinance that manufactured homes be installed in accordance with the Set-Up and Installation Standards adopted by the Commissioner of Insurance; provided, however, a local government shall not require a masonry curtain wall or masonry skirting for manufactured homes located on land leased to the homeowner. (2019-111, s. 2.4; 2020-3, s. 4.33(a); 2020-25, s. 51(a), (b), (d); 2021-117, s. 6(a).)

§ 143-145. Definitions.

The following definitions apply in this Article:

- (1) Act. – The National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. § 5401, et seq., federal regulations adopted under the Act, and any laws enacted by the United States Congress that supersede or supplement the Act.
- (2) Commissioner. – The Commissioner of Insurance of the State of North Carolina or an authorized designee of the Commissioner.
- (3) Repealed by Session Laws 1999-393, s. 2.
- (4) HUD. – The United States Department of Housing and Urban Development or any successor agency.
- (5) Inspection department. – A North Carolina city or county building inspection department authorized by Chapter 160A or Chapter 153A of the General Statutes.
- (6) Label. – The form of certification required by HUD to be permanently affixed to each transportable section of each manufactured home manufactured for sale to a purchaser in the United States to indicate that the manufactured home conforms to all applicable federal construction and safety standards.
- (7) Manufactured home. – A structure, transportable in one or more sections, which in the traveling mode is eight body feet or more in width, or 40 body feet or more in length, or, when erected on site, is 320 or more square feet; and which is built on a permanent chassis and designed to be used as a dwelling, with or without permanent foundation when connected to the required utilities, including the plumbing, heating, air conditioning and electrical systems contained therein. "Manufactured home" includes any structure that meets all of the requirements of this subsection except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of HUD and complies with the standards established under the Act.

For manufactured homes built before June 15, 1976, "manufactured home" means a portable manufactured housing unit designed for transportation on its own chassis and placement on a temporary or semipermanent foundation having a measurement of over 32 feet in length and over eight feet in width. "Manufactured home" also means a double-wide manufactured home, which is two or more portable manufactured housing units designed for transportation on their own chassis that connect on site for placement on a temporary or semipermanent foundation having a measurement of over 32 feet in length and over eight feet in width.

- (8) Repealed by Session Laws 1999-393, s. 2. (1969, c. 961, s. 2; 1971, c. 1172, s. 1; 1985, c. 487, s. 7; 1987, c. 429, ss. 10, 19; 1999-393, s. 2.)

process and review applications for collocated small wireless facilities, (ii) the amount charged by the city for permitting of any similar activity, or (iii) one hundred dollars (\$100.00) per facility for the first five small wireless facilities addressed in an application, plus fifty dollars (\$50.00) for each additional small wireless facility addressed in the application. In any dispute concerning the appropriateness of a fee, the city has the burden of proving that the fee meets the requirements of this subsection.

(f) ~~Subject to the limitations provided in G.S. 160A-296(a)(6), a~~ A city may impose a technical consulting fee for each application, not to exceed five hundred dollars (\$500.00), to offset the cost of reviewing and processing applications required by this section. The fee must be based on the actual, direct, and reasonable administrative costs incurred for the review, processing, and approval of an application. A city may engage an outside consultant for technical consultation and the review of an application. The fee imposed by a city for the review of the application shall not be used for either of the following:

...."

SECTION 38.10.(n) G.S. 160D-936 reads as rewritten:

"§ 160D-936. Use of public right-of-way.

...

(f) Except as provided in this Part, a city may assess a right-of-way charge under this section for use or occupation of the right-of-way by a wireless ~~provider, subject to the restrictions set forth under G.S. 160A-296(a)(6).~~ provider. In addition, charges authorized by this section shall meet all of the following requirements:

...."

SECTION 38.10.(o) G.S. 160D-937 reads as rewritten:

"§ 160D-937. Access to city utility poles to install small wireless facilities.

...

(i) ~~This section shall not apply to an excluded entity. Nothing in this Part shall be construed to apply to an electric membership corporation organized under Chapter 117 of the General Statutes that owns or controls poles, ducts, or conduits and is exempt from regulation under section 224 of the Communications Act of 1934, 47 U.S.C. § 151, et seq., as amended. Nothing in this section shall be construed to affect the authority of an excluded entity electric membership corporation to deny, limit, restrict, or determine the rates, fees, terms, and conditions for the use of or attachment to its utility poles, city utility poles, poles or wireless support structures by a wireless provider. This section shall not be construed to alter or affect the provisions of G.S. 62-350, and the rates, terms, or conditions for the use of poles, ducts, or conduits by communications service providers, as defined in G.S. 62-350, are governed solely by G.S. 62-350. For purposes of this section, "excluded entity" means (i) a city that owns or operates a public enterprise pursuant to Article 16 of Chapter 160A of the General Statutes consisting of an electric power generation, transmission, or distribution system or (ii) an electric membership corporation organized under Chapter 117 of the General Statutes that owns or controls poles, ducts, or conduits, but which is exempt from regulation under section 224 of the Communications Act of 1934, 47 U.S.C. § 151, et seq., as amended. G.S. 62-350, of poles, ducts, or conduits owned by electric membership corporations.~~

SECTION 38.10.(p) This section is effective when it becomes law. Subsections (b) through (k) of this section expire December 31, 2024.

STATE SURPLUS COMPUTERS FOR NONPROFITS

SECTION 38.11.(a) G.S. 143-64.03 reads as rewritten:

"§ 143-64.03. Powers and duties of the State agency for surplus property.

(a) The State Surplus Property Agency is authorized and directed to:

§ 160D-937. Access to city utility poles to install small wireless facilities.

(a) A city may not enter into an exclusive arrangement with any person for the right to collocate small wireless facilities on city utility poles. A city shall allow any wireless provider to collocate small wireless facilities on its city utility poles at just, reasonable, and nondiscriminatory rates, terms, and conditions, but in no instance may the rate exceed fifty dollars (\$50.00) per city utility pole per year. The North Carolina Utilities Commission shall not consider this subsection as evidence in a proceeding initiated pursuant to G.S. 62-350(c).

(b) A request to collocate under this section may be denied only if there is insufficient capacity or for reasons of safety, reliability, and generally applicable engineering principles, and those limitations cannot be remedied by rearranging, expanding, or otherwise reengineering the facilities at the reasonable and actual cost of the city to be reimbursed by the wireless provider. In granting a request under this section, a city shall require the requesting entity to comply with applicable safety requirements, including the National Electrical Safety Code and the applicable rules and regulations issued by the Occupational Safety and Health Administration.

(c) If a city that operates a public enterprise as permitted by Article 16 of Chapter 160A of the General Statutes has an existing city utility pole attachment rate, fee, or other term with an entity, then, subject to termination provisions, that attachment rate, fee, or other term shall apply to collocations by that entity or its related entities on city utility poles.

(d) Following receipt of the first request from a wireless provider to collocate on a city utility pole, a city shall, within 60 days, establish the rates, terms, and conditions for the use of or attachment to the city utility poles that it owns or controls. Upon request, a party shall state in writing its objections to any proposed rate, terms, and conditions of the other party.

(e) In any controversy concerning the appropriateness of a rate for a collocation attachment to a city utility pole, the city has the burden of proving that the rates are reasonably related to the actual, direct, and reasonable costs incurred for use of space on the pole for such period.

(f) The city shall provide a good-faith estimate for any make-ready work necessary to enable the city utility pole to support the requested collocation, including pole replacement, if necessary, within 60 days after receipt of a complete application. Make-ready work, including any pole replacement, shall be completed within 60 days of written acceptance of the good-faith estimate by the applicant. For purposes of this section, the term "make-ready work" means any modification or replacement of a city utility pole necessary for the city utility pole to support a small wireless facility in compliance with applicable safety requirements, including the National Electrical Safety Code, that is performed in preparation for a collocation installation.

(g) The city shall not require more make-ready work than that required to meet applicable codes or industry standards. Fees for make-ready work shall not include costs related to preexisting or prior damage or noncompliance. Fees for make-ready work, including any pole replacement, shall not exceed actual costs or the amount charged to other communications service providers for similar work and shall not include any consultant fees or expenses.

(h) Nothing in this Part shall be construed to apply to an entity whose poles, ducts, and conduits are subject to regulation under section 224 of the Communications Act of 1934, 47 U.S.C. § 151, et seq., as amended, or under G.S. 62-350.

(i) Nothing in this Part shall be construed to apply to an electric membership corporation organized under Chapter 117 of the General Statutes that owns or controls poles, ducts, or conduits and is exempt from regulation under section 224 of the Communications Act of 1934, 47 U.S.C. § 151, et seq., as amended. Nothing in this section shall be construed to affect the authority of an electric membership corporation to deny, limit, restrict, or determine the rates, fees, terms, and conditions for the use of or attachment to its utility poles or wireless support structures by a wireless provider. This section shall not be construed to alter or affect the provisions of G.S. 62-350, and the rates, terms, or conditions for the use by communications

service providers, as defined in G.S. 62-350, of poles, ducts, or conduits owned by electric membership corporations. (2019-111, s. 2.4; 2020-3, s. 4.33(a); 2020-25, s. 51(a), (b), (d); 2021-180, s. 38.10(o).)

§ 160D-938. Applicability.

(a) A city shall not adopt or enforce any ordinance, rule, regulation, or resolution that regulates the design, engineering, construction, installation, or operation of any small wireless facility located in an interior structure or upon the site of any stadium or athletic facility. This subsection does not apply to a stadium or athletic facility owned or otherwise controlled by the city. This subsection does not prohibit the enforcement of applicable codes.

(b) Nothing contained in this Part shall amend, modify, or otherwise affect any easement between private parties. Any and all rights for the use of a right-of-way are subject to the rights granted pursuant to an easement between private parties.

(c) Except as provided in this Part or otherwise specifically authorized by the General Statutes, a city may not adopt or enforce any regulation on the placement or operation of communications facilities in the rights-of-way of State-maintained highways or city rights-of-way by a provider authorized by State law to operate in the rights-of-way of State-maintained highways or city rights-of-way and may not regulate any communications services.

(d) Except as provided in this Part or specifically authorized by the General Statutes, a city may not impose or collect any tax, fee, or charge to provide a communications service over a communications facility in the right-of-way.

(e) The approval of the installation, placement, maintenance, or operation of a small wireless facility pursuant to this Part does not authorize the provision of any communications services or the installation, placement, maintenance, or operation of any communications facility, including a wireline backhaul facility, other than a small wireless facility, in the right-of-way. (2019-111, s. 2.4; 2020-3, s. 4.33(a); 2020-25, s. 51(a), (b), (d).)

BUFFER YARD AMENDMENT ISSUE:

The Town approved an amendment to the Subdivision Ordinance (below) making Section 6.200(1) “Conformity” a guideline instead of requirement. As a result, the Town no longer has the flexibility to require more than the 20’ buffer established for new residential subdivisions when they adjoin other lower density development. The proposed amendment provides for an increased buffer width and vegetation when a new major residential subdivision adjoins residentially developed property that has half the density.

Section 6.200 - General Guidelines and Requirements

The following statements provide general guidelines and requirements to be used in the design, of any subdivision under the jurisdiction of this ordinance. Questions of interpretation of any of these provisions should be discussed with the Planning Director or Designated Administrative Agent at the earliest possible time in the development of a subdivision proposal. (See [Section 4.000](#) for appeal process).

6.200-A GENERAL GUIDELINES

1. Conformity.

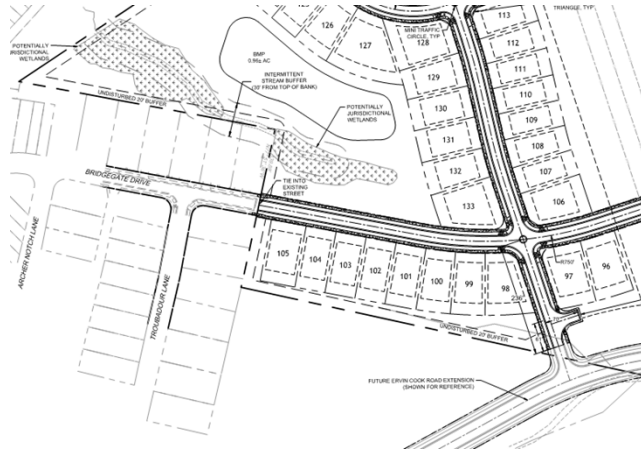
All proposed subdivisions should be planned so as to facilitate the most advantageous development of the entire neighboring area. In areas with established and/or approved development, new subdivisions should be planned to protect and enhance the stability, environment, health, and character of neighboring areas. The geometry of streets and intersections and the location of street connections should be assessed to minimize the detrimental effects of high volume, high speed neighborhood through traffic. This assessment will consider the location of large-scale traffic generating uses as well as the adopted thoroughfare plan and other adopted plans. Proposed subdivisions should not endanger the public health and safety of the community, further, orientation of principal structures should avoid backing up to public streets because of lack of privacy and inappropriate relationship to the public realm. Use of single-loaded streets where development is only on one side of the street or providing large expanses of open space where principal structures are visually buffered from the road may be appropriate in circumstances where such structures should not front on the existing public street.

2. Relation to topography.

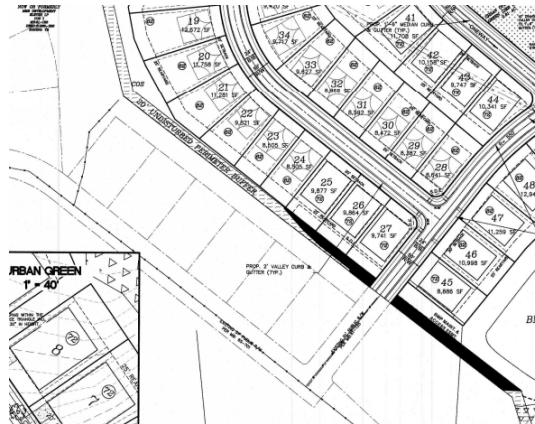
In sloping terrain, streets should generally parallel the contours of the land insofar as practicable, to avoid steep grades and the concentration of surface storm water runoff. Variations are allowed to meet design objectives for the development and/or to calm vehicular speeds.

EXAMPLES

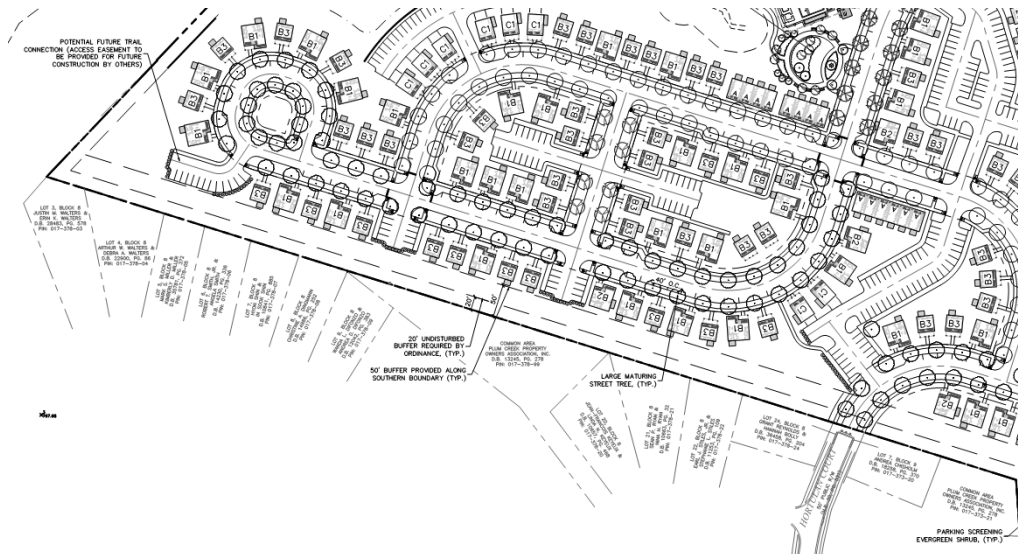
Whitaker Pointe (aka Cook Farm) – No increased buffer because lots are the same size and type as existing Gilead Ridge.



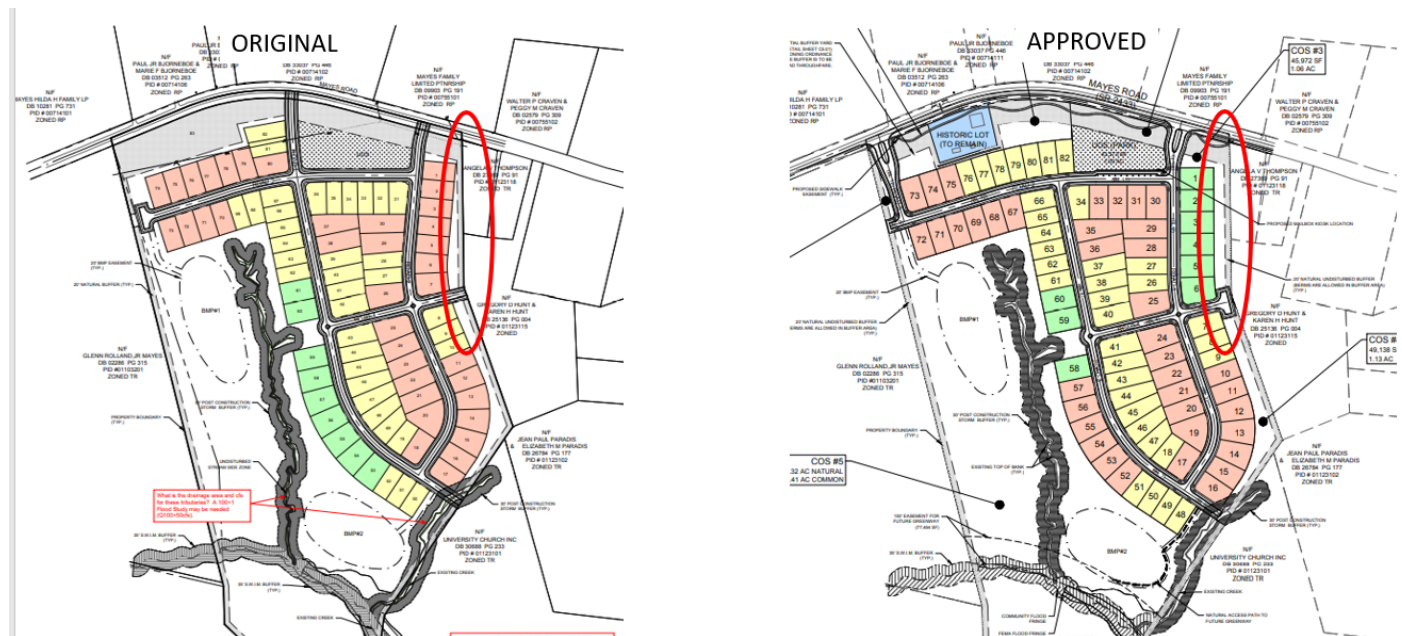
Brownleigh (Asbury Chapel Rd) – No increased buffer because lots are the same size and type as existing Mirabella.



Hamlet at Huntersville – Increase of 20' buffer to 40' because the Hamlet is more than 2 times as dense as the existing Plum Creek neighborhood.



Mayes Road – Increase of 20' minimum buffer to 40' because the Mayes Road is more than 2 times as dense as the existing residentially developed property in this area.



TWO OPTIONS TO INCREASE BUFFER REQUIREMENTS, TOWN CENTER ZONING (RED)

OPTION 1 (Staff Recommendation)

.3 Function

A buffer yard shall function as an opaque or semi-opaque barrier between the viewer and the use or structure to be buffered. Therefore, the exact location and arrangement of materials in the buffer yard will be determined based upon an analysis of site topography and sight lines from public spaces or private properties, which are to be protected. The density of the buffer yard is determined by the intensity of the use and the zoning district. Buffer yard plantings shall meet or exceed the following standards

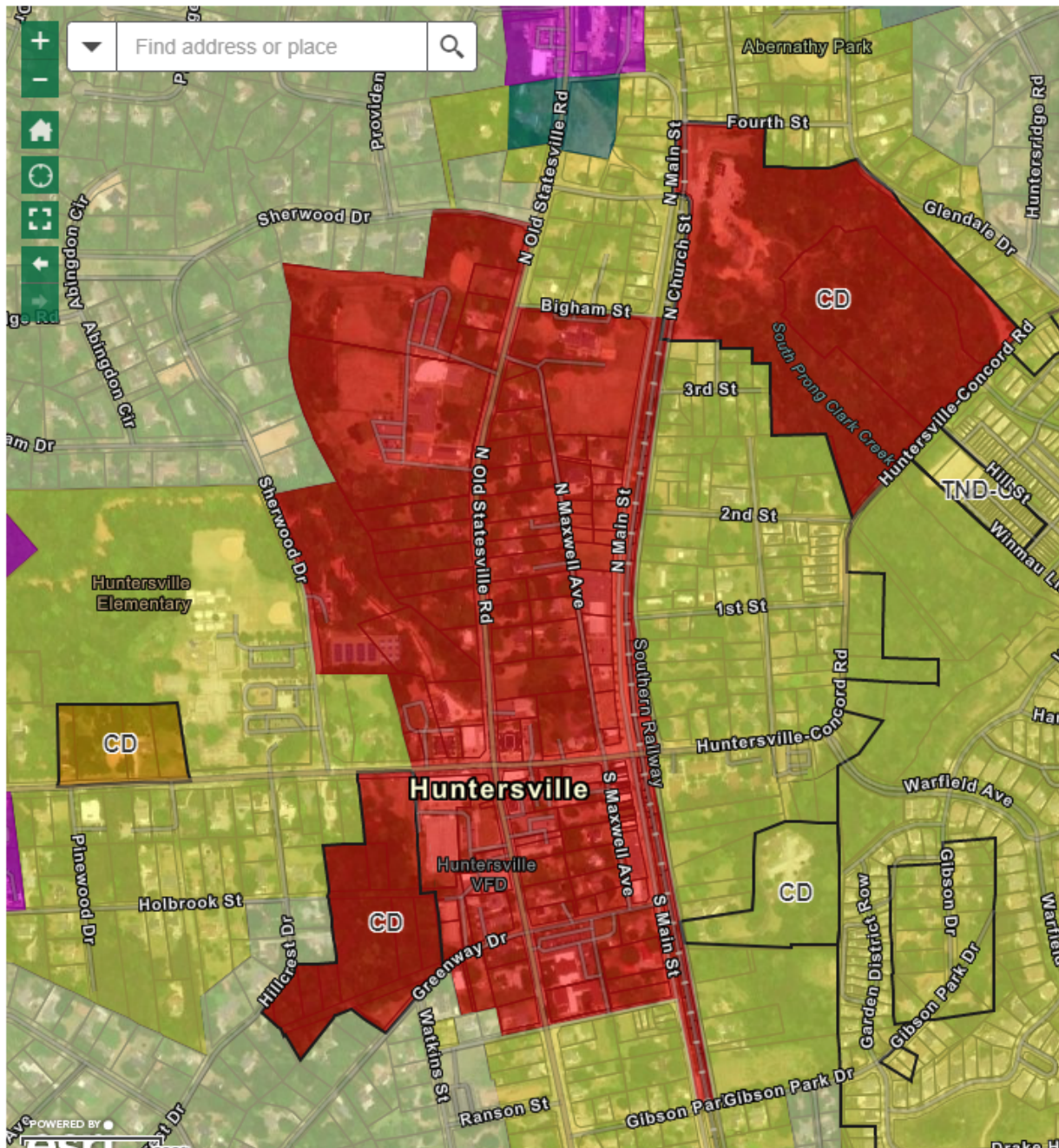
Description	Condition where Buffer required	Width	Trees ¹	Shrubs ¹
I-77 Buffer	Any property abutting I-77 right-of-way	50 feet, greater if required by the district	5 trees per 1000 sq/ft of buffer area; 75% large maturing; 50% evergreen	8 shrubs per 1000 sq/ft 75% evergreen
CI, CB and SP	Any property zoned CI, CB, or SP ²	80 feet abutting street right-of-way and property lines ²	4 trees per 1000 sq/ft of buffer area; 75% large maturing; 50% evergreen; 25% small maturing	5 shrubs per 1000 sq/ft 75% evergreen
Non-residential uses not otherwise listed	Any developing non-residential use abutting a lesser intense use and/or district when not internal to a planned development ^{3, 5}	30 feet ⁶	4 trees per 1000 sq/ft of buffer area; 50% large maturing; 25% small maturing; 50% evergreen	7 shrubs per 1000 sq/ft 100% evergreen
Civic Uses - schools - religious institutions - govn't bldgs. - libraries	Any civic use abutting a property zoned residential or current use is residential ^{3, 5}	30 feet ⁶	4 trees per 1000 sq/ft of buffer area; 50% large maturing ; 25% small maturing; 50% evergreen	7 shrubs per 1000 sq/ft 100% evergreen
Residential	Any major residential subdivision abutting a property zoned residential or developed residential, not internal to a planned community ⁴	20 feet minimum in Town Center zone and where density is less than two times greater than existing development. In all other cases 40 feet minimum is required.	3 trees per 1000 sq/ft of buffer area; 25% large maturing; 25% small maturing; 25% evergreen	10 shrubs per 1000 sq/ft 100% evergreen

OPTION 2

⁷ Except in the Town Center District, buffer yard width shall be a minimum of 40' along all property lines where a proposed development has a density of more than 2 times greater than an adjoining developed property. In all other cases including the Town Center District, a minimum 20' buffer yard shall apply.

HOAB Member Amy Hallman asked if the 40' buffer could apply to the exterior boundaries of the Town Center zoning district. The map below is provided to assist in that discussion.

Zoning Map

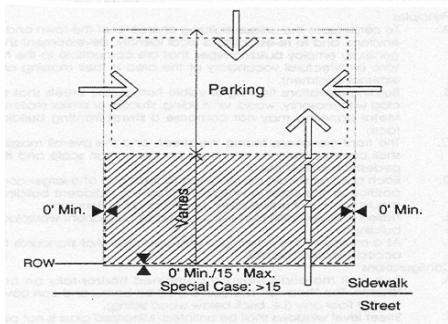


If the HOAB does not recommend exempting the perimeter of the Town Center Zone from the 40' buffer yard:

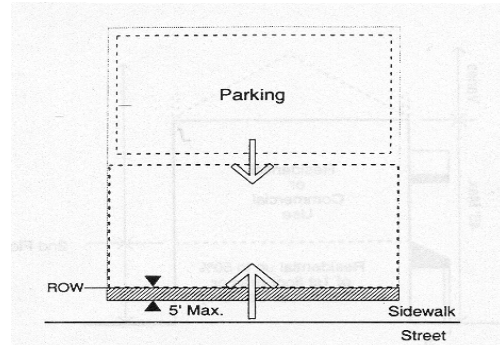
20 feet minimum in Town Center zone adjoining the Town Center zone and where density is less than two times greater than existing development. In all other cases 40 feet minimum is required.

Lot Type / Urban Workplace

Building Placement/Parking/Vehicle Access



Encroachment/Pedestrian Access to Building



1. Buildings shall be placed on the lot within the zone represented by the hatched area. In most cases, the build to line will range from 0' to 15' behind street right-of-way (ROW). Special site conditions such as topography, pattern of lot widths, or setbacks of existing buildings permit a larger setback.
2. Building facades shall be generally parallel to frontage property lines. The façade shall be determined by the massing of the building.
3. Parking shall be located primarily to the rear of the building; sideyard parking shall occupy no more than 35% of the primary frontage line and shall not be placed in any sideyard abutting an intersecting street. Where dimensions of existing lots restrict parking behind buildings, the limitations on sideyard parking may be modified.
4. Points of permitted access to the parking indicated by arrows.
5. Hedges, garden walls, or fences may be built on property lines or as the continuation of building walls. A garden wall, fence, or hedge (min. 3' in height) shall be installed along any street frontage adjacent to parking areas.
6. Parking areas on adjacent lots shall be connected wherever practical.
7. Trash containers shall be located in a rear parking area (see Parking Regulations) and shall be screened from the right-of-way.
8. Mechanical and utility equipment at ground level shall be placed in the side or rear yard and shall be screened from view by opaque screening from grade level along any public street or adjacent property (Article 7.6.2). Buildings that front on more than one public street may have mechanical and utility equipment located within a street facing yard, provided it is visually screened using compatible building materials and design as the principal structure. This is applicable only where no other reasonable option exists as determined by the Administrator. Examples of features limiting the location of mechanical and utility equipment may include, but not limited to, the physical layout of existing building, the presence of easements, elevation changes, etc.
9. Building facades at street frontage lines shall be pedestrian oriented and of pedestrian scale.

1. Balconies, bay windows, arcades, porches at an upper level and their supports at ground level, together with awnings above head height (min. 7'-6") are permitted within the sidewalk as shown by the hatched area. Encroaching arcades should cover entire sidewalk.
2. Primary pedestrian access into the building shall be from the street frontage line (indicated by larger arrow). Secondary access may be from parking areas (indicated by smaller arrow).

Special Conditions:

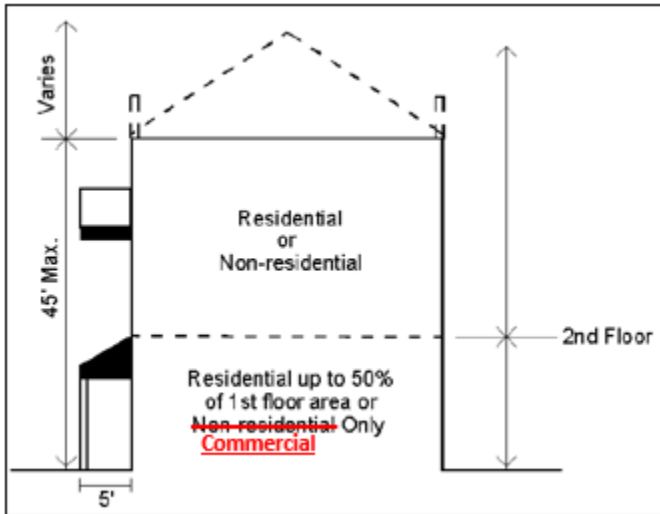
1. Buildings in all locations should relate the principal façade to the sidewalk and public space of the street.
2. Setback at street corners will generally replicate frontage conditions. Side setbacks on a minor street may be less than the front dimension.
3. Within the limits described, front and side setbacks will vary depending upon site conditions. Setbacks should be used in a manner which encourages pedestrian activity. For example, squares or spatially defined plazas within building setback areas can act as focal points for pedestrians.

Description:

The workplace building may be a large structure (15,000+ square feet) and may have a single use/tenant. Office, industrial, and commercial tenants are typical. Southern mill villages often provide examples of how these buildings can reasonably coexist with other businesses and homes. Locke Mill Plaza, in Concord, provides a good example with its placement at the end of prestigious Union Street. These buildings are critical to the town as employment centers and commercial service locations. The buildings will provide space for industry, large offices, as well as hotels, conference facilities, and large retail uses such as a full-service grocery store. Where possible, structures shall be designed to terminate vistas or serve as key focal points in the neighborhood.

Building Type / Urban Workplace

Permitted Height and Uses



1. Building height shall be measured as the vertical distance from the highest finished grade relative to the street frontage, up to the eaves or the highest level of a flat roof.
2. The height of parapet walls may vary depending upon the need to screen mechanical equipment.
3. Building height to the ridge may vary depending on the roof pitch.
4. Permitted uses are indicated above and are further controlled by zoning district standards.
5. Hotels in the Highway Commercial (HC) zoning district may exceed the maximum building height (shown above), not to exceed six (6) stories, subject to the provisions of Article 9.45.
6. **First floor commercial floor area shall include floor area used exclusively for commercial uses and shall not include any floor area that contains or is shared with residential uses, such as storage, mechanical rooms, etc. Any floor area devoted partially or wholly to serving residential uses, shall be considered residential floor area.**

Architectural Standards

Principles

- A. To perpetuate the unique building character of the town and its environs, and to re-establish its local identity, development shall generally employ building types that are compatible to the historic architectural vocabulary of the area in their massing and external treatment.
- B. Building elevations fronting or visible from public streets shall be clad with masonry, wood, vinyl siding, stucco, or similar material. Metal paneling may not comprise a street fronting building face. Decorative metal panels, such as Aluminum Composite Material (ACM) panels, may be used as an accent or trim material and as cladding for building accent elements such as canopies and their supporting structure. However, decorative metal panel accents may not exceed 30% of any façade visible from the street.
- C. The front elevations facing the street, and the overall massing shall communicate an emphasis on the human scale and the pedestrian environment.
- D. Each building should be designed to form part of a larger composition of the area in which it is situated. Adjacent buildings should thus be of similar scale, height, and configuration.
- E. Trailers (mobile units) may not be used as permanent workplace buildings.

Configurations

- A. Two wall materials may be combined horizontally on one facade. The "heavier" material should be below and can cover the first floor only (i.e. brick below wood siding).
- B. Street level windows shall be untinted. Tinted glass with a minimum visual transmittance factor of 35 is permitted. Mirrored or reflective glass is not permitted in any location.
- C. Windows shall be of square or vertical proportion. Special windows may be circular or regular polygons.

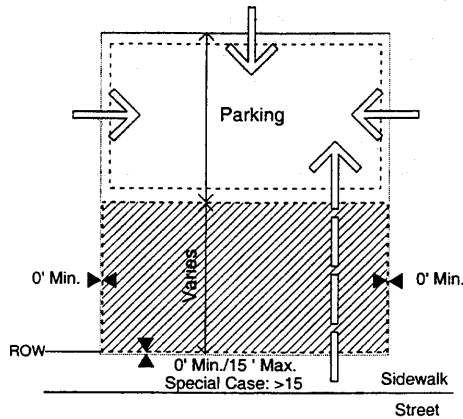
Techniques

- A. Windows should be set to the inside of the building face wall.
- B. All rooftop equipment shall be enclosed in a building material that matches the structure or is visually compatible with the structure.

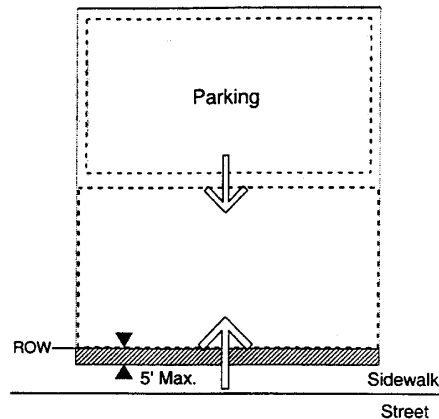


Lot Type / Shopfront Building

Building Placement/Parking/Vehicular Access



Encroachment/Pedestrian Access to Building



1. Buildings shall be placed on the lot within the zone represented by the hatched area. In most cases, the build to line will range from 0' to 15' behind street ROW. Special site conditions such as topography, pattern of lot widths, or setbacks of existing buildings permit a larger setback.
2. Building facades shall be generally parallel to frontage property lines.
3. Parking shall be located to the rear of the building; sideyard parking shall occupy no more than 25 percent of the primary frontage line and shall not be placed in an established sideyard abutting an intersecting street. Where dimensions of existing lots restrict parking behind buildings, the limitations on sideyard parking may be modified.
4. Points of permitted access to the parking indicated by arrows.
5. Hedges, garden walls, or fences may be built on property lines or as the continuation of building walls. A garden wall, fence, or hedge (min. 3' in height) shall be installed along any street frontage adjacent to parking areas.
6. Parking areas on adjacent lots shall be connected wherever practicable.
7. Trash containers shall be located in a rear parking area (see Parking Regulations).
8. Mechanical and utility equipment at ground level shall be placed in the side or rear yard and shall be screened from view by opaque screening from grade level along any public street or adjacent property (Article 7.6.2). Buildings that front on more than one public street may have mechanical and utility equipment located within a street facing yard, provided it is visually screened using compatible building materials and design as the principal structure. This is applicable only where no other reasonable option exists as determined by the Administrator. Examples of features limiting the location of mechanical and utility equipment may include, but not limited to, the physical layout of existing building, the presence of easements, elevation changes, etc.

1. Balconies, bay windows, arcades, porches at an upper level and their supports at ground level, together with awnings above head height are permitted within the sidewalk as shown by the hatched area. Encroaching arcades should cover entire sidewalk.
2. Primary pedestrian access into the building shall be from the street frontage line (indicated by larger arrow). Secondary access may be from parking areas (indicated by smaller arrow).

Special Conditions:

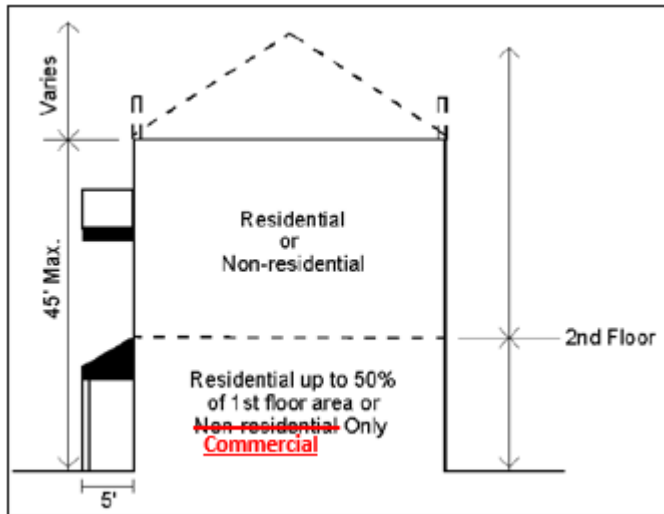
1. The intention of buildings in all locations must be to relate the principal facade to the sidewalk and public space of the street.
2. Drive-through customer services, if permitted in the district, must be located at the rear of the building or on a side which does not abut a street.
3. Setbacks at street corners will generally replicate frontage conditions. However, side setbacks on a minor street may be less than the front dimension.
3. Within the limits described, front and side setbacks will vary depending upon site conditions. Setbacks should be used in a manner which encourages pedestrian activity. Squares or spatially defined plazas within building setback areas can act as focal points for pedestrians.

Description:

The shopfront building is a small-scale structure which can accommodate a variety of uses. The structure is typically a maximum of 15,000 square feet. A group of shopfront buildings can be combined to form a mixed-use neighborhood center. Individual shopfront buildings can be used to provide some commercial service, such as a convenience food store, in close proximity to homes. Traditional commercial buildings in the old town provide good examples. Hotels, inns, and conference centers may be placed in shopfront or mixed-use buildings. Where possible, structures shall be designed to terminate vistas or serve as key focal points in the neighborhood.

Building Type / Shopfront Building

Permitted Height and Uses



1. Building height shall be measured as the vertical distance from the highest finished grade relative to the street frontage, up to the eaves or the highest level of a flat roof.
2. The height of parapet walls may vary depending upon the need to screen mechanical equipment.
3. Building height to the ridge may vary depending on the roof pitch.
4. Permitted uses are indicated above, and are further controlled by district regulations.
5. Where an existing residential building converts to a mixed-use building, at least 40% of the habitable floors area shall be residential
6. **First floor commercial area shall include floor area used exclusively for commercial uses and shall not include any floor area that contains or is shared with residential uses, such as storage, mechanical rooms, etc. Any floor area devoted partially or wholly to serving residential uses, shall be considered residential floor area.**

Architectural Standards

Principles:

- A. To perpetuate the unique building character of the town and its environs, and to re-establish its local identity, development shall generally employ building types that are sympathetic to the historic architectural vocabulary of the area in their massing and external materials.
- B. Building elevations fronting or visible from public streets shall be clad with masonry, wood, vinyl siding, stucco, or similar material. Metal paneling may not comprise a street fronting building face.
- C. The front elevations facing the street, and the overall massing shall communicate emphasis on the human scale and the pedestrian environment.
- D. Each building should be designed to form part of a larger composition of the area in which it is situated. Adjacent buildings should thus be of similar scale, height, and configuration.
- E. Trailers (mobile units) may not be used as permanent shopfront buildings.

Configurations:

- A. Two wall materials may be combined horizontally on one facade. The "heavier" material should be below and can cover the first floor only (i.e. brick below wood siding).
- B. Street level windows should be untinted. Tinted glass with a minimum visual transmittance factor of 35 is permitted. Mirrored or reflective glass is not permitted in any location.
- C. Windows shall be of square or vertical proportion. Special windows may be circular or regular polygons.

Techniques:

- A. Windows should be set to the inside of the building face wall.
- B. All rooftop equipment shall be enclosed in a building material that matches the structure or is visually compatible with the structure.



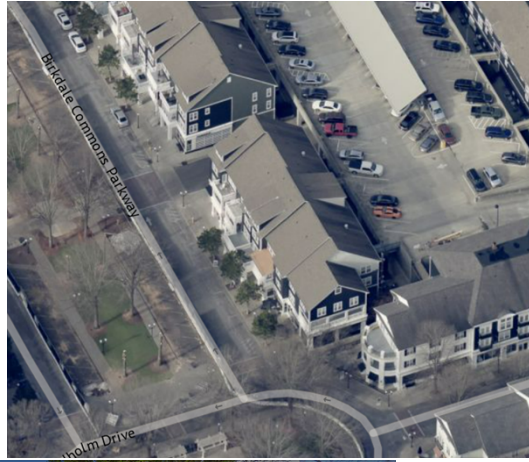
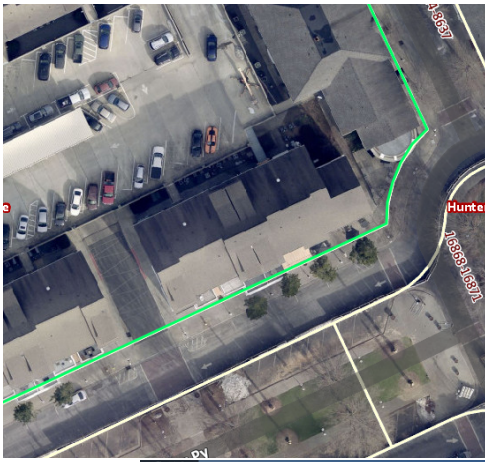
MIXED USE BUILDING EXAMPLES



Mixed-use building with partial 1st floor commercial, partial residential



Mixed-use building with commercial only fronting road, remainder residential



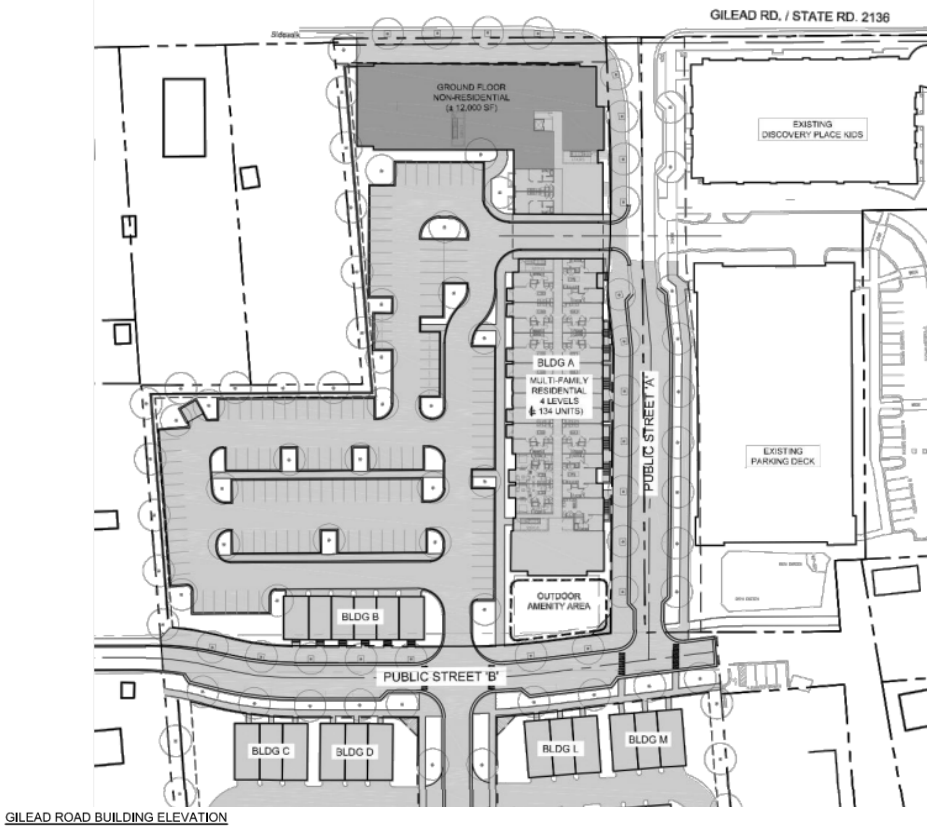
Mixed-use building with commercial 1st floor except for residential stair access.



Mixed-use building with commercial 1st floor except for residential access.

Huntersville Town Center with **non-residential** (dark grey) facing Gilead Road representing 34% first floor area. Through a conditional rezoning, Town Board approved a reduction of minimum 50% first floor **non-residential** use to 34%).

Under the proposed text amendment, the word **non-residential** will be replaced with **commercial**. Additionally, spaces shared between the commercial and residential uses (i.e., mechanical & maintenance areas) that were approved as **non-residential** for this project will be counted as residential under the proposed text amendment.



PUBLIC STREET 'A' BUILDING ELEVATION



	Definition of Mixed-Use?	1st Floor Use Restriction for Mixed-Use Buildings in the Downtown?
Huntersville	Mixed-Use Building: The mixed-use building duplicates the shopfront building type and has at least two occupiable stories; at least 50% of the habitable area of the building shall be in residential use, the remainder shall be in commercial use.	Yes, mixed-use buildings allowed up to 50% of the 1st floor area as residential
Charlotte	Mixed-Use Development: Development of a project with a residential component listed in the Residential Uses category and a nonresidential component listed in the Commercial Uses category or the Industrial Uses category of the Use Matrix in Article 15.	No
Cornelius	Mixed-Use Building: Buildings with the ground floor occupied by commercial/retail/service uses and residential units above	Yes, the ground floor of any mixed-use building shall exclusively contain retail, service, or office uses.
Davidson	None	Yes, the 1st floor facing the primary streets of a mixed-use building (storefront building type) shall be designed to accommodate retail uses
Matthews	Mixed Use Development: A development which includes at least two of the following uses: office, institutional, civic, residential, and/or service/retail in 1 or more buildings or a combination of single and mixed use buildings in a pedestrian-oriented environment.	Yes, 1st floor of a mixed-use building in the Historic Urban Core zoning district must devote 50% of the gross floor area to "retail acitvities". The term “retail” includes the sales of merchandise and personal services, but not drive-through financial services.
Mooresville	Mixed-Use: A single structure or tract of land containing more than one type of use, where the different types of uses are in close proximity, planned as a unified complementary whole, and functionally integrated to the use of shared vehicular and pedestrian access and parking areas.	In the Traditional Downtown zoning district, vertical mixed-use development with residential uses above ground-floor nonresidential development is encouraged but not required .
Concord	Mixed Use Building: A vertically integrated mixed-use building. The building is able to accommodate a wide variety of uses, including apartments for sale or rent, small professional offices, ground floor retail or restaurant.	Yes, the first floor (street level) of any new multi-story building in the City Center zoning district shall be devoted to retail, commercial, and service uses. Such buildings shall include said uses along not less than 50% of its street frontage.



HOAB suggested updates to Zoning Ordinance:

- Add table of permitted uses
 - [Staff comment: Staff has been working on a table of permitted uses](#)
- Add index of terms
 - [Staff comment: Municode will address](#)
- Add table of contents to .pdf versions of ordinances
 - [Staff comment: .pdf version will be updated](#)
- Identify ambiguous terms in ordinance and consider defining, replacing, or leaving the terms
- Update definitions to include common terms used in the ordinance
 - ex. non-commercial, non-residential, mini-warehouse storage, etc.

HOAB general suggestions:

- Survey stakeholders for feedback on our development processes and ordinances
- A single application for land development (General Application, TIA, FRO)

Planning

Post Office Box 664 • 105 Gilead Road, Third Floor • Huntersville, NC 28070
phone 704.875.7000 • fax 704.992.5528 • www.huntersville.org

Multi-Family Use on One Lot in One Apartment Building

One Building, One Lot Multi-Family Concerns

Large one building, one lot multi-family use next to single-family

- Concern with the density, scale, massing, setback, and buffering of the multi-family building to adjacent single-family homes.
- Scale and massing can be addressed UNLESS there are at least 2 affordable apartments below 80% AMI in the multi-family building (State Statute “Harmony” limitation).

In NR, NC, TC & HC zoning districts, the ordinance allows a multi-family use with 1 apartment building type on 1 lot but limits a major subdivision to 30% attached housing.

- A townhome development cannot be substituted for a large apartment multi-family building

Items to Consider:

- Smaller multi-family buildings such as triplexes, and quadplexes represent excellent infill development opportunities
- Buffers from adjoining single-family do not currently increase based on apartment size (i.e., 4-unit apartment building has same buffer from adjoining single-family homes as a 250-unit apartment)
- Townhomes may be an appropriate alternate to large apartment building when single-family dwellings are adjacent

Amendment Options

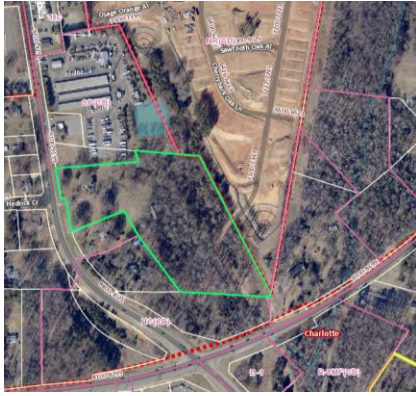
1. Move multi-family home use from a **use permitted by right** to a **use permitted with conditions** and to a **use permitted with SUP**. Under use permitted with conditions, specify conditions for 1 building 1 lot multi-family homes. Use permitted by SUP is to allow for higher density.
 - Conditions?
 - Density caps (specify X units, base on acreage, etc.)?
 - Setback of building and/or parking and buffering?
 - Frontage on major/minor throughfare?
 - Maybe Conditional Rezoning instead of SUP?
 - Standards specific to apartments only and not attached townhomes?
2. Move multi-family home use from a **use permitted by right** to a **use permitted with conditions**. Create new standards specific to a multi-family home use on 1 lot in 1 building.
 - Conditions?
 - Density caps (specify X units, base on acreage, etc.)?
 - Setback of building and/or parking and buffering?
 - Frontage on major/minor throughfare?

Zoning districts amendment would apply to:

- NR
- NC
- TC
- HC
- Possibly TOD-R & TND

Multi-Family Use in 1 Apartment Building on 1 Lot

Mosaic Senior Living, 9102 Beatties Ford Road
(approved) 130 units, 9.85 acres (13 units/acre)



Norman Lofts (approved) 14801 Statesville Rd. 45 units,
2 acres (22 units/acre)



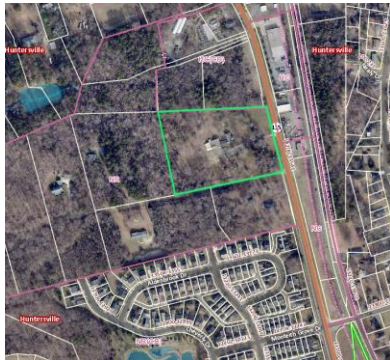
Stumptown Apartments, 14801 Stumptown Rd (under construction) 18 units, 1.07 acres (16 units/acre)



Bellamoore Senior Living, 16515 Old Statesville Rd (built)
116 units, 5.03 acres (23 units/acre)



Arden Senior Living, 13409 Old Statesville Rd (approved)
129 units, 6.53 acres (19 units/acre)



14719 N Old Statesville Apartments (built) 8 units, .31
acres (25 units/acre)



Caldwell Station Senior Apartments, 11130 Will Knox
Road (approved) 134 units, 6.4 acres (20 units/acre)



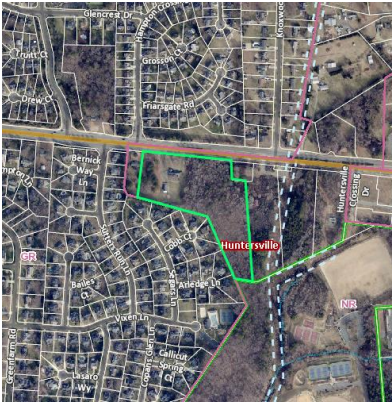
Album Senior Living, 6930 Prosperity Church Rd (under construction) 168 units, 5.77 acres (29 units/acre)



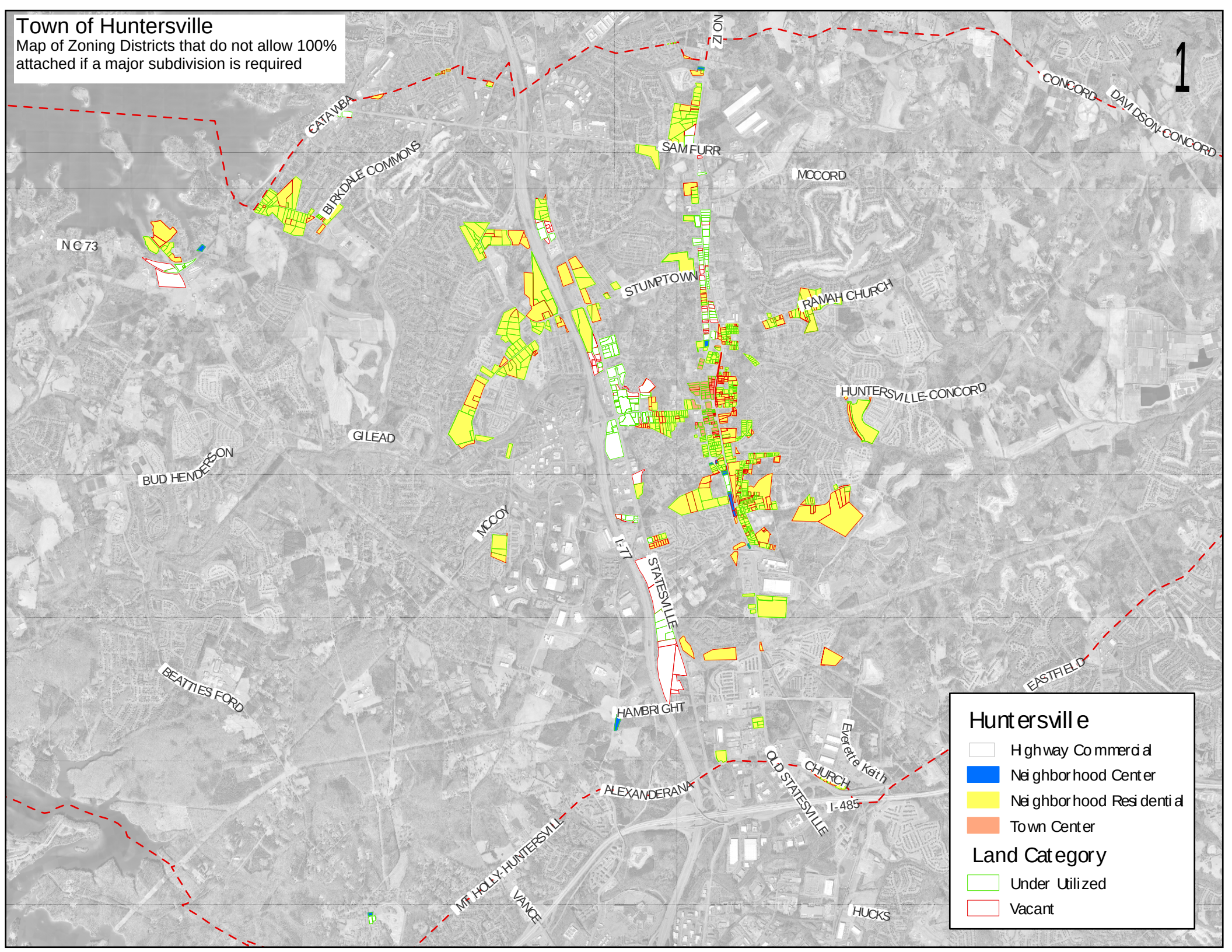
Sam Furr Senior (under construction), 8521 Sam Furr Rd., 62 units, 2.02 acres (30 units/acre)



Sam Furr Apartments, 10400 Sam Furr (not approved yet) 244 units proposed, 10.03 acres (24 units/acre)



Town of Huntersville
Map of Zoning Districts that do not allow 100% attached if a major subdivision is required



SCHOOL OF GOVERNMENT CHECKLIST

Checklist Item	Item Addressed?	How?
Ensure the local government has a reasonably maintained comprehensive or land use plan by July 1, 2022.	Yes	2040 Plan Adoption
Amend the local ordinance to comply with decriminalization of local ordinances, including decriminalization of local land use ordinances.	Yes	TA21-16
Ensure that remote meeting procedures adhere to new rules under S.L. 2021-35.	Yes	Rules of Procedures have been updated
Amend the local ordinance to strike any requirements for masonry curtain walls or masonry skirting for manufactured homes located on land leased to homeowners.	In process	TA22-13
Amend the local ordinance, review policies, or both to eliminate harmony requirements for permit approval for developments that include affordable housing units for families or individuals with incomes below 80 percent of area median income.	In process	TA22-07
Be aware of N.C. Department of Transportation (NCDOT) rules allowing relocation of billboards.	Yes	
Adjust policies and standards to confirm and preserve water and sewer capacity when requested by schools, including charter schools.	N/A	Board of Education requirement
For street right-of-way setbacks, update sight triangle calculations to ensure they measure from the edge of pavement or within the roadway	Yes	TA 22-03
Adjust timelines for approval of broadband development requests.	Yes	Public Works informed

SCHOOL OF GOVERNMENT CHECKLIST

Confirm that fees for small cell wireless projects conform to new statutory restrictions in S.L. 2021-180, Section 38.10.	In process	TA22-13
Consider updating any local regulations regarding voluntary agricultural districts for consistency with farm bill changes.	N/A	N/A
Revise limitations on redevelopment in water supply watershed areas.	Yes	TA21-16
Update sedimentation and erosion-control ordinances to align with new statutory limitations on fees, plan requirements, and enforcement.	Yes	Amendments approved on Oct 18, 2021 and further amendments approved on Aug 15, 2022
Incorporate limits on reinspection fees.	Yes	TA21-16
Align any building permit thresholds in ordinances to be consistent with new limits.	N/A	County issues building permits
Adopt a land use or comprehensive plan. Each small town (population at or under 1,500) in the state has until July 1, 2023, to adopt a land use plan or comprehensive plan if the town wants to enforce zoning. For other jurisdictions, the deadline was July 1, 2022.	Yes	2040 plan adopted
Amend development regulations to ensure that maximum sizes for parking spaces adhere to Chapter 160D, Section 702 of the North Carolina Statutes (hereinafter G.S.).	Yes	Engineering policy was already in compliance
Note the slightly revised procedures for designating local historic landmarks.	Yes	Updated checklist that Planner uses for intake of historical designations
Consider farm use exceptions. Building inspectors should take note of the changes to the building code exclusion for farm uses, and zoning officials should	N/A	County is responsible for Building code

SCHOOL OF GOVERNMENT CHECKLIST

note the expanded scope of the bona fide farm use zoning exception.		
Note that the state building code will not require more than one fire access road for developments of one- or two-family dwellings where there are fewer than 100 dwelling units.	Yes	Had discussions with County Fire Marshal
Amend development regulations to align appeals of subdivision plat decisions with the clarified statutory rules.	Yes	160D edits and TA 21-14
Ensure that the local government has designated an official to oversee the local government's statutory duties related to building code inspections (listed at G.S. 160D-1104).	Yes	Interlocal agreement with Mecklenburg County already in place
Prepare and publish an annual financial report on how permitting fees are used to support administration of building code enforcement as required by G.S. 160D-402(d). Reporting is due by October 1 of 2023, 2024, and 2025.	Finance Dept. is aware of requirements	
Fill out and turn in funding request paperwork and budget information for receipt of monies from certain state funds. If you have received direct allocations from the State Fiscal Recovery Fund or the Local Assistance for Stormwater Infrastructure Investments Fund, submit a completed Request for Funding form and a project budget no later than June 30, 2023.	Bobby Williams/Finance Dept. is aware of requirements	
Update local notice requirements for Coastal Area Management Act (CAMA) land use plan amendments. Note that local health departments	N/A	N/A

SCHOOL OF GOVERNMENT CHECKLIST

now have a ten-day permitting shot clock for certain onsite wastewater permits.		
Check statutory updates related to social districts. Any jurisdiction that has or is considering a “social district” should review the updated statutes.	Yes	Ordinance Approved June 6. Revised Ordinance Approved August 15, 2022