



**SPECIAL MEETING NOTICE
AGENDA
Ordinance Advisory Board Meeting
December 15, 2022 - 3:30 PM**

Virtual Meeting Information- Members of the public may view or access the meeting on RingCentral at: <https://webinar.ringcentral.com/j/1442808914> or by phone at: (470)869-2200 with Webinar ID: 1442808914. If you would like to speak at the upcoming meeting during public comment, please send your name and email address to Tracy Barron tbarron@huntersville.org by 12:00 pm on the day of the meeting, to be added to the speaker's list. The Town will use your email address to send you an email invitation from Ring Central. This will allow you to call in and/or access the meeting to deliver your comments (the 3-minute time limit still applies). In addition, the Town will receive written comments below by email to Tracy Barron tbarron@huntersville.org until twenty-four (24) hours prior to the meeting.

- 1. Call to Order/Roll Call**
- 2. Approval of Minutes**
 - 2.A. Consider approval of the December 1, 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 TA22-12, a Town Board sponsored text amendment to Article 4, Urban Workplace and Shopfront Building Types to clarify how to count residential and non-residential floor areas in mixed-use buildings. (Jack Simoneau)
- 5. Other Business**
 - 5.A. Discuss making ordinances more user-friendly (Kayleigh Mielenz, Brian Richards)
 - 5.B. Discuss petition TA22-16, a request by the Huntersville Planning Department to amend the Town Zoning Ordinance to place standards for a single apartment building on one lot. (Jack Simoneau)
 - 5.C. Take questions about table for UNC School of Government checklists (Kayleigh Mielenz, Emily Sloop)

5.D. Discussion on Sub-Committees ()

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, December 1, 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, F. Gammon, B. Skelly, and T. Finlay

Voting Members Absent: J. Kluttz

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

Non-Voting Members Absent: None

Approval of Minutes

Item 2A. Consider approval of the November 3, 2022, Regular Meeting Minutes

Motion: A. Hallman made a Motion to Approve the Amended November 3, 2022, minutes. H. Whittaker seconded the motion.

Vote: The motion passed unanimously (8-0).

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 the updated proposed amendment following the discussion of the text amendment at the November 2022 Ordinance Advisory Board meeting to reflect that masonry skirting would not be required but alternative skirting would still be required. The second and third part of the proposed amendment have not adjusted from the November 2022 Ordinance Advisory Board meeting.

Commissioner Munger asked staff if consideration was given for non-masonry skirting to be permitted in all manufactured home cases. Staff responded that was not a consideration.

M. Jones asked if this meets the test of equal protection, the question being, are similarly situated persons treated similarly. E. Sloop responded referencing the A. Lovelady statements that there are examples in our statutes where the form of ownership is distinct, and you can treat different situations differently based on ownership. Lease versus own can be considered differently because that authority has been granted to do so by the General Assembly.

M. Jones asked if constitutionally this met the requirements of equal protection. E. Sloop commented that since skirting is required in both cases they are being treated equally. M. Jones stated that since the materials are different, he does not find them to be equal.

Motion: F. Gammon made a Motion to recommend Approval of TA22-13, manufactured home skirting, permit application and tower co-location and advancement to Public Hearing, Planning Board and Town Board. B. Skelly seconded the motion.

Vote: The motion passed unanimously (8-0)

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 explained that with the adjustments to land development that is now approved administratively versus through quasi-judicial occurred it removed the Town's ability to increase a setback requirement as they have done in the past. This amendment would require new development with twice the density of the adjacent existing development to increase the buffer to a minimum of 40 feet in all zoning except Town Center. Staff presented examples of how this has been applied to previously approved development. Staff presented three options based on the November 2022 discussion of this item by the Ordinance Advisory Board.

A. Hallman asked Staff to confirm that the buffer can be reduced if granted through conditional rezoning. Staff confirmed that is correct.

K. Jones commented on the conditional rezoning not effectively communicating the buffer reductions that are requested at neighborhood meetings. Staff confirmed that the legal requirement is to inform the adjacent properties.

H. Whittaker expressed support for Option 3 as presented.

M. Jones commented that in his opinion he does not see a consistent procedure when a parcel is adjacent to multiple parcels with varying densities and asked if there should be a formula with a weighted average applied to determine the buffer size. Staff responded that staff is comfortable with the clarity and process with what is presented but if the Ordinance Advisory Board wishes to make a recommendation, that will be presented with this amendment request as it moves forward.

M. Jones commented on the inefficiency of process and the non-tax performing land used for buffers and open space that must be subsidized by the structures on the land and increase housing costs. He continued to express the importance of considering the long-term impact created when deciding on land development requirements such as street trees and maintenance of sidewalks.

H. Whittaker asked Staff to clarify how lots adjacent to Town Center would be affected if redeveloped as well as homes sitting on large lots.

K. Jones asked Staff to clarify which density would be considered if there was in-fill development in a neighborhood such as her neighborhood. Staff responded that if multiple parcels were acquired, the parcels were adjacent to Town Center, and a development was proposed that was twice the density, the applicant could apply for rezoning and would be required to have the 40-foot buffer adjacent to existing development. If they could not meet the 40-foot buffer requirement, then they could apply for a conditional rezoning which would then allow them to request the Town Board grant them a reduced buffer.

E. Sloop advised that grammatically there should be commas added to Option 3 if selected to state, "20 feet minimum in Town Center zone, adjoining Town Center zone, and where density is less than two times greater than existing development. In all other cases 40 feet minimum is required."

T. Finlay asked if the three options reflect iterations or if staff has one specific option that it is recommending. Staff responded that option two was the original wording and found to be too wordy, option one is what staff recommended and option three is the iteration following last months discussion with this Board and staff would also find that option to be acceptable.

M. Jones commented that he would accept a motion, or he would be willing to propose a motion despite not being a fan of residential buffers since they are non-tax revenue generating. His proposed motion would include a weighted average for buffers.

Motion: A. Hallman made a Motion to recommend Approval amending Ordinance 7.3.3 with Option 3 as presented by staff with the commas recommended by Legal Department. F. Gammon seconded the motion.

Substitute Motion: M. Jones made a Substitute Motion to recommend Approval amending Ordinance 7.3.3 with Option 3 with the addition of the calculation of the density of the existing development is completed on a weighted average basis with the commas recommended by Legal Department. F. Gammon seconded the motion for discussion.

Staff responded that they are comfortable with the current method of determining buffers based on adjacent density.

F. Gammon commented that Staff has expressed their comfort with the process, and it is a process they do often so he will not support the substitute motion.

Substitute Motion Vote: The motion failed (1-8) with B. Skelly, K. Jones, A. Hallman, T. Taylor, T. Finlay, H. Whittaker, and F. Gammon opposed.

B. Skelly asked for clarification on the Legal department grammatical recommendations. Staff explained that it is really two options being presented in the proposed Option 3 and demonstrated it would read, “20 feet minimum in Town Center zone adjoining Town Center zone, and where density is less than two times greater than existing development. In all other cases 40 feet minimum is required.”

For clarity, B. Skelly recommended an amendment to the motion for the text to state, “20 feet minimum in Town Center zone when adjoining Town Center zone, and where density is less than two times greater than existing development. In all other cases 40 feet minimum is required.” Staff accepted that recommendation. A. Hallman and F. Gammon accepted the amendment.

Vote: The motion passed (8-0-1) with M. Jones abstaining.

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 presented the proposed amendment that 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. Staff reviewed research completed of a comparison of mixed-use standards in Downtown for local area municipalities.

F. Gammon referenced paragraph 5 of Article 4, Shopfront Building Types and asked about the reference to 40% habitable area requirement. Staff responded that this refers to an existing building and would be different criteria than the land development criteria being discussed.

F. Gammon shared that there is no definition for ‘commercial, residential or non-residential’ in the Ordinance and this could leave it open to interpretation which seems to lend to the confusion. Staff responded that the proposed amendment is to clarify the text and use and staff is comfortable with interpreting this in reviewing land development.

K. Jones commented that she would like the requirement to be 75% or greater for commercial use.

A. Hallman agreed that it should be 75% or greater for commercial use particularly because this is for Town Center, and we are focused on invigorating our Downtown and we do not have that many existing store front/shop front roads so we need this type of requirement to attract as

much commercial development as possible. She then expressed her support of definitions for words as F. Gammon stated. She agreed that the purpose of the definitions is not for staff but rather for developers who may have one use and definition of terms and may not choose to update the descriptions on their plans which can lead to lack of clarity between developers, planners, and citizens as to what the intended use is for that space. The definition and the implementation of the words would be important. Staff commented that the new software for the Ordinances will allow you to search for a word and find all references to that word which will assist with accessing existing definitions such as commercial.

F. Gammon commented that he agreed with the recommendations of 75% commercial, but he does not want to be too restrictive for a developer. He would recommend a 75% commercial, 25% residential through a modification request to be approved by the Town Board so they could view the circumstances of that development and not overregulate the developer.

Commissioner Munger agreed that the true definition of commercial would be beneficial to alleviate confusion. He then referred to the local area municipality research that was shared and commented that the wording of Concord is good phrasing. Staff agreed that presenting the definition with the proposed amendment would be beneficial. The current definition of commercial use is all encompassing.

Commissioner Munger responded that the goal is to clearly identify that a mailroom, storage room or other shared space are not what is intended. The intention is tax revenue generating space.

M. Jones requested staff bring up MuniCode and the definition for Commercial in the Zoning Ordinance.

F. Gammon recommended the implied understandings be included in the definition such as storage rooms, HVAC space when used for commercial only versus HVAC that is shared with commercial and residential. E. Sloop commented that the Ordinances currently define residential and commercial, and she would recommend the addition of non-residential to the definitions as 'everything not residential.'

M. Jones commented that the definition piece and interpreting Town Board conditions and the Ordinance in a consistent fashion is also critical, and he recommends it be wrapped into this as well.

Motion: M. Jones made a motion to call a virtual Special Meeting of the Ordinance Advisory Board on Thursday, December 15, 2022, at 3:30 p.m. to hear Items 4C, 5A, 5B & 5C from the December 1, 2022 agenda and to include an Item 5D to discuss forming sub-committees. K. Jones seconded the motion.

Vote: The motion passed unanimously (8-0).

Item 5A: Review table for School of Government checklist

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: K. Jones made a Motion to Adjourn. A. Hallman seconded the motion.

Vote: The motion passed unanimously (8-0).

Approved this ____ day of _____ 2022.

Chairman or Vice Chairman

Board Secretary

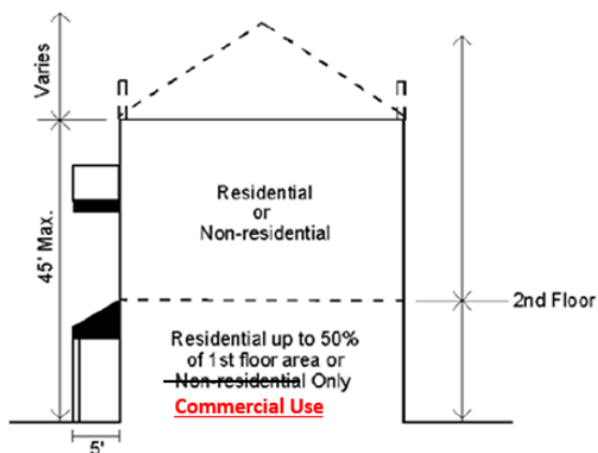
AN ORDINANCE TO AMEND ARTICLE 4, URBAN WORKPLACE AND SHOPFRONT BUILDINGS OF THE ZONING ORDINANCE TO CLARIFY THE RESIDENTIAL AND COMMERCIAL FLOOR AREA REQUIREMENTS

Section 1. Be it ordained by the Board of Commissioners of the Town of Huntersville that Article 12, Definitions, of the Zoning Ordinance is hereby amended by modifying the definition of Commercial Use and adding a new definition of non-residential use as follows:

Commercial use. A category of uses that includes retail establishments, offices, professional and personal services, light manufacturing and assembly, branch banks, financial services, health care services, indoor motion picture theatres, conference centers, laboratories and associated research facilities whose products or waste products entail no special environmental handling requirements, studios, broadcast facilities (excluding towers), inns, theatres, restaurants without drive-through windows, bars, and day care facility as a principle use. Each use permitted in the commercial use category shall also meet any applicable conditions set out in Article 9, Conditions for Certain Uses. Excluded from the commercial use category are adult uses; vehicle, boat, or manufactured home sales, service, and repair; drive-through windows as a principal or accessory use; wholesale sales; heavy manufacturing; outdoor storage; **floor area that is shared with residential uses as provided in Article 4;** outside commercial kennels, and other uses that, by their nature or service characteristics are auto dependent, have potential for environment degradation, or are otherwise incompatible with nearby residential use.

Non-residential use. All uses that are not a residential use.

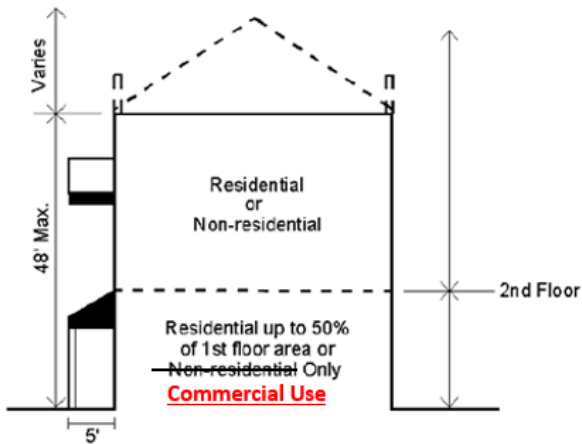
Section 2. Be it ordained by the Board of Commissioners of the Town of Huntersville that Article 4, Workplace Building, of the Zoning Ordinance is hereby amended as follows:



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 use 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.**

Section 3. Be it ordained by the Board of Commissioners of the Town of Huntersville that Article 4, Shopfront Building, of the Zoning Ordinance is hereby amended as follows:

TA 22-12: Residential and Commercial Floor Area



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 use 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.

Section 4. Be it ordained by the Board of Commissioners of the Town of Huntersville that Article 12, Definitions, of the Zoning Ordinance is hereby amended as follows:

Section 5. This ordinance shall become effective upon adoption.

HUNTERSVILLE ORDINANCE ADVISORY BOARD: November 3, December 1, and December 15, 2022

PUBLIC HEARING DATE: January 3, 2023

PLANNING BOARD MEETING: January 24, 2023

TOWN BOARD DECISION: February 20, 2023

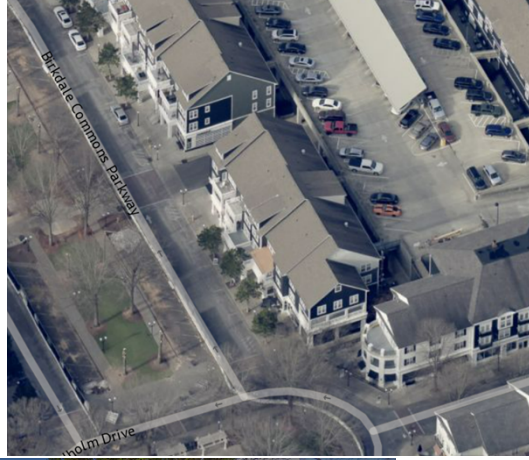
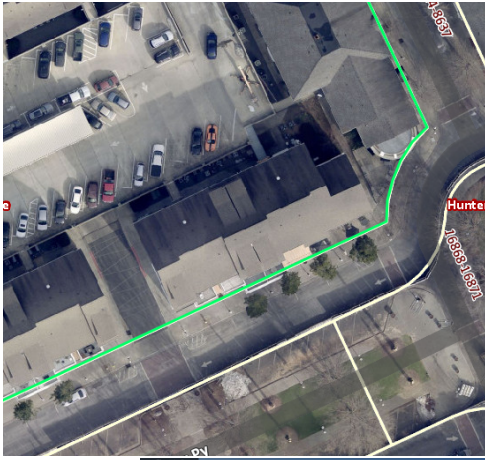
MIXED USE BUILDING EXAMPLES



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



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



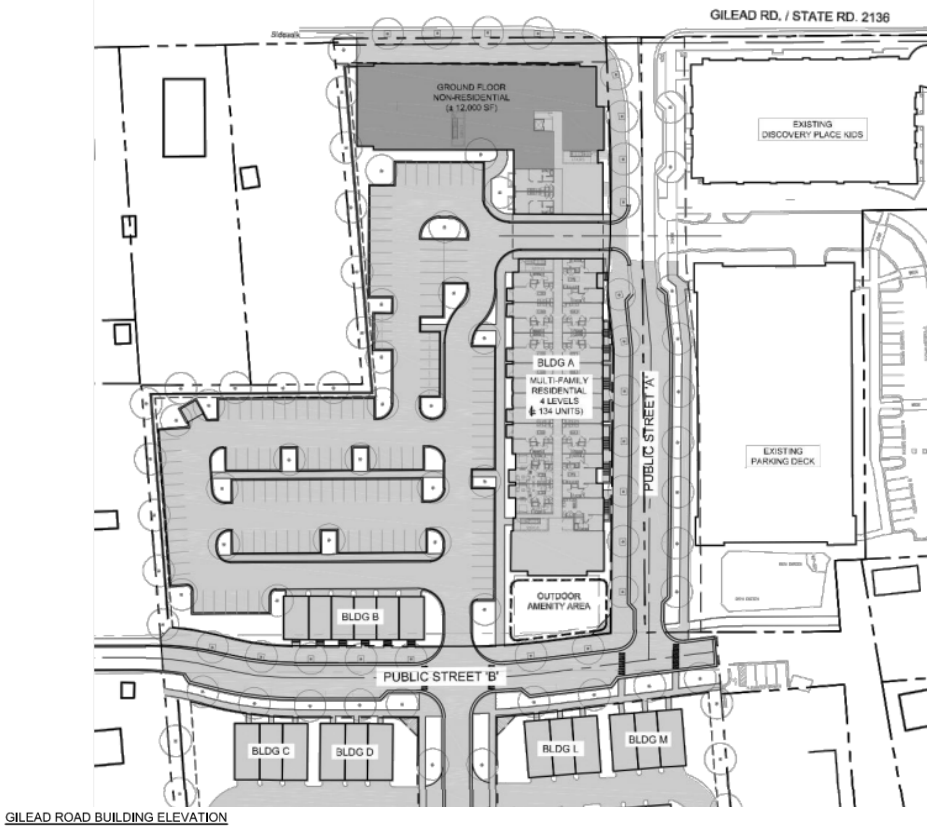
Mixed-use building with commercial 1st floor except for residential stair access.



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

Proposed Amendment

1. 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 where buffer width is increased based on adjoining land use and density.

Zoning districts amendment would apply to:

- NR
- NC
- TC
- HC

**AN ORDINANCE TO AMEND ARTICLE 3 & 9 OF THE ZONING ORDINANCE TO
ESTABLISH BUFFER STANDARDS FOR A MULTI-FAMILY HOME USE IN ONE
APARTMENT BUILDING, ON ONE LOT**

Section 1. Be it ordained by the Board of Commissioners of the Town of Huntersville that Article 3.2.4 of the Zoning Ordinance is hereby amended as follows:

3.2.4 NEIGHBORHOOD RESIDENTIAL DISTRICT (NR)

Intent: The Neighborhood Residential District provides for residential **infill** development around the Town Core, Activity Centers and Mixed Use Centers and their logical extensions identified in adopted long range plans. Streets in the Neighborhood Residential District must be interconnected, according to Article 5, Streets, and Urban Open Space provided according to Article 7. A range of housing types is encouraged. Low-intensity business activity is permitted in mixed-use and commercial buildings at residential scale, according to locational criteria. The intensity to which permitted uses may be built is regulated by the building type which corresponds to the use.

a) Permitted Uses

Uses permitted by right

- bed and breakfast inns
- boarding or rooming houses for up to four roomers
- congregate housing designed within the “civic” building type
- family care home
- ~~multi-family homes~~
- single family homes

Uses permitted with conditions

- cemeteries, (9.7)
- religious institutions, (9.8)
- commercial use in a mixed-use building¹, located on an arterial or at the intersection of a local street and a larger capacity street
- commercial use, in a detached house building type, located within ¼ mile of a Town Center district and fronting a major or minor thoroughfare (Includes properties in which any portion falls within the ¼ mile boundary) (9.51)
- essential services 1 and 2, (9.14)
- government buildings up to 5000 sq. ft. of gross floor area
- neighborhood and outdoor recreation, (9.21)
- parks, (9.29)
- retirement communities (9.50)
- schools, (9.35)
- transit-oriented parking lots as a principal use, (9.49)
- transit shelters, (9.39)
- **multi-family homes (9.64)**

Section 2. Be it ordained by the Board of Commissioners of the Town of Huntersville that Article 3.2.5 of the Zoning Ordinance is hereby amended as follows:

3.2.5 NEIGHBORHOOD CENTER DISTRICT (NC)

Intent: The Neighborhood Center District is provided for the location of shops, services, small workplaces, civic and residential buildings central to a neighborhood or grouping of neighborhoods and within walking distance of dwellings. A neighborhood center shall be developed on an interconnected pattern of streets and is limited to approximately ¼ mile in radius. Uses in the neighborhood center will have a primary market area of 1 mile and buildings compatible with surrounding residences. If a neighborhood center is the focus of a planned transit stop, it should be designed to serve the neighborhood's residential base plus transit riders.

a) Permitted Uses

Uses permitted by right

- bed and breakfast inns
- boarding or rooming houses for up to six roomers
- civic, fraternal, cultural, community, or club facilities
- commercial uses
- congregate housing designed within the "civic" building type
- family care home
- indoor amusement
- indoor recreation
- ~~multi-family homes~~
- single family homes

Uses permitted with conditions

- cemeteries, (9.7)
- religious institutions, (9.8)
- commercial marinas, (9.43)
- day care center, (9.11)
- essential services 1 and 2, (9.14)
- government buildings up to 6,000 sq. ft. of first floor area neighborhood
- gasoline stations, excluding major service and repair of motor vehicles (9.22)
- parking lot as principal use (9.28)
- parks, (9.29)
- schools, (9.35)
- temporary mobile food sales (9.37)
- temporary outdoor sales of seasonal agricultural products and customary accessory products (example: farmers' markets, Christmas tree/pumpkin sales), (9.37)
- transit-oriented parking lots as a principal use, (9.49)
- transit shelters, (9.39)
- **multi-family homes (9.64)**

Section 3. Be it ordained by the Board of Commissioners of the Town of Huntersville that Article 3.2.6 of the Zoning Ordinance is hereby amended as follows:

3.2.6 TOWN CENTER DISTRICT (TC)

Intent: The Town Center District provides for revitalization, reuse, and infill development in Huntersville's traditional town center. A broad array of uses is expected in a pattern which integrates shops, restaurants, services, work places, civic, educational, and religious facilities, and higher density housing in a compact, pedestrian-oriented environment. The Town Center anchors the surrounding residential neighborhoods while also serving the broader community. The district is coded to accommodate the higher overall intensity of development required to support a rail transit station. It is to be expected that the Town Center District will be expanded over time through the zoning change process to an approximate ½ mile radius to meet growth in demand for downtown facilities and services.

a) Permitted Uses

Uses permitted by right

- bed and breakfast inns
- boarding or rooming houses for up to six roomers
- civic, fraternal, cultural, community, or club facilities
- commercial uses
- congregate housing designed within the "civic" building type
- family care home
- government buildings
- hotels
- indoor amusement
- ~~multi-family homes~~
- nightclubs, music clubs, bars, and similar entertainment facilities
- single family homes

Uses permitted with conditions

- automobile and/or motorcycle sales, automobile service and repair, up to 2 acres in size, with a principal building of at least 8,000 sq. ft., all damaged vehicles and auto parts to be screened opaque (9.25)
- cemeteries, (9.7)
- religious institutions, (9.8)
- essential services 1 and 2, (9.14)
- neighborhood gasoline stations, excluding major service and repair of motor vehicles (9.22)
- parking lot as principal use (9.28)
- parks, (9.29)
- schools, (9.35)
- temporary mobile food sales (9.37)
- temporary outdoor sales of seasonal agricultural products and customary accessory products (example: farmers' markets, Christmas tree/pumpkin sales), (9.37)

- transit-oriented parking lots as a principal use, (9.49)
- transit shelters, (9.39)
- **multi-family homes (9.64)**

Section 4. Be it ordained by the Board of Commissioners of the Town of Huntersville that Article 3.2.7 of the Zoning Ordinance is hereby amended as follows:

3.2.7 HIGHWAY COMMERCIAL DISTRICT (HC)

Intent: The Highway Commercial District is established to provide primarily for auto-dependent uses in areas not amenable to easy pedestrian access and a comfortable pedestrian environment. It is expected that the Highway Commercial District will serve not only the Huntersville Community, but interstate travelers as well. Because of the scale and access requirements of uses in this category, they often cannot be compatibly integrated within the Town Center or Neighborhood Center Districts. Development at district boundaries must provide a compatible transition to uses outside the district; property boundaries adjacent to freeways or expressways will require a 50-foot foliated buffer yard; and frontages on major or minor arterials will require formal street tree planting.

a) Permitted Uses

Uses permitted by right

- amusement facilities: all indoor uses
- armories for meetings and training of military organizations
- auction sales
- boarding or rooming houses for up to six roomers
- religious institutions
- civic, fraternal, cultural, community, or club facilities
- commercial uses
- contractor offices and accessory storage yards, excluding the storage of general construction equipment and vehicles
- family care home
- government buildings
- indoor and outdoor recreation
- ~~multi-family homes~~
- nightclubs, music clubs, bars, and similar entertainment facilities
- pawnshops and second-hand shops
- single family homes
- vocational and technical schools
- wholesale sales with related office, storage and warehousing entirely within an enclosed building; truck terminals not permitted

Uses permitted with conditions

- adult establishments, (9.2)
- amusement facilities, outdoor, limited to par 3 golf courses, golf driving ranges, and archery ranges, (9.5)
- car wash, (9.6)
- commercial marinas, (9.43)
- day care center, (9.11)
- essential services 1 and 2, (9.14)
- gasoline service stations, including service and repair of motor vehicles, (9.22)
- hotels spaced 250' or more from residential or mixed-use zones, (9.45)
- parks, (9.29)
- temporary outdoor sales of seasonal agricultural products (example: Christmas tree/pumpkin sales), (9.37)
- temporary mobile food sales, (9.37)
- transit-oriented parking lots as a principal use, (9.49)
- transit shelters, (9.39)
- vehicle and boat service, rental, cleaning, mechanical repair, and body repair, (9.25; 9.26)
- **multi-family homes (9.64)**

Section 5. Be it ordained by the Board of Commissioners of the Town of Huntersville that Article 9 of the Zoning Ordinance is hereby amended as follows:

Article 9.64 – Multi-Family Home:

.1 Multi-family home in one apartment building, on one lot

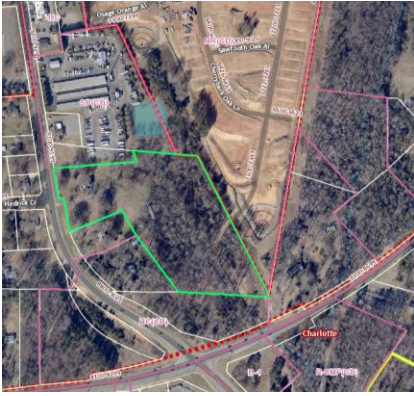
a) Minimum buffer widths shall be as follows:

1. **5' minimum buffer width: the apartment has 4 dwelling units or less; boundaries internal to a major subdivision containing the apartment; adjoins property zoned TC, TOD R and TOD E regardless of number of units, density or adjoining land use;**
2. **10' minimum buffer width: density is less than 10 units acre regardless of the adjoining use; the apartment is 10 units an acre or more and adjoins anything other than single-family, duplex, or townhome.**
3. **20' minimum buffer width: density is 10 units an acre to 15 units an acre and is adjoining a single-family, duplex, or townhome use.**
4. **30' minimum buffer width: density exceeds 15 units an acre to 20 units an acre and is adjoining a single-family, duplex, or townhome use.**
5. **40' minimum buffer width: density exceeds 20 units an acre and is adjoining a single-family, duplex, or townhome use.**

- b) There shall be 3 trees per 1000 sq/ft of buffer area with a minimum 50% large maturing, minimum 25% small maturing, and a minimum 75% evergreen. Further, there shall be 10 shrubs per 1000 sq/ft of buffer area and 100% shall be evergreen.**

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)



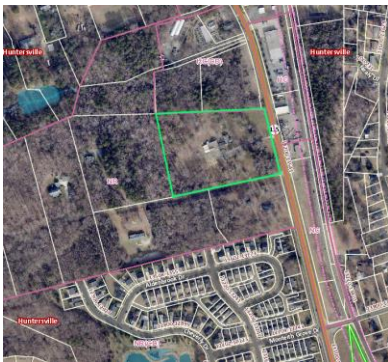
Stumptown Apartments, 14801 Stumptown Rd (under construction) 18 units, 1.07 acres (16 units/acre)



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)



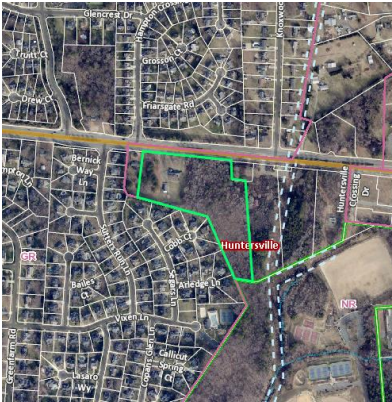
Album Senior Living, 6930 Prosperity Church Rd (under construction) 168 units, 5.77 acres (29 units/acre)



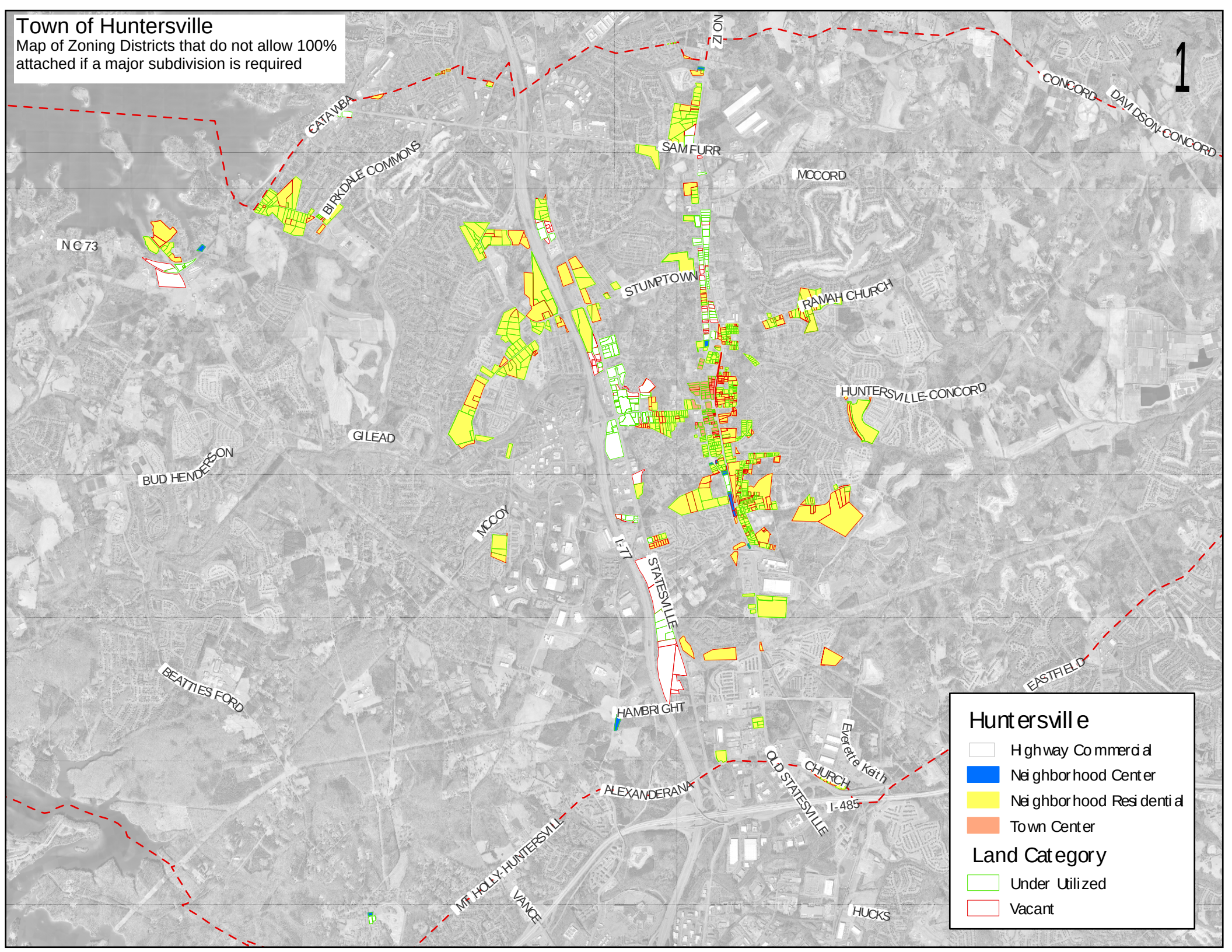
Sam Furr Senior (under construction), 8521 Sam Furr Rd., 62 units, 2.02 acres (30 units/acre)



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