

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 Wednesday, October 6, 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, J. Kluttz, B. Skelly, H. Whittaker, T. Finlay, and J. Henson (Planning Board member for F. Gammon).

Voting Members Absent: B. Skelly

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 September 1, 2022, Regular Meeting Minutes

Motion: K. Jones made a Motion to Approve the September 1, 2022, minutes. J. Kluttz seconded the motion.

Vote: The motion passed (6-0-2) with T. Finlay and J. Henson abstaining due to not being in attendance.

Public Comments

No comments.

Action Agenda

Item 4A. Discuss land use issues identified at September 6, 2022 Town Board work session

K. Mielenz, Planner I presented the Huntersville 2040 Community Plan items that have been identified by Boards and Staff as items that we would like to give attention to. The areas of concern were highlighted and included major residential subdivision administrative decision without ability to increase 20' setback from adjoining incompatible development, large scale one building/one lot apartments adjacent to smaller scale residential as "by right" development, unintentionally incentivizing large scale one building/one lot apartments "by right" versus smaller scale major subdivisions which are limited to 30% attached (i.e., townhomes), the state statute addressing "harmony" requirements when there are two or more affordable units, and senior age-restricted housing.

H. Whittaker asked what the definition of "underutilized" is as indicated on the Land Supply Map. Staff responded that it would be tracts of land large enough to be developed and currently being used in a limited capacity such as vacant, wooded, or single-family home.

K. Jones asked where definitions for words like “underutilized” as used here could be found. Staff stated that it could be project specific and they may need to contact staff.

Item 4B: Discussion on School of Government Checklist

M. Jones stated that he would like to know from Staff which items have been addressed and which items are outstanding related to legislative changes. Staff responded that Legal has reviewed and addressed the majority of the items that are applicable to the Town of Huntersville. There is one outstanding text amendment that Staff and Legal are currently preparing regarding the skirting of mobile homes.

M. Jones requested that Staff prepare a list identifying how each item was addressed via which text amendment and a date be provided for when any outstanding items will be addressed. E. Sloop, Town Attorney confirmed that all items from both checklists have been addressed. The only outstanding items are caveats and relative to mobile home skirting and co-location of small cell wireless facilities. Many of the items are not applicable to the Town of Huntersville because we do not handle building code, we have an interlocal agreement with Mecklenburg County.

M. Jones followed up and asked if the plat appeal subdivision changes have been addressed. E. Sloop responded that it has. M. Jones confirmed that Staff would provide the Board with a table. Staff confirmed they would provide the table.

Item 4C: Discussion on making the Zoning Ordinance more user friendly

M. Jones stated that a table of contents and table of uses for the Zoning Ordinance would be beneficial for users and staff. Staff confirmed that there is a table of contents for the Zoning Ordinance and Staff is currently researching and working on a Use Chart. Additionally, the Town has purchased MuniCode and we are currently transitioning all of our online ordinances to MuniCode so the product will be more consistent. MuniCode will have integrated hyperlinks as well as be a searchable product.

A. Hallman commented that an index would be nice to identify terms and make the document more user-friendly. She provided the example of ‘mixed-use’ which has multiple aspects of the Zoning Ordinance affecting it and it is very difficult to understand all of the uses that apply.

J. Henson commented that he has been able to find everything he needs because of the frequency that he uses the document. Staff restated that MuniCode is currently in process and nearing completion.

H. Whittaker requested that the Board be emailed when MuniCode is available so they can begin reviewing it.

M. Jones recommended that Staff complete a survey with applicants and/or their consultants to get some feedback from them in addition to the Board to save time for Staff and applicants and make things less complex. Staff stated we could look into that.

Commissioner Munger asked if reorganization of the Ordinances could also potentially have negative effects for developers and contractors who are familiar with what we have. J. Henson responded yes, there will be a learning curve. Staff confirmed that the language is not changing with the addition of MuniCode the goal is that the platform will make navigating the Ordinances simpler.

J. Henson asked if there is a potential for one application, the Land Development application, General Development application, TIA determination, Financial Responsibility Form. They are very repetitive, and all require the owner's signature. If there is a way to combine the applications into one form for multiple uses that would be helpful. Staff said we could look into that.

A. Hallman commented on missing definitions in Article 12 to make the document more user-friendly for things such as plat, sketch plan, concept plan, preliminary plan. Staff stated that the Board could present that for a text amendment.

K. Jones commented that she agrees that there are definitions that should be added and/or clarified as they can often make/break an interpretation. Staff said that if there is a specific list of words that are being recommended to please email those to staff so they can begin the process of reviewing those to bring them back as a text amendment.

M. Jones restated that he thinks it would be extremely beneficial to survey and get feedback from applicants and/or applicant's consultants as well as this Board and anyone else who can recommend methods to make it easier to work with. Staff stated that 4-5 years ago Staff met with Developers, Engineers, and Architects to address concerns. Changes and updates were recommended that led to some procedural changes and text amendments to be efficient and friendly for both businesses and residents. J. Henson commented that when Land Development was brought in house there were discussions, he was involved with to determine how to best implement those changes. Staff followed up that we understand the importance of keeping the communication going and keeping our processes efficient and effective for all parties. Staff stated that for the request of the survey we would ask for some time as we are quite busy. M. Jones offered to assist.

Item 4D: Discussion on NCAZO Conference presentation and Visible Properties vs Village of Clemmons

M. Jones reviewed the NCAZO presentation slides from A. Lovelady and stated that while this case was relative to signs the point of presenting this is that the court cited, "Determining which zoning provisions apply requires so much cross-referencing it is almost dizzying." Additionally, when there is a conflict, we are supposed to try to harmonize to try to avoid a conflict when one exists. If we have ambiguous provisions in our ordinance and we do not have those defined, then we need to return those in favor of the free use of the property. A. Lovelady's takeaway is clean up your ordinance. M. Jones stated that many of our Zoning Ordinances have ambiguous language, missing definitions, and terms, and determine if we want to leave/define or consciously know the language is ambiguous and ensure that the

interpretation is in favor of the free use of the property. Staff stated that if the Board has terms, they find ambiguous to please provide those over, it is an ongoing process and Staff will be happy to review them for a possible text amendment.

Staff commented on the benefits that can also come from items being open-ended in achieving the goals of the Town. M. Jones responded that we want to remain flexible and adaptive but not ambiguous and murky. A. Hallman commented that we also do not want it to be surprising and shocking. As an English major she is excited about the possibility of working on this and would like to see the approach be more organized and thoughtful. Staff stated that if the Board desires they may need to determine if this should be the efforts of a sub-committee.

T. Finlay commented that he agrees on being flexible and fluid and asked if we have sufficient Staff to handle all these requests. Staff responded no we are not sufficiently staffed. Currently the work demand of Planning is too great, and we have two positions we are advertising for and have not yet been able to fill. T. Finlay commented that it is important for the Board to know the realities of staffing on these asks and as the Town grows, we are going to have need for changes.

K. Jones commented that she understands the need for staffing but when we have projects that are going through and that are going to affect our town forever that some things cannot be put on the back burner. Staff agreed that it is all about prioritizing and there are things that statutorily need to be addressed and staff is doing their best to keep up with the current demands.

M. Jones offered to assist and asked the members of the Board to put the terms for definitions or that are ambiguous together for Staff to review. He referenced the NCAZO presentation and identified that ambiguous terms are defined as when there are two or more reasonable interpretations of a law. Staff stated that internally there are also interpretation sheets to provide for consistent interpretation of ordinances.

Other Business

No other business.

Adjourn

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

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

Approved this ____ day of _____ 2022.

Chairman or Vice Chairman

Board Secretary