

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 a buffer adjustment to increase buffers in Town Center may need to be considered 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 commercial percentage 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