



AGENDA
Ordinance Advisory Board Meeting
April 6, 2023 - 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/@townofhuntersvillenc28078>

- 1. Call to Order/Roll Call**
- 2. Approval of Minutes**
 - 2.A. Consider approval of the March 2, 2023 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 a recommendation on petition #TA23-01, a request by the Huntersville Planning Department for a text amendment to Article 7, Part A: Landscaping altering the spacing and location of required street trees and providing greater flexibility for the types of supplemental residential lot trees. *(Lauren Speight)*
 - 4.B. Consider recommendation on petition #TA23-03 Minor Subdivision Changes, a request by the Town of Huntersville Planning Department for a text amendment to Article 2 Definitions: "Subdivision, Minor" to cap the amount of lots allowed within a minor subdivision and to Article 7.5 "Buffer Yards" to require buffers for minor subdivisions located within the R and TR zoning districts. *(Nathan Farber)*
 - 4.C. Consider recommendation on petition #TA23-04, a request by the Huntersville Planning Department for text amendment to Article 9.54 Solar Energy Facilities to clean up the language. *(Nathan Farber)*
- 5. Other Business**
- 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, March 2, 2023.

Call to Order/Roll Call

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

Voting Members Present: A. Hallman, K. Jones, M. Jones, J. Kluttz, H. Whittaker, J. Palillo, S. Harrington, M. Pollard, and F. Gammon

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 February 2, 2023, Regular Meeting Minutes

Motion: H. Whittaker made a Motion to Approve the amended February 2, 2023, minutes. M. Jones seconded the motion.

Vote: The motion passed unanimously (9-0).

Public Comments

No public comments.

Action Agenda

Item 4A: Consider recommendation on petition #TA22-15, a request by the Huntersville Planning Department for a text amendment to Article 7 Landscaping and Open Space to update penalties for removal/damage of required vegetation.

K. Mielenz, Planner I reviewed the proposed amendment as included in the attached exhibits. The proposed amendment would adjust the vegetation penalty calculation method and increase the fine amount, and add a cumulative fine in specific situations.

F. Gammon confirmed that the goal is trees and not fines and that residents will be encouraged to replace trees when possible. Staff confirmed that is accurate.

S. Harrington asked staff to confirm that the calculation would be based on the canopy of the tree and if multiple trees fell under the same canopy, how that would be calculated. Staff confirmed the example shown is based on the canopy and they would take the canopy of each tree and add them together.

H. Whittaker asked how the funds collected are used and if a tree is removed from an area not conducive for growth, why is it a tree area. Staff stated the funds are placed in the 'Tree Fund'

and used for planting of trees in town in other areas. The tree area is determined by the location of the trees prior to new development. The developer may install a retaining wall, a swell, etc. These newly added features may make it non-conductive to replacing the tree for the viability of the tree and the potential damage to the installed infrastructure. In these instances the developer would have the option to pay the fee in lieu of replanting the tree. These instances are seen when developers accidentally remove tree area that is supposed to be undisturbed.

J. Kluttz asked if the Town's penalties are in addition to possible State penalties for damages to Riparian buffers. Staff stated the proposed amendment tends to affect property buffers. State civil penalties that are collected are routed to the school system per state legislation.

F. Gammon asked staff if this could also apply to residents who have a rear yard buffer and tree save, and they remove trees. Staff confirmed that is correct.

Motion: J. Palillo made a Motion to Approve TA22-15 as presented by staff. M. Pollard seconded the motion.

F. Gammon asked staff if there is latitude for removing evasive species from tree save areas, and for real-life examples of how code enforcement has dealt with this and what resulted. Staff confirmed that there is latitude to remove kudzu an evasive species, typically poison oak, or bamboo. This work is typically done by a small bobcat and not equipment that is going in and mass clearing out areas. Staff stated that we have had the first two enforcement cases on this in the last six months. One with a resident and the issue was identified at closing, the second with a business and the owner removed the trees. There was discussion as to whether or not there is enough staff to properly enforce this, and who controls the tree fund. Staff responded that these are typically self-reported and the Planning Staff collects the funds which are used in parks and will be used for the Main Street enhancements.

M. Jones asked what enabling authority is used for this fee, to increase the fee, and how are we complying with rational relation. He then asked what the direct benefit is back to the party that paid the fines in lieu of planting. Staff confirmed they will provide the enabling authority information to the Board. Staff stated that typically cut down trees can be replanted. On properties where the applicant does not have room to plant they may select to pay the fees in lieu. Those funds are used town wide and not specifically at the site or near the site of the applicant who paid.

H. Whittaker expressed concern over inflation being the purpose for raising the fines when the money is not immediately used versus just stating you want to raise the fines.

Commissioner Munger asked what the maximum amount of fine we have assessed has been and how else is the Tree Fund funded. Staff commented that we have not yet assessed a fine and the Tree Fund is also funded through mitigation when developers cannot replant.

E. Sloop stated that the current fine has been part of the ordinances for 20 years. The Town of Huntersville has specific local legislation and general authority to adopt this as a benefit to the Town of Huntersville. This also grants the authority to raise the fines.

Vote: The motion passed (6-3) with M. Jones, M. Pollard, and H. Whittaker opposed.

Item 4B: Consider a recommendation on petition #TA23-01, a request by the Huntersville Planning Department for a text amendment to Article 7, Part A: Landscaping altering the spacing and location of required street trees and providing greater flexibility for the types of supplemental residential lot trees.

L. Speight, Senior Planner presented the proposed amendment as included in the attached exhibits. The Board of Commissioners tasked Planning Staff with reviewing our requirements in response to challenges resulting from the street tree requirement on the public right of way. Possible alternatives proposed include increasing funding for sidewalk maintenance, changing the design parameters, and changing the space, location and type of tree required.

S. Trott, Engineering Director presented some of the impacts and the Engineering and Public Works desire to have the trees placed in the front yards with a 5 foot planting strip not containing trees.

J. Palillo commented that street trees a critical component of a community. The width of the planting strip should be wider, plant the proper trees of the proper size so they can be enjoyed. If you plant the tree in the front yard then you need adequate yard size between the sidewalk and the house. Communities should have been education regarding responsibility of maintenance of the street tree for proper pruning to achieve the goal desired. Communication between the utility companies and the developer should happen so that the trees and lights alternate and avoid being too close or interfering with each other.

H. Whittaker commented that he supports the solution that will not create the infrastructure issues with the sidewalk and road but he is not in support of the burden falling on the homeowners by placing the trees in the front yards.

F. Gammon asked if current large maturing trees may be replaced with small maturing trees for required street trees and how the required yard trees would be affected. Staff confirmed that existing large maturing street trees may be replaced by approved small maturing trees. Staff is recommending that you are allowed to put the additional tree in the front yard based on the size of the lot.

Commissioner Munger recommended staff review special consideration locations such as corner lots and if street trees on one side of the street were considered. Staff responded that single side street trees are not a consideration that was from development in the 1990's.

J. Kluttz asked if the developer agrees to the size of the planting strip and street trees prior to development. Staff confirmed that under the current proposal the developer would be given

options for planting strip width and size of street trees and yard trees based on proposed lot sizes. The developer would select from the options and be responsible for installing per the approved site plan. The ordinance would outline the minimums and developers would have the option to select the minimum or greater based on their desired project outcome.

Staff confirmed that under the current ordinances yard trees are already required. One of the options before the Board include Engineering departments recommendation to move the required street trees to the yard in addition to the currently required yard tree.

Motion: J. Palillo made a Motion to Approve TA23-01 with all new developments having a minimum of 10-foot planting strip with a maturing tree and all existing subdivisions with less than a 10-foot planting strip have a tree specified that is appropriate within that space. No second.

Commissioner Munger commented that he was on a similar thought but the cars in the driveways interfering with the sidewalks is another factor to keep in mind and a key factor why he would not recommend making the planting strips wider. Staff commented that driveways now have a minimum separation between sidewalk and garage face of 20 feet.

Motion: K. Jones made a Motion to Approve TA23-01 as submitted by staff. M. Pollard seconded the motion.

F. Gammon recommended an amendment to the motion to include the concerns and considerations that Mr. Palillo mentioned in his motion for staff consideration if this amendment moves forward. K. Jones and M. Pollard approved the amendment.

H. Whittaker asked Public Works for their opinion on the proposed street trees. K. Fox Public Works Director confirmed that the trees selected for the various planting strip sizes are acceptable and deep rooting and should help minimize issues.

H. Whittaker went on to express concerns over staff's option two and placing the tree on private property for maintenance and potential underground damage. F. Gammon commented he has similar concerns about requiring additional yard trees on private party and creating more burden on tax payers and residents.

Substitute Motion: H. Whittaker made a substitute Motion to Defer TA23-01 to the April 2023 regular meeting. M. Jones seconded the motion.

Substitute Motion Vote: The motion passed (6-3) with J. Palillo, S. Harrington, and F. Gammon opposed.

Motion: H. Whittaker made a Motion to Defer Items 4C and 4D to the April 2023 regular meeting. M. Jones seconded the motion.

Vote: The motion passed (8-1) with J. Palillo opposed.

Item 4C: Consider recommendation on petition #TA23-03 Minor Subdivision Changes, a request by the Town of Huntersville Planning Department for a text amendment to Article 2 Definitions: "Subdivision, Minor" to cap the amount of lots allowed within a minor subdivision and to Article 7.5 "Buffer Yards" to require buffers for minor subdivisions located within the R and TR zoning districts.

Deferred to April 6, 2023

Item 4D: Consider recommendation on petition #TA23-04, a request by the Huntersville Planning Department for text amendment to Article 9.54 Solar Energy Facilities to clean up the language.

Deferred to April 6, 2023

Other Business

No other business.

Adjourn

Motion: K. Jones made a Motion to Adjourn. H. Whittaker seconded the motion.

Vote: The motion passed unanimously (9-0).

Approved this ____ day of _____ 2023.

Chairman or Vice Chairman

Board Secretary

**AN ORDINANCE TO AMEND ARTICLE 7, STREET TREE PLANTING STRIPS AND
SMALL MATURING YARD TREE OPTION**

Section 1. Be it ordained by the Board of Commissioners of the Town of Huntersville that Article 7.7, Section 2 of the Zoning Ordinance is hereby amended by modifying the minimum width of planting strips located between the existing street and proposed sidewalk as follows:

2. Spacing and Location of Street Trees. Small maturing sStreet trees are required to be within a minimum 7-foot planting strip located between the existing street and proposed sidewalk and large maturing street trees are required to be within a minimum 9-foot planting strip between the existing street and proposed sidewalk.¹ Planting shall be provided as follows:

- a. Large maturing canopy trees shall be planted at a spacing not to exceed 40 feet on center except that spacing may be altered slightly to accommodate driveways.
- b. Small maturing “canopy –like” trees shall be planted 30 feet on center where existing overhead utility lines prohibit the use of large maturing canopy trees.
- c. For property located on a major or minor thoroughfare, excluding the Town Center (TC) zoning district, an additional row of street trees are required to be located behind the proposed sidewalk in a 10-foot landscape easement to be recorded on a plat of record prior to issuance of a building permits. The interior row of trees shall be staggered from the trees provided within the right-of-way.
- d. All street trees must be listed as an approved street tree on The Town of Huntersville Tree and Shrub List.

¹ For lots greater than 50 feet in width with a front build-to-area depth of greater than 40 feet, in lieu of providing a planting strip located between the existing street and proposed sidewalk, the development may provide a minimum 5-foot green zone and one front-yard tree in addition to the required supplemental landscaping provisions for residential lots in the following section.

Section 2. Be it ordained by the Board of Commissioners of the Town of Huntersville that Article 7.7, Section 3 of the Zoning Ordinance is hereby amended by modifying the permitted types of yard trees as follows:

Supplemental Landscaping Provisions for Residential Lot Trees.

1. **New Trees.** In order to maintain or replenish the urban tree canopy in areas of new residential subdivision, except when located in the TOD-R zoning district, each lot shall provide canopy trees in accordance with the following schedule:

Lot Size	Required Number of Canopy Trees
Less than 10, 000 sq./ft.	1 Front yard, 1 Rear Yard

10,000 – 15,000 sq./ft.	1 Front yard, 2 Rear Yard
15,001 – 20,000 sq./ft	2 Front yard, 2 Rear Yard
More than 20,000 sq./ft.	3 Front yard, 3 Rear Yard

2. **Existing Trees.** The use of existing trees to satisfy this requirement is encouraged. Supplemental plantings may be required in the addition to native material. Existing canopy trees over 6” in caliper may be counted towards fulfilling this requirement. Required street trees may not be counted towards the fulfillment of this requirement.
3. **Location and Spacing.** All trees required within this section shall be planted within the private lot and must be spaced at a width sufficient to accommodate mature growth. **In cases where the front build-to range or setback is 20 feet or less, small-maturing trees may be permitted.** All trees shall be listed as an approved tree on *The Town of Huntersville Tree and Shrub List*.

Section 3. Be it ordained by the Board of Commissioners of the Town of Huntersville that Article 5.5, Elements of Street Design, d, 1, a of the Zoning Ordinance is hereby amended by modifying the curb and gutter section as follows:

Tree-grates may be utilized for street trees; however, the grate-area may only count toward 1 foot of the “free and clear” (per ADA standards) sidewalk area. All other material placed at the base of street trees, other than concrete or asphalt, shall not count toward the minimum sidewalk width.

1. Street trees are required on both sides of all public streets except along the undeveloped side of residential-type streets adjacent to open space. Street Trees shall be located within a Green Zone, which is the space between the sidewalk and the back of curb or back of swale where no curb and gutter is present. Typically, Green Zones are a planting strip or hardscaped amenity zone, which serves as a buffer between pedestrians and vehicles. The Green Zone may include street trees and landscaping and often includes street furnishings and utilities. To encourage tree health, Green Zones shall be provided as follows:
 1. Curb and gutter section – 7 feet in width (minimum **for small maturing street trees), 9 feet in width (minimum for large maturing street trees) per Article 7;**
 2. Ditch section – 6 feet minimum outside the swale;
 3. Industrial Streets – 10 feet in width;
 4. Alleys – not required.

Section 4. This ordinance shall become effective upon adoption.

HUNTERSVILLE ORDINANCE ADVISORY BOARD: 3/2/2023

TA 23-01: STREET TREE PLANTING STRIPS AND SMALL MATURING YARD TREES

PUBLIC HEARING DATE:

PLANNING BOARD MEETING:

TOWN BOARD DECISION:



Memorandum

To: Huntersville Ordinance Advisory Board

From: Huntersville Planning Department

Re: TA 23-01 Street Trees, April 6, 2023 Meeting

Per the directive of the Town of Huntersville Board of Commissioners the Planning Department, in cooperation with the Engineering and Public Works Departments, present the attached proposed text amendment to address the issues raised regarding street trees. Staff completed research of best practices for street trees and research of street tree planting standards for neighboring and comparable communities in the state of North Carolina. The proposed text amendment seeks to mitigate the challenges raised by the Engineering and Public Works Departments for future development while simultaneously working to meet the goals set in the Huntersville 2040 Community Plan.

Updates for April 6, 2023 Meeting:

- Front Setback Minimums and Build-to-Ranges
 - The front setback minimum is the minimum distance the home (principal structure) can be located from front property line.
 - A build-to-line marks the point at which the home must be built from the front yard property line.
 - A build-to-range establishes a width in the front yard in which a home can be placed.
 - Staff have identified six subdivisions for which the front yard setback is 40 ft or greater and the lot widths are 50 ft or greater.
 - Subdivisions with a setback of 40 ft or greater include:
 - Ashton Acres 115' wide avg.
 - Brasilia Park: 100' wide avg.
 - Hunters Ridge: 140' wide avg.
 - Breckenridge: 100' wide avg.
 - Westminster Park: 100' wide avg.
 - Pavilion: 100' wide avg.
 - There have been no major subdivisions approved with a setback greater than 25 ft in the past 20 years.
 - There are no newer subdivisions (after 1996) with a build-to-range that starts at 40 ft.
 - Three major subdivisions have been approved in the past 20 years that have a build-to-range that starts at 10 ft or 15 ft and extends back to 40 ft or 50 ft. However, all the homes in these subdivisions are built within the 10'-10' range.
 - The subdivisions approved in the past 20 years that have a build-to-range that starts at 10 ft or 15 ft and extends back to 40 ft or 50 ft include:
 - Centennial: 65' wide avg.
 - Skybrook North: 75' wide avg.
 - Skybrook Billings: 60' wide avg.
 - Lots that include both a front yard depth of 40 ft and greater and are 50 ft in width and greater are not common.



- The Zoning Ordinance requires yard trees based on lot size. If the Zoning Ordinance is changed to allow new developments to provide a 5-foot green zone with an extra tree planted in the front yards of private properties, yard depths need to be considered to accommodate the healthy growth of all required yard trees. With current front yard depths, it may not be feasible to plant an additional tree in most front yards.
- Caliper at Planting
 - Town of Huntersville - All trees shall be a minimum of 2 inches in caliper and 8 feet in height at the time of planting, unless otherwise specified.
 - City of Charlotte - Minimum tree size at planting is 2" caliper and 8' tall for single-stem trees. All multi-stem plants must be tree form, maximum 3 to 5 trunks, and minimum 10' tall. Where 3" single-stem caliper trees are specified/required the minimum height shall be 10' tall, if multi-stem trees are specified then they shall be a minimum of 12' tall.
 - City of Concord - At the time of planting, shade trees must have a minimum caliper of 2 to 2½ inches and a minimum height of 10 to 12 feet.
 - City of Raleigh – Installation size for right of way trees: 1) Shade trees shall be a minimum of 3" caliper and 10' tall. 2) Understory trees shall be a minimum of 1.5" caliper for single stem and 6' tall for both single and multi-stemmed trees.

**AN ORDINANCE AMENDING ARTICLE 2 DEFINITIONS; SUBDIVISION, MINOR OF THE SUBDIVISION
ORDINANCE**

Section 1. Be it ordained by the Board of Commissioners of the Town of Huntersville that Article 2 “Definitions: Subdivision, Minor” of the Subdivision Ordinance be amended as follows:

Subdivision, Minor. A subdivision that is **not more than 5 lots**, not otherwise exempt from the provisions of this ordinance and that is not a “Major Subdivision” as that term is defined in this Ordinance.

For purposes of these regulations, Farmhouse Cluster developments are considered a minor subdivision, except as provided below. Farmhouse Cluster developments do not require a Sketch Plan, except as specifically set out hereinbelow. A Farmhouse Cluster Plan shall demonstrate compliance with requirements of the Zoning Ordinance and include the following: an “Existing Features (Site Analysis) Plan” as detailed in Section 6.300 (1)(1-14), (2), and (3) of this Ordinance; a Four-Step Process as detailed in Section 6.300 (3) of this Ordinance; and a Preliminary Plan as detailed in Section 6.400 of this Ordinance.

Section 2. Be it ordained by the Board of Commissioners of the Town of Huntersville that Article 7.5 “Buffer Yards” of the Zoning Ordinance be amended as follows:

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

TA 23-03: Minor Subdivisions and Misc.

Civic Uses • schools • religious institutions • gov'n'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	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
<u>R/ TR</u>	<u>Any minor residential subdivision</u>	<u>10 feet</u>	<u>Any existing trees located within the required buffer</u>	<u>Any existing shrubs located within the required buffer</u>

Huntersville Ordinance Advisory Board: July 7, 2022

Public Hearing Date: August 1, 2022

Planning Board Meeting: August 23, 2022

Town Board Meeting: September 19, 2022

TA 23-03: Minor Subdivisions and Misc.

TA23-03: Minor Subdivision Changes

Currently, Minor Subdivisions can have any number of lots created as long as it complies with the rest of the requirements of the zoning ordinance. This allows a subdivision to be created that would not require you to provide infrastructure such as sidewalks and street trees. This also creates situations where long stretches of road are disrupted by a high number of curb cuts for driveways which disrupts the often rural characteristics of our roads, while also posing safety issues to drivers.

The Town of Huntersville is one of the few remaining Towns in Mecklenburg County that currently does not have any limitations on the number of lots allowed within a minor subdivision. Planning staff are proposing to limit Minor Subdivisions to no more than 5 lots. This ensures that property owners still have the full ability to subdivide their lots without going through the Major Subdivision process while also placing a safeguard against larger subdivisions avoiding the Major Subdivision process.

Planning Staff is also proposing an amendment to Article 7.5 “Buffer Yards” that would require all minor subdivisions within the Rural and Transitional Residential zoning districts to provide a 10’ vegetative buffer. This 10’ buffer would only require the subdivision to keep any existing vegetation while not requiring new vegetation if none is currently existing. We believe doing this helps to protect next door neighbors from losing visual buffers while also not adding unnecessary burdens to the subdivision.

**AN ORDINANCE AMENDING ARTICLE 2 DEFINITIONS; SUBDIVISION, MINOR OF THE SUBDIVISION
ORDINANCE AND MINOR BUFFERS IN THE ZONING ORDINANCE**

Section 1. Be it ordained by the Board of Commissioners of the Town of Huntersville that Article 2 “Definitions: Subdivision, Minor” of the Subdivision Ordinance be amended as follows:

Subdivision, Minor. A subdivision that is **not more than 5 lots**, not otherwise exempt from the provisions of this ordinance and that is not a “Major Subdivision” as that term is defined in this Ordinance.

For purposes of these regulations, Farmhouse Cluster developments are considered a minor subdivision, except as provided below. Farmhouse Cluster developments do not require a Sketch Plan, except as specifically set out hereinbelow. A Farmhouse Cluster Plan shall demonstrate compliance with requirements of the Zoning Ordinance and include the following: an “Existing Features (Site Analysis) Plan” as detailed in Section 6.300 (1)(1-14), (2), and (3) of this Ordinance; a Four-Step Process as detailed in Section 6.300 (3) of this Ordinance; and a Preliminary Plan as detailed in Section 6.400 of this Ordinance.

Section 2. Be it ordained by the Board of Commissioners of the Town of Huntersville that Article 7.5 “Buffer Yards” of the Zoning Ordinance be amended as follows:

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

TA 23-03: Minor Subdivisions and Misc.

Civic Uses • schools • religious institutions • gov'n'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	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
<u>R/ TR</u>	<u>Any minor residential subdivision</u>	<u>10 feet</u>	<u>Any existing trees located within the required buffer</u>	<u>Any existing shrubs located within the required buffer</u>

Huntersville Ordinance Advisory Board: July 7, 2022

Public Hearing Date: August 1, 2022

Planning Board Meeting: August 23, 2022

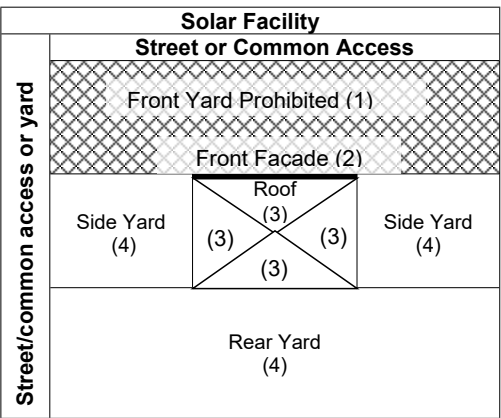
Town Board Meeting: September 19, 2022

TA 23-03: Minor Subdivisions and Misc.

AN ORDINANCE AMENDING ARTICLE 9.54 SOLAR ENERGY FACILITIES

Section 1. Be it ordained by the Board of Commissioners of the Town of Huntersville that Article 9.54 Solar Energy Facilities of the Zoning Ordinance be amended as follows:

Any major or minor solar energy facility shall require approval from all applicable state and federal agencies as well as the affected energy provider.



.1 Minor Solar Energy Facilities (refer to illustration).

a. General Requirements for Minor Solar Energy Facilities.

1. All minor free-standing facilities must comply with accessory structure setbacks and spacing as set forth in Article 8.8.
2. All minor free-standing facilities shall be a maximum of five (5) feet in height as measured from the grade at the base of the structure to the apex of the structure. This provision shall be waived for minor-free standing facilities on residential property if its application would prevent the reasonable use of a solar collector for the residential property.

All minor rooftop solar energy facilities shall not be considered as rooftop equipment on any building type, and therefore, do not require screening and are not subject to any architectural standards that would prohibit reflective materials.

TA 23-04: Solar Energy Facilities

b. Residential Property.

1. Front yard placement is prohibited pursuant to N.C.G.S. § 160D-914(c)(3)) when the placement would cause the solar facility to be visible by a person on the ground.
2. Placement on the façade of a structure that faces areas open to common or public access is permitted as a by-right accessory use in all districts subject to the issuance of a zoning permit.
3. Placement on the roof is permitted as by-right accessory use in all districts subject to the issuance of a zoning permit.
4. Side and rear yard placement is permitted as by-right accessory use in all districts subject to the issuance of a zoning permit.

Commented [ES1]: Match statute. Leave in

c. Non-Residential Property.

1. Front yard placement is prohibited pursuant to N.C.G.S. § 160D-914(c)(3) when the placement would cause the solar facility to be visible by a person on the ground.
2. Placement of minor free-standing solar facilities on non-residential property in locations other than the front is permitted as a by-right accessory use in all districts subject to the issuance of a zoning permit.
3. Minor rooftop solar facilities on non-residential property are allowed on all roof slopes.

.2 Major Solar Energy Facilities (refer to illustration).

- a. General Requirements for Major Solar Energy Facilities Major solar energy shall require the issuance of a Special Use Permit in accordance with the requirements set forth in Article 11.4.10
 1. The minimum lot size requirement for major solar facilities is 10 acres.
 2. Setbacks for major solar energy facilities shall:
 - (1) meet the minimum required setbacks for the underlying zoning district for installations in the R and TR zoning districts.
 - (2) be a minimum of 20 feet from any property line in the SP zoning district.
 3. Free standing major solar facilities shall be a maximum of eight (8) feet in height as measured from the grade at the base of the structure to the apex of the structure. This

TA 23-04: Solar Energy Facilities

provision shall be waived for major-free standing facilities on residential property if its application would prevent the reasonable use of a solar collector for the residential property.

4. Town of Huntersville to be given copies of any lease agreement and plan for removal of facility/equipment.
5. Major Solar Energy Facilities shall be exempt from any parking requirements in the Huntersville Zoning Ordinance if there is no commercial or office building component.
6. An existing features plan as described in Article 6.300.1.14 of the Subdivision Ordinance must be submitted with the application for the above-described Special Use Permit. Placement of solar panels shall be based on preserving existing features to the extent practical.

b. Residential Property

Major solar energy facilities on residential property shall require the issuance of a Special Use Permit in accordance with the requirements set forth in Article 11.4.10.

1. An existing features plan as described in Article 6.300.1.14 of the Subdivision Ordinance must be submitted with the application for the above-described Special Use Permit. Placement of solar panels shall be based on preserving existing features to the extent practical. Front yard placement is prohibited pursuant to N.C.G.S. § 160D-914(c)(3) when the placement would cause the solar facility to be visible by a person on the ground.
2. Placement on the façade of a structure that faces areas open to common or public access is prohibited pursuant to N.C.G.S. § 160D-914(c)(1) when the placement would cause the solar facility to be visible by a person on the ground.
3. Front roof slope placement that slopes downward is prohibited pursuant to N.C.G.S. § 160D-914(c)(2) when the placement would cause the solar facility to be visible by a person on the ground.

Notwithstanding this subsection, a Special Use Permit shall be granted if the regulations have the effect of preventing the reasonable use of a major solar energy facility on a residential property, except as provided in N.C.G.S. § 160D-914.

c. Non-Residential Property:

Major solar energy facilities on non-residential property shall require the issuance of a Special Use Permit in accordance with the requirements set forth in Article 11.4.10.

TA 23-04: Solar Energy Facilities

Huntersville Ordinance Advisory Board: July 7, 2022

Public Hearing Date: August 1, 2022

Planning Board Meeting: August 23, 2022

Town Board Meeting: September 19, 2022

TA 23-04: Solar Energy Facilities

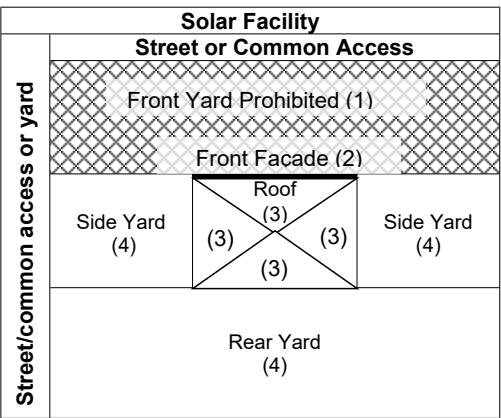
TA23-04: Solar Energy Facilities Fix

In May of last year, the Town Board approved changes to Solar Energy Facilities Article 9.54 which removed SUP requirements for Minor Solar facilities and brought the ordinance into compliance with 160D. Planning Staff is now back again in order to make minor adjustments to the Major Solar facilities section of the ordinance. Currently the ordinance splits Major facilities into residential and non-residential sections. What we overlooked was that this was repetitive and unnecessary as Major Solar facilities are already permitted in some residential zoning districts and by adding a residential section, we made it harder for stand alone solar facilities to exist. This text amendment merely removes the residential and non-residential sections and treats major solar energy facilities as standalone uses. All of the previously used general requirements still apply and the SUP process is still required.

AN ORDINANCE AMENDING ARTICLE 9.54 SOLAR ENERGY FACILITIES

Section 1. Be it ordained by the Board of Commissioners of the Town of Huntersville that Article 9.54 Solar Energy Facilities of the Zoning Ordinance be amended as follows:

Any major or minor solar energy facility shall require approval from all applicable state and federal agencies as well as the affected energy provider.



.1 Minor Solar Energy Facilities (refer to illustration).

a. General Requirements for Minor Solar Energy Facilities.

1. All minor free-standing facilities must comply with accessory structure setbacks and spacing as set forth in Article 8.8.
2. All minor free-standing facilities shall be a maximum of five (5) feet in height as measured from the grade at the base of the structure to the apex of the structure. This provision shall be waived for minor-free standing facilities on residential property if its application would prevent the reasonable use of a solar collector for the residential property.

All minor rooftop solar energy facilities shall not be considered as rooftop equipment on any building type, and therefore, do not require screening and are not subject to any architectural standards that would prohibit reflective materials.

TA 23-04: Solar Energy Facilities

b. Residential Property.

1. Front yard placement is prohibited pursuant to N.C.G.S. § 160D-914(c)(3)) when the placement would cause the solar facility to be visible by a person on the ground.
2. Placement on the façade of a structure that faces areas open to common or public access is permitted as a by-right accessory use in all districts subject to the issuance of a zoning permit.
3. Placement on the roof is permitted as by-right accessory use in all districts subject to the issuance of a zoning permit.
4. Side and rear yard placement is permitted as by-right accessory use in all districts subject to the issuance of a zoning permit.

Commented [ES1]: Match statute. Leave in

c. Non-Residential Property.

1. Front yard placement is prohibited pursuant to N.C.G.S. § 160D-914(c)(3) when the placement would cause the solar facility to be visible by a person on the ground.
2. Placement of minor free-standing solar facilities on non-residential property in locations other than the front is permitted as a by-right accessory use in all districts subject to the issuance of a zoning permit.
3. Minor rooftop solar facilities on non-residential property are allowed on all roof slopes.

.2 Major Solar Energy Facilities (refer to illustration).

- a. General Requirements for Major Solar Energy Facilities Major solar energy shall require the issuance of a Special Use Permit in accordance with the requirements set forth in Article 11.4.10
 1. The minimum lot size requirement for major solar facilities is 10 acres.
 2. Setbacks for major solar energy facilities shall:
 - (1) meet the minimum required setbacks for the underlying zoning district for installations in the R and TR zoning districts.
 - (2) be a minimum of 20 feet from any property line in the SP zoning district.
 3. Free standing major solar facilities shall be a maximum of eight (8) feet in height as measured from the grade at the base of the structure to the apex of the structure. This

TA 23-04: Solar Energy Facilities

provision shall be waived for major-free standing facilities on residential property if its application would prevent the reasonable use of a solar collector for the residential property.

4. Town of Huntersville to be given copies of any lease agreement and plan for removal of facility/equipment.
5. Major Solar Energy Facilities shall be exempt from any parking requirements in the Huntersville Zoning Ordinance if there is no commercial or office building component.
6. An existing features plan as described in Article 6.300.1.14 of the Subdivision Ordinance must be submitted with the application for the above-described Special Use Permit. Placement of solar panels shall be based on preserving existing features to the extent practical.

b. Residential Property

Major solar energy facilities on residential property shall require the issuance of a Special Use Permit in accordance with the requirements set forth in Article 11.4.10.

1. An existing features plan as described in Article 6.300.1.14 of the Subdivision Ordinance must be submitted with the application for the above-described Special Use Permit. Placement of solar panels shall be based on preserving existing features to the extent practical. Front yard placement is prohibited pursuant to N.C.G.S. § 160D-914(c)(3) when the placement would cause the solar facility to be visible by a person on the ground.
2. Placement on the façade of a structure that faces areas open to common or public access is prohibited pursuant to N.C.G.S. § 160D-914(c)(1) when the placement would cause the solar facility to be visible by a person on the ground.
3. Front roof slope placement that slopes downward is prohibited pursuant to N.C.G.S. § 160D-914(c)(2) when the placement would cause the solar facility to be visible by a person on the ground.

Notwithstanding this subsection, a Special Use Permit shall be granted if the regulations have the effect of preventing the reasonable use of a major solar energy facility on a residential property, except as provided in N.C.G.S. § 160D-914.

c. Non-Residential Property:

Major solar energy facilities on non-residential property shall require the issuance of a Special Use Permit in accordance with the requirements set forth in Article 11.4.10.

TA 23-04: Solar Energy Facilities

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