

Members

Chair: Amy Hallman
Vice-Chair: Kathy Jones
Scott Harrington
Matthew Jones
Joseph Kluttz
Jake Palillo
Michael Pollard
Harrison Whittaker

Planning Board Member:
Frank Gammon



Town Staff (Non-Voting Members)

Lance Munger
Town Commissioner

Jack Simoneau
Director
Planning Department

Tracy Barron
Executive Assistant
Planning Department

Emily Sloop
Town Attorney

AGENDA

Huntersville Ordinances Advisory Board Meeting

October 5, 2023 - 3:30 PM

TOWN HALL (101 Huntersville-Concord Road)

**Live Stream available via YouTube
@townofhuntersvillenc28078**

- 1. Call to Order/Roll Call**
- 2. Approval of Minutes**
 - 2.A. Consider approval of the July 6, 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 #TA23-06, a request by the Huntersville Planning Department for a text amendment to Article 3, Section 3.2.1(d)(4)(a), 3.2.2(d)(4)(a), 3.2.4(d)(1)(e), 3.2.5(d)(1)(d), 3.2.6(d)(4), 3.2.7(d)(1)(d), 3.2.11(d)(1)(d), 3.2.13(d)(2)(c), 3.3.1(d)(1), Article 8.14, and Article 11.1.3 to bring the text into compliance with HB 488. *(Nathan Farber)*
 - 4.B. Consider a recommendation in #TA23-07, a request by the Huntersville Planning Department for a text amendment to Article 12, Section 12.2.1 "Interconnected" to clean up definition. *(Patrick Patterson)*
- 5. Other Business**
 - 5.A. Discuss possible changes to the Zoning Ordinance related to Breezeways and Accessory Structures. *(Nathan Farber)*
- 6. Adjourn**

GENERAL MEETING INFORMATION

Huntersville Ordinances Advisory Board:

The Huntersville Ordinances Advisory Board is established to: 1) Review, evaluate and recommend amendments to the Zoning and Subdivision Ordinances to the Planning Board and the Town Board 2) Review, evaluate and recommend amendments to Town planning processes and procedures to the Planning Board and Town Board 3) Other such related Zoning and Subdivision Ordinance as directed from the Town Board or Planning Board. For more information visit www.huntersville.org.

Meeting Time, Place and Agenda:

All meetings of the Board are open to the public and the public is invited and encouraged to attend. The Board meets in the Town Hall at 3:30 p.m. on the first Thursday of each month (unless otherwise posted). Agendas are published Thursdays before the meeting on our website. The Board reserves the right to deviate from the agenda.

Special Accommodations:

Anyone needing special accommodations when attending this meeting and/or if this information is needed in an alternative format please contact Tracy Barron. She can be reached by phone or fax: 704-766-2215, email: tbarron@huntersville.org or at 105 Gilead Rd, 3rd Floor, Huntersville, NC 28078. We request at least 72-hours' notice prior to the meeting to make the appropriate arrangements.

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, July 6, 2023.

Call to Order/Roll Call

Chairwoman Hallman called the meeting to order at 3:30 pm.

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

Voting Members Absent: J. Palillo

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 April 6, 2023, Regular Meeting Minutes

Motion: S. Harrington made a Motion to Approve the April 6, 2023, regular meeting minutes. K. Jones seconded the motion.

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

Public Comments

Elaine Kerns, 301 Hillcrest Drive

Action Agenda

4A. Consider a recommendation on petition #TA23-05, a request by the Huntersville Planning Department for a text amendment to Article 9, Section 9.51.1 clarifying allowed commercial uses in a detached house in the NR zoning district

B. Richards, Assistant Planning Director reviewed the proposed text amendment to further clarify non-residential uses or outdoor activities allowed within the Neighborhood Residential (NR) zoning district within ¼ mile of Town Center (TC) zoning. Staff reviewed what the ordinances currently allow and limitations, a map view of which properties would be eligible for this based on current zoning, existing commercial within this zoning district and how it has been implemented, the previous public workshop process that was conducted and what was ultimately adopted.

F. Gammon asked staff to confirm that the pink hatched areas on the map are the eligible parcels. Staff confirmed that is correct as of today, it is possible for property within the Town Center designated area to rezone to Town Center which could potentially increase the properties eligible for this NR zoning use.

H. Whittaker asked about safety concerns related to parking lots at the rear of the buildings adjacent to residential properties. Staff confirmed that there is a buffer requirement between the uses and these businesses in residential settings are low intensity uses.

Commissioner Munger asked what the difference is in the zoning where Neighborhood Café and Harvey's are located that both have a residential type feel and allow outdoor seating. Staff confirmed that Harvey's was approved as part of a TND overlay rezoning and Neighborhood Café is zoned Town Center so it is not affected by these proposed amendments. Staff further confirmed that the language in the amendment further clarifies the existing standard that was intended in 2006 and that matches what is existing.

M. Jones commented that it appears the intent is limited commercial use so the proposed language may be more clear to say what those limited uses are. Staff confirmed that it may be too narrow to come up with a long specific list of uses, this in staff's opinion is cleaner.

F. Gammon commented that he agrees we do not want to limit the use further. It may be a good location to serve as a kiosk or incubator type set up for small start-up businesses.

M. Pollard asked if there is a definition of low-intensity commercial use. Staff stated there is not a definition but if you read the context in the Huntersville 2040 Plan in addition to the limiting factors that are present such as the hours of business allowed and the lighting allowed, it works to define that business use without requiring a specific list.

F. Gammon asked staff if the proposed, 'no other outdoor seating' would include a bench, typically seen for those waiting for someone shopping, would be included in this. Staff confirmed a bench would be allowed and would be required to be located on the porch.

A. Hallman asked for further clarification regarding the potential growth to the properties this could affect as parcels are rezoned to Town Center. Staff indicated that would increase the area of eligible properties but you could potentially run into other zoning areas that would act as natural deterrents to rezoning.

M. Jones asked staff if they have considered an overlay to indicate a specific versus dynamic area eligible for Town Center (TC) zoning and thus also create a specific versus dynamic area eligible for the Neighborhood Residential (NR) use being discussed. Staff confirmed that a Downtown business district was considered as part of the Downtown Plan. If a formation of a Downtown Business Association then that type of overlay would be reconsidered. This would also be the time that business hours, sign requirements, things of that nature would be considered.

K. Jones asked staff to confirm that the increase to the area this would apply to would only occur if a property rezoned to Town Center and it would then be measured as a ¼ mile from that property. Staff confirmed that is correct.

S. Harrington asked how the term, 'all outdoor display of goods can be shown on the front porch,' applies to a property without a front porch. Staff confirmed that business would not be allowed to display outside without building a front porch. Staff is comfortable with this because the goal was to keep the residential feel, possibly of existing structures, leading in to Downtown to create a nice transition between Commercial buildings and residential neighborhoods. Limiting display of goods to the front porch was a simple way to encourage this.

J. Kluttz asked if a large deck on the back of the property could be used. Staff stated that would not be allowed because it must be a front porch.

Commissioner Munger asked what type of signs are allowed and what are the limitations as it relates to these properties. Staff confirmed that originally a post and beam sign of 12 square feet was permitted, that was recently updated to 16 square feet which is located in Article 10 of the Zoning Ordinance.

Motion: S. Harrington made a Motion to Approve TA23-05 as written. H. Whittaker seconded the motion.

F. Gammon requested that the Planning Staff consider wording to allow an outdoor waiting bench so there is no confusion between business owners and so the proposed language does not appear to restrict all outdoor seating, just limit it to the porch. Staff confirmed they could review and revise that.

S. Harrington commented that this is why he asked why limit the wording to a front porch versus a specific size or area. Staff commented that the idea is to have the business build a front porch if they want the permitted use. This allows for a flexible set of standards while achieving a look and feel to the Downtown area.

Vote: The motion passed (6-2) with M. Jones and M. Pollard opposed.

Other Business

No other business.

Adjourn

Motion: J. Kluttz made a Motion to Adjourn. H. Whittaker seconded the motion.

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

Approved this ____ day of _____ 2023.

Chair or Vice Chair

Board Secretary



Text Amendment Application

Date of Application 09/22/2023

Fee

See Current Town of Huntersville Fee Schedule for Text Amendment to the Zoning/Subdivision Ordinance

Type of Change

☐ New Addition to text of Zoning Ordinance / Subdivision Ordinance / Other

☒ Revision/Modification to text of Zoning Ordinance / Subdivision Ordinance / Other

Description of Change

Proposed text amendment will affect the following:

Ordinance(s): See Attached Article(s): See Attached Section(s): See Attached

Current Ordinance

See Attached

Proposed Text

See Attached

Reason for Proposed Change

To comply with State Statutes (HB 488)

Attach additional pages if needed.

NOTE: If the proposed text amendment effects property located along Hwy 73; is 2000 feet from an adjoining municipality, and/or the Mountain Island and Lake Norman Watersheds, additional peer review is required.

Applicant

Printed Name Town of Huntersville Planning Department Staff

☐ Corporation ☐ Limited Liability Company ☐ Trust ☐ Partnership ☐ Other: _____

Signature Jack Simoneau Date 09/22/2023

Title Planning Director Email jsimoneau@huntersville.org

Address of Applicant 105 Gilead, Floor 3

Property Owner (if different than applicant)

* Printed Name _____

☐ Corporation ☐ Limited Liability Company ☐ Trust ☐ Partnership ☐ Other: _____

Signature _____ Date _____

Title _____ Email _____

Address of Property Owner _____

* Property owner hereby grants permission to the Town of Huntersville personnel to enter the subject property for any purpose required in processing this application.

Every owner of each parcel included in this application, or the owner (s) duly authorized agent, must sign this application. If signed by an agent on behalf of the Owner, this petition MUST be accompanied by a Limited Power of Attorney signed by the property owner (s) and notarized, specifically authorizing the agent to act on the owner (s) behalf in signing this application. Failure of each owner, or their duly authorized agent, to sign, or failure to include the authority of the agent signed by the property owner, will result in an INVALID APPLICATION. **If additional space is needed for signatures, attach the Town of Huntersville Signature Addendum Form.**

Contact Information

**Town of Huntersville
Planning Department**
PO Box 664
Huntersville, NC 28070

Phone: 704-875-7000
Fax: 704-875-6546
Physical Address: 105 Gilead Road, Third Floor, Huntersville, NC 28078
Website: <https://www.huntersville.org/228/Planning-Department>

Date Received By Planning Department: _____

Staff Initials: _____

AN ORDINANCE TO AMEND ARTICLE 3, ARTICLE 8, AND ARTICLE 11

Section 1. BE IT ORDAINED by the Board of Commissioners of the Town of Huntersville that Article 3, Section 3.2.1(d)(4)(a) Rural District, 3.2.2(d)(4)(a) Transitional Residential District, 3.2.4(d)(1)(e) Neighborhood Residential District, 3.2.5(d)(1)(d) Neighborhood Center District, 3.2.6(d)(4) Town Center District, 3.2.7(d)(1)(d) Highway Commercial District, 3.2.11(d)(1)(d) Traditional Neighborhood Development District, 3.2.13(d)(2)(c) Transit-Oriented Development-Residential District, and 3.3.1(d)(1) Manufactured Home Overlay District of the Zoning Ordinance is hereby amended by modifying as follows:

- Nothing in this subsection shall be interpreted to conflict with the building design element provisions as found in N.C.G.S. 160D-702(b) for structures subject to the North Carolina Residential Code ~~for One- and Two-Family Dwellings~~.

Section 2. BE IT ORDAINED by the Board of Commissioners of the Town of Huntersville, North Carolina, that Article 8.14, General Standards for Driveway Permitting, is hereby amended as follows:

8.14 General Standards For Driveway Permitting

1. No driveway or other point of access to a public street shall be constructed, relocated, or altered unless a driveway permit is obtained from the Town of Huntersville or the State of North Carolina, whichever jurisdiction applies. The applicant shall comply with the most restrictive standards. **Notwithstanding the foregoing, nothing in this subsection shall be interpreted to conflict with N.C.G.S. § 160D-804(j).**

Section 3. BE IT ORDAINED by the Board of Commissioners of the Town of Huntersville, North Carolina, that Article 11.1.3, Building Permit, is hereby amended as follows:

1. **Building Permit.** No development shall occur except pursuant to a building permit, when one is required. A building permit is generally required for the activities below. Other building activities may also require a permit.
 1. The addition, repair, or replacement of load bearing structures.
 2. The installation, extension, or general repair of any plumbing system or an addition or change in the design of plumbing.
 3. The addition, replacement, or change in the design of heating, air conditioning, or electrical wiring, devices, appliances, or equipment.
 4. The addition (excluding replacement) of roofing.

5. The use of materials not permitted by the North Carolina State Building Code.
~~Commercial work of any value.~~
6. Work on single-family ~~residential~~ residence, ~~or~~ farm buildings, or commercial buildings exceeding ~~\$5,000~~ 40,000.
7. The following work, even if not in excess of ~~\$5,000~~ 40,000:
 - construction of deck, fireplace, pier, or storage building;
 - installation or replacement of insulation, wood stove, or hot water heater;
 - moving a building;
 - demolition of a building.

Section 4. This ordinance shall become effective upon adoption.

HUNTERSVILLE ORDINANCE ADVISORY BOARD: 10/5/2023

PUBLIC HEARING DATE: 1/2/2024

PLANNING BOARD MEETING: 1/23/2024

TOWN BOARD DECISION: 2/19/2024

AN ORDINANCE TO AMEND ARTICLE 3, ARTICLE 8, AND ARTICLE 11

Section 1. BE IT ORDAINED by the Board of Commissioners of the Town of Huntersville that Article 3, Section 3.2.1(d)(4)(a) Rural District, 3.2.2(d)(4)(a) Transitional Residential District, 3.2.4(d)(1)(e) Neighborhood Residential District, 3.2.5(d)(1)(d) Neighborhood Center District, 3.2.6(d)(4) Town Center District, 3.2.7(d)(1)(d) Highway Commercial District, 3.2.11(d)(1)(d) Traditional Neighborhood Development District, 3.2.13(d)(2)(c) Transit-Oriented Development-Residential District, and 3.3.1(d)(1) Manufactured Home Overlay District of the Zoning Ordinance is hereby amended by modifying as follows:

- Nothing in this subsection shall be interpreted to conflict with the building design element provisions as found in N.C.G.S. 160D-702(b) for structures subject to the North Carolina Residential Code ~~for One- and Two-Family Dwellings~~.

Section 2. BE IT ORDAINED by the Board of Commissioners of the Town of Huntersville, North Carolina, that Article 8.14, General Standards for Driveway Permitting, is hereby amended as follows:

8.14 General Standards For Driveway Permitting

1. No driveway or other point of access to a public street shall be constructed, relocated, or altered unless a driveway permit is obtained from the Town of Huntersville or the State of North Carolina, whichever jurisdiction applies. The applicant shall comply with the most restrictive standards. **Notwithstanding the foregoing, nothing in this subsection shall be interpreted to conflict with N.C.G.S. § 160D-804(j).**

Section 3. BE IT ORDAINED by the Board of Commissioners of the Town of Huntersville, North Carolina, that Article 11.1.3, Building Permit, is hereby amended as follows:

1. **Building Permit.** No development shall occur except pursuant to a building permit, when one is required. A building permit is generally required for the activities below. Other building activities may also require a permit.
 1. The addition, repair, or replacement of load bearing structures.
 2. The installation, extension, or general repair of any plumbing system or an addition or change in the design of plumbing.
 3. The addition, replacement, or change in the design of heating, air conditioning, or electrical wiring, devices, appliances, or equipment.
 4. The addition (excluding replacement) of roofing.

5. The use of materials not permitted by the North Carolina State Building Code.
~~Commercial work of any value.~~
6. Work on single-family ~~residential~~ residence, ~~or~~ farm buildings, or commercial buildings exceeding ~~\$5,000~~ 40,000.
7. The following work, even if not in excess of ~~\$5,000~~ 40,000:
 - construction of deck, fireplace, pier, or storage building;
 - installation or replacement of insulation, wood stove, or hot water heater;
 - moving a building;
 - demolition of a building.

Section 4. This ordinance shall become effective upon adoption.

HUNTERSVILLE ORDINANCE ADVISORY BOARD: 10/5/2023

PUBLIC HEARING DATE: 1/2/2024

PLANNING BOARD MEETING: 1/23/2024

TOWN BOARD DECISION: 2/19/2024



Memorandum

To: Huntersville Ordinance Advisory Board

From: Huntersville Planning Department

Re: TA 23-07 Definition of “Interconnected” Clean Up

Per Article 12.2.1 the definition of Interconnected is as follows:

Interconnected. Refers to streets which provide through access to other streets; interconnected street systems may be either rectilinear or curvilinear. See illustrations, Article 5, Streets.

In 2018 the illustrations referenced in Article 5, Streets were removed, but the text has remained. This text amendment is being proposed to remove that portion of the definition that is no longer applicable as shown below.

Interconnected. Refers to streets which provide through access to other streets; interconnected street systems may be either rectilinear or curvilinear. ~~See illustrations, Article 5, Streets.~~

AN ORDINANCE TO AMEND ARTICLE 12, Section 12.2.1

Section 1. Be it ordained by the Board of Commissioners of the Town of Huntersville that Article 12, Section 12.2.1 of the Zoning Ordinance is hereby amended by modifying Article 12, Section 12.2.1 “Interconnected” as follows:

Refers to streets which provide through access to other streets; interconnected street systems may be either rectilinear or curvilinear. ~~See illustrations, Article 5, Streets.~~

Section 2. This ordinance shall become effective upon adoption.

HUNTERSVILLE ORDINANCE ADVISORY BOARD: 10/05/2023

PUBLIC HEARING DATE: TBD

PLANNING BOARD MEETING: TBD

TOWN BOARD DECISION: TBD



Text Amendment Application

Date of Application 9/22/2023

Fee

See Current Town of Huntersville Fee Schedule for Text Amendment to the Zoning/Subdivision Ordinance

Type of Change

____ New Addition to text of Zoning Ordinance / Subdivision Ordinance / Other

☒ Revision/Modification to text of Zoning Ordinance / Subdivision Ordinance / Other

Description of Change

Proposed text amendment will affect the following:

Ordinance(s): **Zoning Ordinance** Article(s): **12** Section(s): **2.1**

Current Ordinance

Interconnected. Refers to streets which provide through access to other-streets; interconnected street systems may be either rectilinear or curvilinear.

See illustrations, Article 5, Streets

Proposed Text

Interconnected. Refers to streets which provide through access to other-streets; interconnected street systems may be either rectilinear or curvilinear.

Reason for Proposed Change

The portion "See Illustrations, Article 5, Streets" is no longer applicable as Illustrations of streets was removed in 2019.

Attach additional pages if needed.

NOTE: If the proposed text amendment effects property located along Hwy 73; is 2000 feet from an adjoining municipality, and/or the Mountain Island and Lake Norman Watersheds, additional peer review is required.

Applicant

Printed Name- Town of Huntersville Planning Staff

☐ Corporation ☐ Limited Liability Company ☐ Trust ☐ Partnership ☐ Other: _____

Signature Jack Simoneau Date 9/22/2023

Title Planning Director Email jsimoneau@huntersville.org

Address of Applicant 105 Gilead Rd, Huntersville, NC 28078

Property Owner (if different than applicant)

* Printed Name _____

☐ Corporation ☐ Limited Liability Company ☐ Trust ☐ Partnership ☐ Other: _____

Signature _____ Date _____

Title _____ Email _____

Address of Property Owner _____

* Property owner hereby grants permission to the Town of Huntersville personnel to enter the subject property for any purpose required in processing this application.

Every owner of each parcel included in this application, or the owner (s) duly authorized agent, must sign this application. If signed by an agent on behalf of the Owner, this petition MUST be accompanied by a Limited Power of Attorney signed by the property owner (s) and notarized, specifically authorizing the agent to act on the owner (s) behalf in signing this application. Failure of each owner, or their duly authorized agent, to sign, or failure to include the authority of the agent signed by the property owner, will result in an INVALID APPLICATION. **If additional space is needed for signatures, attach the Town of Huntersville Signature Addendum Form.**

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Huntersville Ordinance Advisory Board

October 5, 2023

Memo: Breezeway Discussion

Breezeways are currently not defined or regulated within the Zoning Ordinance. Historically, staff has used an interpretation, dating from 2007, to allow breezeways to connect two structures together as a single principal use. Since then, the use of a breezeway has been used to build accessory structures and ADUs larger than what is allowed and outside of permitted yards.

The Planning Department would like to open a discussion relating to these issues that staff is currently seeing as well as share what other municipalities around the state have done to regulate Breezeways. We are not looking for a recommendation, but to lay the groundwork for a future text amendment.

