

Members

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

Planning Board Member:
Scott Hensley



Town Staff (Non-Voting Members)

Alisia Bergsman
Town Commissioner

Brian Richards
Director
Planning Department

Tracy Barron
Executive Assistant
Planning Department

Emily Sloop
Town Attorney

AGENDA

Huntersville Ordinances Advisory Board Meeting

January 4, 2024 - 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 December 7, 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 #TA24-01, a request by the Huntersville Planning Department for a text amendment to Article 3.3.2(2)(d), 3.3.2-A(e), 3.3.2B(e), 3.3.3-A(e), 3.3.3(2)(d), and Article 8.17(3)(e) to bring the text into compliance with HB 600. (*Patrick Patterson*)
 - 4.B. Consider a recommendation on petition #TA24-02, a request by the Huntersville Planning Department for a text amendment to Article 10, Section 10.10.9, 10.12, and 10.14.3 to clarify the Town's role in permitting, the placement, and removal of campaign signs. (*Brian Richards*)
- 5. Other Business**
- 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, December 7, 2023.

Call to Order/Roll Call

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

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

Voting Members Absent: A. Hallman

Non-Voting Members Present: Commissioner Bergman, B. Richards, T. Barron, and E. Sloop.

Non-Voting Members Absent: None

Approval of Minutes

Item 2A. Consider approval of the October 5, 2023, Regular Meeting Minutes

M. Jones made a request to amend the October 5, 2023, to make his comments verbatim.

Motion: S. Harrington made a Motion to Approve the October 5, 2023, regular meeting minutes as amended. M. Pollard seconded the motion.

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

Public Comments

None

Action Agenda

4A. Consider a recommendation on petition #TA23-08, a request by the Huntersville Planning Department for a text amendment to remove Article 8.13 Regulation of Nuisances as noise and noxious fumes are covered by the Town Code of Ordinances.

N. Farber, Planner II reviewed the proposed text amendment.

H. Whittaker asked if this being located in the Zoning Ordinance is a tool that would have some benefits for enforcement. Staff confirmed they have reviewed this and found that it is not a necessary tool.

F. Gammon asked if this has been enforced. Staff confirmed that it has not been enforced by the Zoning Ordinance, the police have enforced this through Code of Ordinances within the Town and ETJ.

M. Jones commented that there is a current email circulating from the UNC School of Government related to police power in the ETJ so that leads him to ask, if that agreement and if our Code of Ordinances complies with our authority, case law, constitutional limits, etc. E. Sloop responded that the email from today is relative to abatement and does not apply to the discussion today. The Town Code of Ordinances does comply with our police power agreement.

Motion: J. Kluttz made a Motion to recommend Approval of TA23-08, a request by Huntersville Planning Department for a text amendment to remove Article 8.13, Regulation of Nuisances as noise and noxious fumes are covered by the Town Code of Ordinances. H. Whittaker seconded the motion.

The motion passed unanimously (8-0).

Other Business

K. Jones thanked and acknowledged F. Gammon's serving as Planning Board representative to the Ordinance Advisory Board and then welcomed S. Hensley as the new Planning Board representative to the Ordinance Advisory Board.

M. Jones presented F. Gammon with a plaque on behalf of the Ordinance Advisory Board.

F. Gammon thanked the Board and commented that he hopes that the Town keeps the Board. He commented that he has learned a lot attending the Ordinance Advisory Board meetings even prior to serving on it and items are well reviewed prior to coming to the Planning Board.

K. Jones then introduced Commissioner Bergman as the new representative to the Ordinance Advisory Board with Commissioner Quarles as her backup.

M. Pollard commented that there are two items that he would like the Board to take a close look at that perhaps have been reviewed in the past, one of those is street stubs which are counter to complete streets. They do not include sidewalks for disabled, mothers with young children and strollers, and the elderly to have the ability to safely walk. He would like to see if the Board would consider discussion of the item to have complete streets versus stubs to potential developments waiting on economic development.

M. Pollard continued that he would like to consider ways to address blight, properties within the Town core or areas where it could have economic impact on adjacent neighbors, houses that have been abandoned and depleted with no intent of ever changing or burned down houses have not been addressed in a timely manner. E. Sloop responded that there is a Minimum Housing Code enforced by Mecklenburg County that addresses blight, unsightly, or uninhabitable homes. If there is an uptick in that then we may need to address that with the County.

K. Jones commented that her understanding of the process involved the County and then the Town regarding taking action. E. Sloop commented that there is a process which involves a

**AN ORDINANCE TO AMEND THE TOWN OF HUNTERSVILLE ZONING ORDINANCE TO
COMPLY WITH NORTH CAROLINA HB 600**

Section 1. BE IT ORDAINED by the Board of Commissioners of the Town of Huntersville, North Carolina, that Article 3.3.2(2)(d) of the Zoning Ordinance, Exceptions to Applicability, is hereby amended as follows:

- d. This Section 3.3.2 shall not require private property owners to install new or increased stormwater controls for (i) preexisting development or (ii) redevelopment activities that do not remove or decrease existing stormwater controls. When a preexisting development is redeveloped, either in whole or in part, increased stormwater controls shall only be required for the amount of impervious surface being created that exceeds the amount of impervious surface that existed before the redevelopment. ~~Provided, however, a~~ redevelopment, irrespective of whether the impervious surface that existed before the redevelopment is to be demolished or relocated during the development activity. A property owner may voluntarily elect to treat ~~all the~~ the stormwater resulting from the net increase in built-upon area above the preexisting development or redevelopment activities described herein for the purpose of exceeding allowable density under the applicable water supply watershed rules as provided in as provided in G.S. 143-214.5(d3) and as further described in this Article 3.

Section 2. BE IT ORDAINED by the Board of Commissioners of the Town of Huntersville, North Carolina, that Article 3.3.2-A(e), 3.3.2-B(e), and 3.3.3-A(e) of the Zoning Ordinance, Built-Upon Area (BUA) Development Standards, is hereby amended as follows:

(e) Built-Upon Area (BUA) Development Standards. For individual buildings or for development projects within the Critical Areas, the following impervious area limitations are established on a building or project basis.

Notwithstanding the above, an applicant shall be allowed to exceed the allowable Built-Upon Area (density) under the water supply watershed rules if all of the following circumstances apply:

- (1) The property was developed prior to October 1, 1993, the effective date of the local water supply watershed program.
- (2) The property has not been combined with additional lots after January 1, 2021.
- (3) The property has not been a participant in a density averaging transaction as provided in Section 3.3.2-A(h).
- (4) The current use of the property is nonresidential.

(5) ~~In the sole discretion, and at the voluntary~~ At the election, of the property owner, the stormwater from ~~all of the existing and new~~ any net increase in built-upon area on the property above the preexisting development is treated in accordance with all applicable local government, State, and federal laws and regulations.

(6) The remaining vegetated buffers on the property are preserved in accordance with Section 3.3.2-A(f).

Section 3. BE IT ORDAINED by the Board of Commissioners of the Town of Huntersville, North Carolina, that Article 3.3.3(2)(d) of the Zoning Ordinance, Exceptions to Applicability, is hereby amended as follows:

- d. This Section 3.3.3 shall not require private property owners to install new or increased stormwater controls for (i) preexisting development or (ii) redevelopment activities that do not remove or decrease existing stormwater controls. When a preexisting development is redeveloped, either in whole or in part, increased stormwater controls shall only be required for the amount of impervious surface being created that exceeds the amount of impervious surface that existed before the ~~redevelopment~~. Provided, however, a redevelopment, irrespective of whether the impervious surface that existed before the redevelopment is to be demolished or relocated during the development activity. A property owner may ~~voluntarily~~ elect to treat all the stormwater resulting from the net increase in built-upon area above the preexisting development or redevelopment activities described herein for the purpose of exceeding allowable density under the applicable water supply watershed rules as provided in as provided in G.S. 143-214.5(d3) and as further described in this Article 3.

Section 4. BE IT ORDAINED by the Board of Commissioners of the Town of Huntersville, North Carolina, that Article 8.17(3)(e) of the Zoning Ordinance, Exceptions to Applicability, is hereby amended as follows:

- e. This Article shall not require private property owners to install new or increased stormwater controls for (i) preexisting development or (ii) redevelopment activities that do not remove or decrease existing stormwater controls. When a preexisting development is redeveloped, either in whole or in part, increased stormwater controls shall only be required for the amount of impervious surface being created that exceeds the amount of impervious surface that existed before the ~~redevelopment~~. Provided, however, a redevelopment, irrespective of whether the impervious surface that existed before the redevelopment is to be demolished or relocated during the development activity. A property owner may ~~voluntarily~~ elect to treat all the stormwater resulting from the net increase in built-upon area above the preexisting development or redevelopment activities described herein for the purpose of exceeding allowable density under the applicable water supply watershed rules as provided in as provided in G.S. 143-214.5(d3) and as further described in this Article 3.

Section 5. This ordinance shall become effective upon adoption.

HUNTERSVILLE ORDINANCE ADVISORY BOARD:

PLANNING BOARD:

TOWN BOARD:

3.3.2 MOUNTAIN ISLAND LAKE WATERSHED OVERLAY DISTRICT (MIL-O)

Intent: The intent of the Mountain Island Lake Watershed Overlay District is to provide for the protection of public water supplies as **required** by the N.C. Water Supply Watershed Protection Act (N.C.G.S. 143-214.5) and regulations promulgated there under. The Mountain Island Lake Watershed Overlay may be applied in any zoning district. The Mountain Island Lake Watershed Overlay District supplements the regulations of the underlying zoning district within the Mountain Island Lake Watershed Protection Area to ensure protection of public drinking water supplies. All regulations for the underlying district shall continue to remain in effect for **properties** classified under the Mountain Island Lake Watershed Overlay District.

1. **Applicability.** The Mountain Island Lake Watershed Protection Area is that area within Mecklenburg County which contributes surface drainage into Mountain Island Lake and which is bounded as follows: beginning at the Mountain Island Lake Dam on the Catawba River and proceeding along the ridgeline in an easterly direction to Rozzelle's Ferry Road and proceeding thence in a southeasterly direction along Rozzelle's Ferry Road to the intersection of Mt. Holly-Huntersville Road, and thence proceeding along Mt. Holly-Huntersville Road in a northeasterly direction to the intersection of Hambright Road, and thence proceeding in an easterly direction along Hambright Road to N.C. 115, and thence proceeding in a northerly direction along N.C. 115 to the intersection of N.C. 73 and thence in a westerly-southwesterly direction along N.C. 73 to the Lake Norman Dam and thence proceeding in a southerly direction along the Catawba River to the beginning point.
2. **Exceptions to Applicability.**
 - a. Existing development, as defined in Section 12.2.3, is **not** subject to the **requirements** of the Mountain Island Lake Watershed Overlay District. Expansions to structures classified as existing development must meet the **requirements** of this section, however the built-upon area of the existing development is **not required** to be included in the impervious area calculations.
 - b. An existing lot, as defined in Section 12.2.3, owned prior to the effective date of this ordinance, regardless of whether or **not** a vested right has been established, may be developed for single family residential purposes subject only to the buffer **requirements** of Section 3.3.3-A, f) and g) or Section 3.3.3-B, f) and g), whichever are applicable.
 - c. Existing public utilities may expand without being subject to the restrictions of this part provided that:
 - i. Such expansion complies with all applicable laws of the State of North Carolina and the United States of America, and
 - ii. Discharges associated with the existing public utilities may be expanded, however the pollutant load shall **not** be increased beyond presently permitted levels.
 - d. This Section 3.3.2 shall **not require private property** owners to install new or increased stormwater controls for (i) preexisting development or (ii) redevelopment activities that do **not** remove or decrease existing stormwater controls. When a preexisting development is redeveloped, either in whole or in part, increased stormwater controls shall only be **required** for the amount of impervious surface being created that exceeds the amount of impervious surface that existed before the **redevelopment. Provided, however, a redevelopment, irrespective of whether the impervious surface that existed before the redevelopment is to be demolished or relocated during the development activity. A property owner may voluntarily elect to treat all the stormwater resulting from the net increase in built-upon area above the preexisting development or redevelopment activities described herein** for the purpose of exceeding allowable density under the applicable

Commented [ES1]: 143-214.7(b3) for all changes to this language.

water supply watershed rules as provided in as provided in G.S. 143-214.5(d3) and as further described in this Article 3.

3. Watershed Subareas Established.

a. Critical Areas.

CA1 - Lower Gar Creek. From normal pool elevation of Mountain Island Lake extending up Gar Creek to Beatties Ford Road and to approximately the ridge line along the north side of Gar Creek and to Mt. Holly-Huntersville Road on the south side of Gar Creek, as shown specifically on Town of Huntersville Zoning Maps.

CA2 - Upper Gar Creek. From Beatties Ford Road upstream along Gar Creek to the limits of the Gar Creek drainage basin and to approximately the ridge line along either side of Gar Creek, as shown specifically on Town of Huntersville Zoning Maps.

CA3 - McDowell Creek. From normal pool elevation of Mountain Island Lake extending one mile upstream on McDowell Creek and to approximately the ridge line along either side of McDowell Creek, as shown specifically on Town of Huntersville Zoning Maps.

CA4 - Lake Front. Extending landward one-half mile from normal pool elevation along Mountain Island Lake and the Catawba River between Cowan's Ford Dam and Mountain Island Lake Dam, as shown specifically on Town of Huntersville Zoning Maps.

4. Protected Areas.

PA1 - The area extending from the outer limits of the critical areas to five hydrologic miles from the normal pool elevation and draining to Mountain Island Lake, as shown specifically on Town of Huntersville Zoning Maps.

PA2 - The area extending from the outer limit of the PA1 area where it intersects with N.C. 73 and running in a north-northeasterly direction along N.C. 73 to the intersection of I-77 and thence proceeding in a southerly direction along I-77 to the intersection of Gilead Road and thence in an easterly direction along Gilead Road to the intersection of N.C. 115 and thence in a southerly direction along N.C. 115 to the intersection of Hambright Road and thence in a westerly direction along Hambright Road to the intersection of Mt. Holly-Huntersville Road and thence in a northwesterly direction along the outer limits of the CA2 and PA1 areas to the beginning point, as shown specifically on Town of Huntersville Zoning Maps.

PA3 - The area extending from the outer limits of the PA2 area to the limits of the Mountain Island Lake Watershed, as shown specifically on Town of Huntersville Zoning Maps

3.3.2-A Critical Areas (CA-1, CA-2, CA-3, CA4)

Intent: The intent of these regulations is to require higher standards in the Critical Areas of the Mountain Island Lake Watershed because of the greater risk of water quality degradation from pollution. All uses permitted in the Critical Areas are subject to the standards of both the overlay district and the underlying zoning district. In every case, the more restrictive standard controls.

(a) Permitted Uses.

Uses permitted with conditions.

- essential services 1 and 2, provided that there shall be no new industrial process or domestic discharges into any stream or lake in the Mountain Island Lake Watershed, but existing wastewater treatment plant(s) may expand so long as the total pollutant load per parameter is not increased beyond the effluent limits permitted as of October 1, 1993, the effective date of watershed protection regulations; agriculture, subject to the provisions of the Food Security Act of 1985 and the Food, Agricultural, Conservation and Trade Act of 1990. All agricultural activities conducted after January 1, 1993 shall maintain a minimum ten-foot vegetative buffer, or equivalent control as determined by the Soil and Water Conservation Commission, along all perennial waters indicated on the most recent versions of U.S.G.S. 1:24,000 scale topographic maps or as determined by local government studies. Agricultural activities begun after October 1, 1993 shall comply with the buffer standards of Section 3.3.3 -A(f). Animal operations greater than 100 animal units shall employ Best Management Practices by July 1, 1994 recommended by the Soil and Water Conservation Commission;
- silviculture, subject to the provisions of the Forest Practices Guidelines Related to Water Quality (02 NCAC 60C.0100 to .0209);
- residential uses permitted in the underlying district, subject to density and built-upon limits of the low-density development option; cluster development allowed in the underlying district is permitted;
- non-residential uses permitted in the underlying district, subject to the built-upon limits of the low-density development option; cluster development allowed in the underlying district is permitted.

(b) Prohibited Uses.

- all uses not permitted in the underlying zoning district
- residual applications
- landfills, sanitary
- landfills, off-site demolition
- new or expanded domestic and industrial discharges
- structural BMPs not associated with agriculture
- disposal or treatment of petroleum contaminated soils (land farming)

(c) Permitted Building and Lot Types.

- building and lot types permitted in the underlying zoning district

(d) Permitted Accessory Uses.

- accessory uses permitted in the underlying zoning district; uses prohibited as principle uses are also prohibited as accessory uses

(e) Built-Upon Area (BUA) Development Standards. For individual buildings or for development projects within the Critical Areas, the following impervious area limitations are established on a building or project basis.

Notwithstanding the above, an applicant shall be allowed to exceed the allowable Built-Upon Area (density) under the water supply watershed rules if all of the following circumstances apply:

- (1) The property was developed prior to October 1, 1993, the effective date of the local water supply watershed program.
- (2) The property has not been combined with additional lots after January 1, 2021.
- (3) The property has not been a participant in a density averaging transaction as provided in Section 3.3.2-A(h).
- (4) The current use of the property is nonresidential.
- (5) ~~In the sole discretion, and at the voluntary~~ At the election, of the property owner, the stormwater from ~~all of the existing and new any net increase in~~ built-upon area on the property ~~above the preexisting development~~ is treated in accordance with all applicable local government, State, and federal laws and regulations.
- (6) The remaining vegetated buffers on the property are preserved in accordance with Section 3.3.2-A(f).

3.3.2-B Protected Areas (PA-1, PA-2)

Intent: The intent of these regulations is to allow development with fewer restrictions in protected areas 1 and 2 than in the critical areas because the risk of water quality degradation from pollution is less in the protected areas than in the critical areas. All uses permitted in the Protected Areas are subject to the standards of both the overlay district and the underlying zoning district. In every case, the more restrictive standard controls. *Note:* Protected area 3 defines the remainder of watershed and is not subject to watershed regulation.

(a) Permitted Uses.

Uses permitted with conditions.

- Essential services 1 and 2, provided that there shall be no new industrial process or domestic discharges into any stream or lake in the Mountain Island Lake Watershed, but existing wastewater treatment plant(s) may expand so long as the total pollutant load per parameter is not increased beyond the effluent limits permitted as of October 1, 1993, the effective date of watershed protection regulations;
- Agriculture, subject to the provisions of the Food Security Act of 1985 and the Food, Agricultural, Conservation and Trade Act of 1990. All agricultural activities conducted after January 1, 1993 shall maintain a minimum ten-foot vegetative buffer, or equivalent control as determined by the Soil and Water Conservation Commission, along all perennial waters indicated on the most recent versions of U.S.G.S. 1:24,000 scale topographic maps or as determined by local government studies. Agricultural activities begun after October 1, 1993 shall comply with the buffer standards of Section 3.3.3-B(f). Animal operations greater than 100 animal units shall employ Best Management Practices by July 1, 1994 recommended by the Soil and Water Conservation Commission;
- Silviculture, subject to the provisions of the Forest Practices Guidelines Related to Water Quality (02 NCAC 60C.0100 to .0209);
- Storage of hazardous materials, subject to the filing of a spill/failure containment plan with Mecklenburg County Fire Marshall and the fire department(s) with jurisdiction in the Huntersville Mountain Island Lake Watershed Overlay District;
- Residential uses permitted in the underlying district, subject to either the low density or the high- density option; cluster development allowed in the underlying district is permitted;
- Non-residential uses permitted in the underlying district, subject to either the low density or the high-density option; cluster development allowed in the underlying district is permitted.

(b) **Prohibited Uses.**

- All uses not permitted in the underlying zoning district
- In PA 1, off-site demolition landfills
- In PA 1, sanitary landfills
- In PA 1, wastewater treatment facilities

(c) **Permitted Building and Lot Types.**

- Building and lot types permitted in the underlying zoning district

(d) **Permitted Accessory Uses.**

- Accessory uses permitted in the underlying zoning district; uses prohibited as principal uses are also prohibited as accessory uses

(e) **Built-Up Area (BUA) Development Standards.** For individual buildings or for development projects within Protected Areas 1 and 2, the following impervious area limitations are established on a building or project basis.

Notwithstanding the above, an applicant shall be allowed to exceed the allowable Built-Up Area (density) under the water supply watershed rules if all of the following circumstances apply:

- (1) The property was developed prior to October 1, 1993, the effective date of the local water supply watershed program.
- (2) The property has not been combined with additional lots after January 1, 2021.
- (3) The property has not been a participant in a density averaging transaction as provided in Section 3.3.2-B(i).
- (4) The current use of the property is nonresidential.
- (5) ~~In the sole discretion, and at the voluntary-At the~~ election, of the property owner, the stormwater from ~~all of the existing and new-any net increase in~~ built-upon area on the property ~~above the preexisting development~~ is treated in accordance with all applicable local government, State, and federal laws and regulations.
- (6) The remaining vegetated buffers on the property are preserved in accordance with Section 3.3.2-B(f).

3.3.3 LAKE NORMAN WATERSHED OVERLAY DISTRICT (LN-O)

Intent: The intent of the Lake Norman Watershed Overlay District is to provide for the protection of public water supplies as required by the N.C. Water Supply Watershed Protection Act (G.S. 143-214.5) and regulations promulgated there under. The Lake Norman Watershed Overlay may be applied in any zoning district. The Lake Norman Watershed Overlay District supplements the regulations of the underlying zoning district within the Lake Norman Watershed Protection Area to ensure protection of public drinking water supplies. All other uses and regulations for the underlying district shall continue to remain in effect for properties classified under the Lake Norman Watershed Overlay District.

1. **Applicability.** The Lake Norman Watershed Protection Area is that area within the jurisdiction of the Town of Huntersville which contributes surface drainage into that portion of the Catawba River known as Lake Norman and its tributaries. The Lake Norman Watershed Protection area is specifically defined on the Huntersville Zoning Maps.

2. **Exceptions to Applicability.**

- a. Existing development, as defined in Section 12.2.3, is **not** subject to the **requirements** of the Lake Norman Watershed Overlay District. Expansions to structures classified as existing development must meet the **requirements** of this section, however the built-upon area of the existing development is **notrequired** to be included in the impervious area calculations.
- b. An existing lot, as defined in Section 12.2.3, owned prior to the effective date of this ordinance, regardless of whether or **not** a vested right has been established, may be developed for single family residential purposes subject only to the buffer **requirements** of Section 3.3.4-A, f) and g), whichever are applicable.
- c. Existing public utilities may expand without being subject to the restrictions of this part provided that:
 - (a) Such expansion complies with all applicable laws of the State of North Carolina and the United States of America; and
 - (b) Discharges associated with the existing public utilities may be expanded, however the pollutant load shall **not** be increased beyond presently permitted levels.
- d. This Section 3.3.3 shall **not require private property** owners to install new or increased stormwater controls for (i) preexisting development or (ii) redevelopment activities that do **not** remove or decrease existing stormwater controls. When a preexisting development is redeveloped, either in whole or in part, increased stormwater controls shall only be **required** for the amount of impervious surface being created that exceeds the amount of impervious surface that existed before the **redevelopment**. ~~Provided, however, a redevelopment, irrespective of whether the impervious surface that existed before the redevelopment is to be demolished or relocated during the development activity. A property owner may voluntarily elect to treat all stormwater resulting from the net increase in built-upon area above the preexisting development or redevelopment activities described herein~~ for the purpose of exceeding allowable density under the applicable water supply watershed rules as provided in as provided in G.S. 143-214.5(d3) and as further described in this Article 3.

±. **3. Watershed Subareas Established.**

- a. **Critical Area.** The Critical Area is defined as the land area which begins at the normal pool elevation of Lake Norman and extends one-half mile inland or to the ridgeline, whichever is closest, as shown more specifically on the Huntersville Zoning Maps.
- b. **Protected Area.** There is no Lake Norman Protected Area located within the jurisdiction of the Town of Huntersville.

3.3.3-A Critical Area (CA)

Intent: The intent of these regulations is to require higher standards in the Critical Area of the Lake Norman **Watershed** because of the greater risk of water quality degradation from pollution. All uses permitted in the Critical Area for which erosion/sedimentation control plans are required under Town of

Huntersville regulations are subject to the standards of both the overlay district and the underlying zoning district. In every case the more restrictive standard controls.

(a) **Permitted Uses.**

Uses permitted with conditions.

- Essential services 1 and 2, provided that there shall be no new industrial process or domestic discharges into any stream or lake in the Lake Norman Watershed, but existing wastewater treatment plant(s) may expand so long as the total pollutant load per parameter will not be increased beyond the effluent limits permitted as of October 1, 1993, the effective date of watershed protection regulations;
- Agriculture, subject to the provisions of the Food Security Act of 1985 and the Food, Agricultural, Conservation and Trade Act of 1990. All agricultural activities conducted after January 1, 1993 shall maintain a minimum ten-foot vegetative buffer, or equivalent control as determined by the Soil and Water Conservation Commission, along all perennial waters indicated on the most recent versions of U.S.G.S. 1:24,000 scale topographic maps or as determined by local government studies. Agricultural activities begun after October 1, 1993 shall comply with the buffer standards of Section 3.3.3-A(f). Animal operations greater than 100 animal units shall employ Best Management Practices by July 1, 1994 recommended by the Soil and Water Conservation Commission;
- Silviculture, subject to the provisions of the Forest Practices Guidelines Related to Water Quality (02 NCAC 60C.0100 to .0209);
- Residential uses permitted in the underlying district, subject to either the low or high density option; cluster development allowed in the underlying district is permitted;
- Non-residential uses permitted in the underlying district, subject to either the low or high-density development option; cluster development allowed in the underlying district is permitted.

(b) **Prohibited Uses.**

- All uses not permitted in the underlying zoning district
- Residual applications
- Landfills, sanitary
- Landfills, off-site demolition
- New or expanded domestic and industrial discharges
- Disposal or treatment of petroleum contaminated soils (land farming)
- Petroleum storage tanks as a principal use

(c) **Permitted Building and Lot Types.**

- Building and lot types permitted in the underlying zoning district

(d) **Permitted Accessory Uses.**

- Accessory uses permitted in the underlying zoning district; uses prohibited as principal uses are also prohibited as accessory uses

(e) **Built-Up Area (BUA) Development Standards.** For individual buildings or for development projects within the Lake Norman Critical Area, the following impervious area limitations are established on a building or project basis.

Notwithstanding the above, an applicant shall be allowed to exceed the allowable Built-Up Area (density) under the water supply watershed rules if all of the following circumstances apply:

- (1) The property was developed prior to October 1, 1993, the effective date of the local water supply watershed program.
- (2) The property has not been combined with additional lots after January 1, 2021.
- (3) The property has not been a participant in a density averaging transaction as provided in Section 3.3.3-A(i).
- (4) The current use of the property is nonresidential.
- (5) ~~In the sole discretion, and at the voluntary-~~ At the election, of the property owner, the stormwater from ~~all of the existing and new any net increase in~~ built-upon area on the property above the preexisting development is treated in accordance with all applicable local government, State, and federal laws and regulations.
- (6) The remaining vegetated buffers on the property are preserved in accordance with Section 3.3.3-A(f).

Commented [ES2]: 143-214.5(d3)(5) for all changes to this language

8.17 Water Quality

1. **Purpose.** The purpose of this ordinance is to establish storm water management requirements and controls to prevent surface water quality degradation to the extent practicable in the streams and lakes within the Town Limits and Extraterritorial Jurisdiction of Huntersville and to protect and safeguard the general health, safety, and welfare of Huntersville's residents. This ordinance seeks to meet this purpose by fulfilling the following objectives:
 - a. Minimize increases in storm water runoff from development or redevelopment in order to reduce flooding, siltation and stream bank erosion, and maintain the integrity of stream channels;
 - b. Minimize increases in non-point source pollution caused by storm water runoff from development or redevelopment that would otherwise degrade local water quality;
 - c. Minimize the total volume of surface water runoff that flows from developed sites in order to replicate pre-development hydrology to the maximum extent practicable;
 - d. Reduce storm water runoff rates and volumes, soil erosion and non-point source pollution, to the extent practicable, through storm water management controls, improved site design or best management practices (BMPs) and to ensure that these management controls are properly maintained and pose no threat to public health or safety; and
 - e. Meet the requirements of the National Pollution Discharge Elimination System (NPDES) Storm Water Permit and other requirements as established by the Clean Water Act.

This ordinance and the Huntersville Water Quality Design Manual require the use of Low Impact Development (LID) BMPs that utilize infiltration, evaporation, retention and

detention as well as biological and physical processes to more closely replicate pre-development hydrology characteristics and reduce negative water quality impacts.

2. **Applicability.** This ordinance shall apply to all of the land located within the Town Limits and Extraterritorial Jurisdiction of Huntersville. The effective date of this ordinance is June 30, 2007. This ordinance governs the development and use of all land and structures. No building, structure, or land shall be used, occupied or altered, and no building, structure, or part thereof shall be erected, constructed, reconstructed, moved, enlarged, or structurally altered, unless in conformity with all the provisions of this ordinance and all other applicable regulations, except as otherwise provided by this ordinance.

3. **Exceptions to Applicability.**
 - a. All **properties** shall be subject to this ordinance except those **properties** which, as of the effective date of June 30, 2007, fit into one of the following categories:
 1. Have been issued a Certificate of Building Code Compliance;
 2. Have a valid building permit;
 3. Are included on a valid preliminary subdivision plan and/or a valid sketch plan;
or
 4. Are included in a complete conditional rezoning application and subdivision sketch plan submitted by May 1, 2007.
 - b. Redevelopment of non-single family homes that disturbs less than 20,000 square feet, does **not** decrease existing storm water controls, is **not** part of a larger common plan of development or sale, and renovation and/or construction costs do **not** exceed 100% of the tax value of the **property** is **not** subject to the provisions of this ordinance.
 - c. Residential development activity that disturbs less than one acre of land and is **not** part of a larger common plan of development or sale, including new development, redevelopment or expansions, is **not** subject to the provisions of this ordinance.
 - d. Non-residential development activity that disturbs less than 1/2 acre of land and is **not** part of a larger common plan of development or sale, including new development, redevelopment or expansions, is **not** subject to the provisions of this ordinance.
 - e. This Article shall **not require private property** owners to install new or increased stormwater controls for (i) preexisting development or (ii) redevelopment activities that do **not** remove or decrease existing stormwater controls. When a preexisting development is redeveloped, either in whole or in part, increased stormwater controls shall only be **required** for the amount of impervious surface being created that exceeds the amount of impervious surface that existed before the **redevelopment. Provided, however, a redevelopment, irrespective of whether the impervious surface that existed before the redevelopment is to be demolished or relocated during the development activity. A property** owner may **voluntarily** elect to treat **all the** stormwater **resulting** from **the net increase in built-upon area above the** preexisting development **or redevelopment activities described herein** for the purpose of exceeding allowable density under the applicable water supply watershed rules as provided in as provided in G.S. 143-214.5(d3) and as further described in Article 3.

AN ORDINANCE TO AMEND THE TOWN OF HUNTERSVILLE ZONING ORDINANCE ON
ARTICLE 10- SIGNS

Section 1. BE IT ORDAINED by the Board of Commissioners of the Town of Huntersville, North Carolina, that Article 10.10.9 of the Zoning Ordinance, Signs Permitted Without a Sign Permit, is hereby amended as follows:

9. Campaign or Election signs provided that:

- a. Individual signs shall not exceed 16 square feet in area or 6 feet in height if located on the owner's private property, and 6 square feet in area and 3 1/2 feet in height if located in a right-of-way.
- b. No signs shall be permitted in the right-of-way of a any fully controlled access highway.
- c. Signs shall be no closer than 3 feet from the edge of pavement of the road and shall not obscure motorists' visibility at an intersection.
- d. Permission shall be obtained from any property owner fronting the Town maintained right-of-way where a sign is erected.
- e. If erected in the right-of-way, signs may be erected no earlier than 30 days prior to the beginning date of "one-stop" early voting (or the third Thursday prior to the election date) and shall be removed within 10 days after the election or primary for which they were made. Any political sign that remains in a right-of-way of streets located within the corporate limits of the Town and maintained by the Town more than 30 days after the end of the period prescribed herein is to be deemed unlawfully placed and abandoned property, and a person may remove and dispose of such political sign without penalty.
- f. If erected on the owner's private property, signs may be erected no earlier than 90 days prior to the beginning date of "one-stop" early voting and shall be removed within 10 days after the election or primary for which they were made.

Section 2. BE IT ORDAINED by the Board of Commissioners of the Town of Huntersville, North Carolina, that Article 10.12 of the Zoning Ordinance, Prohibited Signs, is hereby amended as follows:

10.12 Prohibited Signs

The following signs are prohibited in all zoning districts:

1. Signs extending into the public right-of-way other than temporary Campaign and Election signs allowed in accordance with Article 10.10.9 and those permanent signs approved by the Town Manager of Huntersville along town-maintained streets and ~~the~~ as allowed by the North Carolina Department of Transportation along State-maintained System Streets.

2. Roof signs.
3. Portable signs (with the exception of sidewalk signs in accordance with Article 10.10.18).
4. Flashing, fluttering, swinging, or rotating signs with the exception of time and/or temperature signs.
5. Signs that are similar in color, design, and appearance to traffic control signs.
6. Vehicular signs as defined in Article 12 of the Zoning Ordinance.
7. Off-premise signs, including Outdoor Advertising Signs. No internally illuminated or self-luminous off-premise sign is permitted. See Sections 10.7.2 and 10.9 for special exceptions for certain non-commercial signs.
8. Obsolete signs: signs that do not comply with the provisions of this ordinance and identify or advertise a use or operation of which has ceased for one year or more.
9. Other signs not expressly allowed by this ordinance.
10. Signs which are not effectively shielded as to prevent beams or rays of light from being directed at any portion of the traveled ways of controlled routes and which are of such intensity or brilliance as to cause glare or to impair the vision of the driver of any motor vehicle, or which otherwise interfere with the operation of a motor vehicle are prohibited.
11. Signs advertising or otherwise promoting the existence of a temporary health care structure.
12. Nothing in this subsection should be interpreted to conflict with N.C.G.S. § 136-131.2.

Section 3. BE IT ORDAINED by the Board of Commissioners of the Town of Huntersville, North Carolina, that Article 10.14.3 of the Zoning Ordinance, Removal And Disposal Of Signs In The Right-Of-Way, is hereby amended as follows:

10.14.3 Removal And Disposal Of Signs In ~~The Right-Of-Way~~

In accordance with ~~Subject to~~ N.C.G.S. § ~~136-32(f)~~ and ~~160A-176~~ ~~136-131.1~~, the Zoning Administrator or other agents of the Town of Huntersville may remove any illegal sign placed on Town public property or within any Town-maintained right-of-way ~~of any public or private street.~~

Section 4. This ordinance shall become effective upon adoption.

HUNTERSVILLE ORDINANCE ADVISORY BOARD:
PLANNING BOARD:
TOWN BOARD:

10.10 Signs Permitted Without A Sign Permit

The following types of signs are exempt from permit requirements and allowed in all zones, but shall be in conformance with all other requirements of this ordinance.

9. Campaign or Election signs provided that:
 1. Individual signs shall not exceed 16 square feet in area or 6 feet in height if located on the owner's private property, and 6 square feet in area and 3 1/2 feet in height if located in a right-of-way.
 2. No signs shall be permitted in the right-of-way of any fully controlled access highway.
 3. Signs shall be no closer than 3 feet from the edge of pavement of the road and shall not obscure motorists' visibility at an intersection.
 4. Permission shall be obtained from any property owner fronting Town-maintained he right-of-way where a sign is erected. Permission shall be obtained from any property owner of a residence, business, or religious institution fronting NC-DOT maintained right of way where a sign is erected.
 5. If erected in the right-of-way, signs may be erected no earlier than 30 days prior to the beginning date of "one-stop" early voting (or the third Thursday prior to the election date) and shall be removed within 10 days after the election or primary for which they were made. Any political sign that remains in a right-of-way of streets located within the corporate limits of the Town and maintained by the Town more than 30 days after the end of the period prescribed herein is to be deemed unlawfully placed and abandoned property, and a person may remove and dispose of such political sign without penalty.
 6. If erected on the owner's private property, signs may be erected no earlier than 90 days prior to the beginning date of "one-stop" early voting and shall be removed within 10 days after the election or primary for which they were made.

10.12 Prohibited Signs

The following signs are prohibited in all zoning districts:

1. Signs extending into the public right-of-way other than temporary Campaign and Election signs allowed in accordance with Article 10.10.9 and those permanent signs approved by the Town Manager of Huntersville along town-maintained streets and the as allowed by the North Carolina Department of Transportation along State-maintained System Sstreets.
2. Roof signs.
3. Portable signs (with the exception of sidewalk signs in accordance with Article 10.10.18).
4. Flashing, fluttering, swinging, or rotating signs with the exception of time and/or temperature signs.
5. Signs that are similar in color, design, and appearance to traffic control signs.
6. Vehicular signs as defined in Article 12 of the Zoning Ordinance.
7. Off-premise signs, including Outdoor Advertising Signs. No internally illuminated or self-luminous off-premise sign is permitted. See Sections 10.7.2 and 10.9 for special exceptions for certain non-commercial signs.

Commented [ES1]: I left as Town-maintained ROW vs. Town-maintained ROW within the Town limits because our rules would apply to NCDOT roads maintained by the Town. Also, see 160A-176 re applying town ordinances to town-owned property and ROW outside the corporate limits.

The only difference in the permissions required is that "any property owner" could include property owner of vacant lot vs. residence, business, or religious institution. The Town is also considered the owner of Town property.

See relevant Lovelady excerpt:

Rules for State Roads in a Municipality

What about NCDOT roads within a municipality? G.S. 136-32(b) sets forth the provisions allowing placement of "political signs in the right-of-way of the State highway system." G.S. 136-32(f) makes clear that municipal rules, if adopted, apply to streets "located within the corporate limits of a municipality and maintained by the municipality." With that phrasing, it appears that NCDOT rules would apply to a state road in a municipality unless the municipality maintains the state road. That said, it may be possible for NCDOT to contract with a municipality to handle enforcement along NCDOT-maintained highways within the municipal boundary. G.S. 136-66.1 outlines the responsibilities for streets inside municipalities, including authority for a municipality to undertake certain maintenance and construction duties related to state roads within the municipality. <https://canons.sog.unc.edu/2018/10/temporary-signs-in-the-right-of-way/>

8. Obsolete signs: signs that do not comply with the provisions of this ordinance and identify or advertise a use or operation of which has ceased for one year or more.
9. Other signs not expressly allowed by this ordinance.
10. Signs which are not effectively shielded as to prevent beams or rays of light from being directed at any portion of the traveled ways of controlled routes and which are of such intensity or brilliance as to cause glare or to impair the vision of the driver of any motor vehicle, or which otherwise interfere with the operation of a motor vehicle are prohibited.
11. Signs advertising or otherwise promoting the existence of a temporary health care structure.
12. Nothing in this subsection should be interpreted to conflict with N.C.G.S. § 136-131.2.

10.14.3 Removal Aand Disposal oOf Signs In-The-Right-Of-Way

In accordance with Subject to N.C.G.S. § ~~136-131.1~~ 136-32(f) and 160A-176, the Zoning Administrator or other agents of the Town of Huntersville may remove any illegal sign placed on ~~Town-public~~ property or within any ~~Town-maintained~~ right-of-way ~~of any public or private street~~.

Commented [ES2]: We shouldn't remove signs from NCDOT maintained ROW unless they have delegated that authority to us via some written document.