



**Huntersville Ordinances Advisory
Board Agenda
July 1, 2021
3:30 p.m. – 5:00 p.m.
Location: VIRTUAL MEETING**

- NOTICE VIRTUAL MEETING -

Virtual Meeting Information - Members of the public may view the meeting on Facebook Live at <https://www.facebook.com/HuntersvilleNCTownGovernment>. If you would like to speak at the upcoming meeting during public comment, please send your name and email address to Tracy Barron at tbarron@huntersville.org to be added to the speaker's list. The Town will use your email address to send you an email invitation from Ring Central. This will allow you to call in and/or access the meeting to deliver your comments (the 3-minute time limit still applies). In addition, the Town will receive written comments for the public comment below by email to Tracy Barron at tbarron@huntersville.org.

- A. **Adoption of June 3, 2021 Minutes** (Attachment 1)
- B. **Comments from Audience (3 minutes per person allocation)**
- C. **Other Business**
 - 1. Recommendation on dormitory amendment for Metrolina Greenhouse in TR and R zones with a special use permit (Attachment 2).
 - 2. Continued discussion on street buffer amendment in the CB, CI, and SP zoning districts (Attachment 3, 4).
 - 3. Recommendation on metal panel amendment for shopfront buildings (Applicant: Nick Lombardo – North American Properties; Attachment 5, 6)
 - 4. Discussion on amendment to fence height restrictions for front yard of residential properties near boulevards and major thoroughfares. (Request by Tim Costello, Property Owner of 14238 Stumptown Road; Attachment 7, 8, 9)
 - 5. Discussion on HOAB having a standardized checklist for text amendments.
 - 6. Discussion about forming subcommittees.
- D. **Adjourn**



**Huntersville Ordinances Advisory
Board Minutes
June 3, 2021
3:30 p.m. – 5:00 p.m.
Location: VIRTUAL MEETING**

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A. Call to Order

Attendance: M. Jones, T. Taylor, L. Munger, K. Jones, J. Henson, S. Moore (joined at 3:33 p.m.), B. Skelly, F. Gammon, and T. Finlay (joined at 3:36 p.m.)

Non-voting members present: J. Simoneau, J. Glass & T. Barron

B. Adoption of Minutes

1. Adoption of May 6, 2021 Minutes (Attachment 1)

J. Henson made a Motion to Adopt the May 6, 2021 Minutes. L. Munger seconded the motion. The motion passed unanimously (8-0).

2. Adoption of May 10, 2021 Minutes (Attachment 2)

S. Moore made a Motion to Adopt the May 10, 2021 Minutes. J. Henson seconded the motion. The motion passed unanimously (8-0).

C. Comments from Audience (3 minutes per person allocation)

D. Other Business

1. Zoning text amendment on detached garage location for Farmhouse Cluster subdivisions (Attachment 3).

L. Speight, Planner 1 provided a review of the submitted text amendment to Article 3.2.1 (3,6) and Article 3.2.2 (e,6) related to detached garages in side yards within farmhouse clusters. Staff recommends that this be limited to side and rear yard of home lots. The opaque buffer is a typical requirement within a farmhouse cluster however, the inclusion of that statement in this amendment ensures it would be required. Staff supports this amendment with the alternative text.

J. Henson confirmed that the opaque buffer requirement would not be required of interior lots, only lots bordering public streets. Staff confirmed that it would be a case-by-case basis relative to visibility to the public street, not the private street that is within the farmhouse cluster.

S. Moore asked if this proposal would create an issue if the farmhouse cluster was ever taken over and annexed into the Town. Staff responded that they do not foresee this causing an issue.

L. Munger asked why the applicant elected a text amendment versus requesting a variance from the Board of Adjustments. Staff responded that the applicant did not express a hardship that would have met the threshold for a variance request, therefore, a text amendment while it affects only a few properties, would be the most appropriate path.

L. Munger made a Motion to Approve the text amendment utilizing the alternative language. B. Skelly seconded the motion. The motion passed unanimously (9-0).

2. Continued discussion on commercial communication towers (Attachment 4, 5).
S. Moore requested to be recused from the discussion. M. Jones made a Motion to Recuse S. Moore. L. Munger seconded the motion. The motion passed unanimously (8-0).

J. Simoneau, Planning Director reviewed Article 9.9.10 and 9.9.12 (c) which states that if you have a commercial communication tower it must be located 200 feet from all property lines adjacent to residential or mixed-use districts. The Skybrook development has a situation where there is a tower less than 200 feet from lots that they would like to develop. The purpose of this discussion today is to gain the feedback of the Ordinance Advisory Board as it relates to amendments that may be proposed in a future text amendment. Per the Board's request, a survey of what other municipalities are doing as it relates to this was completed and found to be similar in many ways, with a few variances.

L. Munger asked if there was a recommended number for an adjustment. Staff responded they are comfortable with the current 200-foot requirement.

F. Gammon asked where the distance requirements that are currently in the Ordinance were derived from and if a reduction would be reasonable. Staff stated that they are not sure where the original distances were derived from and anyone can propose a reduction, the idea is to get a read on what the Board feels would be reasonable.

T. Finlay asked if staff would be comfortable with the 200 feet being relative to variable heights on the towers. Staff stated that they could possibly work with that, and that would be consistent with the research on what is approved in other communities.

M. Jones suggested creating flexibility as this is an essential piece of the telecommunications and it is likely that there will become more towers in closer proximity to each other. As it relates to safety in the event of collapse, we can see from Duke powerlines in the Birkdale area that there is a home within approximately 120' of a high-voltage line there, so there must be a method to getting this done since these towers are not going away.

F. Gammon stated that he agreed with T. Finlay statement as to what is reasonable. There is a maximum height in Article 9.9.12 (a). He stated that proposing a varying scale based on the height of the tower seemed reasonable.

L. Munger asked if an inventory of towers in the Town was available. Staff commented that this will likely be completed if a text amendment is submitted.

Staff took from the discussion that the Board sentiment is flexibility based on the height of the tower. Staff will work with the applicant and to collect the requested information.

J. Henson made a Motion to Reinstate S. Moore. M. Jones seconded the motion. The motion passed unanimously (8-0).

3. Continued discussion on dormitory amendment for Metrolina Greenhouse in TR zone with a special use permit (Attachment 6).
J. Simoneau, Planning Director reviewed the floorplan samples that were sent out to members which outlined the sleeping, eating, and bathing facilities. The land area being considered for

placement is along Huntersville-Concord Road in the TR zoning which would require a text amendment. The proposed amendment to Article 12 would include a definition for dormitory to include agriculture. Amend Article 3.2.2 to include dormitories as a special use in the TR zone.

This discussion related to this at the May 2021 meeting highlighted that there was one missing element, the standards relative to a special use permit. Staff then provided an overview of common standards currently applied to special use permits. These included:

- Not endanger health and safety, does not substantially reduce the value of nearby property.
- Use does not conflict with long range plans.
- Use does not constitute a nuisance to adjoining properties with respect to noise, dust, fumes, odor, traffic.
- Many SUPs have special setback requirements for buildings, parking, trash facilities
- Visual screening requirements from adjoining properties and streets; possibly even some fencing which we see when there may be hazards such as mining or something with water around it, not necessarily to fence in a dormitory.
- Demonstrate you are complying with state/federal regulations which may or may not apply for H2A housing.
- Specific driveway standards (i.e., paved “x” number of feet from public road or specify material for the driveway
- Specify the type of road access (i.e., thoroughfare, not residential subdivision streets)
- Minimum size requirements to qualify (i.e., “x” number of acres) could minimize potential site locations
- Specific lighting or parking standards

Art VanWingerden, CFO of Metrolina Greenhouses explained that one of the concerns expressed at the May 2021 meeting related to how close the structure would be to the road. He then described the location proposed and stated it would not be visible from the road or to any homeowner. They will only be clearing enough for the road and the structures. There will be a minimum of 100 feet of woods to buffer to the neighbors. The federal government outlines all the of requirements for dormitory size, square feet per person, number of bathrooms, etc. and all of those will be inspected and verified by a H2A representative to approve of their use. As stated at the previous meeting, hotel use will not continue to be an option, in 2020 due to COVID-19 there was availability, this year is more of a challenge and next year will be a major challenge. For any traffic concerns, there will be buses of 15-50 will shuttle from here to the greenhouse.

F. Gammon commented that if Metrolina hires H2A’s then they have to house H2A’s so its not a matter of if they build it, it is a matter of where they build it. He then asked why the TR zoned land is being proposed. The applicant responded that this piece of land provides privacy and this one makes the most sense now.

T. Taylor asked if an amendment is necessary versus a special use permit, and if approval of this amendment would allow for any other H2A housing in TR zoning. Staff responded that an amendment is required for the dormitory use to be allowed for agricultural purposes and to be in the TR zoning. This amendment would make it possible for additional parcels to be used for H2A housing but as a special use permit it would require board approval and the standards that could be applied, such as minimum size requirements, would be implemented which reduce the number of parcels that would qualify.

F. Gammon asked if one of the conditions of the special use permit could be that the H2A

housing must be for the benefit of a Huntersville business. Staff did not believe that standard would be acceptable, but it could be located on-site where the business is located and the business needs to be at least 100 acres, then it will most likely accomplish the same goal.

J. Henson said he would be in support of it and the standards are what will be important. A minimum acreage, a buffer for adjacent properties and public right-of-way is great, and to verify which term is most suitable, agriculture or bona fide farm, or if the minimum acreage is sufficient. He then asked if this would be limited to H2A housing or could this special use permit be applied to a different type of use which may include travel and would then change the car counts. Staff responded that bona fide farm could be written in as that is a legally recognized term with set standards, and if you add a standard that this must be at or adjacent to the business it services then the car counts should be minimal.

The applicant commented that the location selected is specifically because as of today they can access city water and city sewer at this location. Eventually the full greenhouse will be on city water and sewer, the fees have been paid and they are waiting for the installation which has already taken a year and a half and is not yet installed. Any other locations that may work would likely require running about 3,000 feet of water pipe to reach it. Federal regulations state that H2A can only be farming and agricultural uses. H2B can be used for other businesses that are not specifically agriculture. This request would be limited to H2A uses.

F. Gammon asked if the amendment should include the Rural zone as well since anyone else who may need this would likely be in TR or R zones. Staff agreed that would make sense and since this is an applicant sponsored request it may not be included in this request, but administrative staff could propose additional zones if that saw fit to do that in the future.

T. Finlay expressed concern about the H2A format and supporting the implementation of that. He expressed a concern over who will oversee what the investment is that is put into these workers, developing future immigration channels for them and integrating them from the community versus isolating them in a dormitory just to work.

L. Munger expressed discomfort that mirror some of the comments made and recommended we consider limiting this to the Rural zoning, so it is tied to the farms. While he understands that creates a second step for the applicant it is something he would find more favorable.

M. Jones commented that most of the legacy farms remaining are in Rural zoning, but some are in Transitional Residential zoning and that in development, as density increases, open space has to increase as well. Additionally, this is a long-time Huntersville business and not having this type of housing within a reasonable proximity puts their business at a competitive disadvantage to others.

F. Gammon followed up with a question if the term agriculture should be limited to H2A housing. Staff commented that that may be an option. The amendment is from the applicant and that may not be exactly their intention. The applicant stated that if it is H2A it must be agriculture.

The applicant followed up to T. Finlay's concerns and expressed that he is also an immigrant and the goal of H2A labor is to work for 10-12 years, then return to their home country and live a very good life in their home country with their families. This program has been around for about 30-35 years and it is a program that they value because of the amount of money they can make. T. Finlay responded that he struggles with the concept when he sees the floorplan and set up and he wonders how we are integrating versus isolating people who will work here for the next 10-12

years. The applicant responded that the maximum time they can come in a year is 10 months and then they must return to their home country. There is a busy season of about 3 months where they may reach full capacity in the dormitory, the rest of the time it will allow for a bed to be between each worker so they can spread out. The plan is to build something Metrolina can be proud of and that the workers are happy about so they can enjoy being here and working here. The goal is to have a culture that the workers want to be here and enjoy coming back. An H2A person costs \$20.75 an hour, they take home \$13 an hour of that. The balance of that is for their housing, transportation, travel and immigration costs. The labor shortage has been a struggle for them for the past 2-3 years and continues to worsen.

Staff thanked the Board for their feedback and stated they would work with the applicant on the wording to present for their text amendment request.

4. Discussion on Article 8.1 Street Frontage Required (Attachment 7, 8, 9)
1:13

J. Simoneau, Planning Director reviewed the current Article 8.1 requirement to abut a public street with the exceptions outlined. Staff identified that within our jurisdiction there are 5 vacant lots on apparent right-of-way and 298 vacant lots on unbuilt public streets. Norman Park, a paper subdivision approved by Mecklenburg County is a sample of unbuilt public streets. Midas Springs is an apparent right-of-way.

The Board of Adjustments approved a variance from Article 8.1 in May 2021 for a property on Midas Springs Road, with the condition that the road be upgraded to a way that the fire department continues to be able to access. A variance has now been submitted for a property on Hedrick Circle with a similar situation.

M. Jones expressed concern about the Ordinance not being flexible and adaptive to address these types of situation so that you are not denying the property owner the right to develop their property and we may want to consider an amendment, so the Board of Adjustments does not need to hear a case for each and everyone of these properties if they have access that is durable and the correct width to allow emergency vehicles to be able to access.

K. Jones asked if the medic, fire department and police have used the portion of Hedrick Circle to Midas Springs that is in question like the many dirt roads in the ETJ that connect to public roads. M. Jones responded that it is used by postal, trash and all of the above and is mapped as a public right-of-way; however, it is not a maintained public right-of-way. Staff responded that a public right-of-way that is not maintained does not meet the definition of the Ordinance so the discussion today is to consider if it is the Board's desire to propose a text amendment that may add an additional exception to Article 8.1 that something determined to be a public use access that is approved by the fire department also could be allowed.

F. Gammon shared his experience driving the road, the current condition, there is a sign indicating it is a public road, and a yellow tape which has a portion of the road closed off.

S. Moore asked for clarification on how the BOA could determine that emergency vehicle access could be built within the state-maintained right-of-way of Midas Springs Road. Staff indicated that NCDOT advised that they maintain the current portion of Midas Springs Road and if owners of the lots that recently received the variance improve the public right-of-way that exists from decades of use to be a gravel road to state standards with a turn-around, that they would accept that for state maintenance. S. Moore commented that he agrees with the BOA decision and is fine with an amendment when there is public right-of-way and with an emergency vehicle standard.

L. Munger asked about the maintenance standards for emergency vehicles and how the new lots would be liable for keeping the road at a suitable standard, and how the road reaches to the furthest lots. Staff agreed that maintenance of roads by the state or town is always ideal because then you know it is at the right level. When the town fire department goes through their training exercises, if they find they cannot reach it then they could notify the Planning Department and we could contact the property owners and require them to clear it since it is a requirement, or fines levied if necessary. When a parcel is being developed a road must be built to the end of the lot, if there is no road there yet then it would be the responsibility of the owner of the parcel that wants to develop.

5. Introduction discussion on HOAB having a standardized checklist for text amendments-topic for July agenda (Attachment 10).

M. Jones stated that a minimum standard of diligence to make a recommendation may be helpful for the Planning Board and Town Board to know what has been researched, save them time, and create transparency for the decisions being made.

6. Discussion on availability for July 1, 2021 HOAB meeting.

All Board members were polled and confirmed their availability for the July 1, 2021 meeting.

E. Adjourn

S. Moore made a Motion to Adjourn. L. Munger seconded the motion. The motion passed unanimously (9-0).

AN ORDINANCE TO AMEND ARTICLE 3.2.1, 3.2.2, ARTICLE 9 AND ARTICLE 12 OF THE ZONING ORDINANCE TO ALLOW DORMITORIES FOR A BONA FIDE FARM WITH A SPECIAL USE PERMIT

Section 1. Be it ordained by the Board of Commissioners of the Town of Huntersville that Article 3.2.1 Rural District of the **Zoning Ordinance** is hereby amended as follows:

Uses permitted with Special Use Permit

- **Dormitory for a bona fide farm (9.62)**

Section 2. Be it ordained by the Board of Commissioners of the Town of Huntersville that Article 3.2.2 Transitional Residential District of the **Zoning Ordinance** is hereby amended as follows:

Uses permitted with Special Use Permit

- **Dormitory for a bona fide farm (9.62)**

Section 3. Be it ordained by the Board of Commissioners of the Town of Huntersville that Article 9 Conditions for Certain Uses of the **Zoning Ordinance** is hereby amended by adding the following:

9.62 Dormitory

Dormitories for a bona fide farm are permitted in the Rural and Transitional Zoning Districts subject to a Special Use Permit according the procedures of Article 11.4.10. The Town Board shall issue a special use permit for the use in a Rural or Transitional Residential Zoning District if, but not unless, the evidence presented at the Special Use Permit hearing establishes:

- 1. The use will not endanger health and safety, does not substantially reduce the value of nearby property.**
- 2. The use does not conflict with long range plans.**
- 3. The use does not constitute a nuisance to adjoining properties with respect to noise, dust, fumes, odor, and traffic.**
- 4. Buildings, parking, trash facilities shall be setback at least 100' from any adjoining property line and 500' from any public street right-of-way.**
- 5. The use shall be visual screened year round from all adjoining properties and public streets.**
- 6. The driveway and parking area shall, at minimum, be ground asphalt**
- 7. The dormitory is located on a bona fide farm of at least 100 contiguous acres.**

Section 4. Be it ordained by the Board of Commissioners of the Town of Huntersville that Article 12 Definitions and Rules of Construction of the **Zoning Ordinance** is hereby amended as follows:

Dormitory. A building containing bathroom facilities available for common use by the residents of the building, which is occupied or intended to be occupied as the dwelling for more than six persons who are not related by blood, marriage, or adoption but who are enrolled in, affiliated with, or employed by the same educational, religious, **bona fide farm** or health institution. "Dormitory" shall not include a boarding house, motel, hotel, group home, or health institution.

Section 5. That this ordinance shall become effective upon approval by the Huntersville Town Board

HUNTERSVILLE ORDINANCE ADVISORY BOARD: July 1, 2021

PUBLIC HEARING DATE: Tentative

PLANNING BOARD MEETING: Tentative

TOWN BOARD DECISION: Tentative

**AN ORDINANCE TO AMEND ARTICLE 7.5.3 OF THE ZONING ORDINANCE TO MODIFY THE
CB/SP/CI 80 FOOT BUFFER ALONG STREET FRONTAGES**

Section 1. Be it ordained by the Board of Commissioners of the Town of Huntersville that Article 7.5.3 footnote [2] of the **Zoning Ordinance** is hereby amended as follows:

2The CB, CI, and SP buffer is not required if the subject property is abutting a property zoned CB, CI, or SP. Further, a full eighty (80) foot buffer may be ~~reduced~~ **removed** along street frontages where ~~the building~~ **proposed addresses the public street with architecture and design consistent with the building type requirements of Article 4.** ~~scale, frontage relationship, and location of accessory uses ensure design compatibility off site.~~ **The 80 foot buffer may be reduced to the width below along street frontages when the following conditions are met:**

- **40 foot buffer**
 - **Along any thoroughfare where only customer and employee parking is located between the building and the street,**
 - **Along interior streets of existing or proposed business parks where loading, truck dock, or utility areas are located between the building and the street.**
- **20 foot buffer**
 - **Along interior streets of established or proposed business parks where only customer and employee parking is located in between the building and street.**
 - **Any building that meets the architectural standards of Article 4 but whose building is moved further from the street than the required build to line.**
- **Reduced street buffer widths may be disturbed and replanted so long as a complete visual opaque buffer is established at planting maturity between the building and street.**

Section 2. That this ordinance shall become effective TBD

HUNTERSVILLE ORDINANCE ADVISORY BOARD: July 1, 2021

PUBLIC HEARING DATE: Tentative

PLANNING BOARD MEETING: Tentative

TOWN BOARD DECISION: Tentative

meant to preserve the character of the town. This commitment is noted in adopted plans and the zoning ordinance, and has been expressed in new development over the last 25 years.

LU 7.1: Require all new development to adhere to the following design principles:

- In Mixed-Use Centers, Activity Centers, Town Core, and Moderate Density Areas, streets and sidewalks are meant to be attractive and inviting. New development in these areas shall follow these principles:
 - All buildings shall front a public street or open space.
 - Streets should be connected, have short blocks and sidewalks on both sides of streets.
 - Improve connectivity, particularly for pedestrians and vehicles.
 - Parking lots, if required, should be predominately located behind buildings screened from view and larger lots should be broken by buildings and or landscape features.
 - Accommodate a mix of uses and/or housing types.
- In defined Employment Centers some flexibility in the form-based design principles is allowed, including:
 - Expanded options for frontages including buildings fronting the street or buffered from major or minor thoroughfares.
 - Exceptions to building frontage requirements and public street requirements may be allowable for internal streets in an industrial park or near interstates.

Urban Design Principles

The Town of Huntersville uses a form-based approach to mixed use and non-residential development that discourages large-scale commercial strips and disconnected uses. Commercial design was very important to survey respondents and policies in this plan include specific strategies to maintain and improve quality. Existing standards include a requirement that new buildings must front a public street or open space, streets must be connected and have sidewalks and street trees on both sides, and parking should be primarily located behind buildings. This plan also includes specific recommendations on how to elevate design standards in the downtown, provide flexibility for some employment uses and how to customize regulations to address emerging trends.



EXISTING HUNTERSVILLE ZONING ORDINANCE PROVISION, ARTICLE 7.5.3

Description	Condition where Buffer required	Width	Trees¹	Shrubs¹
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
Civic Uses • schools • religious institutions • gov'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

¹Minimum tree size is 2" caliper, with minimum height 8' to 10' at time of planting. Shrubs planted shall have a minimum height of 3' at installation, expected height of 6' at maturity.

²The CB, CI, and SP buffer is not required if the subject property is abutting a property zoned CB, CI, or SP. Further, a full eighty (80) foot buffer may be reduced along street frontages where building scale, frontage relationship, and location of accessory uses ensure design compatibility off-site.

³Where non-residential uses are a part of a mixed-use development, buffer yards are not required between lesser intense uses.

⁴Where connectivity between subdivisions is appropriate for high quality neighborhood design, the Town Board may reduce or waive the required buffer yard.

⁵Except where non-residential uses in the HC and VS district abut residential uses, buffer yard width may be reduced to 10' if evergreen shrubs are used that will reach a minimum height of 8' at maturity. Shrubs shall be planted to create a complete visual buffer.



**Huntersville Ordinances Advisory
Board Minutes
March 4, 2021
3:30 p.m. – 5:00 p.m.
Location: VIRTUAL MEETING**

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A. Chairman's Comments

Outgoing Chairman Boone thanked the Board and Planning Staff for their service. Chairman Jones thanked Dan for his service, insight, and contribution to the Board.

B. Roll Call, Determination of Quorum

Members in attendance: Chairman M. Jones, Commissioner L. Munger, K. Jones, T. Finlay, J. Henson, B. Skelly, T. Taylor, and F. Gammon

Members absent: S. Moore

C. Adoption of February 4, 2021 Minutes (Attachment 1)

F. Gammon made a Motion to Approve. J. Henson seconded the motion. The motion passed (5-0-3) with L. Munger, T. Finlay and T. Taylor abstaining due to absence.

D. Comments from Audience (3 minutes per person allocation)

E. Other Business

1. Discussion on 80' setback/vegetative buffer in Corporate Business (CB) zone along roads (Attachment 2)

B. Priest, Principal Planner provided a review of the current CB buffer requirements per Article 7.5. A review of developed projects highlighted the implementation of the article including how it is adapted in width and buffering based on use and location. The topic for consideration is whether there should be an adjustment to this for properties within the area designated "Employment Center" within the Huntersville 2040 Plan.

F. Gammon asked if the modifications met the framework why this needed further consideration. Staff responded that clarifying this will assist with providing a more consistent outcome since it is often requested but each individual developer's situation is not always stemming from a hardship.

T. Finlay asked if the reduction to 40-feet was arbitrary. Staff responded that it was likely that a precedent had been set that the new width could meet the intent of the Ordinance and would likely be supported. Staff also highlighted that the width of the buffer is only one element, the

amount of plant material also is a factor and decreased widths require greater plantings to create a full visual barrier which is why it is deemed as still meeting the intent and that currently the 80-foot buffer is required in a business park even to internal streets.

J. Henson commented that requests for layouts including the 80-foot buffer frequently limit the uses for land quickly on some of the smaller CB zoned properties. A specific streetscape or landscape requirement within a 40 or 50-foot buffer would likely make some of these parcels much more viable for use.

K. Jones asked where the buffer is measured from. Staff clarified that the buffer is measured from the point of the future right-of-way expansion.

L. Munger stated that a consistent standard for what determines an aesthetically pleasing building would be very useful and asked if there were images of developments with the approved reduction of buffer available for review. Staff highlighted where and how the buffer was reduced for Lake Norman Charter Elementary.

M. Jones asked if the buffer land is taxable land and how we stand in terms of competitiveness with neighboring municipalities if the goal is to attract employers. Given what the goal of the Town is in terms of attracting businesses we want to consider how we are restricting their visibility and signage on the buildings. These may be great aesthetically but may not be the best fit in areas meant to focus on business.

F. Gammon asked if the sidewalk and street trees are located within someone's buffer. Staff stated that they are not likely counted in the buffer. When a double row of trees is involved between the sidewalk and the parking or building then those are counted.

L. Munger asked if reducing the 80-foot buffer to possibly 40 feet will lead to developers asking for possibly 20 feet. Staff confirmed that they will review this when they draft the ordinance to see if it makes sense to reduce some of the conditional rezoning requests while maintaining the character of the Town.

K. Jones asked if the Employment Center areas would adjoin any residential areas. Staff confirmed that there would be no proposed changes to buffers adjoining residential, only buffers to internal streets.

2. Discussion on amendments to Article 8, 9, and 10 of the Zoning Ordinance related to State Statute 160D changes (Attachment 3, 4, 5)

J. Simoneau, Planning Director reviewed the amendments to Article 8, 9, & 10 to address NCGS 160D.

S. Trott asked if an adjustment to Article 8 to use corresponding language for right-of-way lanes to the adopted Comprehensive Transportation Plan. Staff confirmed they would review it and adjust as needed.

S. Trott asked if Article 10.5.3 sandwich signs contained any wording that signs may not impede ADA accommodations. Staff responded that they will review it and add a disclaimer.

3. Election of Vice Chairperson

- 3-1 A Chairperson shall be elected by the Town Board of Commissioners. The Vice Chairperson shall be elected from all of the voting members of the Advisory Board.

T. Finlay made a Motion to Recommend Tim Taylor for Vice-Chairman. J. Henson seconded the motion. The motion was passed unanimously (8-0).

F. Adjourn

L. Munger made a Motion to Adjourn. F. Gammon seconded the motion. The motion was passed unanimously (8-0).



Text Amendment Application

Date of Application 6/17/21

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 Article(s): 4: Lot and Building Type Section(s): Shopfront Building; Arch. Standards & Principles

Current Ordinance

B. Building elevations fronting or visible from public streets shall be clad with masonry, wood, vinyl siding, stucco, or similar material. Metal paneling may not comprise a street fronting building face.

Proposed Text

B. Building elevations fronting or visible from public streets shall be clad with masonry, wood, vinyl siding, stucco, or similar material. Metal paneling may not comprise a street front building face. Decorative metal panels such as Aluminum Composite Material (ACM) panels may be used as an accent or trim material and as cladding for building accent elements such as column wraps, entablature, canopies and their supporting structure. Decorative metal panel accents however, may not exceed 30% of any façade visible from the street.

Reason for Proposed Change

Our intent would be to use this material on occasion at storefront entablature or columns at Birkdale Village. Aluminum composite metal panel technology has come a long way and now provides a durable, resistant and clean finish. They are easy to maintain and hold up over a longer period of time. As Huntersville competes in market for best-in-class tenants, we would like to afford tenants the opportunity to use a popular and aesthetic building material. With a 30% limit, we can encourage the use of metal panel material while still maintaining the historic architectural vocabulary of Huntersville.

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 Nick Lombardo

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

Signature Nick Lombardo Date 6/17/21

Title Development Manager Email Nick.Lombardo@naproperties.com

Address of Applicant 1175 Peachtree St NE, Atlanta, GA 30361

Property Owner (if different than applicant)

* Printed Name DDRTC Birkdale Village, LLC

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

Signature Mike Lant Date 6/17/21

Title Mike Lant - Authorized Signateur Email Mike.Lant@naproperties.com

Address of Property Owner 8712 Linholm Drive, Suite 202, Huntersville, NC 28078

* 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 4: Shopfront Building, Architectural Standards Principles
OF THE ZONING ORDINANCE TO ALLOW METAL PANELING ON ANY FACADE VISIBLE FROM
THE STREET**

Section 1. Be it ordained by the Board of Commissioners of the Town of Huntersville that Article 4: Shopfront Building, Architectural Standards Principles, B of the **Zoning Ordinance** is hereby amended as follows:

B. Building elevations fronting or visible from public streets shall be clad with masonry, wood, vinyl siding, stucco, or similar material. ~~Metal paneling may not comprise a street fronting building face.~~ **Decorative metal panels such as Aluminum Composite Material (ACM) panels may be used as an accent or trim material and as cladding for building accent elements such as column wraps, entablature, canopies, and their supporting structure. Decorative metal panel access however, may not exceed 30% of any façade visible from the street.**

Section 2. That this ordinance shall become effective TBD

HUNTERSVILLE ORDINANCE ADVISORY BOARD: July 1, 2021

PUBLIC HEARING DATE: Tentative

PLANNING BOARD MEETING: Tentative

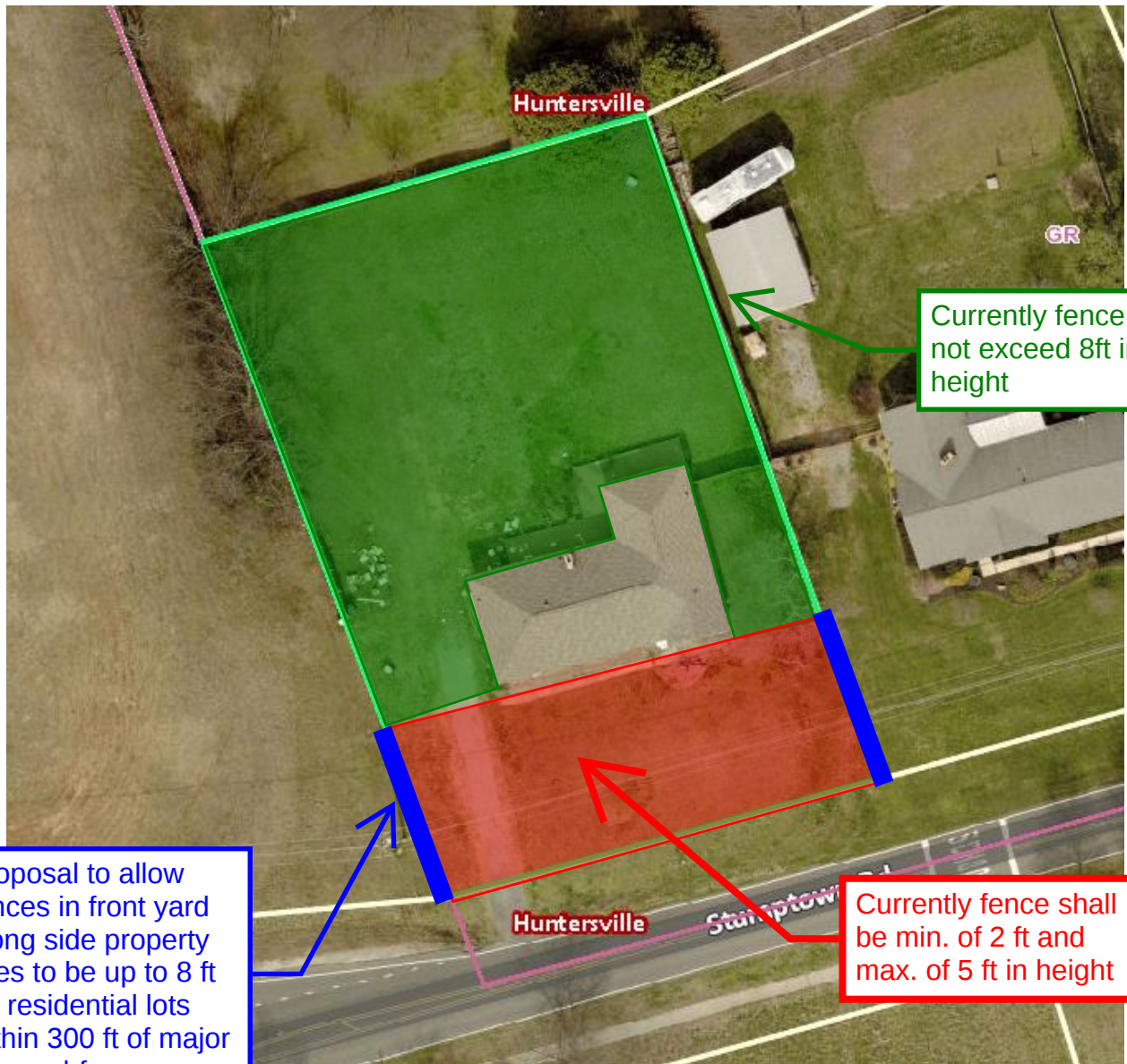
TOWN BOARD DECISION: Tentative

Below is an idea of a text amendment by Tim Costello, property owner of 14238 STUMPTOWN RD HUNTERSVILLE NC 28078 for general feedback from the Huntersville Ordinance Advisory Board:

Article 8.11.2

.2 Fences and walls.

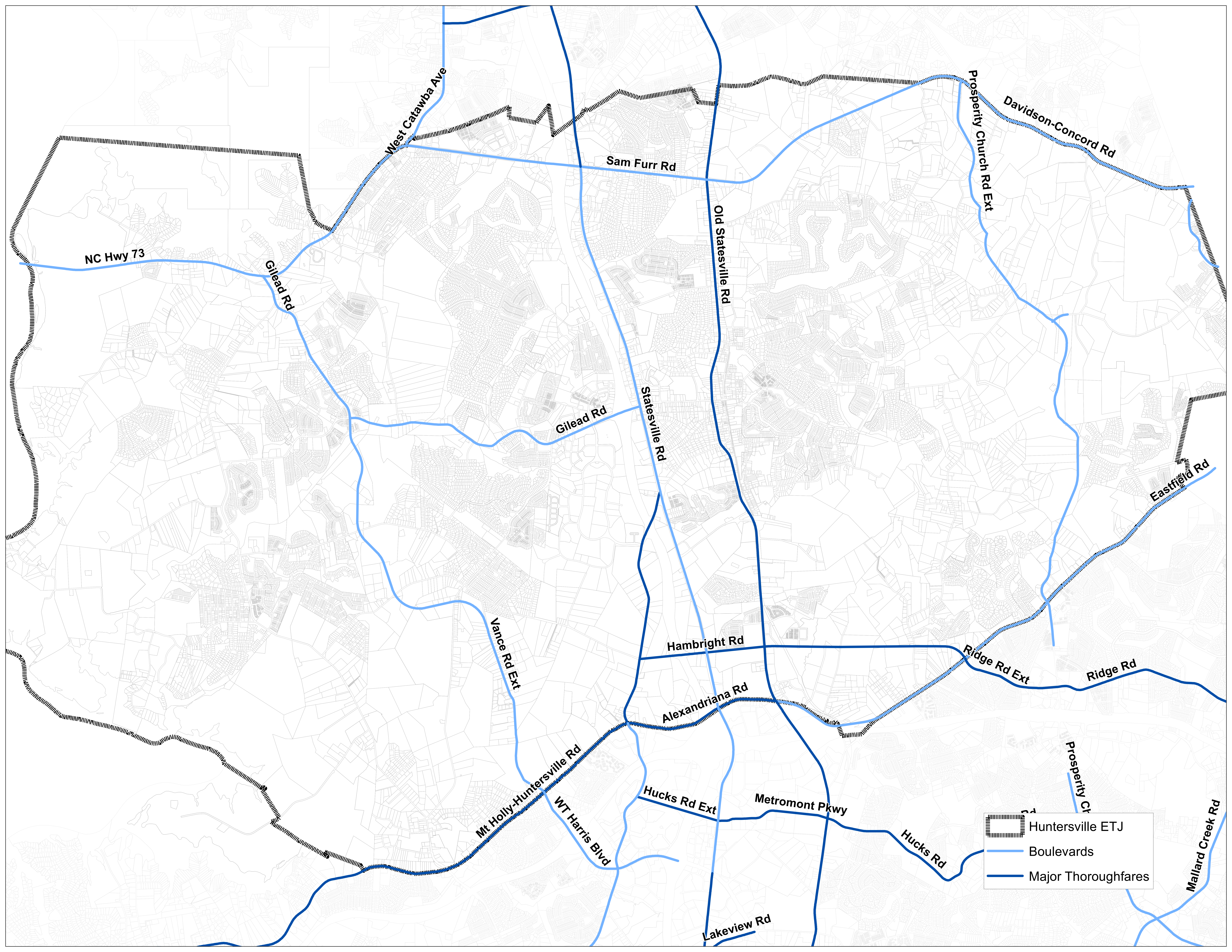
- o In a residential, mixed use, or commercial district, a fence or wall in the established front yard of a building shall be a minimum of 2 feet in height and a maximum of 5 feet in height. Decorative caps or spires which extend above the highest horizontal member of the fence shall not be included in the measurement of height. Chain link, welded wire, or similar fencing materials, if used, shall be placed on the interior side of a masonry wall, solid wood fence, or decorative wood or vinyl fence that is equal to or greater in height than the secure fencing and demonstrates effective screening capability. (For example, a 4 feet high welded wire fence attached to the interior of a decorative split rail fence or board farm fence of equal height or greater would perform to the standards of this section).
- o **In a residential district, for properties that are located within 300 feet of a boulevard or major thoroughfare, a fence or wall in the side yard that extends beyond the front plane of the home shall not exceed 8 feet in height.**
- o In a residential or mixed use district, a fence or wall in an established rear or side yard which abuts a street or alley may not exceed 6 feet in height unless placed 15 or more feet inside property boundary. Within the first 15 feet, fences of chain link or similar material are permitted only if screened on the exterior side by evergreen shrubs planted no farther apart than 6 feet on center, minimum height 3 feet at installation, or if obscured from view by the screening method(s) set out in the paragraph immediately above.
- o In a residential or mixed use district, a fence or wall in an established rear or side yard which does not abut a street or alley may not exceed 8 feet in height.
- o In a commercial district, a fence or wall shall not exceed 8 feet within the first 15 feet of an established side or rear yard abutting a street or alley. Fences of chain link or similar material are permitted in the first 15 feet of an established yard abutting a street or alley only if placed on the interior side of a masonry wall or solid wood fence and planted with a semi-opaque vegetative screen between wall or fence and street or alley. Beyond the first 15 feet abutting a street or alley, such materials may be used if screened on the exterior side by evergreen shrubs planted no farther apart than 6 feet on center, minimum height 2 1/2 feet at installation, or if obscured from view by other screening method(s) which perform at the same or a higher level.
- o In a commercial district, fences of chain link or similar material placed in an established yard which abuts a residential or mixed use district shall provide a semi-opaque vegetative screen on the exterior side of the fence.
- o For parking lots as principal or accessory uses, the standards of [Article 6](#) will control.



Currently fence may not exceed 8ft in height

Proposal to allow fences in front yard along side property lines to be up to 8 ft for residential lots within 300 ft of major thoroughfares

Currently fence shall be min. of 2 ft and max. of 5 ft in height



NC Hwy 73

Gilead Rd

West Catawba Ave

Sam Furr Rd

Old Statesville Rd

Statesville Rd

Gilead Rd

Vance Rd Ext

Hambright Rd

Alexandriana Rd

Ridge Rd Ext

Ridge Rd

Eastfield Rd

Prosperity Church Rd Ext

Davidson-Concord Rd

Prosperity Ct

Metromont Pkwy

Hucks Rd

Hucks Rd Ext

Lakeview Rd

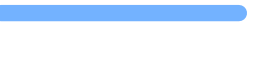
WT Harris Blvd

Mt Holly-Huntersville Rd

Mallard Creek Rd



Huntersville ETJ



Boulevards



Major Thoroughfares