

## 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

**July 11, 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 May 2, 2024, 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. TA24-12: Proposed text amendment to modify or remove uses requiring a Special Use Permit, affecting Articles 3 and 9 of the Huntersville Zoning Ordinance.
- 5. Other Business**
  - 5.A. Consider appointment of Chair and Vice-Chair.
- 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](http://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](mailto:tbarron@huntersville.org) or at 105 Gilead Rd, 3<sup>rd</sup> 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, May 2, 2024.

### Call to Order/Roll Call

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

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

**Voting Members Absent:** M. Jones

**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 March 7, 2024, Regular Meeting Minutes

**Motion:** S. Harrington made a Motion to Approve the March 7, 2024, regular meeting minutes as amended. H. Whittaker seconded the motion.

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

### Public Comments

None

### Action Agenda

#### 4A. TA24-06: Proposed amendment to require farmhouse clusters to provide an 80-foot vegetative buffer and place open space and tree save outside of private buildable lots.

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

The Board confirmed the proposed buffer is only the buffer along the street frontage and not side or rear buffers, requirement would include landscaping the buffer with native plants, how the open space is currently enforced, and how this would adjust the flexibility of what the homeowner would be able to utilize the land that they purchase.

**Motion:** M. Pollard made a motion to recommend Approval of TA24-06. K. Jones seconded the motion.

S. Hensley commented that generally he is not in support of limiting personal property rights, but he can see the benefit of what is being proposed for the homeowner to be able to use their property and for the expectations of the trees that will remain.

**Vote:** The motion passed (7-1) with J. Palillo opposed.

**4B. TA24-07: Proposed amendment to remove reference of family-only occupancy requirement for ADU's from the General Residential zoning district regulations to achieve consistency with the rules governing ADU's in other residential zoning districts.**

P. Patterson, Planner I reviewed the proposed text amendment.

The Board confirmed the allowed uses for the ADU, if there were any limitations regarding short-term rental and ADU's, and approximately how much General Residential zoning still remains in town, and what caused the text amendment to be proposed.

**Motion:** M. Pollard made a motion to recommend Approval of TA24-07. J. Palillo seconded the motion.

**Vote:** The motion passed (7-1) with A. Hallman opposed.

**4C. TA 24-08: Proposed amendment to update language to clarify where an existing Family Care Home's exclusive one-half mile radius limit is measured from.**

P. Patterson, Planner I reviewed the proposed text amendment that is not a required update due to North Carolina General Statutes.

The Board reviewed the current methodology and proposed changes, why this regulation exists, and expressed concern about the existing distance requirements as this is an important solution for an aging population seeking affordable housing.

**Motion:** S. Harrington made a motion to recommend Approval of TA24-08. J. Palillo seconded the motion.

A. Hallman commented that it does appear that this Board is being asked to recommend a text amendment in full and not in part even though a portion of the text amendment is not being heard by the Board as it relates to statute changes.

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

**4D. TA24-09: Proposed amendment to Article 8.10 "Building Separation" and Article 12, Section 12.2.1, to align with fire-separation distance as defined in the North Carolina State Building Code.**

P. Patterson, Planner I reviewed the proposed text amendment.

The Board confirmed that the full and complete building code outlines the requirements and must be met through a building permit.

**Motion:** J. Palillo made a motion to recommend Approval of TA24-09. J. Klutz seconded the motion.

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

**Other Business**

J. Palillo announced his resignation from the Ordinance Advisory Board due to personal time conflicts effective immediately. He thanked everyone for the opportunity to be on the Board. The Board thanked him for his service and commented on the value of his first-hand experience to the discussions.

**Adjourn**

**Motion:** J. Palillo made a Motion to Adjourn. M. Pollard seconded the motion.

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

Approved this \_\_\_\_ day of \_\_\_\_\_ 2024.

\_\_\_\_\_  
Chair or Vice Chair

\_\_\_\_\_  
Board Secretary



**Memorandum**

**To:** Huntersville Ordinance Advisory Board

**From:** Huntersville Planning Department

**Re:** Amendments to Article 3 and 9 of the Zoning Ordinance

For several years now the Town Board and Staff have worked toward reducing the amount of quasi-judicial applications that are required to be heard by the Town. For example, the recent change that modified how subdivisions are reviewed. They were at one time reviewed as quasi-judicial applications at the Town Board level but were changed to be reviewed administratively.

Staff is continuing that effort by proposing to modify certain uses that require the approval of Special Use Permits, which are quasi-judicial. The intent of the amendment proposed is to change less environmentally sensitive uses from Special Use Permit review to Conditional District Rezoning or Permitted with Conditions review.

This will save several innocuous uses from having to go through a more rigorous review process but still ensure appropriate conditions are attached where needed.

### **3.2.1 RURAL DISTRICT (R)**

**Intent:** The Rural District is provided to encourage the development of neighborhoods and rural compounds that set aside natural vistas and landscape features for permanent conservation. The density of development is regulated on a sliding scale; permitted densities rise with increased open space preservation. Development typologies associated with the Rural District are farms, the single house, the conservation subdivision, the farmhouse cluster, and the residential neighborhood. The section number in parenthesis following listed use indicates the ordinance section of development conditions.

#### **1. Permitted Uses.**

##### **Uses permitted by right.**

- bed and breakfast inn
- boarding or rooming houses for up to two roomers
- family care home
- single-family detached homes

##### **Uses permitted with conditions.**

- cemeteries, (9.7)
- religious institutions, (9.8)
- commercial communication towers, (9.9)
  - duplexes up to 10% of dwelling units in development, (9.13)
  - essential services 1 and 2, (9.14)
  - government buildings up to 5,000 sq. ft. of gross floor area; fire stations are permitted in government buildings up to 15,000 sq. ft. of gross floor area
  - neighborhood and outdoor recreation, (9.21)
  - parks, (9.29)
  - plant nurseries, (9.46)
  - riding academies and/or commercial stables, (9.33)
  - schools, (9.35)
  - transit shelters, (9.39)
- banquet facility, (9.59)
- dormitory for bona fide farm, (9.62)

##### **Uses permitted with Special Use Permit.**

- agricultural industry, (9.3)
- ~~• banquet facility, (9.59)~~
- ~~• commercial communication towers (9.9)~~
- ~~• commercial par 3 golf course and / or golf driving range (9.61)~~
- ~~• dormitory for a bona fide farm (9.62)~~

- ~~off-site catering services performed in an agritourism facility (9.60)~~
- solar energy facility, major, (9.54)
- wind energy facility, major, (9.53)
- wind energy facility, minor, accessory (9.53)

**2. Permitted Building and Lot Types.**

- attached house
- civic building
- detached house

**3. Permitted Accessory Uses.**

- accessory dwelling, (9.1)
- daycare home (small), (9.11)
- home occupations, (9.19)
- marinas, (9.42)
- solar energy facility, minor residential (9.54)
- solar facility, minor non-residential (9.54)
- accessory uses permitted in all districts (8.11)

**4. General Requirements.**

1. **Frontage** on a public street is required for all lots in the Rural District except those comprising a Farmhouse Cluster (see Special Requirements, paragraph e), this section), those comprising a Conservation Subdivision (see Special Requirements, paragraph f), or those specifically exempted in Article 8.1.
2. **Development** in the Rural District shall meet the following standards:
  1. Non-residential lots outside of planned developments and lots in exempt subdivisions not approved as Farmhouse Clusters or Conservation Subdivisions require a minimum lot size of 20,000 sq. ft. and a minimum lot width of 90'; no open space requirement. Further, individual lots of less than 20,000 sq. ft. and/or 90' width, existing prior to the effective date of this ordinance, are construed to be conforming.
  2. Except as provided in a. above, Farmhouse Cluster and Conservation Subdivision Standards, density in the Rural zoning district shall be as follows:

Percent Open Space	0% unless tract is within a proposed greenway, in which case, a minimum, be reserved as open space per the subdivision standards.
Units per Gross Acre	Less than .3 units per acre

3. For every 1% additional open space over 25%, density can be increased by .03 units per gross acre to a maximum of .90 units per gross acre.
  4. Open space which is improved, dedicated and accepted by a public agency for public use shall be counted as 1.5 times the actual acreage as an incentive to provide improved public open space. Written proof of willingness to accept the open space by a public agency shall be presented at all stages of the approval process. Access shall at least consist of trails built to public standards meandering through the open space with public access points readily available and public access signs posted at those locations and where the trail intersects with roads shown on the Thoroughfare Plan. Other improvements, such as parks, shall be in accordance with applicable governmental standards.
  5. In determining density permissible on a tract of land, fractions shall be dropped.
  6. Lot sizes shall average at least 15,000 sq. ft., but in no case shall any lot be less than 8,000 sq. ft. The front yard setback for residential lots shall be a minimum of 25'. The side yard setback shall be 8' and the rear yard setback shall be a minimum of 25'.
  7. Lot widths shall average at least 70' feet (excluding cul-de-sac lots), but in no case shall any lot be less than 60' wide. On cul-de-sac or turn-arounds, lots shall have at least 80% of the minimum lot width required when measured to a point 50' back from the street right-of-way. Further, these lots shall have a minimum 35' of frontage along the street right-of-way.
  8. In residential subdivisions, lots should not have a depth greater than 4 times the width at the build-to or setback line except where physical dimensions of the tract provide no other alternative layout or where the open space is for a required buffer. Emphasis shall be on quality of design as opposed to reduction of development costs.
  9. In order to preserve the low intensity development character found in the Rural zoning district, along existing state-maintained roads and future thoroughfares a visually opaque landscaped buffer of native vegetation at least 80 feet in width shall be required for major subdivisions unless a more restrictive buffer is established elsewhere in these regulations. The buffer shall be in common area and shall be counted towards meeting open space requirements.
  10. In major residential subdivisions, a landscaped median at least 20' in width shall be required at all entrances into the subdivision.
  11. Open space shall not be located in private residential lots, unless specifically allowed by this ordinance.
3. **Open Space.** Designated open space includes that parcel or parcels of land, which shall be set aside in perpetuity and shall have no buildings or

permanent structures constructed within its perimeters except as provided for in this section. There are four types of open space in the Rural District – agriculture, common, natural, and recreation. Open space shall meet the provisions of this section and the provisions for open space established in Article 7, Part B.

1. Areas containing buildings and other impervious surfaces in excess of 100 sq. ft., shall not be counted as open space. This shall include, but not be limited to, barns, storage buildings, parking lots, clubhouses and tennis courts,
2. Open Space that is dedicated and accepted by the general public shall be maintained and managed by the Town of Huntersville or Mecklenburg County. The town and county have the right to accept or deny the dedication of open space to the public.
3. In the Farmhouse Cluster and in the Conservation Subdivision, open space may also include portions of private building lots subject to a conservation or open space easement.
4. Open space preservation shall be irrevocable. A metes and bounds description of the space to be preserved and limits on use shall be recorded on the subdivision plat, in homeowner covenants, and on individual deeds when open space lands are not held entirely in common. Alternative means of permanent open space preservation may include acceptance by a land conservation trust or a unit of government. Private management alternatives which ensure the open space preservation required by this section will also be permitted. Restrictive covenants shall limit uses to the continuation of certain agricultural activities (pastureland, crop cultivation) or recreation uses that preserve the view from public streets of rural heritage features to be preserved. Upon verification by the town that restriction of development has been established by a permanent and irrevocable instrument, a letter so nothing shall be simultaneously issued to the property owner(s) and to the Mecklenburg County Tax Administrator, Office of Real Estate Appraisal.

**4. Compatibility with Surrounding Development.**

1. Along existing streets, new buildings shall respect the general spacing of structures, building mass and scale, and street frontage relationships of existing buildings.
  - New buildings which adhere to the scale, massing, volume, spacing, and setback of existing buildings along fronting streets exhibit demonstrable compatibility.
  - New buildings which exceed the scale and volume of existing buildings may demonstrate compatibility by varying the massing of buildings to reduce perceived scale and volume. The definition of

massing in Article 12 illustrates the application of design techniques to reduce the visual perception of size and integrate larger buildings with pre-existing smaller buildings.

- A single-family detached house established on a lot of one acre or more that is created according to the provisions of Article 8.1, paragraph 1, need not adhere to the spacing, massing, scale, and street frontage relationships of existing buildings along an existing street or road, but shall, at a minimum, observe a front setback of 40 feet and a lot width of 90 feet. This paragraph shall take precedence over the requirement of Article 4: Lot Types/Detached House for placement of a building on its lot.

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

2. On new streets, allowable building and lot types will establish the development pattern.

5. See Section 8.16, Standards for Residential Lot Widths, Alleys, Garages and Parking in Residential Districts.

5. **Special Requirements: Farmhouse Cluster Developments.** A **Farmhouse Cluster** permits the subdivision of land for up to six house lots accessed by way of a shared private drive when the following conditions have been met:

1. Minimum project size and frontage on public road: 10 acres with a minimum of 30 feet of frontage on a public road either by fee simple ownership or by exclusive easement.

2. There shall be no more than two farmhouse cluster developments permitted per tract.

3. Private drives shall be paved in accordance with the Town of Huntersville construction standards. The private street right-of-way or easement shall be sufficient width to accommodate drainage/water quality treatment associated with the private drive. Further, the recorded easement shall have at least 30' of frontage on a public street. In the event two farmhouse clusters are established, the private drive serving those farmhouse clusters may be connected provided:

1. The subdivision plat and associated deeds shall clearly state such drive shall remain private and will not be taken over by a public entity in the future unless such street complies with the construction standards of that public entity.

2. Where feasible, there shall be two means of ingress and egress into the combined farmhouse cluster development. Only in the event the original tract does not have the adequate frontage on a public road to obtain two driveway permits would one private drive be allowed to serve the combined farmhouse cluster development;

4. An association of all property owners shall be established for maintenance of all commonly held spaces, if any. Where there are no commonly held spaces except for a shared driveway or private street, a legally binding shared driveway and/or private street use and maintenance agreement shall be filed at the Register of Deeds of Mecklenburg County. Furthermore, the shared driveway or private road shall be shown, along with all appropriate and necessary easements, on a recorded plat and a note shall be attached thereto stipulating the use and maintenance of the driveway and referencing the recorded agreement(s).
5. The location of building sites shall be determined through a site analysis which identifies features listed in Article 7 to be preserved as open space;
6. No minimum lot size or width is required, so long as the project meets all other standards of the district. Detached garages in farmhouse clusters shall be placed in the side or rear yard of home lots. Farmhouse clusters must include an opaque vegetative buffer from the public street for the placement of detached garages in the side yard of home lots.
7. At least 50% of the tract shall be designated as open space. Open space preservation shall be irrevocable. A metes and bounds description of the space to be preserved and limits on use shall be recorded on the subdivision plat and on individual deeds when open space lands are not held entirely in common. Open space lands may be part of a deeded lot so long as it reflects an irrevocable conservation or open space easement requiring such portions of individual lots to remain and be used as open space as provided in this section.
8. Permitted uses of open space lands to be preserved shall correspond generally to physical conditions at the time of subdivision approval. Restrictive covenants shall limit uses to the continuation of certain agricultural activities (pastureland, crop cultivation) or recreation uses that preserve the view from public streets of rural heritage features to be preserved. For example, fields or pasture land preserved as required open space may continue to support cultivation or grazing; however existing woodlands may not be clear-cut. In order to ensure septic tanks are located on the most suitable soils, septic fields may be located in common open space provided a maintenance easement is established for access.
9. The project shall maintain a generally rural appearance from public road(s).
10. Where a farmhouse cluster would eliminate a planned street connection or a street connection indicated on a plan adopted by the Town of Huntersville or the Charlotte-Mecklenburg Thoroughfare Plan, and no alternate alignment can reasonably provide the connection, the design of the farmhouse cluster shall provide for said connection by the dedication of right-of-way for streets less than 70 feet in width and by the reservation of right-of-way for streets 70 feet or wider.
11. A Farmhouse Cluster requires an approved **Farmhouse Cluster subdivision plan**, according to the requirements of the Huntersville Subdivision

Ordinance including approval by the Planning Staff and shall meet all other requirements for review and approval, which may include preliminary plan approval prior to approval of a final plat.

6. **Special Requirements: Conservation Subdivisions.** A **Conservation Subdivision** permits single-family building lots to be divided from a parent tract(s) according to a streamlined subdivision approval process. The approval process, coupled with exemption from most zoning and subdivision requirements, is available to owners who voluntarily place conservation easements on their land in favor of an established lands conservancy. A land division can be approved as a Conservation Subdivision when the following conditions are met:
1. An irrevocable conservation easement held by a conservation organization is placed upon the tract(s) to be subdivided, and documentation of the conservation easement, including a boundary description of the area subject to the conservation easement is submitted with the subdivision application.
  2. Limits on location and extent of land disturbance and building construction are set out in the conservation easement(s), which shall at a minimum preserve the rural appearance of the land when viewed from public roads and from abutting properties.
  3. Treatment of floodplain(s) and required water quality buffers, as described in the conservation easement(s), conform to the minimum standards of the Huntersville Zoning and Subdivision Ordinances.
  4. Minimum project size: 40 acres.
  5. Maximum gross density: 1 dwelling unit per 20 acres.
  6. No new public streets are to be created through the development process.
  7. All parcels within the conservation subdivision will have frontage on an existing public road right-of-way or will be provided access to a permanent 20-foot wide access easement that connects to the public right-of-way. Permanent access easement(s) may be either exclusive or non-exclusive, however landlocked parcel(s) may not be created. Documentation of lot access shall be submitted with the subdivision application.
  8. The holder of the conservation easement will be held responsible for enforcement of the terms of the conservation easement.
  9. Where the parent tract(s) abuts or includes a segment of a thoroughfare that is shown on the adopted Comprehensive Transportation Plan and for which an engineered alignment has been selected, any right of way reservation required by the subdivision regulations shall be made, either by the filing of a deed or the filing of a plat map.
  10. Documentation of the above, including a copy of the recorded conservation easement with metes and bounds description, shall be provided with the subdivision application and shall entitle the subdivider to choose to divide the property by deed, as a metes and bounds subdivision, or by final plat approval and recordation according to the requirements of Subdivision Ordinance Section 6.520 for a minor subdivision.

11. A Conservation Subdivision and the lots and homes built therein are exempt from the following ordinance provisions: • Requirement that each building lot have frontage on a public street. • Requirement to provide open space. • Requirements of Article 4: Lot Types/Detached House, which section describes the placement of a building on its lot. • Requirements for the placement and size of residential garages set out in Section 8.16, paragraphs .1 and .6. All other standards of Section 8.16 shall apply. • Requirement to plant street trees along existing public road(s) where existing, mature trees are to be preserved as a condition of the conservation easement. • Requirement to construct or escrow funds for sidewalks or alternative pedestrian paths along existing public road(s).

#### HISTORY

Amended by Ord. [TA23-06](#) on 2/19/2024

### **3.2.2 TRANSITIONAL RESIDENTIAL DISTRICT (TR)**

**Intent:** The Transitional Residential District serves as a bridge between rural zones and more urbanized development. It is provided to encourage the development of neighborhoods and rural compounds that set aside significant natural vistas and landscape features for permanent conservation. Density of development is regulated on a sliding scale; permitted densities rise with increased open space preservation. Development typologies associated with the Transitional District are farms, the single house, the conservation subdivision, the farmhouse cluster, and the residential neighborhood. The section number in parenthesis following listed use indicates the ordinance section of development conditions.

#### **1. Permitted Uses.**

##### **Uses permitted by right.**

- bed and breakfast inns
- boarding or rooming houses for up to two roomers
- family care home
- single family detached homes

##### **Uses permitted with conditions.**

- cemeteries, (9.7)
- religious institutions, (9.8)
- duplexes up to 20% of dwelling units in development, (9.13)
- essential services 1 and 2, (9.14)
- government buildings up to 5,000 sq. ft. of gross floor area; fire stations are permitted in government buildings up to 15,000 sq. ft. of gross floor area
- neighborhood and outdoor recreation, (9.21)
- parks, (9.29)
- plant nurseries, (9.46)
- riding academies and/or commercial stables, (9.33)

- schools, (9.35)
- transit shelters, (9.39)

- dormitory for a bona fide farm (9.62)

**Uses permitted with Special Use Permit.**

- agricultural industry, (9.3)
- ~~country inn development (9.52)~~
- ~~dormitory for a bona fide farm (9.62)~~
- solar energy facility, major, (9.54)
- wind energy facility, major, (9.53)
- wind energy facility, minor, accessory, (9.53)

**2. Permitted Building and Lot Types.**

- attached house
- civic building
- detached house

**3. Permitted Accessory Uses.**

- accessory dwelling, (9.1)
- daycare home (small), (9.11)
- home occupations, (9.19)
- marinas, (9.42)
- solar energy facility, minor residential (9.54)
- solar facility, minor non-residential (9.54)
- accessory uses permitted in all districts (8.11)

**4. General Requirements.**

1. **Frontage** on a public street is required for all lots in the Transitional Residential District except those comprising a Farmhouse Cluster (see Special Requirements, paragraph e), those comprising a Conservation Subdivision (see Special Requirements, paragraph f), or those specifically excepted in Article 8.1.
2. **Development** in the Transitional Residential District shall meet the following standards:
  1. Non-residential lots outside of planned developments and lots in exempt subdivisions not approved as Farmhouse Clusters or Conservation Subdivisions require a minimum lot size of 20,000 sq. ft. and a minimum lot width of 90'; no open space requirement. Further, individual lots of less than 20,000 sq. ft. and/or 90' width, existing prior to the effective date of this ordinance, are construed to be conforming.
  2. Except as provided in a. above, Farmhouse Cluster and Conservation Subdivision Standards, density in the Transitional zoning district shall be as follows:

Percent Open Space	20%	40% or more
Units per Gross Acre	.5	1.5

3. For every 1% additional open space over 20%, density can be increased by .05 units per gross acre to a maximum of 1.5 units per gross acre.
4. Open space which is improved, dedicated and accepted by a public agency for public use shall be counted as 1.5 times the actual acreage as an incentive to provide improved public open space. In order to obtain credit the open space should align with the Town and County's future land use plans. Written proof of willingness to accept the open space by a public agency shall be presented at all stages of the approval process. Access shall at least consist of trails built to public standards meandering through the open space with public access points readily available and public access signs posted at those locations and where the trail intersects with roads shown on the Thoroughfare Plan. Other improvements, such as parks, shall be in accordance with applicable governmental standards.
5. In determining density permissible on a tract of land, fractions shall be dropped. In mixed use developments, areas used for nonresidential purposes shall be subtracted from the tract acreage to determine density permitted.
6. Lot sizes shall average at least 7,500 sq. ft., but in no case shall any lot be less than 6,000 sq. ft. The front yard setback for residential lots shall be a minimum of 20'. The side yard setback shall be 6' and the rear yard setback shall be a minimum of 25'.
7. Lot widths shall average at least 60 feet (excluding cul-de-sac lots), but in no case shall any lot be less than 50' wide. On cul-de-sac or turn-arounds, lots shall have at least 80% of the minimum lot width required when measured to a point 50' back from the street right-of-way. Further, these lots shall have a minimum 25' of frontage along the street right-of-way. No more than 50% of the lots in a subdivision shall be one width. A 10' differential in lot widths is required. At least 2 lot widths shall be required for subdivisions of 50 or less lots and at least 3 lot widths shall be required for subdivisions over 50 lots in size.
8. In residential subdivisions, lots should not have a depth greater than four (4) times the width at the build-to or setback line except where physical dimensions of the tract provide no other alternative layout or where the open space is for a required buffer. Emphasis shall be on the quality of design as opposed to reduction of development costs.

9. In order to preserve the low intensity development character found in the Transitional Residential zoning district, along existing state-maintained roads and future thoroughfares a visually opaque landscaped buffer of native vegetation at least 80 feet in width shall be required for major subdivisions unless a more restrictive buffer is established elsewhere in these regulations. The buffer shall be in common area and shall be counted towards meeting open space requirements.
  10. In major residential subdivisions, a landscaped median at least 20' in width shall be required at all entrances into the subdivision.
  11. Open space shall not be located in private residential lots, unless specifically allowed by this ordinance.
3. **Open Space.** Designated open space includes that parcel or parcels of land, which shall be set aside in perpetuity and shall have no buildings or permanent structures constructed within its perimeters except as provided for in this section. There are five types of open space in the Transitional Residential District: urban, agricultural, common, natural, and recreational. Open space shall meet the provisions of this section and the provisions for open space established in Article 7, Part B.
1. Areas containing buildings and other impervious surfaces in excess of 100 sq. ft., shall not be counted as Open Space. This shall include, but not be limited to, barns, storage buildings, parking lots, clubhouses and tennis courts,
  2. Open Space that is dedicated and accepted by the general public shall be maintained and managed by the Town of Huntersville or Mecklenburg County. The town and county have the right to accept or deny the dedication of open space to the public.
  3. In the Farmhouse Cluster and in the Conservation Subdivision, open space may also include portions of private building lots subject to a conservation or open space easement.
  4. Open space preservation shall be irrevocable. A metes and bounds description of the space to be preserved and limits on use shall be recorded on the subdivision plat, in homeowner covenants, and on individual deeds when open space lands are not held entirely in common. Alternative means of permanent open space preservation may include acceptance by a land conservation trust or a unit of government. Private management alternatives which ensure the open space preservation required by this section will also be permitted. Restrictive covenants shall limit uses to the continuation of certain agricultural activities (pastureland, crop cultivation) or recreation uses that preserve the view from public streets of rural heritage features to be preserved. Upon verification by the town that restriction of development has been established by a permanent and irrevocable instrument, a letter so noting shall be simultaneously

issued to the property owner(s) and to the Mecklenburg County Tax Administrator, Office of Real Estate Appraisal.

**4. Compatibility with Surrounding Development.**

1. Along existing streets, new buildings shall respect the general spacing of structures, building mass and scale, and street frontage relationships of existing buildings.

- New buildings which adhere to the scale, massing, volume, spacing, and setback of existing buildings along fronting streets exhibit demonstrable compatibility.

- New buildings which exceed the scale and volume of existing buildings may demonstrate compatibility by varying the massing of buildings to reduce perceived scale and volume. The definition of massing in Article 12 illustrates the application of design techniques to reduce the visual perception of size and integrate larger buildings with pre-existing smaller buildings.

- A single-family detached house established on a lot of one acre or more that is created according to the provisions of Article 8.1, paragraph 1, need not adhere to the spacing, massing, scale, and street frontage relationships of existing buildings along an existing street or road, but shall, at a minimum, observe a front setback of 40 feet and a lot width of 90 feet. This paragraph shall take precedence over the requirement of Article 4: Lot Types/Detached House for placement of a building on its lot.

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

2. On new streets, allowable building and lot types will establish the development pattern.

5. See Section 8.16, Standards for Residential Lot Widths, Alleys, Garages and Parking in Residential Districts.

**5. Special Requirements: Farmhouse Cluster Developments.** A **Farmhouse Cluster** permits the subdivision of land for up to six house lots accessed by way of a shared private drive when the following conditions have been met:

1. Minimum project size and frontage on public road: 10 acres with a minimum of 30 feet of frontage on a public road either by fee simple ownership or by exclusive easement.
2. There shall be no more than two farmhouse cluster developments permitted per tract.
3. Private drives shall be paved in accordance with the Town of Huntersville construction standards. The private street right-of-way or easement shall

be of sufficient width to accommodate drainage/water quality treatment associated with the private drive. Further, the recorded easement shall have at least 30' of frontage on a public street. In the event two farmhouse clusters are established, the private drive serving those farmhouse clusters may be connected provided:

1. The subdivision plat and associated deeds shall clearly state such drive shall remain private and will not be taken over by a public entity in the future unless such street complies with the construction standards of that public entity.
2. Where feasible, there shall be two means of ingress and egress into the combined farmhouse cluster development. Only in the event the original tract does not have the adequate frontage on a public road to obtain two driveway permits would one private drive be allowed to serve the combined farmhouse cluster development;
4. An association of all property owners shall be established for maintenance of all commonly held spaces, if any. Where there are no commonly held spaces except for a shared driveway or private street, a legally binding shared driveway and/or private street use and maintenance agreement shall be filed at the Register of Deeds of Mecklenburg County. Furthermore, the shared driveway or private road shall be shown, along with all appropriate and necessary easements, on a recorded plat and a note shall be attached thereto stipulating the use and maintenance of the driveway and referencing the recorded agreement(s).
5. The location of building sites shall be determined through a site analysis which identifies features to be preserved as open space;
6. No minimum lot size or width is required, so long as the project meets all other standards of the district. Detached garages in farmhouse clusters shall be placed in the side or rear yard of home lots. Farmhouse clusters must include an opaque vegetative buffer from the public street for the placement of detached garages in the side yard of home lots.
7. At least 50% of the tract shall be designated as open space. Open space preservation shall be irrevocable. A metes and bounds description of the space to be preserved and limits on use shall be recorded on the subdivision plat and on individual deeds when open space lands are not held entirely in common. Open space lands may be part of a deeded lot so long as it reflects an irrevocable conservation or open space easement requiring such portions of individual lots to remain and be used as open space as provided in this section.
8. Permitted uses of open space lands to be preserved shall correspond generally to physical conditions at the time of subdivision approval. Restrictive covenants shall limit uses to the continuation of certain agricultural activities (pastureland, crop cultivation) or recreation uses that preserve the view from public streets of rural heritage features to be preserved. For example, fields or pasture land preserved as required open

space may continue to support cultivation or grazing; however existing woodlands may not be clear-cut. In order to ensure septic tanks are located on the most suitable soils, septic fields may be located in the common open space provided a maintenance easement is established for access.

9. The project shall maintain a generally rural appearance from public road(s).
  10. Where a farmhouse cluster would eliminate a planned street connection or a street connection indicated on a plan adopted by the Town of Huntsville or the Charlotte-Mecklenburg Thoroughfare Plan, and no alternate alignment can reasonably provide the connection, the design of the farmhouse cluster shall provide for said connection by the dedication of right-of-way for streets less than 70 feet in width and by the reservation of right-of-way for streets 70 feet or wider.
  11. A Farmhouse Cluster requires an approved **Farmhouse Cluster subdivision plan**, according to the requirements of the Huntersville Subdivision Ordinance including approval by the Planning Staff and shall meet all other requirements for review and approval, which may include preliminary plan approval prior to approval of a final plat.
6. **Special Requirements: Conservation Subdivisions.** A **Conservation Subdivision** permits single-family building lots to be divided from a parent tract(s) according to a streamlined subdivision approval process. The approval process, coupled with exemption from most zoning and subdivision requirements, is available to owners who voluntarily place conservation easements on their land in favor of an established lands conservancy. A land division can be approved as a Conservation Subdivision when the following conditions are met:
1. An irrevocable conservation easement held by a conservation organization is placed upon the tract(s) to be subdivided, and documentation of the conservation easement, including a boundary description of the area subject to the conservation easement is submitted with the subdivision application.
  2. Limits on location and extent of land disturbance and building construction are set out in the conservation easement(s), which shall at a minimum preserve the rural appearance of the land when viewed from public roads and from abutting properties.
  3. Treatment of floodplain(s) and required water quality buffers, as described in the conservation easement(s), conform to the minimum standards of the Huntersville Zoning and Subdivision ordinances.
  4. Minimum project size: 40 acres.
  5. Maximum gross density: 1 dwelling unit per 20 acres.
  6. No new public streets are to be created through the development process.
  7. All parcels within the conservation subdivision will have frontage on an existing public road right-of-way or will be provided access to a permanent 20-foot wide access easement that connects to the public right-of-way. Permanent access easement(s) may be either exclusive or non-exclusive, however landlocked parcel(s) may not be created. Documentation of lot access shall be submitted with the subdivision application.

8. The holder of the conservation easement will be held responsible for enforcement of the terms of the conservation easement.
9. Where the parent tract(s) abuts or includes a segment of a thoroughfare that is shown on the adopted thoroughfare plan and for which an engineered alignment has been selected, any right of way reservation required by the subdivision regulations shall be made, either by the filing of a deed or the filing of a plat map.
10. Documentation of the above, including a copy of the recorded conservation easement with metes and bounds description, shall be provided with the subdivision application and shall entitle the subdivider to choose to divide the property by deed, as a metes and bounds subdivision, or by final plat approval and recordation according to the requirements of Subdivision Ordinance Section 6.520 for a minor subdivision.
11. A Conservation Subdivision and the lots and homes built therein are exempt from the following ordinance provisions: • Requirement that each building lot have frontage on a public street. • Requirement to provide open space. • Requirements of Article 4: Lot Types/Detached House, which section describes the placement of a building on its lot. • Requirements for the placement and size of residential garages set out in Section 8.16, paragraphs .1, and .6. All other standards of Section 8.16 shall apply. • Requirement to plant street trees along existing public road(s) where existing, mature trees are to be preserved as a condition of the conservation easement. • Requirement to construct or escrow funds for sidewalks or alternative pedestrian paths along existing public road(s).

#### HISTORY

Amended by Ord. [TA23-06](#) on 2/19/2024

### **3.2.3 GENERAL RESIDENTIAL DISTRICT (GR)**

**Intent:** The General Residential District is coded to permit the completion and conformity of conventional residential subdivisions already existing or approved in sketch plan form prior to the effective date of these regulations. The application of the General Residential District is not intended for development projects in the Huntersville jurisdiction which are initiated after the effective date of this ordinance (November 19, 1996).

#### **1. Permitted Uses.**

##### **Uses permitted by right.**

- single family homes
- family care home

##### **Uses permitted with conditions.**

- cemeteries, (9.7)
- religious institutions, (9.8)
- duplexes on corner lots, (9.13)

- essential services 1 and 2, (9.14)
- government buildings up to 5,000 sq. ft. of gross floor area
- neighborhood and outdoor recreation, (9.21)
- parks, (9.29)
- schools, (9.35)
- transit shelters, (9.39)

**Uses permitted with Special Use Permit.**

- wind energy facility, minor, accessory (9.53)

**2. Permitted Building and Lot Types.**

- civic building
- detached house
- other building types previously approved by the Board of Commissioners as elements of a cluster development plan

**3. Permitted Accessory Uses.**

- accessory dwellings for use by related person(s), (9.1)
- day care home (small), (9.11)
- home occupations, (9.19)
- marinas, (9.42)
- solar facility, minor non-residential (9.54)
- solar energy facility, minor residential (9.54)
- accessory uses permitted in all districts (8.11)

**4. General Requirements.**

1. Development density, amount and location of open space, arrangement of streets and lots, yard dimensions, and access to existing roads shall be controlled by the most recently approved subdivision plan (sketch, preliminary, or plat) unless the lot size and width in question is less than 50% of the standards found in (d)(3) below. If below 50% of the lot area and width, then Section 11.5.5 of these regulations shall apply. Any modifications to an approved subdivision plan shall maintain the density of the original plan.
2. Developments in the general residential district which are approved but not yet built are permitted minor modifications through the administrative process; such developments, if redesigned, must conform to all of the requirements of this ordinance for the GR District (3, below) or may petition for a district change according to Section 11.4.
3. In the absence of a subdivision sketch or preliminary plan approved prior to the effective date of this ordinance, the following lot dimensions shall apply:

Minimum Lot Size	Minimum Lot Width	Minimum Front Yard	Minimum Rear Yard	Minimum Side Yard
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20,000	90'	40'	50'	10'
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### **3.2.4 NEIGHBORHOOD RESIDENTIAL DISTRICT (NR)**

**Intent:** The Neighborhood Residential District provides for residential infill development around the Town Core, Activity Centers and Mixed Use Centers and their logical extensions identified in adopted long range plans. Streets in the Neighborhood Residential District must be interconnected, according to Article 5, Streets, and Urban Open Space provided according to Article 7. A range of housing types is encouraged. Low-intensity business activity is permitted in mixed-use and commercial buildings at residential scale, according to locational criteria. The intensity to which permitted uses may be built is regulated by the building type which corresponds to the use.

#### **1. Permitted Uses.**

##### **Uses permitted by right.**

- bed and breakfast inns
- boarding or rooming houses for up to four roomers
- congregate housing designed within the “civic” building type
- family care home
- single family homes

##### **Uses permitted with conditions.**

- cemeteries, (9.7)
- religious institutions, (9.8)
- commercial use in a mixed-use building<sup>1</sup>, located on an arterial or at the intersection of a local street and a larger capacity street
- commercial use, in a detached house building type, located within 1/4 mile of a Town Center district and fronting a major or minor thoroughfare (Includes properties in which any portion falls within the 1/4 mile boundary) (9.51)
- essential services 1 and 2, (9.14)
- government buildings up to 5000 sq. ft. of gross floor area
- neighborhood and outdoor recreation, (9.21)
- parks, (9.29)
- retirement communities (9.50)
- schools, (9.35)
- transit-oriented parking lots as a principal use, (9.49)
- transit shelters, (9.39)
- multi-family homes (9.64)

##### **Uses permitted with Special Use Permit.**

- wind energy facility, minor, accessory, (9.53)

#### **2. Permitted Building and Lot Types.**

- apartment
- attached house

- civic building
- detached house (Commercial uses up to 4,500 sq. ft. of first floor area)
- mixed use<sup>1</sup>, up to 3,000 sq. ft. of first floor area

**3. Permitted Accessory Uses.**

- accessory dwelling, (9.1)
- day care home (small), (9.11)
- home occupation, (9.19)
- marinas, (9.42)
- solar facility, minor non-residential (9.54)
- solar energy facility, minor residential (9.54)
- accessory uses permitted in all districts (8.11)

**4. General Requirements.**

1. Along existing streets, new buildings shall respect the general spacing of structures, building mass and scale, and street frontage relationships of existing buildings.
  1. New buildings which adhere to the scale, massing, volume, spacing, and setback of existing buildings along fronting streets exhibit demonstrable compatibility.
  2. New buildings which exceed the scale and volume of existing buildings may demonstrate compatibility by varying the massing of buildings to reduce perceived scale and volume. The definition of massing in Article 12 illustrates the application of design techniques to reduce the visual perception of size and integrate larger buildings with pre-existing smaller buildings.
  3. Subsection 3.2.4(d)(1)(a)-(b) shall not apply to development on parcels where multifamily structures are an allowable use and the development contains two or more affordable housing units for families or individuals with incomes below eighty percent (80%) of the area median income.
  4. A single-family detached house established on a lot of one acre or more that is created according to the provisions of Article 8.1, paragraph 1, need not adhere to the spacing, massing, scale, and street frontage relationships of existing buildings along an existing street or road, but shall, at a minimum, observe a front setback of 40 feet and a lot width of 90 feet. This paragraph shall take precedence over the requirement of Article 4: Lot Types/Detached House for placement of a building on its lot.
  5. Nothing in this subsection shall be interpreted to conflict with the building design element provision as found in N.C.G.S. 160D-702(b) for structures subject to the North Carolina Residential Code.
2. On new streets, allowable building and lot types will establish the development pattern.

3. In major subdivisions, the aggregate number of dwelling units contained in attached houses, apartment buildings, and mixed-use buildings shall not exceed 30 percent of the total number of dwelling units in a project.
- 4.
5. Every building lot shall have frontage upon a public street except as provided in Section 8.1.
6. The percentage of attached dwelling units contained in a retirement community is not limited when duplex style buildings are used.
7. See Section 8.16, Standards for Residential Lot Widths, Alleys, Garages and Parking in Residential Districts.

<sup>1</sup> The mixed-use building duplicates the shopfront building type and has at least two occupiable stories; at least 50% of the habitable area of the building shall be in residential use, the remainder shall be in commercial use. However, when an existing residential building is redeveloped to a mixed-use, at least 40% of the habitable area shall be in residential use.

#### HISTORY

*Amended by Ord. [TA22-02](#) on 4/4/2022*

*Amended by Ord. [TA22-07](#) on 11/21/2022*

*Amended by Ord. [TA22-16](#) on 3/20/2023*

*Amended by Ord. [TA23-06](#) on 2/19/2024*

### **3.2.5 NEIGHBORHOOD CENTER DISTRICT (NC)**

**Intent:** The Neighborhood Center District is provided for the location of shops, services, small workplaces, civic and residential buildings central to a neighborhood or grouping of neighborhoods and within walking distance of dwellings. A neighborhood center shall be developed on an interconnected pattern of streets and is limited to approximately 1/4 mile in radius. Uses in the neighborhood center will have a primary market area of 1 mile and buildings compatible with surrounding residences. If a neighborhood center is the focus of a planned transit stop, it should be designed to serve the neighborhood's residential base plus transit riders.

#### **1. Permitted Uses.**

##### **Uses permitted by right.**

- bed and breakfast inns
- boarding or rooming houses for up to six roomers
- civic, fraternal, cultural, community, or club facilities
- commercial uses
- congregate housing designed within the "civic" building type
- family care home
- indoor amusement
- indoor recreation
- single family homes

**Uses permitted with conditions.**

- cemeteries, (9.7)
- religious institutions, (9.8)
- commercial marinas, (9.43)
- day care center, (9.11)
- essential services 1 and 2, (9.14)
- government buildings up to 6,000 sq. ft. of first floor area
- neighborhood gasoline stations, excluding major service and repair of motor vehicles (9.22)
- parking lot as principal use (9.28)
- parks, (9.29)
- schools, (9.35)
- temporary mobile food sales (9.37)
- temporary outdoor sales of seasonal agricultural products and customary accessory products (example: farmers' markets, Christmas tree/pumpkin sales), (9.37)
- transit-oriented parking lots as a principal use, (9.49)
- transit shelters, (9.39)
- multi-family homes (9.64)

**Uses permitted with Special Use Permit.**

- wind energy facility, minor, accessory, (9.53)

**2. Permitted Building and Lot Types.**

- apartment
- attached house
- civic
- detached house
- mixed use<sup>1</sup> up to 6,000 sq. ft. of first floor area
- storefront up to 6,000 sq. ft. of first floor area
- workplace up to 6,000 sq. ft. of first floor area

**3. Permitted Accessory Uses.**

- accessory dwelling, (9.1)
- day care home (small), (9.11)
- drive through windows, excluding those associated with restaurants, (9.12)
- home occupation, (9.19)
- marinas accessory to residential uses, (9.42)
- solar facility, minor non-residential (9.54) • solar energy facility, minor residential (9.54)
- stalls or merchandise stands for outdoor sale of goods at street front (encroachment onto sidewalk may be permitted by agreement with town); outdoor storage expressly prohibited<sup>2</sup>.
- accessory uses permitted in all Districts (8.11)

**4. General Requirements.**

1. Along existing streets, new buildings shall respect the general spacing of structures, building mass and scale, and street frontage relationships of existing buildings.
  1. New buildings which adhere to the scale, volume, spacing, and setback of existing buildings along fronting streets exhibit demonstrable compatibility.
  2. Buildings which exceed the scale and volume of existing buildings may demonstrate compatibility by varying the massing of buildings to reduce perceived scale and volume. The definition of massing in Article 12 illustrates the application of design techniques to reduce the visual perception of size and integrate larger buildings with pre-existing smaller buildings.
  3. Subsection 3.2.5(d)(1)(a)-(b) shall not apply to development on parcels where multifamily structures are an allowable use and the development contains two or more affordable housing units for families or individuals with incomes below eighty percent (80%) of the area median income.
  4. Nothing in this subsection shall be interpreted to conflict with the building design element provision as found in N.C.G.S. 160D-702(b) for structures subject to the North Carolina Residential Code.
2. On new streets, allowable building and lot types will establish the development pattern.
3. In major subdivisions and planned developments, the aggregate number of dwelling units contained in attached houses, apartment buildings, and mixed-use buildings shall not exceed 30 percent of the total number of dwelling units in a project.
4. [Notwithstanding the limitations of 3\), above, the percentage of dwelling units contained in attached houses, apartment buildings and mixed-use buildings is not limited when the dwellings are part of a mixed-use \(office and/or commercial, residential\) project provided that no more than 45% of the habitable floor area within the planned development project is for residential use.](#)
5. New Construction favors retail first floor, office or residential second floor
6. Maximum radius of neighborhood center = 1/4 mile
7. Incremental development of a neighborhood center is to be expected with individual sites developed in accordance with an approved, locational explicit, town plan.
8. Every building lot shall have frontage upon a public street or urban open space.
9. See Section 8.16, Standards for Residential Lot Widths, Alleys, Garages and Parking in Residential Districts.

<sup>1</sup>The mixed-use building duplicates the shopfront building type and has at least two occupiable stories; at least 50% of the habitable area of the building shall be in residential use, the remainder shall be in commercial use. However, when an existing residential building is redeveloped to a mixed-use, at least 40% of the habitable area shall be in residential use.

<sup>2</sup>Items for outdoor sales are returned to building at end of each business day; goods not brought in at close of business day are considered outdoor storage.

#### HISTORY

*Amended by Ord. [TA22-02](#) on 4/4/2022*

*Amended by Ord. [TA22-07](#) on 11/21/2022*

*Amended by Ord. [TA22-16](#) on 3/20/2023*

*Amended by Ord. [TA23-06](#) on 2/19/2024*

### **3.2.6 TOWN CENTER DISTRICT (TC)**

**Intent:** The Town Center District provides for revitalization, reuse, and infill development in Huntersville's traditional town center. A broad array of uses is expected in a pattern which integrates shops, restaurants, services, work places, civic, educational, and religious facilities, and higher density housing in a compact, pedestrian-oriented environment. The Town Center anchors the surrounding residential neighborhoods while also serving the broader community. The district is coded to accommodate the higher overall intensity of development required to support a rail transit station. It is to be expected that the Town Center District will be expanded over time through the zoning change process to an approximate 1/2 mile radius to meet growth in demand for downtown facilities and services.

#### **1. Permitted Uses.**

##### **Uses permitted by right.**

- bed and breakfast inns
- boarding or rooming houses for up to six roomers
- civic, fraternal, cultural, community, or club facilities
- commercial uses
- congregate housing designed within the "civic" building type
- family care home
- government buildings
- hotels
- indoor amusement
- nightclubs, music clubs, bars, and similar entertainment facilities
- single family homes

##### **Uses permitted with conditions.**

- automobile and/or motorcycle sales, automobile service and repair, up to 2 acres in size, with a principal building of at least 8,000 sq. ft., all damaged vehicles and auto parts to be screened opaque (9.25)

- cemeteries, (9.7)
- religious institutions, (9.8)
- essential services 1 and 2, (9.14)
- neighborhood gasoline stations, excluding major service and repair of motor vehicles (9.22)
- parking lot as principal use (9.28)
- parks, (9.29)
- schools, (9.35)
- temporary mobile food sales (9.37)
- temporary outdoor sales of seasonal agricultural products and customary accessory products (example: farmers' markets, Christmas tree/pumpkin sales), (9.37)
- transit-oriented parking lots as a principal use, (9.49)
- transit shelters, (9.39)
- multi-family homes (9.64)

**Uses permitted with Special Use Permit.**

- wind energy facility, minor, accessory, (9.53)

**2. Permitted Building and Lot Types.**

- apartment
- attached house
- civic
- detached house
- mixed use<sup>1</sup> up to 50,000 sq. ft. of first floor area; larger buildings may be permitted with a special-use permit conditional rezoning
- storefront up to 50,000 sq. ft. of first floor area; larger buildings may be permitted with a special-use permit conditional rezoning
- workplace up to 50,000 sq. ft. of first floor area; larger buildings may be permitted with a special-use permit conditional rezoning

**3. Permitted Accessory Uses.**

- accessory dwelling, (9.1)
- day care home (small), (9.11)
- drive through windows, excluding those associated with restaurants, (9.12)
- home occupation, (9.19)
- solar facility, minor non-residential (9.54) • solar energy facility, minor residential (9.54)
- stalls or merchandise stands for outdoor sale of goods at street front (encroachment onto sidewalk may be permitted by agreement with town); outdoor storage expressly prohibited<sup>2</sup>
- accessory uses permitted in all districts, (8.11)

**4. General Requirements.** Along existing streets, new buildings shall respect the general spacing of structures, building mass and scale, and street frontage relationships of existing buildings.

1. buildings which adhere to the scale, massing, volume, spacing, and setback of existing buildings along fronting streets exhibit demonstrable compatibility.
2. buildings which exceed the scale and volume of existing buildings may demonstrate compatibility by varying the massing of buildings to reduce perceived scale and volume. The definition of massing in Article 12 illustrates the application of design techniques to reduce the visual perception of size and integrate larger buildings with pre-existing smaller buildings.
3. Subsection 3.2.6(d)(1)(a)-(b) shall not apply to development on parcels where multifamily structures are an allowable use and the development contains two or more affordable housing units for families or individuals with incomes below eighty percent (80%) of the area median income.
4. Nothing in this subsection shall be interpreted to conflict with the building design element provision as found in N.C.G.S. 160D-702(b) for structures subject to the North Carolina Residential Code.

On new streets, allowable building and lot types will establish the development pattern.

5. In major subdivisions and planned developments, the aggregate number of dwelling units contained in attached houses, apartment buildings, and mixed-use buildings shall not exceed 30 percent of the total number of dwelling units in a project.
6. [\(Reserved\)](#)
7. New construction favors retail on first floor, office and/or residential on upper floors.
8. Every building lot shall have frontage upon a public street or urban open space.
9. **Minimum Height.** Mixed Use, Storefront and Workplace Buildings. New construction shall be a minimum of two stories for buildings fronting on the following roads:
  - Gilead Road- From Sherwood Drive to Old Statesville Road (NC 115)
  - Huntersville-Concord Road- From Old Statesville Road (NC 115) to Main Street
  - Old Statesville Road (NC 115) - From 400 feet north of the intersection of Gilead Road/Huntersville-Concord Road to Greenway Drive
  - Main Street- From Huntersville-Concord Road to Greenway Drive
10. See Section 8.16, Standards for Residential Lot Widths, Alleys, Garages and Parking in Residential Districts.

<sup>1</sup> The mixed-use building duplicates the shopfront building type and has at least two occupiable stories; at least 50% of the habitable area of the building shall be in residential use, the remainder shall be in commercial use. However, when an existing residential building is redeveloped to a mixed-use, at least 40% of the habitable area shall be in residential use.

<sup>2</sup> Items for outdoor sales are returned to building at end of each business day; goods not brought in at close of business day are considered outdoor storage.

#### HISTORY

*Amended by Ord. [TA22-02](#) on 4/4/2022*

*Amended by Ord. [TA22-07](#) on 11/21/2022*

*Amended by Ord. [TA22-16](#) on 3/20/2023*

*Amended by Ord. [TA23-06](#) on 2/19/2024*

### **3.2.7 HIGHWAY COMMERCIAL DISTRICT (HC)**

**Intent:** The Highway Commercial District is established to provide primarily for auto-dependent uses in areas not amenable to easy pedestrian access and a comfortable pedestrian environment. It is expected that the Highway Commercial District will serve not only the Huntersville Community, but interstate travelers as well. Because of the scale and access requirements of uses in this category, they often cannot be compatibly integrated within the Town Center or Neighborhood Center Districts. Development at district boundaries must provide a compatible transition to uses outside the district; property boundaries adjacent to freeways or expressways will require a 50-foot foliated buffer yard; and frontages on major or minor arterials will require formal street tree planting.

#### **1. Permitted Uses.**

##### **Uses permitted by right.**

- amusement facilities: all indoor uses
- armories for meetings and training of military organizations
- auction sales
- boarding or rooming houses for up to six roomers
- religious institutions
- civic, fraternal, cultural, community, or club facilities
- commercial uses
- contractor offices and accessory storage yards, excluding the storage of general construction equipment and vehicles
- family care home
- government buildings
- indoor and outdoor recreation
- nightclubs, music clubs, bars, and similar entertainment facilities
- pawnshops and second-hand shops
- single family homes
- vocational and technical schools

- wholesale sales with related office, storage and warehousing entirely within an enclosed building; truck terminals not permitted

#### **Uses permitted with conditions.**

- adult establishments, (9.2)
- amusement facilities, outdoor, limited to par 3 golf courses, golf driving ranges, and archery ranges, (9.5)
- car wash, (9.6)
- commercial marinas, (9.43)
- day care center, (9.11)
- essential services 1 and 2, (9.14)
- gasoline service stations, including service and repair of motor vehicles, (9.22)
- hotels ~~spaced 250' or more from residential or mixed-use zones~~, (9.45)
- parks, (9.29)
- temporary outdoor sales of seasonal agricultural products (example: Christmas tree/pumpkin sales), (9.37)
- temporary mobile food sales, (9.37)
- transit-oriented parking lots as a principal use, (9.49)
- transit shelters, (9.39)
- vehicle and boat service, rental, cleaning, mechanical repair, and body repair, (9.25; 9.26)
- multi-family homes (9.64)

#### **Uses permitted with special use permit.**

- crematoriums, accessory, (9.56)
- halfway houses (9.55)
- ~~• hotels spaced less than 250' from residential or mixed-use zones, (9.45)~~
- ~~• hotels exceeding permitted building height, (9.45)~~
- wind energy facility minor, accessory, (9.53)

## **2. Permitted Building Types.**

- apartment
- attached house
- civic
- detached house
- highway commercial; up to 65,000 sq. ft. of first floor area on major thoroughfare; up to 15,000 sq. ft. of first floor area on minor thoroughfare.<sup>1</sup>
- mixed use<sup>2</sup> up to 65,000 sq. ft. of first floor area on major thoroughfare; up to 15,000 sq. ft. on minor thoroughfare
- shopfront, up to 65,000 sq. ft. of first floor area on major thoroughfare; up to 15,000 sq. ft. of first floor area on minor thoroughfare; second floor apartments or offices encouraged for most uses.
- workplaces; up to 65,000 sq. ft. of first floor area on major thoroughfare; up to

15,000 sq. ft. of first floor area on minor thoroughfare; second floor apartments or offices encouraged for most uses.

**3. Permitted Accessory Uses.**

- commercial outdoor kennels, (9.10)
- drive through windows associated with any use (9.12)
- helistop, (9.18)
- home occupations, (9.19)
- outdoor storage, excluding construction equipment, (9.26)
- solar facility, minor non-residential (9.54) • solar energy facility, minor residential (9.54)
- stalls or merchandise stands for outdoor sale of goods at street front; outdoor storage must be behind building and screened from view from public spaces<sup>3</sup>
- warehousing accessory to merchandise showroom, within an enclosed building
- accessory uses permitted in all districts, (8.11)

**4. General Requirements.**

1. Along existing streets, new buildings shall respect the general spacing of structures, building mass and scale, and street frontage relationships of existing buildings.
  1. New buildings which adhere to the scale, massing, volume, spacing, and setback of existing buildings along fronting streets exhibit demonstrable compatibility.
  2. New buildings which exceed the scale and volume of existing buildings may demonstrate compatibility by varying the massing of buildings to reduce perceived scale and volume. The definition of massing in Article 12 illustrates the application of design techniques to reduce the visual perception of size and integrate larger buildings with pre-existing smaller buildings.
  3. Subsection 3.2.7(d)(1)(a)-(b) shall not apply to development on parcels where multifamily structures are an allowable use and the development contains two or more affordable housing units for families or individuals with incomes below eighty percent (80%) of the area median income.
  4. Nothing in this subsection shall be interpreted to conflict with the building design element provision as found in N.C.G.S. 160D-702(b) for structures subject to the North Carolina Residential Code.

On new streets, allowable building and lot types will establish the development pattern.

2. In major subdivisions and planned developments, the aggregate number of dwelling units contained in attached houses, apartment buildings, and mixed-use buildings shall not exceed 30 percent of the total number of dwelling units in a project.
3. Notwithstanding the limitations of 3), above,

1. In a pedestrian-oriented development organized around a system of streets and blocks, and anchored with retail, restaurant, and entertainment uses, 100 percent of the dwelling units which are located in the same block with commercial uses may be contained in attached houses, apartment buildings, and mixed-use buildings. To qualify under this paragraph, at least one parking space per dwelling unit must be replaced in a parking deck which is located on the interior of the block, and at least 20% of the habitable first floor area in each block must be devoted to commercial uses. Habitable first floor area includes all first floor building area that is used for interior human activity (including storage areas of retail shops, kitchen areas and pantries for restaurants, and similar uses). Habitable first floor area does not include the first floor of a parking deck nor outdoor areas used for restaurant seating or retail display. Hotels, light manufacturing and assembly facilities, and laboratories and associated research facilities are permitted within the development, but may not be used to meet the 20% minimum first floor commercial requirement. The higher density residential environment permitted by this exception provides a full-time population which animates the streets, supports the businesses on a daily basis, and accesses goods and services without sole dependence on private vehicles.
2. Within a Mixed-Use Node, the aggregate number of dwelling units contained in attached houses, apartment buildings, and mixed-use buildings shall not exceed 80% subject to the following requirements:
  1. Housing density shall decrease in intensity on streets further away from the Commercial Use(s); apartment buildings and mixed-use buildings housing density shall not exceed 18 units per acre; attached housing density shall not exceed 8 units per acre; detached housing density shall not exceed 3 units per acre.
  2. A minimum of 50% of the node acreage must be for residential use.
  3. All mixed-use buildings shall count towards the residential acreage requirements.
  4. An approved Mixed-Use Node that contains less than 100 acres may be expanded to include parcels that are adjacent to the approved Mixed-Use Node and its major thoroughfare. The number and type of dwelling units permitted at an expanded Mixed-Use Node shall not exceed the overall allowable density as prescribed herein.
4. Where screening is required by Article 9 for activities involving any sale, use, repair, storage, or cleaning operation, the specified standard of Section 7.5 shall apply.

5. Any Highway Commercial District shall be bordered on at least one side by a major or minor thoroughfare.
6. Abutting Interstate 77, the specified buffer requirement of Section 7.5 applies.
7. The arrangement of multiple buildings on a single lot shall establish building facades generally parallel to the frontage property lines along existing streets and proposed interior streets.
8. Every building lot shall have frontage upon a public street or urban open space except as follows: in specific locations where factors beyond developer control, such as a limited access highway, an existing development, or the location of an existing intersection, prohibit completing a street connection in the Highway Commercial District, a private drive may be substituted for the interior street which cannot be connected to the public network.
9. See Section 8.16, Standards for Residential Lot Widths, Alleys, Garages and Parking in Residential Districts.

<sup>1</sup> Maximum first floor area for highway commercial buildings may be exceeded only where massing of building is varied to reduce perceived scale and volume.

<sup>2</sup> The mixed-use building duplicates the shopfront building type and has at least two occupiable stories; at least 50% of the habitable area of the building shall be in residential use, the remainder shall be in commercial use.

<sup>3</sup> Items for outdoor sales are returned to building at end of each business day; goods not brought in at close of business day are considered outdoor storage.

#### HISTORY

*Amended by Ord. [TA22-07](#) on 11/21/2022*

*Amended by Ord. [TA22-16](#) on 3/20/2023*

*Amended by Ord. [TA23-06](#) on 2/19/2024*

### **3.2.8 CAMPUS INSTITUTIONAL DISTRICT (CI)**

**Intent:** The campus institutional district is established to provide for large institutional complexes which are already in place and for new institutional complexes on 15 acres or more which, because of the scale of the buildings or the nature of the use, cannot be fully integrated into the fabric of the community. Campus districts, unlike town districts, are buffered from neighboring properties; nonetheless, buildings in the campus district that front a town street shall relate to the street as prescribed by building type. Campus districts are intended primarily for existing institutions, as most new institutional projects can and should be designed within the fabric of the town.

#### **1. Permitted Uses.**

##### **Uses permitted by right.**

- academic institutions, including elementary, middle, and high schools, technical,

vocational, college, and university

- religious institutions and religious institution-related facilities
- single family and multi-family homes on the premises which are intended for use by employee(s) of the institution or of companies providing on-site services to the institution
- governmental complexes, including indoor and outdoor recreation, but excluding correctional and waste management facilities
- health institutions, including hospitals and congregate care facilities with accessory shopfronts, sheltered workshops, and similar uses
- family care home, unlimited as to number of residents

**Uses permitted with conditions.**

- day care centers, (9.11)
- essential services 1 and 2, (9.14)
- parks, (9.29)
- temporary outdoor sales of seasonal agricultural products (example: Christmas tree/pumpkin sales), (9.37)
- transit-oriented parking lots as a principal use, (9.49)
- transit shelters, (9.39)

**Uses permitted with Special Use Permit.**

- halfway houses (9.55)
- wind energy facility, minor, accessory, (9.53)

**2. Permitted Building and Lot Types.**

- apartment
- attached house
- civic building
- detached house
- mixed use<sup>1</sup>
- shopfront
- workplace

**3. Permitted Accessory Uses.**

- commercial uses and structures that are clearly accessory to a permitted principal use
- helistop, (9.18)
- home occupations, (9.19)
- solar energy facility, minor residential (9.54)
- solar facility, minor non-residential (9.54)
- accessory uses permitted in all districts, (8.11)

**4. General Requirements.**

1. Along existing streets, new buildings shall respect the general spacing of structures, building mass and scale, and street frontage relationships of existing buildings.

1. New buildings which adhere to the scale, volume, spacing, and setback of existing buildings along fronting streets exhibit demonstrable compatibility.
  2. New buildings which exceed the scale and volume of existing buildings may demonstrate compatibility by varying the massing of buildings to reduce perceived scale and volume. The definition of massing in Article 12 illustrates the application of design techniques to reduce the visual perception of size and integrate larger buildings with pre-existing smaller buildings.
  3. Subsection 3.2.8(d)(1)(a)-(b) shall not apply to development on parcels where multifamily structures are an allowable use and the development contains two or more affordable housing units for families or individuals with incomes below eighty percent (80%) of the area median income.
  4. Where necessary scale of building prevents design compatibility, buffer standards of Section 7.5 shall apply
2. On new streets, allowable building and lot types will establish the development pattern.
  3. The interior of new campus developments shall be laid out along a street pattern and maintain well defined open space to give prominence to important structures and allow for assembly and pedestrian circulation; quadrangles are recommended.
  4. Every building lot shall have frontage upon a public street, or urban open space; buildings fronting urban open space shall provide for vehicular access from a rear alley or street.
  5. The arrangement of multiple buildings on a single lot shall establish building facades generally parallel to the frontage property lines along existing streets and proposed interior streets.

<sup>1</sup> The mixed-use building duplicates the shopfront building type and has at least two occupiable stories; at least 50% of the habitable area of the building shall be in residential use, the remainder shall be in commercial use. However, when an existing residential building is redeveloped to a mixed-use, at least 40% of the habitable area shall be in residential use.

#### HISTORY

*Amended by Ord. [TA22-07](#) on 11/21/2022*

### **3.2.9 CORPORATE BUSINESS (CB)**

**Intent:** The Corporate Business district is established to provide for large business or light industrial uses and parks which are already in place and for new business or light industrial uses or parks which, because of the scale of the buildings or the nature of the use, cannot be fully integrated into the fabric of the community. The predominant use is that of the workplace. Some institutional uses such as schools and religious institutions may be appropriate if they are sited properly and temporary. The corporate business

district, unlike town districts, is buffered from neighboring properties; nonetheless, buildings in the corporate business district that front a town street shall relate to the street as prescribed by building type. Individual workplace buildings oriented to the street and scaled for compatibility with the surrounding environment are also permitted in the Highway Commercial district and, on a smaller scale, in the Town Center, Neighborhood Center, and TND Districts. Such workplaces should not be reclassified to the Corporate Business District. The corporate district is reserved for uses which require very large buildings and/or large parking and loading facilities such as warehouse/distribution operations.

## 1. Permitted Uses.

### Uses Permitted by Right.

- office
- distributive businesses
- inns
- laboratories and research facilities
- manufacturing and assembly, excluding heavy manufacturing
- government buildings
- warehouses, except mini-warehouse storage
- wholesale sales
- vocational and technical schools

### Uses Permitted With Conditions.

- automotive country club, (9.57)
- day care center, (9.11)
- commercial communication tower, (9.9)
- essential services 1 and 2, (9.14)
- hotels and motels ~~spaced 250' or more from residential or mixed use zones~~, (9.45)
- parks, (9.29)
- [schools, \(9.35\)](#)
  - temporary mobile food sales, (9.37)
  - transit-oriented parking lots as a principal use, (9.49)
  - transit shelters, (9.39)

### Uses Permitted with Special Use Permit.

- ~~hotels and motels spaced less than 250' from residential or mixed use zones (9.45)~~
- ~~schools (9.35)~~
- wind energy facility, minor (accessory) (9.53)

## 2. Permitted Building and Lot Types.

- apartment
- attached house
- civic building

- highway commercial, up to 65,000 sq. ft. of first floor area
- mixed use, up to 6,000 sq. ft. of first floor area<sup>1</sup>
- shopfront, as accessory to workplace
- workplace

3. **Permitted Accessory Uses.**

- attached single family and multi-family homes intended for use by personnel employed for security or maintenance
- attached single family and multi-family homes in a corporate business development of 400 acres or more, with an approved, vested plan so long as (a) the gross land area of the attached single family and/or multi-family housing development(s) does not exceed 8 percent of the gross land area in the corporate business development; and (b) the number of attached single family and/or multi-family housing developments within the corporate business development is limited to 3
- helistop, (9.18)
- home occupations, (9.19)
- outdoor storage, excluding the storage of construction equipment, (9.26)
- retail, restaurant, personal services, branch banks, conference facilities, clinics, indoor recreation and similar workplace support uses up to 10 percent of gross floor area within the business or light industrial park or 70,000 sq. ft., whichever is less
- solar energy facility, minor residential (9.54)
- solar facility, minor non-residential (9.54)
- accessory uses permitted in all districts, (8.11)

4. **General Requirements.**

1. Along existing streets, new buildings shall respect the general spacing of structures, building mass and scale, and street frontage relationships of existing buildings.
  1. New buildings which adhere to the scale, massing, volume, spacing, and setback of existing buildings along fronting streets exhibit demonstrable compatibility.
  2. New buildings which exceed the scale and volume of existing buildings may demonstrate compatibility by varying the massing of buildings to reduce perceived scale and volume. The definition of massing in Article 12 illustrates the application of design techniques to reduce the visual perception of size and integrate larger buildings with pre-existing smaller buildings.
  3. Subsection 3.2.9(d)(1)(a)-(b) shall not apply to development on parcels where multifamily structures are an allowable use and the development contains two or more affordable housing units for families or individuals with incomes below eighty percent (80%) of the area median income.
  4. Buffer standards included in Article 7, Part A shall apply.

2. On new streets, allowable building and lot types will establish the development pattern.
3. Rezoning to the CB district shall only include one or more tracts of land or development sites that total fifteen acres or more in size except that proposals for less than fifteen acres adjoining an existing CB district may be considered.
4. The interior of new business and light industrial parks shall be laid out along a street pattern and shall maintain well defined open space to give prominence to important structures and allow for assembly and pedestrian circulation; quadrangles are recommended.
5. Every building lot shall have frontage upon a public street or urban open space unless an 80' buffer as provided in Article 7 is established; buildings fronting urban open space shall provide for vehicular access from a rear alley or street.
6. The arrangement of multiple buildings on a single lot shall have building facades established generally parallel to the frontage property lines along existing streets and proposed interior streets.

<sup>1</sup> The mixed-use building duplicates the shopfront building type and has at least two occupiable stories; at least 50% of the habitable area of the building shall be in residential use, the remainder shall be in commercial use. However, when an existing residential building is redeveloped to a mixed-use, at least 40% of the habitable area shall be in residential use.

#### HISTORY

*Amended by Ord. [TA22-07](#) on 11/21/2022*

### **3.2.10 SPECIAL PURPOSE DISTRICT (SP)**

**Intent:** The Special Purpose District is established to accommodate uses that may constitute health or safety hazards, have greater than average impacts on the environment, or diminish the use and enjoyment of nearby property by generation of noise, smoke, fumes, odors, glare, commercial vehicle traffic, or similar nuisances. Because uses permitted in the SP District vary as to their impacts on the community, they may likewise vary as to effective mitigating conditions. Therefore, the SP district exists as a General Zoning District, but will frequently benefit from application as a Parallel Conditional Zoning District.

#### **1. Permitted Uses.**

##### **Uses Permitted by Right.**

- abattoirs
- agricultural industries
- amusement facilities: all indoor uses
- commercial uses including office
- contractor offices and accessory storage yards

- foundries
- Indoor Recreation
- laboratories
- lumber mills and storage yards
- heavy manufacturing
- outdoor theatres
- power generation plants
- railroad freight yards, repair shops, and marshalling yards
- repair of products of heavy manufacturing operations
- all other uses permitted by right in the CB District
- mini-warehouse storage

**Uses Permitted with a Special Use Permit.**

- airports, (9.4)
- correctional facilities, (9.41)
- essential services 3, (9.15)
- halfway houses (9.55)
- hazardous or infectious material incineration, handling, or storage, (9.17)
- off-site LCID and C&D landfills, (9.23)
- quarries, (9.31)
- raceways and drag strips, (9.32)
- sanitary landfill, (9.34)
- solar energy facility, major, (9.54)
- solar energy facility free-standing, minor, non-residential, (9.54)
- solar energy facility, minor non-residential (9.54)
- solar energy facility, minor residential as follows: located on the façade elevation facing public street or common access; or located on the roof slope above the façade of the structure facing public street or common access, (9.54)
- solid waste incineration, (9.36)
- transfer station for organic and inorganic waste products, (9.38)
- other environmentally sensitive uses not expressly permitted in the SP or other districts, (9.24)
- wind energy facility, major, (9.53)
- wind energy facility, minor, accessory, (9.53)

**Uses Permitted with Conditions.**

- amusement facilities, outdoor, (9.5)
- commercial communication towers, (9.9)
- commercial kennels, indoor and outdoor (9.10)
- essential services 1 and 2, (9.14)
- inorganic residential household waste, intake and transfer off-site, (9.16)
- internet sweepstakes, (9.58)
- residential recycling center, (9.16)
- yard waste intake and processing, (9.16)

- junk yards, (9.20)
  - outdoor storage, (9.26)
  - outdoor storage of construction equipment, (9.27)
  - petroleum storage facilities, (9.30)
  - temporary mobile food sales, (9.37)
  - transit-oriented parking lots as a principal use, (9.49)
  - transit shelters, (9.39)
  - trucking terminals, (9.40)
  - all other uses permitted with conditions in the CB District
2. **Permitted Building and Lot Types.**
- workplace
  - highway commercial
3. **Permitted Accessory Uses.**
- day care center, (9.11)
  - helistop, (9.18)
  - outdoor storage, (9.26)
  - outdoor storage of construction equipment, (9.27)
  - accessory uses permitted in all districts, (8.11)
  - modular home display as accessory to modular home sales office
  - solar energy facility, minor residential (9.54)
  - solar facility, minor non-residential (9.54)
4. **General Requirements.**
1. Along existing streets, new buildings shall respect the general spacing of structures, building mass and scale, and street frontage relationships of existing buildings.
    - New buildings which adhere to the scale, massing, volume, spacing, and setback of existing buildings along fronting streets exhibit demonstrable compatibility.
    - New buildings which exceed the scale and volume of existing buildings may demonstrate compatibility by varying the massing of buildings to reduce perceived scale and volume. The definition of massing in Article 12 illustrates the application of design techniques to reduce the visual perception of size and integrate larger buildings with pre-existing smaller buildings
    - Buffer standards of Section 7.5 shall apply
  2. On new streets, allowable building and lot types will establish the development pattern.
  3. The arrangement of multiple buildings on a single lot shall establish building facades generally parallel to the frontage property lines along existing streets and proposed interior streets.

### **3.2.11 TRADITIONAL NEIGHBORHOOD DEVELOPMENT DISTRICTS (TND-U AND TND-R)**

**Intent:** The Traditional Neighborhood Development Districts are provided for the development of new neighborhoods and the revitalization or extension of existing neighborhoods, which are structured upon a fine network of interconnecting pedestrian-oriented streets and other public spaces. Traditional Neighborhood Developments (TND's) offer a mixture of housing types and prices, prominently sited civic or community building(s), and stores/offices/workplaces to provide a balanced mix of activities. Religious institution and pre-school/elementary school facilities are encouraged. A Traditional Neighborhood Development (TND) has a recognizable center and clearly defined edges; optimum size is a quarter mile from center to edge. A TND-U is urban in form, is an extension of the existing developed area of the town, and complies with density measures of the Neighborhood Residential (NR) District. Minimum size of a TND-U is 40 acres. A TND-R will resemble a rural village, will usually be surrounded by a rural landscape, and must comply with the density limits and bonuses of the Rural and Transitional District. Minimum size of a TND-R is 65 acres.

#### **1. Permitted Uses.**

##### **Uses permitted by right.**

- bed and breakfast inns
- boarding or rooming houses for up to six roomers
- civic, fraternal, cultural, community, or club facilities
- commercial uses
- congregate housing
- conference facilities
- family care home
- government buildings
- hotels
- multi-family homes
- single family homes

##### **Uses permitted with conditions.**

- cemeteries, (9.7)
- religious institutions, (9.8)
- commercial marinas, (9.43)
- day care centers, (9.11)
- essential services 1 and 2, (9.14)
- neighborhood gasoline stations, excluding major service and repair of motor vehicles (9.22)
- parking lot as principal use (9.28)
- schools, (9.35)
- transit-oriented parking lots as a principal use, (9.49)
- transit shelters, (9.39)
- stalls or merchandise stands for outdoor sale of goods at street front

(encroachment onto sidewalk may be permitted by agreement with town); outdoor storage expressly prohibited<sup>1</sup>.

**Uses permitted with Special Use Permit.**

- wind energy facility, minor, accessory, (9.53)

**2. Permitted Building and Lot Types.**

- apartment
- attached house
- civic
- detached house
- mixed use<sup>2</sup> up to 6,000 sq. ft. of first floor area; up to 65,000 sq. ft. of first floor area within 2,000 feet of a freeway interchange or the intersection of two major thoroughfares
- storefront up to 6,000 sq. ft. of first floor area; up to 65,000 sq. ft. of first floor area within 2,000 feet of a freeway interchange or the intersection of two major thoroughfares
- workplace up to 6,000 sq. ft. of first floor area; up to 65,000 sq. ft. of first floor area within 2,000 feet of a freeway interchange or the intersection of two major thoroughfares

**3. Permitted Accessory Uses.**

- accessory dwelling, (9.1)
- day care home (small), (9.11)
- drive through windows, excluding those associated with restaurants, (9.12)
- home occupation, (9.19)
- marinas accessory to residential uses, (9.42)
- solar energy facility, minor residential (9.54)
- solar facility, minor non-residential (9.54)
- accessory uses permitted in all districts, (8.11)

**4. General Requirements.**

1. Along existing streets, new buildings shall respect the general spacing of structures, building mass and scale, and street frontage relationships of existing buildings.
  1. New buildings which adhere to the scale, massing, volume, spacing, and setback of existing buildings along fronting streets exhibit demonstrable compatibility.
  2. New buildings which exceed the scale and volume of existing buildings may demonstrate compatibility by varying the massing of buildings to reduce perceived scale and volume. The definition of massing in Article 12 illustrates the application of design techniques to reduce the visual perception of size and integrate larger buildings with pre-existing smaller buildings.
  3. Subsection 3.2.11(d)(1)(a)-(b) shall not apply to development on parcels where multifamily structures are an allowable use and the development contains two or more affordable housing units for

families or individuals with incomes below eighty percent (80%) of the area median income.

4. Nothing in this subsection shall be interpreted to conflict with the building design element provision as found in N.C.G.S. 160D-702(b) for structures subject to the North Carolina Residential Code.
2. On new streets, allowable building and lot types will establish the development pattern.
3. A master plan in compliance with Traditional Neighborhood Development standards shall be provided with the subdivision sketch plan submittal for a general district TND or with the conditional district plan for reclassification to a parallel conditional TND zoning district. The master plan shall include a topographic survey and shall show the location and hierarchy of streets and public open spaces, location of residential, commercial, and civic building lots, street sections and/or plans, a master sign program, an outline of any additional regulatory intentions, phasing, and any other information, including building elevations, which may be required to evaluate the interior pedestrian environment and conditions at project edges.
4. See Section 8.16, Standards for Residential Lot Widths, Alleys, Garages and Parking in Residential Districts.

**5. TND Development Provisions.**

**1. Minimum Development Size:**

Generally 40 acres in the TND-U

Generally 65 acres in the TND-R

*To allow for the gradual accretion of a TND, which may include the participation of several property owners over an extended period of time, a partial TND of less than the minimum number of acres may be considered for approval, so long as the project shows an integrated design for at least the minimum size and the potential to become a TND-U of at least 40 acres, or a TND-R of at least 65 acres.*

**2. Maximum Development Size: 200 acres**

*Tracts larger than 200 acres shall be developed as multiple Traditional Neighborhood Developments, each individually subject to all provisions.*

3. **Maximum Permitted Densities:** TND-U may be developed to the density permitted in the NR district (see Section 3.2.3) TND-R may be developed to the maximum density permitted in the R & TR district (see Section 3.2.1 & 3.2.2)

**6. TND Design Provisions.**

**1. Neighborhood Form.**

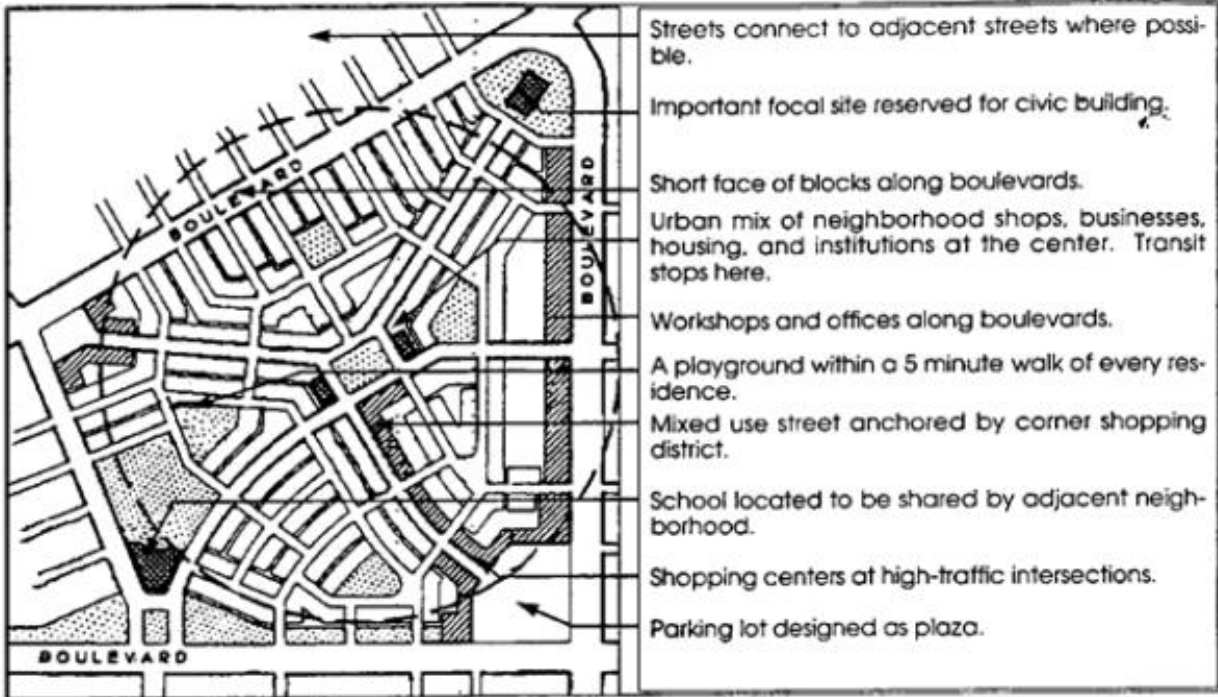
- The illustrations of Traditional Neighborhood Street Typologies in Article 5 show the general arrangement and distribution of elements in a more urban

TND (designated TND-U), and in a less urban TND (designated TND-R).

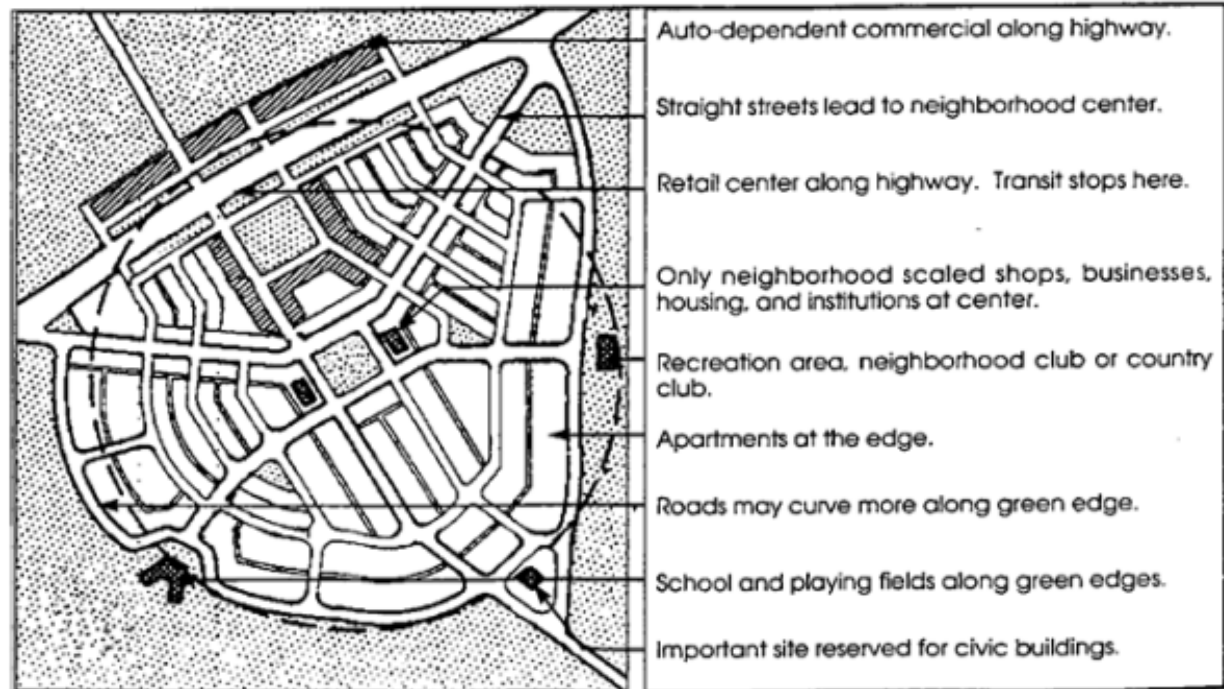
- The area of the TND shall be divided into blocks, streets, lots, and open space.
- Similar land uses shall generally enfront across each street. Dissimilar categories shall generally abut at rear lot lines. Corner lots which front on streets of dissimilar use shall generally observe the setback established on each fronting street.

**Traditional Neighborhood Street Typology**

**More Urban Conditions: Typical Characteristics**



## Less Urban Conditions: Typical Characteristics



### 2. Street.

• Public streets shall provide access to all tracts and lots. • Streets and alleys shall, wherever practicable, terminate at other streets within the neighborhood and connect to existing and projected streets outside the development. Cul-de sacs shall not exceed 250 feet in length, must be accessed from a street providing internal or external connectivity, shall be permanently terminated by a vehicular turnaround, and are permitted where topography makes a street connection impracticable. In most instances, a “close” or “eyebrow” is preferred to a cul-de-sac. Vehicular turnarounds of various configurations are acceptable so long as emergency access is adequately provided. • The average perimeter of all blocks within the TND should not exceed 1,350 feet. No block face should have a length greater than 500 feet without a dedicated alley or pathway providing through access. • A continuous network of rear alleys is recommended for all lots in a TND; rear alleys shall provide vehicular access to lots 50 feet or less in width. • Utilities may run along alleys. • TND streets shall be organized according to a hierarchy based on function, size, capacity, and design speed; streets and rights-of-way are therefore expected to differ in dimension. The proposed hierarchy of streets shall be indicated on the submitted sketch plan. Each street type in a TND shall be separately detailed. Street types illustrated in Article 5 represent the array of elements that are combined to meet the purposes of TND neighborhood streets: building placement line, optional utility allocation, sidewalk, planting strip, curb and gutter, optional parallel parking, and travel lane(s). Alternative

methods of assembling the required street elements will be considered to allow neighborhood street designs that are most appropriate to setting and use. • To prevent the buildup of vehicular speed, disperse traffic flow, and create a sense of visual enclosure, long uninterrupted segments of straight streets should be avoided. Methods: (1) a street can be interrupted by intersections designed to calm the speed and disperse the flow of traffic (Article 5) and terminate vistas with a significant feature (building, park, natural feature); (2) a street can be terminated with a public monument, specifically designed building facade, or a gateway to the ensuing space; (3) perceived street length can be reduced by a noticeable street curve where the outside edge of the curve is bounded by a building or other vertical elements that hug the curve and deflect the view; (4) other traffic calming configurations are acceptable so long as emergency access is adequately provided.

3. **Buildings and Lots.**

• All lots shall share a frontage line with a street urban open space; lots fronting an urban open space shall be provided rear alley access. • Consistent build-to lines shall be established along all streets and public space frontages; build-to lines determine the width and ratio of enclosure for each public street or space. A minimum percentage build-out at the build-to line shall be established on the plan along all streets and public square frontages. • Building and lot types shall comply with Article 4. • Large-scale, single use facilities (conference spaces, theaters, athletic facilities, for example) shall generally occur behind or above smaller scale uses of pedestrian orientation. Such facilities may exceed maximum first floor area standards if so sited.

4. **Open Space.** Open space is defined as any area which is not divided into private or civic building lots, streets, rights-of-way, parking, or easements for purposes other than open space conservation. Design of urban open space shall comply with Article 7. In the TND-U, the open space requirements of the NR district shall apply. In the TND-R, the open space requirements of the R & TR districts, including rural open space, shall apply. Rural open space is site specific in its designation. Paragraphs d) 3 & 4 of Section 3.2.1 & 3.2.2, describe the site analysis required to identify qualifying rural open space.

5. **Parking and Landscaping.** Parking and landscaping shall comply with Article 6.

<sup>1</sup> Items for outdoor sales are returned to building at end of each business day; goods not brought in at close of business day are considered outdoor storage.

<sup>2</sup> The mixed-use building duplicates the shopfront building type and has at least two occupiable stories; at least 50% of the habitable area of the building shall be in residential use, the remainder shall be in commercial use. However, when an existing residential

building is redeveloped to a mixed-use, at least 40% of the habitable area shall be in residential use.

#### HISTORY

Amended by Ord. [TA22-07](#) on 11/21/2022

Amended by Ord. [TA23-06](#) on 2/19/2024

### **3.2.12 PASSENGER VEHICLE SALES DISTRICT (VS)**

**Intent:** The Passenger Vehicle Sales District is established to provide large accommodations for the sale of new and used passenger vehicles and trucks not exceeding the size, weight, and configuration of the medium duty truck standard. It is intended for use in areas not amenable to easy pedestrian access, where a comfortable pedestrian environment is unlikely to be achieved. It is expected that the Passenger Vehicle Sales District will serve the passenger and small business vehicle needs of those in the Huntersville Community and in the larger region. Because of the scale of buildings and parking, and the access requirements of uses in this category, they cannot be compatibly integrated within the Town Center, Neighborhood Center, or smaller scale Highway Commercial Districts. At district boundaries, compatible transitions must be provided by the use of landscaping and/or walls. Property boundaries adjacent to freeways or expressways will require a 50-foot foliated buffer yard and frontages on major or minor arterials will require formal street tree planting.

#### 1. **Permitted Uses.**

##### **Uses Permitted with Conditions.**

- essential services 1, (9.14)
- sales and leasing of vehicles not exceeding the industry standard for "medium duty trucks", (9.25)<sup>1</sup>
- sales and leasing of boats and boat accessories (9.25)
- transit shelters, (9.39)

##### **Uses Permitted with Special Use Permit.**

- wind energy facility, minor, accessory, (9.53)

#### 2. **Permitted Building Types.**

- highway commercial; up to 65,000 sq. ft. of first floor area on major thoroughfare; up to 15,000 sq. ft. of first floor area on minor thoroughfare.<sup>2</sup>

#### 3. **Permitted Accessory Uses.**

- car wash
- boat wash
- service, cleaning, mechanical repair and body repair in association with vehicle sales/leasing, including drive-in vehicle drop off facilities in compliance with Section 3.2.10 d), item 4 (9.25)
- solar facility, minor non-residential (9.54)
- warehousing accessory to merchandising and repair, within an enclosed building
- accessory uses permitted in all districts, (8.11)

**4. General requirements and district options.**

1. Along existing streets, new buildings shall respect the street frontage relationships of existing buildings in terms of building setback and orientation. On new streets, allowable building and lot types will establish the development pattern.
2. Where screening is required by Article 9 for activities involving any sale, use, repair, storage, or cleaning operation, the specified standard of Section 7.6 shall apply.
3. Any Vehicle Sales District shall be bordered on at least one side by a major or minor thoroughfare.
4. Drive-in service windows and service processing, stacking and circulation lanes, and circulation are prohibited in the established front setback of the principal building and prohibited within a 75-foot setback from the right-of-way in a principal building's side yard that abuts a major or minor thoroughfare. On-site stacking lanes for drive-in service windows shall be a minimum of 200 feet in length if accessed directly from a thoroughfare or minimum of 100 feet if accessed directly from a street of lesser capacity.
5. In the VS Zoning District only, the buffer requirement of Section 7.5 (yards abutting I-77 right-of-way) shall be met.
6. All other signs on the site and building shall conform to the standards of Article 10, Signs, including, but not limited to the prohibition of flashing signs, portable signs and fluttering signs such as pennants and pennant swags. Non-conforming signs, if present anywhere on the site, shall be removed prior to issuance of a change of use permit, issuance of grading permit, or commencement of new construction on the site.
7. Vehicles or boats for sale or lease shall not be displayed in the established front yard of the principal building on the site.
8. In the Vehicle Sales district only, the established front yard shall be designed in accordance with the Highway Commercial Building / Lot Type found in Article 4 or a) or b) below:
  1. Vehicles for sale or lease may be displayed in the established front yard in front of the principal building in the VS district only. Such areas shall be permitted on sites where the principal building consumes at least 35% of the frontage. The Highway Commercial Building Type build to line (15'), measured to the face of the canopy (if applicable), shall be increased by no more than 10' to accommodate one row of vehicle display. An established front yard used for display of vehicle sales or leasing must be constructed of a decorative paving material (if impervious), and must be screened in accordance with 10) of this section.
  2. Notwithstanding the limitations of off-street parking in front of buildings, as described by building type and parking lot specifications, vested parking and maneuvering areas in the

established front yard may be constructed in accordance with an NCDOT driveway permit.

9. Outdoor storage of vehicles in process of repair and vehicles-for-sale that are in the process of dealer preparation for buyer pick up is permitted.
  1. Such storage areas are exempt from the interior landscaping requirements for Parking Lots found in Article 6. However, the perimeter landscaping requirements of Article 6 shall apply to such storage areas.
  2. Such storage areas may only be located behind the principal building and/or its accessory buildings, and shall not be placed within 100 feet of any property line that abuts a thoroughfare or local public street.
10. In the Vehicle Sales district only, the landscaping requirements of Article 6 shall be applied as follows:
  1. Vehicle display areas shall be exempt from the interior landscaping requirements for Parking Lots found in Article 6. However, a large maturing tree shall be planted within a 200 square foot pervious area that is permanently protected from parking and maneuvering areas with all vehicles on display being located within 40' of such pervious area.
  2. Along the frontage, a vehicle display area is exempt from the large maturing tree 40' on center requirement found in Landscaping of Parking Lots in Article 6.
11. Uses in the VS District are exempt from the Article 6 *suggestion* to provide for bicycle parking.
12. The arrangement of principal buildings on a single lot shall establish building facades generally parallel to the frontage property lines along existing streets and proposed interior streets.
13. Every building lot shall have frontage upon a public street or urban open space except as follows: in specific locations where factors beyond developer control, such as a limited access highway, an existing development, or the location of an existing intersection, prohibit completing a street connection in the Highway Commercial District, a private drive may be substituted for the interior street which cannot be connected to the public network.
14. Adjoining businesses shall provide for interconnectivity by way of internal street(s) or, if permitted, private drives; internal street(s) shall remain open at all times while private drive connections shall, at a minimum, remain open for public passage during business hours.
15. Businesses in the VS district are prohibited from using amplified speaker/public address systems except within fully enclosed building(s).
16. Lighting in customer parking areas shall comply with Article 6, OFF-STREET PARKING (Lighting for Parking Lots).

17. Lighting in vehicle display parking areas and storage areas may comply with the standards of Article 6 (Lighting for Parking Lots) or with all of the alternative lighting standards below:
1. Including the base/mounting fixture the maximum height for lighting (pole mounted and wall mounted) shall be 30 feet.
  2. To prevent glare from off-site locations, all lighting fixtures shall be full cut-off. The use of drop lens, vertical burn lamps, and other equipment with similar glare producing effects are prohibited. Lighting shields or hoods shall be employed to result in lighting projection of display areas only.
  3. Floodlights are not permitted for parking lot illumination. In all applications, lighting shall be directed downward. This prohibition does not apply to floodlights allowed elsewhere in this ordinance for external illumination of permitted signs.
  4. Along the front line of the display area, lighting shall not exceed an average of 30 foot-candles, measured at grade.
  5. Uniformity shall not exceed a 3:1 ratio.
  6. All lights, except those required for security as provided herein, must be extinguished at 9 PM on all days. For reasons of security, a maximum of 1.5 foot-candles at entrances, stairways and loading docks, and 1.0 foot-candle on the rest of the site is permitted.
  7. The spillover light level from lighting on the site onto adjacent property or property across a public road shall not exceed 0.1 foot-candle measured 10' into the adjacent property from any orientation of the measuring device.
  8. The average illumination, measured at grade, across the entire property, including the frontage, shall not exceed 30-foot candles. The site area for calculating the average illumination shall exclude the building(s).
  9. Lighting fixtures that produce glare visible from adjacent property(s) and public right of way(s) are prohibited.

<sup>1</sup> Expressly prohibited is the sale or lease of campers, motor homes, trailers, and similar vehicles.

<sup>2</sup> Maximum first floor area for highway commercial buildings may be exceeded only where massing of building is varied to reduce perceived scale and volume.

### **3.2.13 TRANSIT-ORIENTED DEVELOPMENT - RESIDENTIAL (TOD-R)**

**Intent:** The transit-oriented residential district is established to support higher density residential communities that include a rich mix of retail, restaurant, service, and small employment uses within a pedestrian village format. Land consuming uses, such as large lot housing and large retail outlets are excluded from this district. The TOD-R may be located on developable and redevelopable parcels generally found within the 1/2 mile catchment area of designated rapid transit station sites. Nothing in these regulations

shall preclude application of the TOD-R beyond the 1/2 mile radius when site-specific development plans demonstrate efficient resident access to a rapid transit station. The district establishes a primarily residential village within a 10-minute walk of a designated rapid transit station that serves a residential population of sufficient size to constitute an origin and destination for purposes of rapid transit service.

- **Permitted Uses.**

- **Uses permitted by right.**

- bed and breakfast inns
    - boarding or rooming houses for up to six roomers
    - civic, cultural, and neighborhood recreation facilities up to 15,000 sq. ft. of gross floor area, minimum FAR of .35
    - conference centers, up to 15,000 sq. ft. of gross floor area, minimum FAR of .35
    - dormitories
    - family care home
    - financial Institutions up to 6,000 sq. ft. of gross floor area
    - government buildings up to 8,000 sq. ft. of gross floor area, minimum FAR of .35
    - indoor motion pictures, limited to one (1) screen
    - inns
    - multi-family homes
    - offices, general, medical, professional, minimum FAR of .35
    - personal, professional, and technical services up to 8,000 sq. ft. of gross area, minimum FAR of .35
    - research and development services, minimum FAR of .35
    - restaurants without drive-through windows, up to 8,000 sq. ft. of gross floor area, minimum FAR of .35
    - retail establishments, up to 8,000 sq. ft. of gross area, minimum FAR of .35
    - greenways
    - single family homes
    - squares, plazas, or other formal open spaces not exceeding 1/2 acre in area
    - stalls or merchandise stands for outdoor sale of goods at street front (encroachment onto sidewalk may be permitted by agreement with town); outdoor storage expressly prohibited<sup>1</sup>.
    - transit stations
    - workshops and studios for the design and manufacture of art, craft and artisan products, up to 8,000 sq. ft. of gross area, minimum FAR of .35

- **Uses permitted with a Special Use Permit.**

- ~~• any non-residential use permitted by right or with conditions where size of first floor area exceeds 15,000 sq. ft., (9.47)~~
    - ~~• any permitted non-residential use or collection of non-residential uses that exceeds the maximum permitted in the district by paragraph e) 5) of this section, (9.47)~~
    - ~~• parking lot or structure as principal use (9.47)~~

~~• schools (9.35)~~

- wind energy facility, minor, accessory, (9.53)

**Uses permitted with conditions.**

- ~~banks, up to 6,000 sq. ft. of gross floor area~~
- religious institutions ~~up to 300 seats in the largest place of assembly,~~ (9.8)
- ~~civic, cultural, and neighborhood recreation facilities up to 15,000 sq. ft. of gross floor area, minimum FAR of .35~~
- ~~conference centers, up to 15,000 sq. ft. of gross floor area, minimum FAR of .35~~
- day care centers ~~up to 8,000 sq. ft. of gross floor area~~ (9.114)
- ~~essential services 1 and 2, (9.14)~~
- ~~government buildings up to 8,000 sq. ft. of gross floor area, minimum FAR of .35~~
- ~~indoor motion pictures, limited to one (1) screen~~
- ~~offices, general, medical, professional, minimum FAR of .35~~
- ~~personal, professional, and technical services up to 8,000 sq. ft. of gross area, minimum FAR of .35~~
- ~~research and development services, minimum FAR of .35~~
- ~~restaurants without drive-through windows, up to 8,000 sq. ft. of gross floor area, minimum FAR of .35~~
- ~~retail establishments, up to 8,000 sq. ft. of gross area, minimum FAR of .35~~
- ~~squares, plazas, or other formal open spaces not exceeding 1/2 acre in area~~
- ~~stalls or merchandise stands for outdoor sale of goods at street front (encroachment onto sidewalk may be permitted by agreement with town); outdoor storage expressly prohibited<sup>1</sup>.~~
- taverns and bars, up to 6,000 sq. ft. of gross floor area, minimum FAR of .35
- transit shelters, (9.39)
- ~~workshops and studios for the design and manufacture of art, craft and artisan products, up to 8,000 sq. ft. of gross area, minimum FAR of .35~~
- ~~schools, (9.35)~~
  - ~~any non-residential use permitted by right or with conditions where size of first floor area exceeds 15,000 sq. ft., (9.47)~~
  - ~~any permitted non-residential use or collection of non-residential uses that exceeds the maximum permitted in the district by paragraph e) 5) of this section, (9.47)~~
  - ~~parking lot or parking structure as principal use, (9.497)~~
- **Permitted Building and Lot Types.**
  - apartment
  - attached house
  - civic
  - detached house on lot of 5,000 sq. ft. or less
  - mixed use<sup>2</sup>
  - storefront
  - workplace

- **Permitted Accessory Uses.**
  - accessory dwelling, (9.1)
  - day care home (small), (9.11)
  - home occupation, (9.19)
  - parking lot as an accessory to any permitted principal use, on the same lot or on an abutting lot, according to the standards of Article 6
  - solar facility, minor non-residential (9.54)
  - solar energy facility, minor residential (9.54)
  - accessory uses permitted in all districts, (8.11)
- **General Requirements.**
  1. To integrate the larger scale of buildings in transit-oriented developments into the existing built fabric of the community, the edge conditions of paragraph f) 6), below shall be met.
  2. Along existing streets, new buildings shall create a transition in spacing, mass, scale, and street frontage relationship from existing buildings to buildings in the Transit Oriented Residential district.
    1. New buildings are expected to exceed the scale and volume of existing buildings, but shall demonstrate compatibility by varying the massing of buildings to reduce perceived scale and volume. The definition of massing in Article 12 illustrates the application of design techniques to reduce the visual perception of size and integrate larger buildings with pre-existing smaller buildings.
    2. Subsection 3.2.13(d)(2)(a) shall not apply to development on parcels where multifamily structures are an allowable use and the development contains two or more affordable housing units for families or individuals with incomes below eighty percent (80%) of the area median income.
    3. Nothing in this subsection shall be interpreted to conflict with the building design element provisions as found in N.C.G.S. 160D-702(b) for structures subject to the North Carolina Residential Code.
  3. On new streets, allowable building and lot types will establish the development pattern.
  4. Within a TOD-R zoning district, a minimum average density of 15 dwelling units per acre shall be achieved; residential density shall be calculated by dividing the total number of housing units planned by the number of acres designated for residential use, net of streets.
  5. A master subdivision sketch plan shall be provided with any application for development approval. It shall comply with the standards of this district and with the most detailed development policies and/or plans adopted by the Town Board for the station's catchment area. The master plan shall include a topographic survey and shall show the location and hierarchy of streets and public open spaces, location of residential, commercial, and civic building lots, street sections and/or plans, approximate unit count, square

footage on non-residential buildings and uses, proposed building heights, an outline of any additional regulatory intentions, phasing, and any other information, including building elevations, which may be required to evaluate the interior pedestrian environment and conditions at project edges. Phasing of development to provide for future horizontal and vertical intensification to meet the standards of this section is permitted. Approval of the master sketch plan will be administrative.

- 6. A single building on an existing lot shall comply with the standards of this district and with the most detailed development policies and/or plans adopted by the Town Board for the station’s catchment area, but shall require zoning and building permits only.
- 7. See Section 8.16, Standards for Residential Lot Widths, Alleys, Garages and Parking in Residential Districts.

- **Development Provisions.**

- 1. Minimum Development Size: None
- 2. Maximum Development Size: None
- 3. Residential Density: Within a TOD-R zoning district, a minimum average density of 15 dwelling units per acre (net of streets) shall be achieved; residential density shall be calculated by dividing the total number of housing units planned by the acreage of all lots that are designated for residential use. When designing the site, higher densities (18 du/a and greater) should be concentrated within approximately 1/4 mile walking distance of the station site while lower densities (6 du/a and greater) may be placed beyond the approximate 1/4 mile walking distance. The maximum density permitted on any lot in a TOD-R is 40 units per acre (net of streets).
- 4. Special parking provisions for residential development in the TOD-R:

	<b>Minimum</b>	<b>Maximum</b>
• Efficiency apartment	1 space/unit	2 spaces/unit
• One or two bedroom apartment/attached house	1 space/unit	2 spaces/unit
• Other dwelling units	1 space/unit	2 spaces/unit

- 5. Siting requirements for non-residential development: All non-residential development shall be oriented to provide direct pedestrian access from the transit station by way of the public street system, designated pedestrian paths, or any combination of the two. In addition, the locational standards below shall apply.

- Within a 1/4 mile walking distance of the station site, a master subdivision

sketch plan may include up to 10,000 sq. ft. of retail/services/commercial/office development for each 250 dwelling units master planned in the 1/2 mile catchment area.

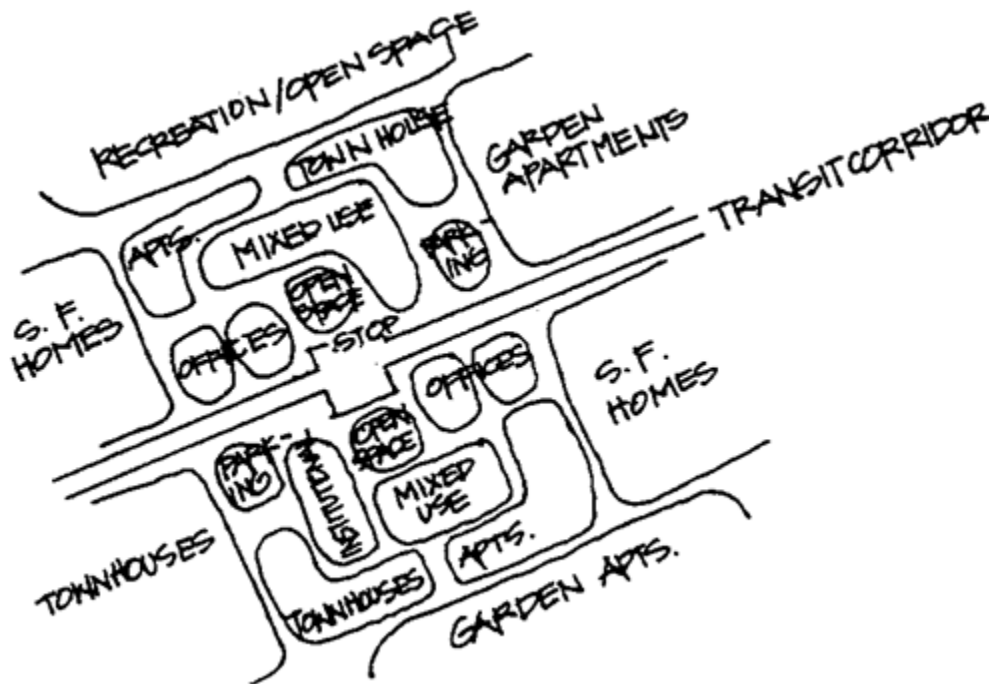
- If placed in a TOD-R district, religious institutions without shared parking, schools, and neighborhood recreation facilities, up to the maximum size permitted in the district, should be located between the 1/4 mile and 1/2 mile walk of the station site.

- Without regard to station proximity, day care centers and religious institutions with shared parking provisions that meet the size provisions of the TOD-R are permitted.

- **Design Provisions.**

1. **Neighborhood Form.**

- The illustration below shall guide the general arrangement and distribution of uses in the project.



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- The area of the project shall be divided into blocks, streets, lots, and open space.

- Similar land uses shall generally enfront across each street. Dissimilar categories shall generally abut at rear lot lines. Corner lots which front on streets of dissimilar use shall approximate the setback established on each fronting street.

2. **Streets.**

- Public streets shall provide access to all tracts and lots.

- Streets and alleys shall, wherever practicable, terminate at other streets within the neighborhood and connect to existing and projected streets outside the development. Cul-de-sacs shall not exceed 250 feet in length, must be accessed from a street providing internal or external connectivity, shall be permanently terminated by a vehicular turnaround, and are permitted only where topography makes a street connection impracticable. In most instances, a “close” or “eyebrow” is preferred to a cul-de-sac. Vehicular turnarounds of various configurations are acceptable so long as emergency access is adequately provided.

- No block face may exceed 500 feet in length without a dedicated alley or pathway providing through access for pedestrians.

- Utilities shall run along alleys where alleys are provided.

- Streets shall be organized according to a hierarchy based on function, size, capacity, and design speed; streets and rights-of-way are therefore expected to differ in dimension. The proposed hierarchy of streets shall be indicated on the submitted master subdivision sketch plan. Each street type shall be separately detailed. Street types illustrated in Article 5 represent the array of elements that are combined to meet the purposes of neighborhood streets: building placement line, optional utility allocation, sidewalk, planting strip, curb and gutter, optional parallel parking, and travel lane(s). Alternative methods of assembling the required street elements will be considered to allow neighborhood street designs that are most appropriate to setting and use. Proposed routing for private vehicles and feeder buses entering and leaving the station area shall be shown.

- To prevent the buildup of vehicular speed, disperse traffic flow, and create a sense of visual enclosure, long uninterrupted segments of straight streets should be avoided. Methods: (1) a street can be interrupted by intersections designed to calm the speed and disperse the flow of traffic (Article 5) and terminate vistas with a significant feature (building, park, natural feature); (2) a street can be terminated with a public monument, specifically designed building facade, or a gateway to the ensuing space; (3) perceived street length can be reduced by a noticeable street curve where the outside

edge of the curve is bounded by buildings or other vertical elements that hug the curve and deflect the view; (4) other traffic calming configurations are acceptable so long as emergency access is adequately provided.

3. **Buildings and Lots.**

- Every building lot shall share a frontage line with a street, or urban open space; lots fronting directly onto a formal open space (i.e., without intervening street) shall be provided rear alley access.

- Consistent build-to lines shall be established along all streets and urban open space frontages; build-to lines determine the width and ratio of enclosure for each public street or space. A minimum percentage build-out at the build-to line shall be established on the plan along all streets and urban open space frontages.

- Building and lot types shall comply with Article 4. However, notwithstanding the height restrictions of Article 4, Building and Lot Types, new buildings in the Transit Oriented Residential district are limited to thirteen (13) stories or one hundred eighty-two 182 feet in height, whichever is greater. New buildings in the Transit-Oriented Residential District within one (1) mile of the Town Center Zoning District are limited to four (4) stories or forty six (46) feet in height, whichever is greater. Minimum building height is twenty-six (26) feet, measured at the eave line.

- Large-scale, single use facilities (conference spaces, theaters, athletic facilities, for example) shall occur behind or above smaller scale uses of pedestrian orientation. Such facilities may exceed maximum first floor area standards if so sited.

4. **Open Space.** Open space is defined as any area which is not divided into private or civic building lots, streets, rights-of-way, parking, or easements that diminish the utility or aesthetic quality of the space. Design of urban open space shall comply with Article 7.

5. **Parking Lot Landscaping.** Parking lot landscaping shall comply with Article 6.

6. **District Edge Conditions.** Along any boundary of a TOD-R district that abuts a pre-existing subdivision of 20 or more single-family detached homes, one of the following edge conditions shall apply to abutting lot boundaries, however no buffer or wall shall be allowed to block extension of a street from existing development into a planned TOD-R development.

1. A free-standing structure or the end unit of an attached structure on lots along the common boundary shall be limited to two stories or 26 feet in height, whichever is less, or
2. A semi-opaque buffer shall be constructed along the common boundary, on the site of the developing use. The width of the buffer

shall at a minimum equal 1/2 the height of the abutting building in the TOD-R district, or

3. A 6' masonry wall may be constructed by the developer along the common lot boundaries, in which case the width of the buffer may be reduced to the width of the wall.

<sup>1</sup> Items for outdoor sales are returned to building at end of each business day; goods not brought in at close of business day are considered outdoor storage.

<sup>2</sup> The mixed-use building duplicates the shopfront building type and has at least two occupiable stories; at least 50% of the habitable area of the building shall be in residential use, the remainder shall be in commercial use. However, when an existing residential building is redeveloped to a mixed-use, at least 40% of the habitable area shall be in residential use.

#### HISTORY

Amended by Ord. [TA22-07](#) on 11/21/2022

Amended by Ord. [TA23-06](#) on 2/19/2024

### **3.2.14 TRANSIT-ORIENTED DEVELOPMENT - EMPLOYMENT (TOD-E)**

**Intent:** The transit-oriented employment district is established to accommodate general office uses and office support services in a highly pedestrianized setting. General office, characterized by 40 to 70 employees per acre, is the predominant use. Uses that employ relatively few workers, such as warehousing and distribution, are excluded from this district. The TOD-E may be located on developable parcels within the 1/2 mile catchment area of rapid transit stations. The district establishes an employment node within a 10-minute walk of a designated transit rapid station that serves a workforce of sufficient size to constitute a destination for purposes of rapid transit service.

#### 1. Permitted Uses.

##### **Uses Permitted by Right.**

- financial services
- [commercial uses, other than those otherwise permitted in this section](#)
- greenways
- government offices
- inns
- [light manufacturing, on not more than 5 acres.](#)
- offices
- professional, personal, and technical services
- transit stations
- [conference centers, up to 15,000 sq. ft. of gross floor area](#)
- [multi-family homes in mixed use buildings](#)
- [squares, plazas, or other urban open spaces not exceeding 1/2 acre in area](#)
- [single family attached homes in mixed use buildings](#)
- [workshops and studios for the design and manufacture of art, craft, and artisan](#)

[products, up to 8,000 sq. ft. of gross area](#)

#### **Uses Permitted with Conditions.**

- ~~• conference centers, up to 15,000 sq. ft. of gross floor area~~
- day care center, (9.11)
- essential services 1 and 2, (9.14)
- ~~multi-family homes in mixed use buildings~~
- ~~• squares, plazas, or other urban open spaces not exceeding 1/2 acre in area~~
- ~~• single family attached homes in mixed use buildings~~
- ~~• workshops and studios for the design and manufacture of art, craft, and artisan products, up to 8,000 sq. ft. of gross area~~
- parking lot or [parking](#) structure as a principal use, (9.498)
- ~~• light manufacturing, on not more than 5 acres, (9.48)~~
- ~~• accessory warehousing exceeding 25% of the finished floor area of the principal use, (9.48)~~
- [hospitals, \(9.48\)](#)

#### **Uses Permitted with a Special Use Permit.**

- ~~• light manufacturing, on not more than 5 acres, (9.48)~~
- ~~• accessory warehousing exceeding 25% of the finished floor area of the principal use, (9.48)~~
- ~~• hospitals, (9.48)~~
- wind energy facility, minor, accessory, (9.53)

#### **2.2. Permitted Building and Lot Types.**

- civic building
- highway commercial (for conference facilities only), minimum FAR of .35
- mixed use<sup>1</sup>
- shopfront
- workplace, minimum FAR of .35

#### **2.3. Permitted Accessory Uses.**

- home occupations, (9.19)
- parking lot as an accessory to any permitted principal use, on the same lot or on an abutting lot according to the standards of Article 6
- retail, restaurant, bars and taverns, personal services, clinics and similar workplace support uses up to 20 percent of first floor area of any building, or of a multi-building project taken as a whole
- solar energy facility free-standing, minor, non-residential, (9.54)
- solar energy facility,, minor non-residential (9.54)
- solar energy facility, minor residential (9.54)
- warehousing not to exceed 25% of the finished floor area of the principal use
- accessory uses permitted in all districts, (8.11)

#### **2.4. General Requirements.**

1. Along existing streets, new buildings shall create a transition in spacing, mass, scale, and street frontage relationship from existing buildings to buildings in the Transit-Oriented Employment district.
  1. New buildings are expected to exceed the scale and volume of existing buildings, but shall demonstrate compatibility by varying the massing of buildings to reduce perceived scale and volume. The definition of massing in Article 12 illustrates the application of design techniques to reduce the visual perception of size and integrate larger buildings with pre-existing smaller buildings.
  2. Subsection 3.2.14(d)(1) shall not apply to development on parcels where multifamily structures are an allowable use and the development contains two or more affordable housing units for families or individuals with incomes below eighty percent (80%) of the area median income.
2. On new streets, allowable building and lot types will establish the development pattern.
3. A master subdivision sketch plan in compliance with this district shall be provided with any application for development approval. It shall comply with the standards of this district and with the most detailed development policies and/or plans adopted by the Town Board for the station's catchment area. The master plan shall include a topographic survey and shall show the location and hierarchy of streets and public open spaces, location of residential, commercial, and civic building lots, street sections and/or plans, approximate square footage of office/commercial buildings and uses, residential unit count, proposed building heights, an outline of any additional regulatory intentions, phasing, and any other information, including building elevations, which may be required to evaluate the interior pedestrian environment and conditions at project edges. Phasing of development to provide for future horizontal and vertical intensification to meet the standards of this section is permitted. Approval of the master sketch plan will be administrative.
4. A single building on an existing lot shall comply with the standards of this district and with the most detailed development policies and/or plans adopted by the Town Board for the station's catchment area, but shall require zoning and building permits only.

#### **4.5. Design Provisions.**

1. Every building shall share a frontage line with a street, or urban open space; lots fronting directly onto an urban open space (i.e., without intervening street) shall be provided rear alley access.
2. New construction favors general office uses, with accessory retail, personal services, restaurant, and similar uses located at street level and residential uses permitted on third and higher floors.

3. Notwithstanding the height restrictions of Article 4, Building and Lot Types, new buildings in the Transit Oriented Employment district are limited to seven stories or 80 feet in height, whichever is greater. Minimum building height is 26 feet, measured at the eave line.
4. Minimum permitted Floor Area Ratio (FAR) is .35; preferred FAR will range from .5 to 1.5.
5. Special parking provisions for residential development in the TOD-E:

	<b>Minimum</b>	<b>Maximum</b>
• Office/Commercial uses	1 space/1000 sq. ft.	1 space/500 sq. ft.
• Efficiency apartment	1 space/unit	2 spaces/unit
• One or two bedroom apartment	1 space/unit	2 spaces/unit

6. **District Edge Conditions.** Along any boundary of a TOD-E district that abuts a pre-existing subdivision of 20 or more single-family detached homes, one of the following edge conditions shall apply to abutting lot boundaries, however no buffer or wall shall be allowed to block extension of a street from existing development into a planned TOD-E development. • A free-standing structure or the end unit of an attached structure on lots along the common boundary shall be limited to two stories or 26 feet in height, whichever is less, or • A semi-opaque buffer shall be constructed along the common boundary, on the site of the developing use. The width of the buffer shall at a minimum equal 1/2 the height of the abutting building in the TOD-E district, or • A 6' masonry wall may be constructed by the developer along the common lot boundaries, in which case the width of the buffer may be reduced to the width of the wall.

<sup>1</sup> The mixed-use building duplicates the shopfront building type and has at least two occupiable stories; at least 50% of the habitable area of the building shall be in residential use, the remainder shall be in commercial use. However, when an existing residential building is redeveloped to a mixed-use, at least 40% of the habitable area shall be in residential use.

HISTORY

Amended by Ord. [TA22-07](#) on 11/21/2022

**[3.3 OVERLAY DISTRICTS](#)**

[3.3.1 MANUFACTURED HOME OVERLAY DISTRICT \(MH-O\)](#)

[3.3.2 MOUNTAIN ISLAND LAKE WATERSHED OVERLAY DISTRICT \(MIL-O\)](#)

[3.3.3 LAKE NORMAN WATERSHED OVERLAY DISTRICT \(LN-O\)](#)

### **3.3.1 MANUFACTURED HOME OVERLAY DISTRICT (MH-O)**

**Intent:** The Manufactured Home Overlay District is established to provide for existing and proposed neighborhoods which include or are proposed to include manufactured homes. The requirements herein are intended to ensure compatibility with existing housing stock by imposing supplemental appearance standards for manufactured housing. The Manufactured Home Overlay district may be applied to tracts zoned NR, GR, TR, or R. It supplements the range of residential types permitted in the underlying district while limiting some accessory uses. For existing neighborhoods, the MH Overlay may be established by map adoption; for proposed neighborhoods, the MH Overlay district requires zoning approval accompanied by a detailed development plan and supporting materials.

#### **1. Permitted Uses.**

##### **Uses permitted by right.**

- all uses permitted by right in the underlying district, according to the standards of the underlying district
- family care home

##### **Uses permitted with conditions.**

- all uses permitted with conditions in the underlying district, according to the standards and conditions associated with the underlying district.
- Manufactured Homes, provided that:
  1. The home shall be set up in accordance with the standards set by the North Carolina Department of Insurance.
  2. A continuous, permanent masonry wall, having the appearance of a conventional load-bearing foundation wall, unpierced except for required ventilation and access, shall be installed under the perimeter of the manufactured home. Notwithstanding the foregoing, neither masonry walls nor masonry skirting shall be required for manufactured homes located on land leased to the owner of the manufactured home; however, non-masonry skirting shall be installed on such manufactured homes.
  3. The home will have all wheels, transporting lights, and towing apparatuses removed.
  4. The structure must be at least 14 feet in width along the majority of its length.
  5. The roof shall have at least a 3:12 pitch.
  6. Exterior wall and roofing materials and finishes shall be comparable in composition, appearance and durability to those commonly used in conventional residential construction. As examples, exterior walls would be expected to be covered in wood, stucco, brick, stone, other masonry materials, or similar conventional exterior finishes. Roofing material should consist of wood shingle, wood shake, synthetic composite shingle, ceramic tile, concrete tile, or similar conventional roofing materials.

7. All entrances to a manufactured home shall be provided with permanent steps, porch or similar suitable entry.
2. **Permitted Building and Lot Types.**
  - all building and lot types permitted in the underlying zoning district
  - manufactured home placed according to the standards for a detached house
3. **Permitted Accessory Uses.**
  - dwelling accessory to any principal dwelling which meets the NC Housing Code, (9.1)
  - day care home (small), accessory to any principal dwelling which meets the NC Housing Code, (9.11)
  - home occupation accessory to any principal dwelling which meets the NC Housing Code, (9.19)
  - marinas accessory to residential uses (9.42)
  - accessory uses permitted in all districts, (8.11)
4. **General Requirements.**
  1. Along existing streets, new buildings shall respect the general spacing of structures, building mass and scale, and street frontage relationships of existing buildings.
    - New buildings which adhere to the scale, massing, volume, spacing, and setback of existing buildings along fronting streets exhibit demonstrable compatibility.
    - New buildings which exceed the scale and volume of existing buildings may demonstrate compatibility by varying the massing of buildings to reduce perceived scale and volume. The definition of massing in Article 12 illustrates the application of design techniques to reduce the visual perception of size and integrate larger buildings with pre-existing smaller buildings.
    - Nothing in this subsection shall be interpreted to conflict with the building design element provisions as found in N.C.G.S. 160D-702(b) for structures subject to the North Carolina Residential Code.
  2. On new streets, allowable building and lot types will establish the development pattern.
  3. All subdivision standards shall be met.
  4. In nonconforming subdivisions or manufactured home parks, any manufactured home may be replaced with another manufactured home of at least comparable width (i.e. a single-wide home may be replaced with a home of minimum 12 feet width or with a larger home, while a double-wide home can be replaced only by another double-wide home); a replacement home shall, with the exception of width, meet all design and safety conditions of Section 3.3.1 a).

5. Existing manufactured home parks which are not subdivided into individual deeded lots may continue operation but may not be expanded except in conformance with this ordinance and the Subdivision Ordinance.
  6. For proposed neighborhoods, homes shall be a minimum of 14 feet wide.
  7. For proposed neighborhoods, an application to classify property to the MH-O district shall require a master plan that shows the location and hierarchy of streets and public spaces, location of residential, non-residential, and civic building lots, street sections and/or plans, phasing, and any other information which may be required to evaluate the subdivision's adherence to the standards of this ordinance and the subdivision ordinance.
  8. See Section 8.16, Standards for Residential Lot Widths, Alleys, Garages and Parking in Residential Districts.
5. **MH-O Development Provisions.**
1. Minimum Development Size: 3 acres for new developments
  2. Maximum Development Size: 25 acres for new developments
  3. Maximum Permitted Densities are determined by the standards of the underlying district. Density in the RURAL AND TRANSITIONAL District correlates to amount of open space provided, as set forth in the district regulations. Density in the NR district is a function of building and lot type.

#### HISTORY

Amended by Ord. [TA22-13](#) on 2/20/2023

Amended by Ord. [TA23-06](#) on 2/19/2024

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

[3.3.2-A Critical Areas \(CA-1, CA-2, CA-3, CA4\)](#)

[3.3.2-B Protected Areas \(PA-1, PA-2\)](#)

[3.3.2-C Appeals And Variances In MIL-O District](#)

**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.**

1. 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.
2. 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.
3. Existing public utilities may expand without being subject to the restrictions of this part provided that:
  1. Such expansion complies with all applicable laws of the State of North Carolina and the United States of America, and
  2. Discharges associated with the existing public utilities may be expanded, however the pollutant load shall not be increased beyond presently permitted levels.
4. 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, irrespective of whether the impervious surface that existed before the redevelopment is to be demolished or relocated during the redevelopment activity. A property owner may elect to treat the stormwater resulting from the net increase in built-upon area above the preexisting development for the purpose of exceeding allowable density under the applicable water supply watershed rules as provided in G.S. 143-214.5(d3) and as further described in this Article 3.

**3. Watershed Subareas Established.**

1. **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.

**1. 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.

**2. 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)

**3. Permitted Building and Lot Types.**

- building and lot types permitted in the underlying zoning district

**4. Permitted Accessory Uses.**

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

5. **Built-Up 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-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-A(h). (4) The current use of the property is nonresidential. (5) At the election of the property owner, the stormwater from 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).

CA1	6% B.U. <sup>1</sup>
CA2	12% B.U. <sup>1</sup>
CA3	12% B.U. <sup>1</sup>
CA4	24% B.U. <sup>1</sup>

<sup>1</sup>**Residential subdivisions shall reserve, at minimum, 1% of the lot area but in no case less than 150 sq. ft. impervious area per lot to allow for addition of future impervious areas by homeowner/occupant**

1. **Buffer Size.** Undisturbed buffers, except as specifically provided in this section, are required in the Critical Areas along the shoreline of Mountain Island Lake, measured horizontally by a licensed land surveyor from the normal pool elevation (648' contour), and along all perennial streams, measured from the top of the bank on each side of the stream.

CA1	100 feet or 100 year flood plain boundary, whichever is greater
CA2	100 feet or 100 year flood plain boundary, whichever is greater
CA3	100 feet or 100 year flood plain boundary, whichever is greater

CA4 (lake shore)	100 feet
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2. **Buffer Protection.** No permanent structures, impervious covers, septic tank systems or any other disturbance of existing vegetation shall be allowed within the buffer except as follows:
  1. The surveyed buffer boundary must be clearly marked on-site with orange “tree-protection” or “high-hazard” fence prior to any land disturbing activities. Tree protection is required by Section 7.4(3) of this ordinance.
  2. The surveyed buffer boundary must be permanently marked with an iron pin at the intersection of the watershed buffer and each property line following the completion of land disturbing activities and prior to occupancy. Properties greater than 200’ in width shall be marked at a maximum of 100’ intervals.
  3. No trees larger than 2-inch caliper, measured at 6 inches above the existing grade, are to be removed except for dead or diseased trees. Undergrowth and trees less than 2-inch caliper, measured at 6 inches above the existing grade, may be removed to be replaced by an effective stabilizing and filtering ground cover based upon the most recent edition of the “Charlotte-Mecklenburg Water Quality Buffer Implementation Guidelines” and as approved by the Mecklenburg County Water Quality Program.
  4. Stream bank or shoreline stabilization is allowed as approved on a plan submitted to the Town Engineering Department and the Charlotte-Mecklenburg Storm Water Services.
  5. Water dependent structures and public projects such as road crossings and greenway paths are allowed where no practical alternatives exist. These activities should minimize built-upon area, direct runoff away from surface waters, and maximize the utilization of nonstructural BMPs and pervious materials.
  6. During new development or the expansion of existing development, the Town, upon the advice of the Charlotte-Mecklenburg Storm Water Services, can require enhancement of the existing vegetation in the buffer if necessary so that the buffer can effectively perform its filtering and absorption functions. Buffer enhancement requirements shall be based on the most recent edition of the “Charlotte-Mecklenburg Water Quality Buffer Implementation Guidelines”.
  7. **Mitigation of disturbed buffers required.** Should existing vegetation within the buffer be disturbed (except as allowed by this ordinance), or should vegetation added to a buffer pursuant to paragraph 6) be disturbed, the property owner shall be required to enhance the buffer in accordance with the most recent edition of the “Charlotte-Mecklenburg Water Quality Buffer Implementation Guidelines” so that the buffer can effectively perform its filtering and absorption functions.

8. Non-impervious recreational development and non-impervious pedestrian trails are allowed in the required buffer in compliance with paragraph 3), above. Pathway guidelines are available in the most recent edition of the "Charlotte-Mecklenburg Water Quality Buffer Implementation Guidelines." If in a common area, such development and trails must be located a minimum of 30 feet from the normal pool elevation of Mountain Island Lake (648' contour), or a minimum of 30 feet from the top of the bank on each side of all perennial streams; except for waterfront access points approved by the Town, upon the advice of Charlotte-Mecklenburg Storm Water Services.
9. Non-conforming structures and increasing built-upon area may permitted if the following criteria are met:
  1. The existing structure (to be expanded) was built prior to the enactment of the 1993 Watershed Ordinance.
  2. The BUA of the existing structure must cover a minimum of 10% of the 100-foot buffer on the lot.
  3. In Critical Area 1 (CA1), which has a 6% BUA cap, the maximum allowable increase in BUA in the buffers is 2%. In Critical Area 2 (CA2) and Critical Area 3 (CA3), which have a 12% BUA cap and Critical Area 4 (CA4), which has a 24% BUA cap, the maximum allowable increase in BUA is the buffer is 4%.
  4. Existing BUA shall not be increased within the State minimum 50-foot buffer.
  5. Best Management Practices (BMPs) (including rain gardens and plantings) must be installed to achieve the following removal efficiencies for all BUA on the lot (not just the BUA in the buffer):
    1. 85% removal of Total Suspended Solids (TSS)
    2. 60% removal of Total Phosphorus (TP)
  6. All BMPs shall be installed or planted in accordance with the Charlotte-Mecklenburg BMP Design Manual and in accordance with Huntersville's Water Quality Ordinance.
  7. Maintenance Agreements and Maintenance Plans must be recorded for all BMPs installed and/or planted and the location of the BMP and corresponding notes must be recorded on the deed in compliance with Huntersville's Water Quality Ordinance.
  8. Mitigation measures, including all BMPs, must be installed, inspected and approved and the provisions described in item g (above) satisfied prior to the release of any certificates of occupancy for the structural expansion.
  9. All structural BMPs must be inspected and certified annually for compliance with design criteria by a qualified professional in accordance with the Huntersville Water Quality Ordinance. Inspection reports must be submitted to Mecklenburg County for approval.

10. Any deficiencies detected to the BMP or any other mitigation measure must be in a timely manner of detection as determined by the Town of Huntersville staff at the sole expense of the property owner. Failure to do so will be in violation of the Huntersville Water Quality Ordinance and could result in the assessment of penalties.
3. **Paired-Parcel Averaged-Density Development.** Paired-parcel averaged density development involves the transfer of impervious development rights between two (2) parcels not within the boundaries of the same subdivision by way of designated undisturbed natural areas. A metes and bounds description of the space to be undisturbed and limits on use shall be recorded on the subdivision plat, in homeowner covenants, and on individual deed and shall be irrevocable. The resultant impervious area/amount for the two lots combined shall not exceed the original allowable impervious amount for each individual lot if they were developed separately.
  1. A density averaging certificate shall be considered one development request.
  2. Overall impervious area/amount of the paired parcel averaged-density development, calculated by built-upon area, shall not exceed the impervious that would be allowed if the parcels were developed separately. The parcel pair shall be located in the same water supply watershed and preferably in the same drainage area of the watershed. Parcel pairs may be located in the Critical Area and in the Protected Area. However, if one of the parcels is located in the Critical Area and one is located in the Protected Area, the Critical Area parcel shall not be developed beyond those impervious amounts allowed in the critical area provisions of the Huntersville Zoning Ordinance. A property in a more restricted watershed area shall not acquire impervious rights from a property in a less restricted area of the watershed. The purpose of this provision is to preserve open space in the more sensitive areas of the watershed.
  3. The paired parcels may include or be developed for residential or non-residential purposes.
  4. Buffers shall at least meet the appropriate minimum Huntersville Zoning Ordinance water supply watershed protection requirements on both parcels in the parcel pair.
  5. The portion of the parcel(s) which is not developed as part of the paired parcel, but that is being averaged in the land area being evaluated to meet the built-upon surface area, shall remain in an undisturbed vegetated or natural state. A metes and bounds description of the space to be undisturbed and limits on use shall be recorded on the subdivision plat, in homeowner covenants, and on individual deed and shall be irrevocable. The resultant impervious area/amount for the two lots combined shall not exceed the original allowable impervious amount for each individual lot if they were developed separately. It shall be noted on the plat that the Zoning

Administrator shall reserve the right to make periodic inspections to ensure compliance.

6. A Density Averaging Certificate shall be obtained from the Watershed Review Board (Board of Adjustment) to ensure that both parcels considered together meet the standards of the ordinance and that potential owners have record of how the watershed regulations were applied to the parcel pair. Only the owner(s) of both of the paired parcels may submit the application for the Density Averaging Certificate. A site plan for both of the parcels must be submitted and approved as part of the Density Averaging Certificate. If such a certificate is granted, no change in the development proposal authorized for either parcel shall be made unless the certificate is amended. Upon issuance of such certificate, one copy will be forwarded to the North Carolina Division of Water Quality (DWQ). Included with the Density Averaging Certificate will be a site plan, registered plats for both properties, a description of both properties, and documentation reflecting the development restrictions to the parcel pair that will remain undeveloped.
7. The Watershed Review Board shall make written findings supported by appropriate calculations and documentation that the paired parcel averaged-density development plan as a whole conforms to the intent and requirements of this Article and Section, and that the proposed agreement assures protection of the public interest.
8. The undisturbed land area shall be recorded in the deed for the parcel to which it applies. The Density Averaging Certificate shall be recorded in the deed for each of the parcels in the parcel pair. Both the designated undisturbed land area and the certificate shall be noted on the subdivision plat that applies to each of the parcels.
9. Stormwater runoff from paired parcel averaged density-averaged development which meets the low-density option development requirements shall be controlled by vegetative conveyances to the maximum extent practicable and shall be approved by Charlotte-Mecklenburg Storm Water Services.
10. Stormwater runoff from paired parcel averaged density development which meets the high-density option development requirements shall be controlled on the parcel(s) where the high-density development is occurring in accordance with the criteria specified in the Huntersville Water Quality Design Manual and the Huntersville Zoning Ordinance for high-density development.
11. No parcel for which a watershed variance has been granted, or would be required, may be included as part of a parcel pair.
12. Compliance with criteria 1-12 shall be evidence that the parcel pair is consistent with the orderly and planned distribution of development throughout the watershed.

### **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.

#### **1. 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.

#### **2. 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

3. **Permitted Building and Lot Types.**

- Building and lot types permitted in the underlying zoning district

4. **Permitted Accessory Uses.**

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

5. **Built-Upon 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-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-B(i). (4) The current use of the property is nonresidential. (5) At the election of the property owner, the stormwater from 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).

PA1 and PA2, low density option	24% B.U. with curb and gutter streets <sup>1</sup> 36% B.U. without curb and gutter streets
PA1 and PA2, high density option, where permitted	70% B.U. with BMP <sup>1</sup>

<sup>1</sup>**Residential subdivisions shall reserve, at minimum, 1% of the lot area but not less than 150 sq. ft. impervious area per lot to allow for addition of future impervious areas by homeowner/occupant.**

(f) **Buffer Size.** Undisturbed buffers, except as specifically provided in this section, are required in the Protected Areas along all perennial streams, measured horizontally by a licensed land surveyor from the top of the bank on each side of the stream.

PA1, low density option	50 feet
PA2, low density option	30 feet; 50 feet for a
PA1, high density option	100 feet

PA2, high density option	100 feet
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(g) **Buffer Protection.** No permanent structures, impervious covers, septic tank systems or any other disturbance of existing vegetation shall be allowed within the buffer except as follows:

1. The surveyed buffer boundary must be clearly marked on-site with orange “tree-protection” or “high-hazard” fence prior to any land disturbing activities. Tree protection is required by Section 7.4(3) of this ordinance.
2. The surveyed buffer boundary must be permanently marked with an iron pin at the intersection of the watershed buffer and each property line following the completion of land disturbing activities and prior to occupancy. Properties greater than 200’ in width shall be marked at a maximum of 100’ intervals.
3. No trees larger than 2-inch caliper, measured at 6 inches above the existing grade, are to be removed except for dead or diseased trees. Undergrowth and trees less than 2-inch caliper, measured at 6 inches above existing grade, may be removed to be replaced by an effective stabilizing and filtering ground cover based upon the most recent edition of the “Charlotte-Mecklenburg Water Quality Buffer Implementation Guidelines” and as approved by the Mecklenburg County Water Quality Program.
4. Stream bank or shoreline stabilization is allowed as approved on a plan submitted to the Town Engineering Department and the Charlotte-Mecklenburg Storm Water Services.
5. Water dependent structures and public projects such as road crossings and greenway paths are allowed where no practical alternatives exist. These activities should minimize built-upon area, direct runoff away from surface waters, and maximize the utilization of nonstructural BMP's and pervious materials.
6. During new development or the expansion of existing development, the Town, upon the advice of the Charlotte-Mecklenburg Storm Water Services, can require enhancement of the existing vegetation in the buffer if necessary so that the buffer can effectively perform its filtering and absorption functions. Buffer enhancement requirements shall be based on the most recent edition of the “Charlotte-Mecklenburg Water Quality Buffer Implementation Guidelines”.
7. Mitigation of disturbed buffers required. Should existing vegetation within the buffer be disturbed (except as allowed by this ordinance) or should vegetation added to a buffer pursuant to paragraph 6) be disturbed, the property owner shall be required to enhance the buffer in accordance with the most recent edition of the “Charlotte-Mecklenburg Water Quality Buffer Implementation Guidelines” so that the buffer can effectively perform its filtering and absorption functions.
8. Non-impervious recreational development and non-impervious pedestrian trails are allowed in the required buffer in compliance with paragraph 3), above. Pathway guidelines are available in the most recent edition of the “Charlotte-Mecklenburg Water Quality Buffer Implementation Guidelines.” If in a common area, such development and trails must be located a minimum of 30 feet from the

top of the bank on each side of all perennial streams; except for waterfront access points approved by the Town, upon the advice of the Mecklenburg County Water Quality Program.

9. Non-conforming structures and increasing built-upon area may be permitted if the following criteria are met:
  1. The existing structure (to be expanded) was built prior to the enactment of the 1993 Watershed Ordinance.
  2. BUA of the existing structure must cover a minimum of 10% of the 100-foot buffer on the lot.
  3. In Critical Area 1 (CA1), which has a 6% BUA cap, the maximum allowable increase in BUA in the buffers is 2%. In Critical Area 2 (CA2) and Critical Area 3 (CA3), which have a 12% BUA cap and Critical Area 4 (CA4), which has a 24% BUA cap, the maximum allowable increase in BUA in the buffer is 4%.
  4. Existing BUA shall not be increased within the State minimum 50-foot buffer.
  5. Best Management Practices (BMPs) (including rain gardens and plantings) must be installed to achieve the following removal efficiencies for all BUA on the lot (not just the BUA in the buffer):
    1. 85% removal of Total Suspended Solids (TSS)
    2. 60% removal of Total Phosphorus (TP)
  6. All BMPs shall be installed or planted in accordance with the Charlotte-Mecklenburg BMP Design Manual and in accordance with Huntersville's Water Quality Ordinance.
  7. Maintenance Agreements and Maintenance Plans must be recorded for all BMPs installed and/or planted and the location of the BMP and corresponding notes must be recorded on the deed in compliance with Huntersville's Water Quality Ordinance.
  8. Mitigation measures, including all BMPs, must be installed, inspected and approved and the provisions described in item g (above) satisfied prior to the release of any certificates of occupancy for the structural expansion.
  9. All structural BMPs must be inspected and certified annually for compliance with design criteria by a licensed N.C. engineer in accordance with the Huntersville Water Quality Ordinance. Inspection reports must be submitted to Mecklenburg County for approval.
  10. Any deficiencies detected to the BMP or any other mitigation measure must be corrected within 30 days of detection at the sole expense of the property owner. Failure to do so will be in violation of the Huntersville Water Quality Ordinance and could result in the assessment of penalties.
10. Property in the Mountain Island Lake Overlay District Protected Area (PA2), which is also part of an approved conditional zoning in the Corporate Business Zoning District, may request the Board of Commissioners to approve a modification to a perennial stream buffer draining under 50 acres without a variance subject to implementing one of the nine mitigation techniques in Section 8.25. 11(b). This

provision is applicable only to those streams not indicated on the most recent version of the United States Geological Survey (USGS) 1:24,000 scale (7.5 minute) quadrangle topographic maps and therefore do not meet the criteria for a State water supply watershed buffer.

**(h) High Density Option Requirements in Protected Areas of the MIL Watershed.**

1. The High-Density Option allows for greater development density provided engineered controls (structural BMPs) are used to manage storm water runoff. Structural BMPs are required under the High-Density Option. The High-Density Option is permitted in the PA1 and PA2 subareas. In addition to meeting basic zoning and subdivision standards of the Town of Huntersville, high density development shall meet the requirements of this section, the Land Development Standards Manual, and other published standards of the Town Engineering Department.
2. High-Density Permit Application.
  1. A High-Density Development Permit shall be required for new development exceeding the requirements of the low-density option.
  2. Application for a High-Density Development Permit shall be submitted as follows:
    1. Development plans subject to the Huntersville Subdivision Ordinance and the Sediment and Erosion Control Ordinance will submit the High-Density Development Permit to the Town Engineering Department and the Huntersville Planning Director, or designee, as part of the subdivision review application process.
    2. Development plans exempt from Subdivision Ordinance regulations will submit the High- Density Development Permit to the Town Engineer or their designee as part of the Sediment and Erosion Control requirements of the building permit application process.
    3. Applications for the High-Density Option shall be made on the proper form and shall include the following information:
      - A completed High-Density Development Permit Application signed by the owner of the property. The signature of the consulting engineer or other agent will be accepted on the application only if accompanied by a letter of authorization.
      - Required number of development plans and specifications of the storm water control structure.
      - Submittal of a sediment and erosion control plan to the appropriate agency.
      - Permit application fees.

3. Structural BMPs.
  1. All structural BMPs shall be designed, and the plans sealed, by a North Carolina registered professional with qualifications appropriate for the type of system required as provided for in the North Carolina General Statutes.
  2. Structural BMPs shall be designed for specific pollutant removal according to modeling techniques approved by the North Carolina Division of Water Quality. Specific requirements for these systems shall be in accordance with the design criteria and standards contained in the Land Development Standards Manual.
  3. Qualifying areas of the structural BMP may be considered pervious when computing total built-upon area. However, if the structure is used to compute the percentage built-upon area for one site, it shall not be used to compute the built-upon area for any other site or area.
  4. The design of the structural BMP shall include the appropriate easements for ingress and egress necessary to perform inspections, maintenance, repairs and reconstruction.
4. Posting of Financial Security Required.
  1. When Structural BMPs are required under the High-Density Option, the approval of the High- Density Development Permit will be subject to developer compliance with Section 8.400 of the Huntersville Subdivision Ordinance.
5. Additional Requirements.
  1. An Occupancy Permit shall not be issued for any building within the permitted development until the Town Engineering Department has approved the storm water control structure.
  2. Appeals of any order, requirement, decision or determination shall be made to and decided by the Zoning Board of Adjustment of the Town of Huntersville.

(i) **Paired-Parcel Averaged-Density Development.** Paired-parcel averaged density development involves the transfer of impervious development rights between two (2) parcels not within the boundaries of the same subdivision by way of designated undisturbed natural areas. A metes and bounds description of the space to be undisturbed and limits on use shall be recorded on the subdivision plat, in homeowner covenants, and on individual deed and shall be irrevocable. The resultant impervious area/amount for the two lots combined shall not exceed the original allowable impervious amount for each individual lot if they were developed separately.

1. A density averaging certificate shall be considered one development request.
2. Overall impervious area/amount of the paired parcel averaged-density development, calculated by built-upon area, shall not exceed the impervious that would be allowed if the parcels were developed separately. The parcel pair shall be located in the same water supply watershed and preferably in the same drainage area of the watershed. Parcel pairs may be located in the Critical Area and in the

Protected Area. However, if one of the parcels is located in the Critical Area and one is located in the Protected Area, the Critical Area parcel shall not be developed beyond those impervious amounts allowed in the critical area provisions of the Huntersville Zoning Ordinance. A property in a more restricted watershed area shall not acquire impervious rights from a property in a less restricted area of the watershed. The purpose of this provision is to preserve open space in the more sensitive areas of the watershed.

3. The paired parcels may include or be developed for residential or non-residential purposes.
4. Buffers shall at least meet the appropriate minimum Huntersville Zoning Ordinance water supply watershed protection requirements on both parcels in the parcel pair.
5. The portion of the parcel(s) which is not developed as part of the paired parcel, but that is being averaged in the land area being evaluated to meet the built-upon surface area, shall remain in an undisturbed vegetated or natural state. A metes and bounds description of the space to be undisturbed and limits on use shall be recorded on the subdivision plat, in homeowner covenants, and on individual deed and shall be irrevocable. The resultant impervious area/amount for the two lots combined shall not exceed the original allowable impervious amount for each individual lot if they were developed separately. It shall be noted on the plat that the Zoning Administrator shall reserve the right to make periodic inspections to ensure compliance.
6. A Density Averaging Certificate shall be obtained from the Watershed Review Board (Board of Adjustment) to ensure that both parcels considered together meet the standards of the ordinance and that potential owners have record of how the watershed regulations were applied to the parcel pair. Only the owner(s) of both of the paired parcels may submit the application for the Density Averaging Certificate. A site plan for both of the parcels must be submitted and approved as part of the Density Averaging Certificate. If such a certificate is granted, no change in the development proposal authorized for either parcel shall be made unless the certificate is amended. Upon issuance of such certificate, one copy will be forwarded to the North Carolina Division of Water Quality (DWQ). Included with the Density Averaging Certificate will be a site plan, registered plats for both properties, a description of both properties, and documentation reflecting the development restrictions to the parcel pair that will remain undeveloped.
7. The Watershed Review Board shall make written findings supported by appropriate calculations and documentation that the paired parcel averaged-density development plan as a whole conforms to the intent and requirements of this Article and Section, and that the proposed agreement assures protection of the public interest.
8. The undisturbed land area shall be recorded in the deed for the parcel to which it applies. The Density Averaging Certificate shall be recorded in the deed for each of the parcels in the parcel pair. Both the designated undisturbed land area and the certificate shall be noted on the subdivision plat that applies to each of the parcels.

9. Stormwater runoff from paired parcel averaged density-averaged development which meets the low-density option development requirements shall be controlled by vegetative conveyances to the maximum extent practicable and shall be approved by the Town of Huntersville.
10. Stormwater runoff from paired parcel averaged density development which meets the high-density option development requirements shall be controlled on the parcel(s) where the high-density development is occurring in accordance with the criteria specified in the Huntersville Water Quality Design Manual and the Huntersville Zoning Ordinance for high-density development.
11. No parcel for which a watershed variance has been granted, or would be required, may be included as part of a parcel pair.
12. Compliance with criteria 1-12 shall be evidence that the parcel pair is consistent with the orderly and planned distribution of development throughout the watershed.

### **3.3.2-C Appeals And Variances In MIL-O District**

1. The Zoning Board of Adjustment is hereby designated the Watershed Review Board.
2. An appeal to reverse or modify the order, decision, determination, or interpretation of the Zoning Administrator (herein designated the Watershed Administrator), shall comply with the procedures and standards of Section 11.3 of these regulations.
3. A petition for variance to the standards of the Mountain Island Lake Watershed Overlay District shall comply with the procedures and standards of Section 11.3 of these regulations, with the following exceptions.
  1. In addition to the notification requirements of Section 11.3, the Watershed Administrator shall also notify in writing each local government having jurisdiction in the watershed and the entity using the water supply for consumption. Such notice shall include a description of the variance being requested. Local governments receiving notice of the variance request may submit comments to the Watershed Administrator prior to a decision by the Watershed Review Board. Such comments shall become a part of the record of proceedings of the Watershed Review Board.
  2. Major and Minor Variances are differentiated by definition.

Minor variances shall include a variance from the minimum statewide watershed protection rules that results in the relaxation of up to 10 percent of any vegetated setback, density, or minimum lot size requirement applicable to low density development, or the relaxation of up to five percent of any vegetated setback, density, or minimum lot size requirement applicable to high density development. For variances to a vegetated setback requirement, the percent variation shall be calculated using the foot print of built-upon area proposed to encroach within the vegetated setback

divided by the total area of vegetated setback within the project.

Major variances means a variance that is not a "minor variance" as that term is defined in 15A NCAC 02B .0621 of the North Carolina Administrative Code.

3. Major and Minor Variances are differentiated as to procedures and standards.

Per 15A NCAC 02B.0623(5) of the North Carolina Administrative Code the Watershed Review Board shall make the below findings of fact for granting minor and major variance petitions: a) there are difficulties or hardships that prevent compliance with the ordinance; (b) the variance is in accordance with the general purpose and intent of the local watershed protection ordinance; and (c) granting the variance, the project will ensure equal or better protection of waters of the State than the requirements of Rules .0621-.0624 of 15A NCAC 02B.0623(5) of the North Carolina Administrative Code and that the stormwater controls will function in perpetuity.

Minor variances shall comply with the procedures and standards of Section 11.3 of these regulations. An annual report of minor variances granted shall be submitted by the Watershed Administrator for each calendar year to the Division of Water Quality on or before January 1st of the following year and provide a description of each project receiving a variance and the reasons for granting the variance.

Major variances shall comply with the procedures and standards of Section 11.3 except that:

A decision by the Watershed Review Board to deny a major variance shall be final. Appeal shall be to a court of competent jurisdiction as provided in Section 11.3.

A decision by the Watershed Review Board to approve a major variance shall be advisory only. The Watershed Administrator shall within 30 days forward a record of the Board of Adjustment hearing, findings, and conclusions to the North Carolina Environmental Management Commission for final decision.

### **3.3.3 LAKE NORMAN WATERSHED OVERLAY DISTRICT (LN-O)**

#### **[3.3.3-A Critical Area \(CA\)](#)**

#### **[3.3.3-B Appeals And Variances In LN-O District](#)**

**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.**
  1. 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 not required to be included in the impervious area calculations.
  2. 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.
  3. 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, 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 elect to treat the stormwater resulting from the net increase in built-upon area above the preexisting development for

the purpose of exceeding allowable density under the applicable water supply watershed rules as provided in G.S. 143-214.5(d3) and as further described in this Article 3.

**1. Watershed Subareas Established.**

1. **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.
2. **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.

**1. 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.

2. **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

3. **Permitted Building and Lot Types.**

- Building and lot types permitted in the underlying zoning district

4. **Permitted Accessory Uses.**

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

5. **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) At the election of the property owner, the stormwater from 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).

## **9.1 Accessory Dwelling**

1. An accessory dwelling may be attached, within, or separate from the principal dwelling.
2. The principal use of the lot shall be a detached or attached single-family dwelling, built to the standards of the North Carolina Housing Code.
3. No more than one accessory dwelling shall be permitted on a single deeded lot in conjunction with the principal dwelling unit.
4. The accessory dwelling shall be owned by the same person as the principal dwelling.
5. The accessory dwelling shall not be served by a driveway separate from that serving the principal dwelling unless the accessory dwelling is accessed from a rear alley and the principal dwelling is accessed from a street.
6. A detached accessory dwelling shall be housed in a building not exceeding 650 square feet of first floor area (maximum footprint) or 50% of the first floor area of the principal dwelling, whichever is greater; the structure may be dwelling only or may combine dwelling with garage, workshop, studio, or similar use.
7. A detached accessory dwelling shall be located in the established rear yard and meet the standards for the applicable building and lot type, Article 4, and the limitations on rear yard use of Section 8.8.
8. An accessory dwelling must be registered with the Planning Director at the time a certificate of occupancy is obtained.

## **9.2 Adult Establishments**

Studies have shown that adult establishments tend to have serious deleterious effects upon nearby residential areas and uses where juveniles congregate, specifically schools, religious institutions, child care centers, parks and playgrounds. Further, studies have shown that lowered property values and increased crime tend to accompany geographic concentrations of adult establishments. It is the intent of this section to establish regulations to prevent the concentration of adult establishments and to separate adult establishments from residential areas, schools, religious institutions, child care centers, parks, and playgrounds.

1. Adult establishments are permitted in the HC District subject to the requirements below:
  1. Any structure in which an adult establishment is the principal or accessory use shall be separated by a distance of at least 1,000 feet from any residential or mixed-use zoning district and from the following principal or accessory uses, defined as protected uses for purposes of this section: dwelling units, elementary and secondary schools, religious institutions, child care centers, parks and playgrounds.

2. Any structure in which an adult establishment is the principal or accessory use shall be separated by a distance of at least 1,000 feet from any other adult establishment.
3. The distance of separation from residential and mixed use zoning districts and from the protected uses listed in a), above, shall be measured from the closest point of the lot occupied by an adult establishment to the nearest residential or mixed-use zoning district or the property line of a protected use. The distance of separation between adult establishments shall be measured from the closest points of the lots occupied by adult establishments.
4. No more than one adult establishment may be located within the same structure or on the same lot.
5. In the interest of public health and safety, mini-motion picture booths shall be constructed without doors, and shall orient the customer entrance of each booth toward the principal sales counter.

### **9.3 Agricultural Industry In The Rural And Transitional District**

Agricultural Industry, limited to the production of commercial poultry or small livestock in enclosed buildings, according to the procedures of Section 11.4.10.

The Town Board shall issue a Special Use Permit for the production of commercial poultry or small livestock in enclosed buildings in the Rural and Transitional District if, but not unless, the evidence presented at the Special Use Permit hearing establishes:

1. That no part of the proposed use will be located or operated so as to emit dust, noise, fumes, or odors in concentrations or amounts that would constitute a nuisance to persons of ordinary sensitivities on nearby properties; and
2. That there will be a separation of no less than 250 feet between structures housing the agricultural industry and any property located in a residential district or developed for residential or mixed-use purposes; and
3. That the proposed use shall be located on a lot of no less than ten acres.

### **9.4 Airports**

Airports are permitted in the SP District subject to a Special Use Permit, according to the procedures of Section 11.4.10.

The Town board shall issue a Special Use Permit for the subject facility in the SP District if, but not unless, the evidence presented at the Special Use Permit hearing establishes:

1. That the proposed use will not constitute a nuisance to properties located in residential or mixed-use districts or developed for residential purposes with respect to noise, dust, fumes, light, vibration, or traffic; and
2. That the proposed use will comply with all applicable Federal Aviation Administration regulations.

### **9.5 Amusement Facilities (Outdoor)**

1. Outdoor amusement facilities will be separated by an opaque screen from any abutting property located in a residential or mixed use district;
2. No amusement facilities, such as miniature golf courses, skateboard courses, or mechanical rides shall be located within 200 feet of any abutting property located in a residential district;
3. Hours of operation will be no earlier than 6:00 a.m. and no later than 12:00 midnight.

### **9.6 Car Wash**

The outdoor service area of a car wash shall be placed and screened in accordance with the standards for on-site parking, Article 6.

### **9.7 Cemeteries**

1. Tombstones, crypts, monuments, and mausoleums must be located at least 25 feet from any street right-of-way line or abutting property.
2. Buildings for maintenance, management, rent and /or sale of cemetery lots must conform to a building type permitted in the zoning district.

### **9.8 Religious Institutions**

The scale and activity level of religious institutions is a function of size and the range of accessory uses associated with the institution; very high activity levels have the potential to be disruptive to residential and small scale mixed-use areas. To diminish disruptive impacts by ensuring appropriate locational and design standards, the development and expansion of religious institutions and accessory uses in residential, town center, and neighborhood center districts shall meet the following standards:

1. Religious institutions shall meet the standards for civic building and lot type, Article 4.
2. Development Standards.
  1. Exterior lighting shall be in accordance with Section 8.26, Site Lighting.
  2. Accessory dwelling units for persons associated with or employed by the religious institution may be provided at a ratio of 1 unit for each 3 acres of site; these limits do not apply to the placement of convents, rectories, parsonages or similar uses on the site.
3. Accessory uses such as religious institution offices, religious bookstores serving the immediate congregation, parking lots, family life centers, multi-purpose facilities, outdoor recreational facilities, cemeteries and day care centers on the same site or sites contiguous to the principal use shall be permitted wherever religious institutions are permitted and shall meet the civic building and lot type, or another building and lot type permitted in the zoning district. Similar uses on non-contiguous sites or on a site separated from the principal use by a public street shall be considered principal uses in their own right and be regulated as such. Tombstones, crypts, monuments, and mausoleums in accessory cemeteries shall be located at least 25 feet from any street right-of-way line or abutting property.

4. Religious institution accessory uses which are **not** permitted as principal uses in a district shall adhere to the following restrictions:
  1. no merchandise or merchandise display shall be visible from outside the building;
  2. no business or identification sign pertaining to the accessory uses shall be visible from outside the building;
5. Except as noted in 3., above, accessory uses not permitted as principal uses (including television stations, radio stations, printing presses, or sports complexes) are prohibited. This provision shall in no way restrict accessory use family life centers and multipurpose facilities, a part of whose function may include recreation and sports activities.
6. Application for a building permit shall include a comprehensive site plan which addresses the required standards and conditions for the main site and all abutting holdings.

### **9.9 Commercial Communication Tower**

A Commercial Communication tower ~~is subject to shall meet~~ the following standards/conditions:

1. To encourage future shared use of commercial communication towers, the tower owner must demonstrate that the tower will support a specified number of antennas and must file a letter of intent with the town to lease the space to other users in good faith. In turn, the owner may charge users a proportionate share of capital, financing, and operating costs, plus the cost of insulating equipment so that the transmissions do not interfere with one another. To encourage collocation of commercial communication antenna and facilities and to reduce the need for new commercial communication towers, co-location of such antennae and facilities shall be permitted on any commercial communication tower or tower for radio communication for business or governmental purposes of which the tower was in existence on July 20, 2009, regardless of when it was constructed, the underlying zoning district, or any condition of approval for the existing tower other than a condition which was imposed or accepted by the Board of Commissioners. To the extent practical as determined by the Planning Director, all standards of this Section 9.9 shall be applicable.
2. No new commercial communication tower may be established if there is a technically suitable space available on an existing communications tower within the geographic area that the proposed tower is to serve.
3. The entire facility must be aesthetically compatible with its environment. If not otherwise camouflaged, towers shall be of a coloration that will blend with the surroundings. Example: brown/green/gray.
4. Fencing must be provided to secure the communication equipment on site. If chain link or similar fencing material is used on the site, an opaque screen shall be provided on the exterior side of the fence.

5. All obsolete or unused facilities must be removed within 12 months of cessation of operations at the site.
6. Equipment, mobile or immobile, not used in direct support of the transmission or relay facility shall be stored or parked on the site unless repairs to the facility are being made.
7. Towers shall not be artificially lighted except to ensure human safety as required by the Federal Aviation Administration (FAA) regulations. To the extent possible, tower lighting shall be located and directed to avoid flashing or shining into the interior spaces of dwellings.
8. An opaque screen expected to reach minimum 8' height at maturity shall be planted around the perimeter of the area occupied by the tower, security fencing, and auxiliary uses such as parking. In addition, existing onsite trees and other vegetation shall be preserved to the extent possible.
9. No more than one communication tower shall be constructed on a single tract of land.
10. If such a structure is located on a lot adjacent to a lot or lots located in a residential or mixed-use district, it must be located at least 200 feet from all property lines adjacent to the residential or mixed use district(s).
11. To be permitted as an incidental accessory use in any zoning district, a tower shall be camouflaged on, with, or in an existing or proposed conforming structure (e.g., inside religious institution steeple, on utility transmission line tower). A detailed site plan and structural elevations must be submitted to the Planning Department for approval. The affirmative decision of the Planning Department shall be based upon a determination that the proposed tower is so camouflaged as to be unnoticeable to the public; or if placed upon a utility transmission line tower, that the additional equipment would not further diminish the quality of the view from surrounding properties and public streets, nor would additional light(s) intrude upon the private interior or exterior living areas of existing dwellings.
12. Commercial Communication Towers, in addition to ~~satisfying meeting the conditionseriteria set forth in 9.9.1-9.9.10 and 9.9.12-9.9.13~~, may be allowed in the Rural (R) district only if they ~~satisfy meet~~ the following ~~additional conditionseriteria and are subject to a Special Use Permit, according to the procedures of Section 11.4.10~~:
  1. The height of the commercial communication tower may not exceed 199 feet above ground level;
  2. The commercial communication tower may only be placed on properties in eight and a half (8.5) acres on a tract that existed as an eight and a half (8.5) acre tract or greater on February 6, 2012;
  3. The commercial communication tower must be set back a distance of at least 500 feet from any public right-of-way and 200 feet from any property line;
  4. The commercial communication tower may only be placed on a property where it will not require artificial illumination;
  5. The commercial communication tower must provide technically-suitable space for at least four (4) users;

6. The commercial communication tower must be set back a distance of at least the tower's fall zone, as certified by a North Carolina Professional Engineer, from any occupied structure.
7. All commercial communication towers in the Rural district shall be constructed using a monopole design.
8. A new communication tower cannot be placed within a one-mile radius of an existing tower.
13. Collocation on town-owned utility poles shall be in accordance with N.C.G.S. 160D-937.
14. Nothing in Article 9.9 shall be interpreted to conflict with the provisions of N.C.G.S. 160D-938.

#### HISTORY

Amended by Ord. [TA22-13](#) on 2/20/2023

#### **9.10 Commercial Outdoor Kennel**

The outdoor containment of animals shall be at least 250 feet from abutting property located in a residential or mixed-use district.

#### **9.11 Day Care Centers And Small Day Care Homes**

##### 1. **Child Day Care Center.**

1. A center must meet a permitted building and lot type for the district in which it is to be located.
2. Play space must be provided in accordance with the regulations of North Carolina Department of Human Resources.
3. Outdoor play space must be enclosed on all sides by building, and/or permitted types of walls or fences; it may not include driveways, parking areas, or land otherwise unsuited for children's play space; play space may not be in the established front yard.
4. Sufficient stacking lanes for drop-off and pick-up shall be provided onsite so that traffic circulation is not impeded on any public right-of-way.
- ~~4.5.~~ [In the Transit-Oriented Development-Residential \(TOD-R\) District, day care centers have a limit of 8,000 sq. ft of gross floor area.](#)

##### 2. **Adult Day Care Center.**

1. A center must meet a permitted building and lot type for the district in which it is to be located.
2. There is no limit on the hours of operation of an Adult Day Care Center, but it shall not serve any client on a continuous 24-hour basis.
3. Sufficient stacking lanes for drop-off and pick-up shall be provided onsite so that traffic circulation is not impeded on any public right-of-way.
- ~~3.4.~~ [In the Transit-Oriented Development-Residential \(TOD-R\) District, day care centers have a limit of 8,000 sq. ft of gross floor area.](#)

##### 3. **Child Day care home, small, accessory.**

1. The day care operation must be located within the residential dwelling unit occupied by the operator of the service. Preschool instruction and daytime care is limited to 6 children not related to the operator.
2. A Child Day Care home shall meet the following standards:
  1. Child Day Care Homes must be licensed by the North Carolina Department of Health and Human Services.
  2. Play space must be provided in accordance with the regulations of the North Carolina Department of Health and Human Services.
  3. Outdoor play space must be fenced or otherwise enclosed on all sides and may not include driveways, parking areas, or land otherwise unsuited for children's play space; Outdoor play space is prohibited in any established building setback from a street.
  4. Chain link and similar fencing materials shall be planted on exterior side with evergreen shrubs minimum 3 feet in height and 6 feet on center at installation or be obscured by a comparable screening treatment.
  5. A day care home must be clearly incidental to the residential use of the dwelling and must not change the essential residential character of the dwelling; all building and lot standards for residential dwellings shall be maintained.
  6. There are no specific limitations on the hours of operation of a Day Care Home, but no outdoor play shall be permitted after sundown.
4. **Adult Day Care Home, small.**
  1. An Adult Day Care home must be located within the residential dwelling unit occupied by the operator of the service. Care is limited to no more than 6 adults who do not reside in the dwelling.
  2. An Adult Day Care home shall meet the following standards:
    1. A day care home must be clearly incidental to the residential use of the dwelling and must not change the essential residential character of the dwelling; all building and lot standards for residential dwellings shall be maintained.
    2. There is no limit on the hours of operation of an Adult Day Care Center, but it shall not serve any client on a continuous 24-hour basis.

#### **9.12 Drive Through Windows As An Accessory Use**

1. Drive-through service windows, stacking lanes, and circulation are prohibited in the established front setback of the principal building, or in an established side yard which abuts a street;
2. Drive-through service windows, stacking lanes, and circulation are treated as components of on-site parking for the purposes of screening as described in Article 6 of this ordinance;
3. The length of on-site stacking lane(s), taken together, shall be a minimum of 200 feet if window access is provided directly from a major or minor thoroughfare; a

minimum of 100 feet if window access is provided directly from a street of lesser capacity.

4. The drive-through lane(s) must be distinctly marked by special striping, pavement markings, or traffic islands. A separate circulation drive must be provided for passage around and escape from the outermost drive-through service lane.
5. Screening is not required for walk-up service accessories such as depositories and ATM's.

### **9.13 Duplex On Corner Lot**

Duplexes are permitted on corner lots in any residential or mixed-use district according to the following standards:

1. The entrances to each unit in the structure will face different streets;
2. The dwelling must meet the minimum front yard setback from both streets upon which a unit faces;
3. The lot has at least 1.5 times the minimum lot area, if any, for the district.
4. Duplexes which meet the standard for the attached house or apartment building, are permitted without corner lot restrictions in those districts which permit attached housing and apartment building types.

### **9.14 Essential Services 1 And 2**

1. Utility distribution lines, which deliver service to the end user from a substation fed by a transmission line providing service to an area larger than the individual parcel or project area, should be installed underground, unless subsurface conditions make underground installation not possible or practical.
2. Facilities used for the operation of essential services should, whenever possible, be located on interior properties rather than on properties aligned with other lots that have continuous street frontage.
3. Buildings and other structures which cannot adhere to the scale, volume, spacing, setback and typology of existing buildings along fronting streets shall be provided an opaque screen to shield the view from all public rights-of-way and from abutting properties.

### **9.15 Essential Services 3**

Essential Services, Class 3, are permitted in the SP District subject to a Special Use Permit, according to the procedures of Section 11.4.10.

The Town board shall issue a Special Use Permit for the subject facility in the SP District if, but not unless, the evidence presented at the Special Use Permit hearing establishes:

1. That the proposed use will not constitute a nuisance to properties located in residential districts or developed for residential or institutional purposes with respect to noise, dust, odors, light, vibration, or traffic; and

2. That area of active use will be enclosed by a fence, not easily climbable, at least six feet in height, and the fence must be located at least 20 feet from the public street right-of-way and 100 feet from abutting property lines; and
3. That a minimum separation of 100 feet, fully vegetated, will be provided between the fenced use area and any abutting property line; existing vegetation shall be preserved to the extent practicable and supplemented with new plantings as may be required to provide a year-round opaque buffer from abutting properties; and
4. That the site shall be screened from the street(s) by a screen composed of a masonry wall or a solid fence, planted on the exterior side with a semi-opaque vegetative screen with expected height of at least 8 feet at maturity; security fencing shall be placed on the interior side of the vegetation and wall/fence.

#### **9.16 Facilities For The Intake And Transfer Off-Site Of Inorganic Household Waste And Residential Recyclables; And The Intake And Processing Of Yard Waste**

1. Recyclable materials from residential sources shall be limited to tires, scrap metal such as lawnmowers and play equipment; white goods such as refrigerators, clothes dryers and stoves; lead acid batteries; motor oil; cardboard; and other recyclables of residential origin.
2. The area of active use must be enclosed by a fence, not easily climbable, from six to seven feet in height, and the fence must be located at least 20 feet from the public street right-of-way and 100 feet from abutting property lines.
3. A minimum separation of 100 feet, fully vegetated, shall be provided between the fenced use area and any abutting property line; existing vegetation shall be preserved to the extent practicable and supplemented with new plantings as may be required to provide a year-round opaque buffer from abutting properties.
4. The site shall be screened from the street(s) by a screen composed of a masonry wall or a solid fence, planted on the exterior side with a semi-opaque vegetative screen with expected height of at least 8 feet at maturity; security fencing shall be placed on the interior side of the vegetation and wall or fence.

#### **9.17 Hazardous Or Infectious Material Incineration, Handling, Or Storage**

Hazardous or infectious materials, storage and treatment facilities are permitted in the Special Purpose (SP) District subject to a Special Use Permit, according to the procedures of Section 11.4.10.

The Town Board shall issue a Special Use Permit for the subject facility in the SP District if, but not unless, the evidence presented at the Special Use Permit hearing establishes:

1. That the use complies with the Federal Resource Conservation and Recovery Act of 1976, as amended (42 U.S.C. §6901 et seq) and the North Carolina Solid Waste Management Act, as amended, (Article 9, G.S. 130A-290 et seq) for design, siting, and monitoring, and for materials to be stored or treated; and
2. That all storage, treatment, and loading facilities handling hazardous or infectious materials will be located at least 200 feet from any exterior property line and at least

2,000 feet from any lot zoned or used for residential, institutional, or office purposes; and

3. That the use will be entirely fenced with fencing material to a height of at least 7 feet; and the site shall be screened from the street(s) by a screen composed of a masonry wall or a solid fence, planted on the exterior side with a semi-opaque vegetative screen with expected height of at least 8 feet at maturity; security fencing shall be placed on the interior side of the vegetation and wall or fence; and
4. That vehicular access to the operation will be provided only by way of a designated thoroughfare; and
5. That all surface water and groundwater on the property shall be protected so as to minimize to the greatest extent possible the probability of contamination by hazardous materials; and
6. That the site will be served by a publicly operated sewage disposal system and all sanitary sewer and storm water management systems on the property will be protected so as to minimize to the greatest extent possible the probability of contamination by hazardous or infectious materials; and
7. That no structures or operations of any kind on the site shall be located within 200 feet of any adjacent lot.

#### **9.18 Helistop As An Accessory Use**

A helistop shall be permitted as an accessory use in the CI, CB and the SP District provided it complies with all applicable Federal Aviation Administration regulations and guidelines.

#### **9.19 Home Occupation**

A home occupation is permitted accessory to any dwelling unit (except manufactured housing) in accordance with the following requirements:

1. The home occupation must be clearly incidental to the residential use of the dwelling and must not change the essential residential character of the dwelling.
2. A home occupation conducted in an accessory structure shall be housed only in a garage or other accessory structure typically associated with a dwelling.
3. The use shall employ no more than one person who is not a resident of the dwelling.
4. A home occupation housed within the dwelling shall occupy no more than 25 percent of the total floor area of the dwelling.
5. There shall be no visible outside display of stock in trade which is sold on the premises.
6. There shall be no outdoor storage or visible evidence of equipment or materials used in the home occupation, excepting equipment or materials of a type and quantity that could reasonably be associated with the principal residential use.
7. Operation of the home occupation shall not be visible from any dwelling on an adjacent lot, nor from a street.
8. Only vehicles used primarily as passenger vehicles will be permitted in connection with the conduct of the home occupation.
9. The home occupation shall not utilize mechanical, electrical, or other equipment which produces noise, electrical or magnetic interference, vibration, heat, glare, or

other nuisances outside the dwelling or accessory structure housing the home occupation.

10. Home occupations shall be limited to those uses which do not draw clients to the dwelling on a regular basis.
11. Outdoor kilns used for the firing of pottery shall be provided with a semi-opaque screen to obstruct the view from the street and from adjacent properties located in residential districts, shall have a secured work area, and shall be a minimum of 10 feet from abutting property lines.
12. No business identification or advertising signs are permitted.

### **9.20 Junk Yards**

1. The area of active use must be enclosed by a fence, not easily climbable, from six to seven feet in height, and the fence must be located at least 20 feet from the public street right-of-way and 100 feet from abutting property lines.
2. A minimum separation of 100 feet, fully vegetated, shall be provided between the fenced use area and any abutting property line; existing vegetation shall be preserved to the extent practicable and supplemented with new plantings as may be required to provide a year-round opaque buffer from abutting properties.
3. The site shall be screened from the street(s) by a screen composed of a masonry wall or a solid wooden fence, planted on the exterior side with a semi-opaque vegetative screen with expected height of at least 8 feet at maturity; if security fencing of chain link or similar material is used, it shall be placed on the interior side of the vegetation and wall or fence.

### **9.21 Neighborhood And Outdoor Recreation**

1. Buildings constructed in association with neighborhood recreation or outdoor recreation shall meet one of the building types permitted in the zoning district.
2. Permanent parking lots shall meet the standards of Article 6, Off-Street Parking.
3. Service areas will be separated by an opaque screen from the view from any street and from abutting properties.
4. Chain link and similar fencing materials, if used, shall be planted on exterior side with evergreen shrubs minimum 3 feet in height and 6 feet on center at installation.
5. Outdoor lighting associated with outdoor recreational facilities shall be designed as follows:
  1. Facilities shall use fully shielded lighting fixtures except where luminaries are:
    1. Provided with internal and/or external glare control louvers and installed so as to minimize up light and offsite light trespass, and;
    2. Installed and maintained with aiming angles that permit no greater than five percent (5%) of the light emitted by each fixture to project above the horizontal.

2. Lighting plans shall limit light trespass to the maximum extent possible. A maximum of .5 foot-candles at any location on any non-residential property, and .1 foot-candles at any location on any residential property, as measurable from any orientation of the measuring device, shall be met.
3. Lighting shall be extinguished after 11:00 p.m. Illumination of the sports facility shall be permitted after this time only to conclude a scheduled event that was unable to conclude before this time due to unusual circumstances.
6. Hours of operation shall be no earlier than 6:00 a.m. and no later than 11:00 p.m.

### **9.22 Neighborhood And Highway Commercial Gasoline Stations**

1. Neighborhood Gasoline Stations, by definition, permit retail sale of gasoline and convenience products and the minor service and repair of motor vehicles; they have no more than two gasoline service islands. Highway Commercial gasoline stations permit major service and repair of motor vehicles and are unlimited as to gasoline service islands.
2. Buildings shall meet the requirements of Article 4, Building and Lot Types.
3. Gasoline pumps, canopies, and associated service areas are prohibited in any established yard abutting a street.

### **9.23 Off-Site Land Clearing And Inert Debris (LCID) And Construction And Demolition (C And D) Landfills**

Off-Site LCID and C&D Landfills are permitted in the SP District subject to a Special Use Permit, according to the procedures of Section 11.4.10. The Town Board shall issue a Special Use Permit for the subject facility in the SP District if, but not unless, the evidence presented at the Special Use Permit hearing establishes the conditions below.

1. That the Site will operate in compliance with the rules according to the NCDENR for C&D and LCID landfills, as amended.
2. That the comprehensive site plan addresses each of the environmental and development standards below:
  1. A landfill which would be larger than 10 acres shall be accessed from a major or minor thoroughfare or from a street built to Industrial Collector Street standards that connects directly to a major or minor thoroughfare. Landfills 10 acres or less must directly connect to a major or minor thoroughfare, or to an Industrial Collector Street or Industrial Local Street where available. However, if such thoroughfares or streets are not reasonable available, the Board may nevertheless issue a special use permit upon finding that the use for which the permit is granted would not likely cause any injurious effect on the property adjacent to the access.
  2. That the proposed or existing use will be in compliance with the rules and regulations as established by Traffic Impact Analysis (TIA) Article 14.
  3. Neither clearing, grading, land disturbing activities nor any portion of a C&D or LCID landfill may be located within 100 feet of any exterior property line.

Further, the buffer requirements for the site are required per the state permitting criteria. The requirements stated below take precedence over any and all modifications made by the state unless the state standards become more restrictive.

- 500-foot buffer from existing residential water supply wells to fill area.
  - 200-foot buffer from adjacent property to fill area.
  - No fill in designated wetlands or the FEMA and/or Community Special Flood Hazard Areas.
  - 50-foot buffer from delineated streams.
  - 50-foot buffer from road right-of-way to fill area (non state requirement).
4. Driveway access to the facility must be paved for a distance of at least 100' from the public street.
  5. Vehicular and pedestrian access to the site must be controlled; the site must be closed and secured during hours when filling activities are not under way. A non-climbable fence, at least 6' high, shall be installed around the landfill and all of its operations as a safety device. These fences must be constructed of wire mesh with openings not to exceed 2 inches by 4 inches or equivalent and must be placed on the interior side of screening/buffering devices.
  6. All driveways which serve the site must be wide enough to accommodate two-way traffic for a distance of at least 100 feet from the public street so that no traffic waiting to enter the site will be backed up on any public right-of-way.
3. That the landfill operator will be responsible for removal of any and all debris, dirt, or other materials which fall from trucks entering or leaving the landfill from all adjoining streets on at least a weekly basis. Failure to comply constitutes a violation of this ordinance and may constitute grounds for revocation of the operating permit.
  4. That use of the site for any purpose shall be limited to the hours of 7:00 a.m. until 6:00 p.m. Monday through Saturday, if the site adjoins or is across the street from property located in a residential district.
  5. That a timetable has been submitted with the application indicating the development phases and the projected life expectancy of the landfill.
  6. That a reclamation plan is provided that shows how the site will be reclaimed upon the closing of the landfill. The reclamation plan shall state the proposed method of conservatorship and perpetual maintenance or use. It shall demonstrate that the site, when closed, will pose no threat to public safety; that the finished contours and groundcover will reestablish a compatible appearance with surrounding lands and buildings; and that the method of maintenance or use will cause no future environmental degradation.
  7. An existing LCID landfill shall not be required to be brought into compliance with the provisions of this ordinance provided:
    1. The landfill has been continuously operating since 1990 and was not within the zoning jurisdiction of the Town of Huntersville in 1991;

2. The landfill has a valid LCID or demolition landfill permit and/or obtains any renewals of the LCID or demolition landfill permit required by the State of North Carolina and/or Mecklenburg County;
3. The landfill has a closure plan approved by the State of North Carolina and/or Mecklenburg County; and
4. In no event shall the landfill operate under a demolition landfill permit later than December 4, 2016 and further provided that on the earlier of the final date permitted for operation of the landfill or the date the landfill permanently ceases operation, the owner and/or operator of the landfill shall immediately commence and continuously pursue to completion closure of the landfill according to the provisions of the then current closure plan approved by the State of North Carolina and/or Mecklenburg County. Failure to complete closure according to such approved plan shall be a violation of this ordinance enforceable by all remedies and penalties available to the Town.
5. In no event shall a landfill operate under an LCID landfill permit later than March 3, 2028 and further provided that on the earlier of the final date permitted for operation of the landfill or the date the landfill permanently ceases operation, the owner and/or operator of the landfill shall immediately commence and continuously pursue to completion closure of the landfill according to the provisions of the then current closure plan approved by the State of North Carolina and/or Mecklenburg County. Failure to complete closure according to such approved plan shall be a violation of this ordinance enforceable by all remedies and penalties available to the Town. Recycling from an LCID landfill shall be considered an LCID activity and shall not be considered an expansion for purposes of determining nonconformance.
6. A landfill operating under an LCID landfill permit as described in e) shall meet the following requirements to the extent reasonably practicable without violating County, State, or Federal regulations:
  1. In the event that, after September 5, 2017, a driveway is permitted to replace an existing permitted driveway for the facility, the new driveway shall be paved for a distance of 100 feet from the public right of way, or, if the Planning Director determines that 100 feet of pavement is not reasonable due to topographic conditions, for such lesser distance as is determined by the Planning Director;
  2. Landscaping along street frontages to the extent commercially reasonable; and
  3. The landfill operator will be responsible for removal of any and all debris, dirt, or other materials which fall from trucks entering or leaving the landfill from all adjoining streets on at least a weekly basis, or more as needed.
8. Any existing C&D landfill shall be permitted to continue operation in the zone in which it is located provided the landfill has an unexpired special use permit. Any expansion beyond the property boundary of an existing C&D landfill as approved on

November 11, 2005 must be located in the SP district with a special use permit in accordance with the provisions of this Section.

#### **9.24 Environmentally Sensitive Uses Not Expressly Permitted**

Uses not expressly named in this ordinance, but which may constitute a greater than average impact on the environment or diminish the use and enjoyment of nearby property by generation of noise, smoke, fumes, odors, glare, commercial vehicle traffic, or similar nuisances, are permitted in the SP District subject to a Special Use Permit, according to the procedures of Section 11.4.10.

The Town Board shall issue a Special Use Permit for the subject facility in the SP District if, but not unless, the evidence presented at the Special Use Permit hearing establishes:

1. That a comprehensive site plan addresses the development standards below:
  1. Adjoining properties and streets are protected from adverse impacts of the use and buildings on the proposed site by the locations of buffers and/or screens;
  2. Any areas of the site which may present a danger to residents, their children, pets, or livestock shall be fenced with non-climbable fencing material to a height sufficient to avert said danger; fencing shall be installed on the interior of any buffering or screening;
  3. Vehicular access to the proposed use will be provided by way of a road sufficiently sized to accommodate the generated trips and the vehicles typically associated with the use; a use considered under the standards of this special use permit process shall not be accessed through a residential neighborhood nor from a Residential Local street.

#### **9.25 Outdoor Display Of Vehicles And Boats For Sale, Lease, And Cleaning**

The following requirements shall apply to the outdoor display of vehicles and boats associated with sales, rental, cleaning, mechanical repair, body repair, and similar services.

1. Vehicles and boats for sale shall not be displayed in an established front yard or in an established side yard abutting a street.
2. Vehicles and boats for sale may be displayed in a side yard which does not abut directly on a street, so long as:
  1. the display is placed behind the established front setback line of the building, extended to the side lot lines;
  2. the display area meets the standards for a parking lot as described in Article 6 of this ordinance;
  3. the display area is screened from abutting properties by an opaque screen as described in Section 7.6 of this ordinance.
3. Nothing in this section shall prohibit a break in a planted screen or wall for the crossing of a driveway which provides access to on-site parking from the fronting street or a rear alley, or access between the parking lots of abutting businesses.

## **9.26 Outdoor Storage**

1. Outdoor storage defined:
  1. includes all goods and materials not returned to an enclosed building at the end of each business day; regardless of whether such goods or materials are kept on the premises for retail sale, wholesale sale, storage, or use by a business on or off the lot; (to be classified as goods for sale and therefore exempt from regulation as outdoor storage, items must be placed within an enclosed building at the end of each business day);
  2. includes up to two storage trailers placed on a single lot or in conjunction with a single principal use;
  3. includes all items awaiting or in process of repair except customary passenger vehicles awaiting repair which are not visibly damaged or are not used or intended to be used as "parts" vehicles; (rather than being considered outdoor storage, such vehicles may await repair in any conforming off-street parking lot associated with the principal use);
  4. includes vehicles with more than two axles, boats, manufactured homes, and trailers of tractor trailers awaiting or in process of repair;
  5. does not include construction equipment; where permitted, outdoor storage of construction equipment is regulated by Section 9.27.
2. Outdoor storage, where expressly permitted, may be established on a lot according to the following standards:
  1. where permitted as an accessory use in conjunction with a building, the area of storage shall not be placed in any established yard abutting a street;
  2. where permitted as a principal use on a lot, the area of storage shall be no closer than 40 feet from an abutting street right-of-way;
  3. all areas established for outdoor storage shall be screened from view from the street(s) and from all abutting properties by an opaque screen as described in Section 7.6 of this ordinance; wherever security fencing is desired, it shall be placed on the interior side of the opaque screen.

## **9.27 Outdoor Storage Of Construction Equipment**

Outdoor storage of construction equipment, where expressly permitted, may be established on a lot according to the following standards:

1. where permitted as an accessory use in conjunction with a building, the area of storage shall not be placed in any established yard abutting a street;
2. where permitted as a principal use on a lot, the area of storage shall be no closer than 40 feet from an abutting street right-of-way;
3. the area of outdoor storage shall be screened from view from the street(s) and from all abutting properties by an opaque screen as described in Section 7.6 of this ordinance; wherever security fencing is desired, it shall be placed on the interior side of the opaque screen.

### **9.28 Parking Lot As Principle Use**

Parking lots not associated with a building shall adhere to the standards of Article 6, Off-Street Parking, except that parking lots may be constructed up to the prevailing established setback line for structures within 300' in either direction on the same side of the street. The prevailing established setback applies for both the fronting street and any abutting side street.

### **9.29 Parks (Including Greenways)**

1. Buildings constructed in association with a park or greenway shall meet one of the building types permitted in the zoning district.
2. Permanent parking lots associated with parks and greenways shall meet the standards of Article 6, Off-Street Parking.
3. Dust-free, pervious surface areas are encouraged for overflow or event parking; such areas, if maintained in a natural condition, need not conform with Article 6.
4. Service areas shall be separated by an opaque screen from view from any street and from abutting properties as described in Section 7.6 of this ordinance.
5. Outdoor lighting associated with active outdoor recreation shall not shine directly into yards associated with a residential use nor into the windows of a residential structure.
6. Hours of operation of outdoor recreation will be no earlier than 6:00 a.m. and no later than 11:00 p.m. for uses located in or abutting a residential district.

### **9.30 Petroleum Storage Facilities**

1. The use meets the requirements established by the fire prevention code of the National Board of Fire Underwriters and the latest edition of the "Flammable and Combustible Liquids Code, NEPA 30" of the National Fire Protection Association;
2. All storage tanks and loading facilities will be located at least 100 feet from any exterior property line;
3. Vehicle access to the use shall be provided by way of a major or minor thoroughfare, or an Industrial Street directly connecting to a thoroughfare.

### **9.31 Quarries**

Quarries are permitted in the SP District subject to a Special Use Permit, according to the procedures of Section 11.4.10.

The Town board shall issue a Special Use Permit for the subject facility in the SP District if, but not unless, the evidence presented at the Special Use Permit hearing establishes:

1. That the quarry and all its buildings, pits, and processing equipment will be separated by a 100-foot buffer from the street and from any adjacent property that is located in a residential district or developed for residential or institutional use; and

2. That the quarry and all its buildings, pits, and processing equipment will be provided with an opaque screen to shield the view from the public street and from all abutting properties, regardless of use; and
3. That a non-climbable fence, at least 6 feet high, will be installed around the quarry and all of its operations as a safety device. These fences must be constructed of wire mesh with openings not to exceed 2 inches by 4 inches or equivalent and must be placed on the interior side of screening and/or buffering devices; and
4. Vehicle access to the quarry shall be provided by way of a major or minor thoroughfare, or an Industrial Street directly connecting to a thoroughfare; and
5. That any crushing of rock or processing of material must be done in such a way as to minimize the amount of air-borne dust created; and
6. That the minimum distances of quarry **operations** from adjacent properties shall be:

a.	for any quarry building	100 feet
b.	for any crushing of rock, processing of stone, gravel or other material	300 feet
c.	for any blasting	500 feet

7. And that upon termination of quarrying operation, the site must be reclaimed in accordance with NC General Statutes.

**9.32 Raceways And Drag Strips**

Raceways and Drag strips are permitted in the SP District subject to a Special Use Permit, according to the procedures of Section 11.4.10.

The Town board shall issue a Special Use Permit for the subject facility in the SP District if, but not unless, the evidence presented at the Special Use Permit hearing establishes:

1. That the use will be located on a lot of at least 50 acres; and
2. That vehicular access to the use will be provided only by way of a major or minor thoroughfare; and
3. That no direct beams of light from outdoor lighting fixtures, signs, or vehicles maneuvering on the site will shine into any abutting property located in a residential district; and
4. That a minimum separation of 100 feet, fully vegetated, shall be provided between the fenced use area and any abutting property line; existing vegetation shall be preserved to the extent practicable and supplemented with new plantings as may be required to provide a year-round opaque buffer from abutting properties; and
5. That the site shall be screened from the street(s) by a masonry wall or a solid wood fence, planted on the exterior side with a semi-opaque vegetative screen with expected height of at least 8 feet at maturity; if security fencing of chain link or

similar material is provided, it shall be placed on the interior side of the vegetation and wall or fence; and

6. That hours of operation will be no earlier than 8:00 a.m. and no later than 11:00 p.m.

### **9.33 Riding Academies And Commercial Stables**

Riding academies are permitted in the Rural and Transitional District if the following standards are met.

1. All buildings and structures related to the care of animals and to the conduct of the academy must be located at least 100 feet from property boundaries.
2. Maximum number of horses is 2 per acre.
3. Off-street parking, service areas, and buildings which are not used for residential purposes, farm purposes, or the stabling of horses, shall be separated by an opaque screen from the view from any street and from abutting properties.
4. Entrance drives, internal drives, parking and service areas may be gravel, crushed stone, or other suitable material approved by the Planning Director. These areas shall be well maintained and kept free of potholes, weeds, etc. The initial 50 feet of the driveway from the public roadway connection shall be paved with concrete or asphalt.

### **9.34 Sanitary Landfill**

Sanitary Landfills are permitted in the SP District subject to a Special Use Permit, according to the procedures of Section 11.4.10.

The Town board shall issue a Special Use Permit for the subject facility in the SP District if, but not unless, the evidence presented at the Special Use Permit hearing establishes:

1. That the comprehensive site plan addresses each of the development standards below:
  1. The use shall be located on a lot of at least 50 acres;
  2. All land filling operations and off-street parking and service areas will be separated by a 100-foot buffer from all adjacent properties and shielded by an opaque screen from the view from a public street;
  3. No structure or land filling operation will be located within 100 feet of any property line nor within 200 feet of abutting property located in a residential district or developed for residential or mixed use;
  4. Vehicle access to the proposed use shall be provided by way of a major or minor thoroughfare, or an Industrial Street directly connecting to a thoroughfare; and
2. That the plan for development and operation of the site addresses the environmental standards below:
  1. The siting and design of the facility will comply with the "Siting and Design Requirements for Disposal Sites" of the North Carolina Solid Waste Management Rules (Title 15A NCAC Chapter 13B) in effect at the time of review of the application;

2. Monitoring of surface water and groundwater will be conducted in accordance with the State of North Carolina permit and monitoring documents developed pursuant to the State of North Carolina Solid Waste Management Rules;
3. The facility complies with the Mecklenburg County Department of Environmental Protection's policy concerning Actual and Suspected Contaminants of Mecklenburg County Surface and Groundwater; and
3. That there is a general timetable indicating the development phases and projected life expectancy of the landfill; and
4. That there is a detailed plan for the re-use of the property, after landfill operations cease, that is not in conflict with the objectives of the most detailed plan approved for the area; and
5. That the plan for close-out of the landfill includes the creation of an escrowed fund to finance close-out, with contributions to the fund escrowed annually, beginning at the time facility development begins.

### **9.35 Schools**

1. Schools shall conform principal buildings to the standards of Civic Buildings and lots, Article 4. Accessory and incidental buildings may be placed within a street fronting yard if they conform to a building and lot type permitted in the zoning district. Buildings which do not so conform shall be placed within established rear and side yards which do not abut a street.
2. Permanent parking lots associated with schools shall meet the standards of Article 6, Off-Street Parking. However, areas designated for temporary bus parking that also serves as a recreational area shall not be subject to interior parking lot landscaping requirements.
3. Notwithstanding 1. and 2., above, where the safe transport of students requires functional separation of parking and circulation areas (i.e. school bus, auto drop-off, etc.), the location of parking and circulation according to building and lot type may be modified, so long as streets abutting parking and circulation areas are, to the extent practicable, detailed as plazas. Sufficient stacking lanes for drop-off and pick-up shall be provided onsite so that traffic circulation is not impeded on any public right-of-way. Stacking on Town streets may be allowed if all of the following are met:
  1. Site is zoned TND-R, TND-U or TND-Overlay;
  2. Maximum enrollment shall not exceed 360 kindergarten to 8th grade students;
  3. Two-way traffic maintained on Town streets along the entire pick up/drop-off zone;
  4. Pick-up/drop-off zone shall have a minimum width of eight (8) feet exclusive of the two-way traffic lanes.

5. The school shall provide at a minimum a 11.5-foot-wide hardscaped area behind the back of curb. Street trees with grates are allowable, but bushes/shrubs in the area are not allowed.
6. A traffic impact analysis, including a mandatory circulation plan and queuing analysis must be approved by the Town of Huntersville Engineering & Public Works Department prior to plan approval. Should conditions in the field vary from the analysis, the Town Engineer has the ability to modify the circulation plan.
4. Dust-free, pervious surface areas are encouraged for overflow or event parking; such areas need not conform with Article 6 if they are maintained in a natural condition (for example, as a grassed field).
5. Service areas shall be separated by an opaque screen from the view from any street and from abutting properties as described in Section 7.6 of this ordinance.
6. Where chain link and similar fencing material are installed in an established yard abutting a street, such fencing shall be planted on the exterior side with evergreen shrubs minimum 3 feet in height (expected height at maturity minimum 6 feet), 6 feet on center at installation.
7. Outdoor lighting associated with active outdoor recreational facilities shall be designed as follows:
  1. Facilities shall use fully shielded lighting fixtures except where luminaries are:
    1. Provided with internal and/or external glare control louvers and installed so as to minimize up-light and offsite light trespass; and
    2. Installed and maintained with aiming angles that permit no greater than five percent (5%) of the light emitted by each fixture to project above the horizontal.
  2. Lighting plans shall limit light trespass to the maximum extent possible. A maximum of .5 foot-candles at any location on any non-residential property, and .1 foot-candles at any location on any residential property, as measurable from any orientation of the measuring device, shall be met.
  3. Lighting shall be extinguished after 11:00 p.m. Illumination of the sports facility shall be permitted after this time only to conclude a scheduled event that was unable to conclude before this time due to unusual circumstances.
8. Elementary and Junior High Schools shall be located on streets sized to accommodate traffic volumes of background uses plus the additional traffic projected to be generated by the school(s).
9. Senior high schools shall be on a lot which abuts a minor or major thoroughfare; primary vehicular access shall be provided from the thoroughfare.
10. When permitting temporary classroom units, the entire site shall be reviewed for compliance with applicable codes (i.e. sidewalks, landscaping, turn-lanes). Applicants are encouraged to bring the site into compliance where deficiencies are identified relative to the intensification of use proposed.
11. Sufficient stacking lanes for drop-off and pick-up shall be provided onsite so that traffic circulation is not impeded on any public right-of-way.

12. In a Corporate Business zoning district, schools shall only be allowed ~~with the issuance of a special use permit~~ subject to the following additional conditions:
  1. Schools shall only be allowed on existing lots, and in existing buildings as of December 20, 2010, ~~no which the buildings are no~~ greater than 50,000 sq. ft in size. Additions to buildings intended for school use will be limited to 10% of the existing floor area of the building.
  2. Schools shall be limited to a temporary use in this district. The length of time allowed for the school to operate ~~shall will be determined by the Town Board during the special use permit process~~; not to exceed three (3) years from the occupancy of the temporary building. If the school does not occupy the building within one (1) year of ~~the special use permit~~ approval, the ~~approval permit~~ will become null and void. A school may reapply for another Special Use Permit allowing an additional two (2) years in the CB district ~~with the approval of the Town Board~~. At no time shall an individual school be located in the CB district at the same location for more than a total of five (5) years.
  3. The maximum number of students shall be 300.
  4. In a CB zoning district, the school site shall be designed, located, and accessed such that primary passenger vehicles routes avoid those that will be primarily heavily used by truck/industrial traffic.

### **9.36 Solid Waste Incineration**

Solid Waste Incineration, materials that are neither hazardous not infectious, is permitted in the SP District subject to a Special Use Permit, according to the procedures of Section 11.4.10.

The Town Board shall issue a Special Use Permit for the subject facility in the SP District if, but not unless, the evidence presented at the Special Use Permit hearing establishes:

1. That the incineration units(s) will be constructed and operated in compliance with environmental regulations, both current and future, as annotated in the United States Code of Federal Regulations, particularly 40 CFR § 63.988, which deals with environmental regulations, as amended by the State of North Carolina and Mecklenburg County Department of Environmental Protection; and
2. That all storage, handling, incineration, and loading facilities will be located at least 200 feet from any exterior property line and at least 1,250 feet from any lot located in a residential or mixed use district or developed for residential, institutional, or mixed use; and
3. That structures, off-street parking and service areas will be separated by a 100-foot buffer from all adjacent properties and shielded by an opaque screen from the view from all public streets; and
4. That active use portions of the site will be entirely fenced with non-climbable fencing material to a height of at least six feet, which shall be installed on the interior of the buffer; and

5. That vehicular access to the operation will be provided only by way of a designated thoroughfare; and
6. That all surface water and groundwater on the property shall be protected so as to minimize to the greatest extent possible the potential for contamination; and
7. That the site will be served by a publicly operated sewage disposal system and all sanitary sewer and storm water management systems on the property will be protected so as to minimize to the greatest extent possible the potential for contamination.

### **9.37 Temporary Uses And Structures, Including Seasonal Markets**

1. The establishment of temporary sales lots for farmers markets, Christmas trees, and other seasonal agricultural products, plus related goods, are permitted for up to a maximum of three months per site and calendar year upon the issuance of a temporary use permit by the Zoning Administrator. The following conditions apply.
  1. Storage of goods in or sale of goods from trailer(s) on the site is prohibited.
  2. The use may only be located on a vacant lot or on a lot occupied by a nonresidential use.
  3. The use shall be conducted behind the prevailing established setback line for structures within 300' in either direction on the same side of the street.
  4. Off-street parking may be provided behind or to the side of the established use, but not forward of the prevailing established setback line, defined in (c), above.
  5. On-site parking may be provided on a dust-free, pervious surface area and need not comply with Article 6.
  6. Signs on the premises of a temporary use shall meet the same standards as the correlative building and lot type permitted in the district.
2. The establishment of temporary mobile food sales are permitted as an accessory use upon issuance of a temporary use permit by the Zoning Administrator. The following conditions apply.
  1. Trailers, carts and related storage shall be removed by the close of each business day.
  2. The use may only be located on a lot occupied by a non-residential use.
  3. The use shall be located a minimum of 15' behind existing road right-of-way, shall not impede the flow of pedestrian traffic, nor shall be located in any required parking space, loading space, or vehicle maneuvering area.
  4. Off-street parking may be provided in existing parking spaces, as long as they are not part of the required number of spaces for the principal use.
  5. No signage shall be permitted, except signs that are painted on or applied directly to the mobile food unit.
  6. All applicable local and state regulations, including, but not limited to, Health Department, Environmental Health, and Environmental Protection, shall be met.

7. All discharge, waste and trash shall be properly disposed of in accordance with the applicable regulations by the close of each day.
8. A temporary use permit shall be required and is valid for one year and may be renewed annually. Prior to the issuance of a temporary use permit all appropriate approvals, as provided in the Mecklenburg County Environmental Health Department's Mobile Food Unit and Pushcart Flow Chart, shall be provided to the Planning Department.
9. At the issuance and renewal of a temporary use permit, the applicant shall supply the Zoning Administrator with a schedule of the days of operation of the business along with permission from the property owner to locate on the property.
10. The use shall not create any additional non-conformities on the existing site.
3. Temporary accessory structures, including but not limited to, school mobile classrooms and temporary offices placed on development sites during construction and sale of buildings, are permitted for up to a maximum of two years, renewable thereafter in one year increments, upon the issuance of a temporary use permit by the Zoning Administrator. Such structures shall meet the standards for building and lot type to the extent practicable, given the location of existing buildings and improvements on the site and location of permitted of construction areas. Temporary structures associated with construction projects shall be removed upon completion of construction.
4. Temporary Storage Containers are permitted as temporary accessory use for residences, when not associated with new construction, subject to the following: (construction addressed in Section 9.37.3)
  1. Temporary storage containers shall be removed within thirty days of being placed on a lot and shall not be replaced for six months from the date of removal. Temporary storage containers may be placed on a property twice during a twelve-month period.
  2. The temporary storage container cannot be located in a street right of way.
  3. The temporary storage container shall not be placed in required parking spaces.

### **9.38 Transfer Station For Organic And Inorganic Waste Products**

Transfer Stations are permitted in the SP District subject to a Special Use Permit, according to the procedures of Section 11.4.10.

The Town board shall issue a Special Use Permit for the subject facility in the SP District if, but not unless, the evidence presented at the Special Use Permit hearing establishes:

1. That the comprehensive site plan addresses the development standards below:
  1. The active use areas of the site shall be separated by a 100-foot buffer from all adjacent properties and shielded by an opaque screen from all public streets; and

2. That active use portions of the site will be entirely fenced with non-climbable fencing material to a height of at least six feet, which shall be installed on the interior of the buffer and screen; and
3. No active area will be located within 100 feet of any property line nor within 200 feet of abutting property located in a residential district or developed for residential, institutional, or mixed use; and
4. Vehicular access to the proposed use shall be provided by way of a major or minor thoroughfare, or an Industrial Street directly connecting to a thoroughfare.

### **9.39 Transit Shelter**

1. Transit shelters may be located within any street right-of-way or within an established yard fronting a street, but may not be located so as to obstruct the sight distance triangle (Section 8.9).
2. Only governmental signs are permitted in association with a transit shelter.
3. If constructed by other than the Town of Huntersville, a schematic plan must be submitted and approved by the Board of Commissioners. The plan must include the following:
  1. the location of the proposed shelter relative to street, property lines, and established building yards; and
  2. the size and design of the shelter, including front, side, and rear elevations, building materials, and any public convenience or safety features such as telephone, lighting, heating, or trash containers.
4. A building permit shall be issued only after approval by the Board of Commissioners of the proposed schematic plan in 3., above.
5. A transit shelter located within a street right-of-way or an established yard may be removed by the Town of Huntersville if the Town Board determines that it no longer serves the best interest of the public.

### **9.40 Trucking Terminals**

Trucking Terminals are permitted in the SP District provided:

1. The area designated for truck parking shall be located no closer than 40 feet from an abutting street right-of-way. Truck parking areas are not classified as parking lots. They are exempt from the standards of Article 6, but subject to the alternative standard in 2., below.
2. The area of truck parking shall be screened from view from the street(s) and from all abutting properties by an opaque screen; wherever security fencing is desired, it shall be placed on the interior side of the screening materials.
3. The use shall be located on or directly accessible to a major thoroughfare, or Industrial Streets; truck terminals shall not be sited such that residential or town streets are regularly traversed to access the larger capacity road.

#### **9.41 Correctional Facilities**

Correctional Facilities are permitted in the SP District subject to a Special Use Permit, according to the procedures of Section 11.4.10.

The Town Board shall issue a Special Use Permit for a correctional institution in the SP District if, but not unless, the evidence presented at the Special Use Permit hearing establishes:

1. That the proposed use will comply with all standards which this ordinance applies to uses in the SP Districts; and
2. That the principal structure and any accessory use or structure (excluding property boundary fencing) will be located at least 500 feet from any property located in a residential district or mixed-use district; and
3. That property boundary fencing shall not employ barbed wire, razor wire, electrical fencing, or similar materials where abutting property located in a residential district or mixed-use district; and
4. That security fencing will be provided an opaque screen on the exterior of fencing wherever it is adjacent to a street or property in a residential or mixed-use district; and
5. That all lighting for the facility will be oriented so that direct beams of light shine away from all abutting properties and into the correctional facility property; and
6. That the use will be located on a lot of at least 10 acres if the facility has beds for more than 100 inmates; and
7. That the use will be located on a lot of at least five acres if the facility has beds for 100 or fewer inmates.

#### **9.42 Marinas (Accessory To Residential Use)**

A marina is permitted as an accessory use to residential development in the R, TR, GR, NR, NC, both TND districts, and in the MH-O District provided:

1. No sale of goods or services or other commercial activities shall occur at the marina.
2. The number of boat slips shall not exceed 110 percent of the number of dwelling units in the residential development which the marina serves.
3. Areas for parking and service shall meet all applicable screening and landscape requirements of this ordinance.
4. Dry boat storage (indoor or outdoor) is not permitted at marinas accessory to residential developments.
5. Any accessory marina serving more than 50 dwelling units shall have a boat launching facility for use by residents only.
6. Accessory marinas shall adhere to pier and water facilities development standards in Section 9.43.

#### **9.43 Special Requirements For Facilities Located On Or Adjacent To The Catawba River And Its Impoundments (Lake Norman And Mountain Island Lake)**

The purpose of this Section is to provide supplemental restrictions to protect and enhance water quality, safety, and public recreational opportunities on the Catawba River and its impoundments (Lake Norman and Mountain Island Lake). These requirements shall apply to the surface waters of the Catawba River and its impoundments and all land areas within 1,000 feet of their shorelines. In the case of Lake Norman, the regulatory boundary shall be measured as 1,000 feet horizontally and upland of the designated full pond level of 760 feet contour elevation. This contour elevation shall also serve as the standard from which all related measurements will be taken. In the case of the Catawba River and its impoundments, the shoreline shall be the mean high-water mark. The restrictions of this section shall be supplemental to any other standards established in these regulations.

1. All water-related structures shall be approved by Duke Energy Lake Services prior to any construction. After the issuance of a zoning compliance for a building permit, the applicant must obtain and submit the required authorization from Duke Energy Lake Services or any other pertinent outside agency.
2. Individual Private Facilities (residential piers) are permitted on lots currently in single-family residential use.
3. Piers and other shoreline projections must be located and constructed within the area described by and in accordance with the standards below:
  1. A projection over the water may be established at each of the two property corners. Each projection shall bisect the angle between two points where a 10-foot radius from a common property corner intersects the property lines defining the shoreline, as illustrated in Figure 9.43(a). If there is no common property corner, the center of the radius shall be the point on the side property line closest to the water, as illustrated in Figure 9.43(b). A line is then drawn from the new center of the radius parallel to the property line defining the shoreline for the adjacent property and the projection is created from that center of radius as illustrated in Figure 9.43(c).

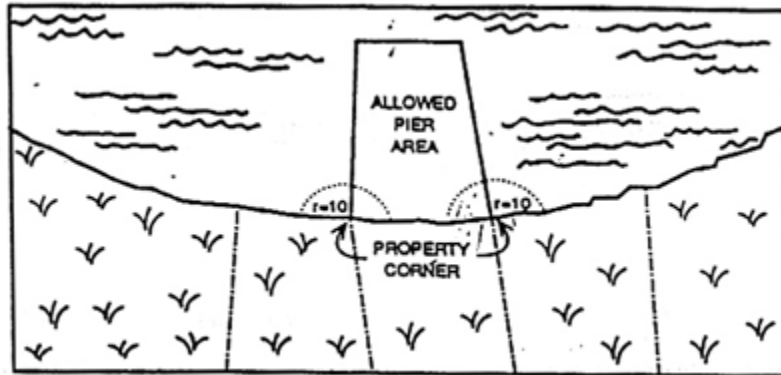


Figure 9.43 (a)

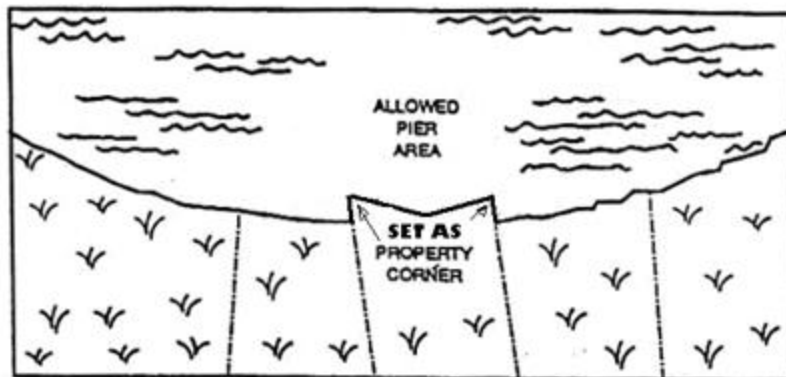


Figure 9.43 (b)

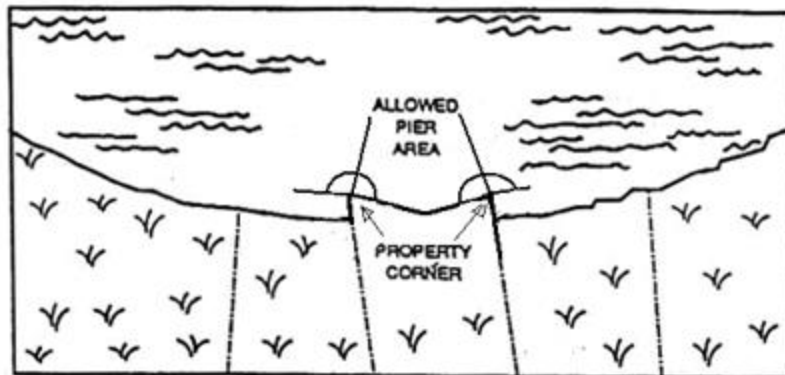


Figure 9.43 (c)

#### **9.44 Beneficial Landfills**

1. Prior to commencement of fill activity, a change of use permit accompanied by a site plan shall be issued to ensure compliance with the standards found herein.
2. Any such site may not be operated for more than 12 months, after which time it must be closed in an approved fashion according to Mecklenburg County Department of Environmental Protection standards.

3. The site may be operated only between the hours of 8:00 a.m. and 6:00 p.m. Monday through Saturday.
4. Final fill elevations must match or compliment adjacent surrounding topography. The final contours and drainage patterns of the fill area may not adversely affect adjacent properties.
5. No fill which includes used asphalt may be placed in any portion of a regulatory flood plain, including both the floodway and floodway fringe area.
6. No portion of any such site may be located within 30 feet of any exterior property lines. This includes structures, equipment storage, parking areas and fill areas. When required by other sections of this ordinance, buffer yards shall be used as required.
7. Any beneficial landfill must obtain disposal site approval from the Mecklenburg County Environmental Protection Department and comply with the standards of the State of North Carolina.
8. At the time of permitting the location of any such site must be indicated on any required final subdivision plat. Further, any parcel or lot which contains any part of any such site must have notification of the existence and extent of the site recorded at the time of permitting as part of the deed for the lot or parcel, even if no subdivision plan is required for the development of the property.
9. Fill activity is not exempt from and must comply with, all other applicable Federal, State, and local laws, ordinances, rules and regulations, including, but not limited to, other zoning restrictions, flood plain restrictions, watershed regulations, wetland restrictions, mining regulations, sedimentation and erosion control regulations.
10. The landfill operator shall be responsible for removal of any and all debris, dirt, or other materials which fall from trucks entering or leaving the landfill from all adjoining streets on at least a weekly basis or more frequently if needed. Failure to comply constitutes a violation of this ordinance and may constitute grounds for revocation of the operating permit.
11. The individual operating the landfill and the property owner, if other, shall provide their name(s), mailing address, and phone number at the time of permitting.
12. All driveways which serve the site must be wide enough to accommodate two-way traffic at all times and an area on the site must be provided to accommodate vehicles entering the site so that no traffic waiting to enter the site will be backed up on any public right-of-way. The first 50 feet of any driveway access to the facility must be paved and must directly connect to a major or minor thoroughfare or to an Industrial or Retail/Mixed-Use Collector or Local Street. Driveway permits from the appropriate agency must be issued.
13. The actual fill area must be located at least 300 feet from any existing residential structure.
14. Vehicular access to the site must be controlled; and must be closed and secured during hours when filling activities are not under way.

Beneficial fill sites less than one-fourth acre do not require a zoning permit or site approval and are exempt from this section, except for conditions (2), (3), (4), (5), (8), (9), and (10) above.

In addition (7) is required, if it contains material such as concrete, concrete block, brick or used asphalt.

#### **9.45 Hotels And Motels**

Hotels are permitted in the Highway Commercial and Corporate Business Districts subject to the requirements below; Motels are permitted in the Corporate Business District only, subject to the requirements below:

1. Any structure in which a hotel or motel is the principal or accessory use shall be separated by a distance of at least 250 feet from any residential or mixed-use zoning district, measured from the closest point of the lot occupied by the hotel or motel to the closest point of lots in residential and mixed-use zoning districts.
2.
  - a. Any structure in which a hotel or motel is the principle or accessory use shall be separated by a distance no less than three (3) times the height of the proposed structure closest to the common lot line of the adjoining residential and mixed-use zone, but in no case less than 100 feet.
  - ~~b. That all other site design requirements stated in this code are met. Any structure in which a hotel or motel is the principal or accessory use is spaced less than established in 1 above shall require a conditional rezoning special use permit subject to the following standards as well as all other standards applicable for special use permits; and~~
  - ~~e.b. That~~ vehicular access to the use ~~shall will~~ be provided only by way of a major or minor thoroughfare, or a Retail/Mixed-Use Local or Collector Street within a commercial or mixed-use project.
3. Any structure in which a hotel or motel is the principal or accessory use may exceed the permitted building height of the zoning district, not to exceed six (6) stories, subject to a ~~conditional rezoning Special Use Permit~~, and the requirements of Article 9.45.2.

#### **9.46 Plant Nurseries**

Plant nurseries as defined in Section 12.2.1 are permitted in any R and TR district according to the following standards:

1. No part of the proposed use will be located or operated so as to emit dust, noise, fumes or odors in concentrations or amounts that would constitute a nuisance to persons of ordinary sensitivities on nearby properties.
2. There shall be a separation of no less than 250 feet between structures located on the tract and any property located in a residential district or developed for residential or mixed-use purposes. The total square footage of all structures located on the tract shall not be greater than five percent (5%) of the total area within the tract. No structures on the tract shall be predominantly metal. Greenhouses are permitted but

each greenhouse structure shall not be greater than 36 feet wide, 200 feet long or 14 feet high.

3. The proposed use shall be located on a tract of not less than 30 acres. Up to 50% of the tract may be impervious with gravel and up to 12% may be impervious with structures and paved areas.
4. Any nonorganic goods or materials available for sale which are positioned in such a way as to be visible from any public right-of-way shall either be returned to an enclosed building each night or screened from view from all public rights-of-way using a semi-opaque screen as defined in Section 7.6 of this ordinance.
5. The proposed use shall be accessed by a major thoroughfare. The number of ingress and egress points shall be limited to the total road frontage for the tract divided by 300. Each point of ingress and egress shall be paved for the first 40 feet from the thoroughfare right-of-way.
6. The proposed use shall be open to the public only between the hours of 7:00 a.m. and 9:00 p.m.

#### **9.47 Special Uses In TOD-R Districts**

Uses permitted in the TOD-R district that exceed maximum first floor area or exceed the maximum limit for non-residential uses are permitted subject to the following conditions: approval of a Special Use Permit. The procedures of Section 11.4.10 shall be followed.

~~The Town Board shall issue a Special Use Permit for the subject use(s) and building(s) if, but not unless, the evidence presented at the Special Use Permit hearing establishes each of the following:~~

1. ~~That a~~Along any street providing primary pedestrian access to a transit station the following requirements apply:
  1. ~~s~~Street level building edge(s) shall line at least one-half of the approved block length; and
  2. the distance between pedestrian entries at street level shall not exceed 100 feet; and
  3. at least thirty percent (30%) of the area of the street level façade shall be composed of windows and doors; and
  4. the standards set forth in this subsection shall be above are met by either the principal building; or by the construction of liner buildings along street level.
2. ~~That t~~The proposed buildings and uses shall not substantially increase the demand for automobile access to the transit-oriented development by 50% or more.
3. ~~That t~~The proposed buildings and uses shall meet the Intent statement for the district.

#### **9.48 Special Uses In TOD-E Districts**

Uses permitted in the TOD-E district that have the potential for reducing employment intensity are permitted subject to the following conditions: approval of a Special Use Permit. The procedures of Section 11.4.10 shall be followed.

~~The Town Board shall issue a Special Use Permit for the subject use(s) and building(s) if, but not unless, the evidence presented at the Special Use Permit hearing establishes each of the following:~~

1. ~~That t~~The use is in the area between the ¼ mile and the ½ mile walk from the station site.
2. ~~That, f~~For buildings along any street in the district that provides primary pedestrian access to a transit station:
  1. ~~S~~street level building edge(s) shall line at least one-half of the approved block length; and
  2. ~~the~~ distance between pedestrian entries at street level shall not exceed 100 feet; and
  3. at least thirty percent (30%) of the area of the street level façade shall be composed of windows and doors; and
  4. ~~the~~ standards ~~above set forth in this subsection shall beare~~ met by either the principal building, or by the construction of liner buildings along street level.
3. ~~That T~~he proposed buildings and uses shall not ~~substantially~~ increase the demand for truck and automobile access through the pedestrian-oriented street system of the TOD ~~by 50% or more.~~
4. ~~That t~~The proposed buildings and uses meet the Intent statement for the district.
5. Light manufacturing limited to a maximum of 5 acres.
5. Accessory warehousing limited to 25% of the finished floor area of the principal use

#### **9.49 Transit-Oriented Parking Lots As A Principal Use**

Transit-oriented parking lot as a principal use shall be permitted in any zoning district subject to the following standards:

1. Transit-oriented parking lots shall adhere to the standards of Article 6, Off-Street Parking, except that in the NR district parking lots may be constructed up to the prevailing established setback line for structures within 300' in either direction on the same side of the street. The prevailing setback applies for both the fronting street and any abutting streets. In all other zoning districts, transit-oriented parking lots may be constructed up to 10 feet from street right-of-way.
2. Buildings associated with transit-oriented parking lots shall meet the standards of Article 9.39, Transit Shelters.
3. Transit-oriented parking lots in the Corporate Business (CB), Campus Institutional (CI), or Special Purpose (SP) Districts shall be exempt from the 80' buffer yard requirement along public streets. All other buffer yard standards of Article 7.6 apply.
4. Up to 50% of a transit-oriented parking lot may be unpaved.

#### **9.50 Retirement Communities Are Permitted In The Neighborhood Residential (NR) District Subject To The Conditions Below**

1. Community must meet the requirements concerning massing and scaling in Article 3.2.4 d-1.
2. A minimum of eighty percent (80%) of residents must be fifty-five (55) years of age or older.

### **9.51 Commercial Use In A Detached House Building Type**

1. All outdoor display of goods shall be located immediately adjacent to the storefront on the front porch during the hours of operation only; display goods shall not block building access. No other outdoor activity, including outdoor seating, is permitted.
2. The hours of operation shall be compatible with the residential area. The hours of operation shall be between 8AM and 9PM. The following activities are prohibited outside of business hours: loading and unloading of materials, exterior maintenance, refuse removal, and other activities that create a nuisance.
3. Site lighting shall meet the requirements of Article 8.26 Site Lighting.

#### HISTORY

Amended by Ord. [TA23-05](#) on 10/16/2023

### **9.52 Reserved Country Inn Development In The Transitional Residential Zoning District**

~~Country Inn Developments are permitted in the Transitional Residential Zoning District subject to a Special Use Permit, according to the procedures of Section 11.4.10.~~

~~The Town Board shall issue a Special Use Permit for the subject facility in the TR District if, but not unless, the evidence presented at the Special Use Permit hearing establishes:~~

- ~~1. That the use will be located on a lot of at least twenty (20) acres in size; and~~
- ~~2. That the total dwelling rooms do not exceed twenty four (24) rooms for rental and/or owner/staff occupancy in a maximum of ten buildings (two (2) main inns and up to eight (8) residential cottages); and~~
- ~~3. That the owner/management shall reside onsite.~~
- ~~4. That the use may utilize the Residential Local Street design standards of Article 5; and~~
- ~~5. That the use may utilize a paved private drive. If a private drive is used it shall be constructed on a recorded easement not less than twenty (20) feet in width serving the Country Inn exclusively with the following restrictions:~~
  - ~~1. The recorded easement shall have at least thirty (30) feet of frontage on a public street.~~
  - ~~2. The private paved road must be at least eighteen (18) feet wide and constructed in accordance with the Land Development Standards Manual as it applies to Huntersville. Private drive right of way or easement shall be of such width to accommodate drainage/water quality treatment.~~
  - ~~3. The plat and associated deeds shall clearly state such drive shall remain private and will not be taken over by a public entity in the future; and~~

- ~~6. That special events shall be allowed for the public such as wedding receptions, rehearsal dinners, afternoon tea, parties, business meetings/retreats and similar events with the following restrictions:
  - ~~1. That hours of operation, including set-up and break-down, for special events will be no earlier than 9:00 a.m. and no later than 11:00 p.m.~~
  - ~~2. That special events must comply with the noise restrictions identified in the Town of Huntersville Noise Ordinance; and~~~~
- ~~7. That there will be a separation of no less than:
  - ~~1. Parking areas shall be located one hundred (100) feet from arterial roads and thoroughfares, thirty five (35) feet from internal public streets and driveways and one hundred (100) feet from adjacent properties except when their uses are adjacent to dedicated open spaces, either by deed or easement, in which case, the setback shall be thirty five (35) feet. Parking areas will be visually buffered from the arterial roads and thoroughfares.~~
  - ~~2. Special event areas shall be located one hundred (100) feet from any property boundary located in a residential district or developed for residential or mixed-use purposes except when their uses are adjacent to the dedicated open spaces either by deed or easement, in which case the setback shall be thirty five (35) feet. A thirty (30) foot vegetated buffer along the property line is required for special event areas except when the adjacent property uses are dedicated open spaces either by deed or easement. Additional buffers may be required as part of d) of this section.~~
  - ~~3. All newly constructed accessory structures such as: Barns, Green Houses, Vertical Gardens, Agriculture or Farm related structures shall be located one hundred (100) feet from any property located in a residential district or developed for residential or mixed-use purposes except when their uses are adjacent to the dedicated open spaces either by deed or easement in which case the setback shall be thirty five (35) feet.~~
  - ~~4. As each property is unique, the Town Board may modify the buffers for a Country Inn Development based on particular topographical issues and uses of the property. For instance, additional buffer requirements may be appropriate for special event areas and/or reduction in buffer area may be appropriate for farming or pasture areas within the Country Inn project.~~~~
- ~~8. The Country Inn Development shall be rural in nature and considered a single lot development and shall not be required to provide connector roads to or through other residential developments.~~

### **9.53 Wind Energy Facilities**

1. No wind energy facility, or addition of a wind turbine to an existing wind energy facility, shall be constructed unless a Special Use Permit has been issued to the facility owner or operator approving construction of the facility under this Ordinance.

2. Any physical modification to an existing and permitted wind energy facility that materially alters the size and/or type of wind turbines or other equipment shall require a Special Use Permit modification under this Ordinance. Like-kind replacements shall not require a permit modification.
3. **Permit Requirements.** In addition to Special Use Permit Requirements found in Article 11.4.10, the permit application shall contain the following:
  1. A narrative describing the proposed wind energy facility, including an overview of the project;
  2. The proposed number, representative types and height or range of heights of wind turbines to be constructed, dimensions and a description of ancillary facilities;
  3. Identification and location of the properties on which the proposed wind energy facility will be located;
  4. A site plan showing the planned location of all wind turbines, property lines, setback lines, access roads and turnout locations, substation(s), electrical cabling from the wind energy facility to the substation(s), ancillary equipment, building(s), and transmission and distribution lines. The site plan must also include the location of all structures and properties, demonstrating compliance of the setbacks;
  5. Other relevant information as may be reasonably requested by the Town of Huntersville to ensure compliance with the requirements of this Ordinance.
  6. Decommissioning plans that describe the anticipated life of the wind power project, the estimated decommissioning costs in current dollars, the method for ensuring that funds will be available for decommissioning and restoration, and the anticipated manner in which the wind power project will be decommissioned and the site restored;
  7. Signature of the Landowner and Applicant.
  8. Certification of compliance with applicable local, state, and federal regulations, such as Federal Aviation Administration and Federal Communications Commission regulations.
    1. The applicant shall avoid any disruption or loss of radio, telephone, television or similar signals, and shall mitigate any harm caused by the Wind Energy Facility.
  9. All wind energy conversion systems shall be equipped with manual (electronic or mechanical) and automatic over speed controls to limit the blade rotation speed to within the design limits of the residential wind energy system.
4. **General Requirements.**
  1. **Setbacks.** The following dimensional requirements shall apply to the installation of wind turbines and/or wind energy facilities:

	<b>Minimum Setback Requirements<sup>1</sup></b>	
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Wind Energy Facility Type	Occupied Structures (Subject Property)	Occupied Structures (Adjacent Property)	Property Lines	Street Right-of-Way	Maximum Height from C
Minor	0.0 <sup>2</sup>	2.5	2.0	2.0	75ft.
Major	1.0	2.5	2.0	2.0	150ft.

2. <sup>1</sup> The setback is calculated by multiplying the minimum setback requirement number by the wind turbine height and measured from the center of the wind turbine base to the property line, public street, or nearest point on the foundation of an occupied structure.

<sup>2</sup> Minor wind facilities attached to the roof of a structure are prohibited.

3. **Minimum Lot Size Requirements.**

1. The minimum lot size required for a minor wind facility shall be 10 acres.
2. The minimum lot size required for a major wind energy facility shall be 30 acres.

4. **Maximum number of turbines.**

1. There shall be no more than one wind turbine that serves as a minor wind energy facility on a single property.
2. Any property with more than one wind turbine shall be considered a major wind facility.

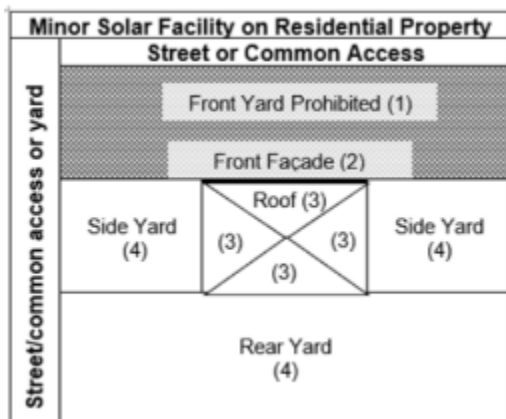
5. **Installation and Design.**

1. The installation and design of the Wind Energy Facility shall conform to applicable industry standards, including those of the American National Standards Institute, and take into consideration local conditions.
2. All structural, electrical and mechanical components of the Wind Energy Facility shall conform to relevant and applicable local, state and national codes.
3. Any on-site collector system shall, to the maximum extent possible, be placed underground.
4. The visual appearance of Wind Energy Facilities shall at a minimum:
  1. Turbine(s) shall be of a coloration that will blend with the surroundings (example: brown, green, gray, off-white or white).
  2. Not be artificially lighted, except to the extent required by the Federal Aviation Administration or other applicable authority that regulates air safety; and,
  3. Not display advertising (including flags, streamers or decorative items), except for identification of the turbine manufacturer, facility owner and operator.

4. The base of the turbine(s) shall be a monopole construction rather than a guyed pole or lattice construction.
5. **Noise.**
  1. Audible sound from a Major or Minor Wind Energy Facility shall not exceed fifty-five (55) dBA as measured from any adjacent property line of any Non-Participating Landowner.
6. **Decommissioning.**
  1. The Wind Energy Facility Owner shall have 6 months to complete decommissioning of the Facility if no electricity is generated for a continuous period of 12 months.
  2. Decommissioning shall include removal of wind turbines, buildings, cabling, electrical components, and any other associated structures required by staff.
  3. Disturbed earth shall be graded and re-seeded.

### **9.54 Solar Energy Facilities**

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



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

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

**2. Residential Property.**

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

**3. Non-Residential**

**Property.**

1. Front yard placement, as depicted by area (1) in the above illustration, is prohibited when the placement would cause the solar facility to be visible by a person on the ground.
2. Placement of minor free-standing solar facilities on non-residential property in locations other than the front is permitted as a by-right accessory use in all districts subject to the issuance of a zoning permit.
3. Minor rooftop solar facilities on non-residential property are allowed on all roof surfaces.

**2. Major Solar Energy Facilities.**

1. Major solar energy shall require the issuance of a Special Use Permit in accordance with the requirements set forth in Article 11.4.10.
  1. The minimum lot size requirement for major solar facilities is 10 acres.
  2. Setbacks for major solar energy facilities shall:
    1. meet the minimum required setbacks for the underlying zoning district for installations in the R and TR zoning districts.
    2. be a minimum of 20 feet from any property line in the SP zoning district.
  3. Free standing major solar facilities shall be a maximum of eight (8) feet in height as measured from the grade at the base of the structure to the apex of the structure. This provision shall be waived for major-free standing facilities on residential property if its application would prevent the reasonable use of a solar collector for the residential property. Major Solar Energy Facilities shall be exempt from any parking requirements in the Huntersville Zoning Ordinance if there is no commercial or office building component.
  4. Town of Huntersville to be given copies of any lease agreement and plan for removal of facility/equipment.

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

#### HISTORY

*Amended by Ord. [TA23-04](#) on 7/17/2023*

#### **9.55 Halfway Houses**

Halfway houses are permitted in the Special Purpose (SP), Highway Commercial (HC) and Campus Institutional (CI) zoning districts subject to a Special Use Permit, according to the procedures of Section 11.4.10.

The Town Board shall issue a Special Use Permit for a halfway house in the SP, HC, or CI district if, but not unless, the evidence presented at the Special Use Permit hearing establishes:

1. The following shall be prohibited:
  1. Persons dangerous to others
  2. Sex offenders
  3. Active (but not recovering) substance abusers
2. A Halfway house must meet a permitted building and lot type for the district in which it is to be located.
3. No Halfway house may be located within a one-half (1/2) mile radius of any other halfway house or any schools (public or private), parks, playgrounds, day care centers, public and private youth centers.
  1. Applicant must include in their submittal an area plan showing zoning classifications and land uses of all properties within a one-half mile radius of the site of the proposed halfway house.
  2. This minimum separation requirement may be waived in situations where its purpose can be otherwise met.
4. Applicant must provide:
  1. Copy of arrest/release records for all occupants.
  2. Copy of any contracts or policies for the operation of the facility.
  3. Copy of the rules for the residents of the halfway house.
  4. Documentation stating that a supervisor will be on duty at all times.

#### **9.56 Crematoriums, Accessory**

Crematoriums are permitted in the HC district subject to a Special Use Permit, according to the procedures of Section 11.4.10.

The Town Board shall issue a Special Use Permit for the use in the HC District if, but not unless the evidence presented at the Special use Permit hearing establishes:

1. Are accessory to an established Funeral Home.
2. That the proposed use will not endanger the public health and safety, substantially reduce the value of nearby property, nor emit noticeable odors; and
3. That the proposed use will be constructed and operated in compliance with all applicable environmental regulations; and
4. That all storage, handling, incineration, and loading facilities will be located at least 50 feet from any exterior property line; and
5. The number of cremations shall be below that requiring an air quality permit by Mecklenburg County per current calendar year.
6. That active use portions of the site will be entirely enclosed in the principal structure.

### **9.57 Automotive Country Club**

An Automotive Country Club is a retreat destination and storage facility for rare, collectible, high-end, vintage, and exotic vehicles for club members. Such facilities are permitted in the Corporate Business District if the conditions below are met.

1. The club shall only be permitted within a gated and private development (all buildings will front upon and be accessed by privately designed and maintained paved parking and maneuvering areas which shall have adequate widths and turning radii for emergency service access to all individual Units).
2. The club may be comprised of both for sale and rental spaces that accommodate Vehicles to be stored, displayed, and for minor repair and maintenance by club members and occupants, but excluding retail repair operations.
3. The club shall be established on a site not less than 15 acres in size with frontage upon a public street.
4. The club shall include a clubhouse facility and may include a management or sales office.
5. The club shall permit garage/storage units ("Units") to be individually sold or leased. Each building may be comprised of varying Unit sizes separated by demising walls.
6. The club shall limit the total number of overnight stays by occupants to a maximum of thirty (30) per year.
7. The club may permit up to 24 memorabilia or charity auctions, fundraisers, rallies, car shows, or similar events per calendar year.
8. The Automotive Country Club use shall include the definition of a "Vehicle" as any motorized device considered to be rare, collectible, high-end, vintage or exotic.
9. The club shall prohibit outdoor storage.
10. The club shall prohibit automotive wholesale and retail sales of Vehicles.
11. No part of the automotive country club use will be located or operated so as to emit noise in concentrations or amounts that would constitute a nuisance to persons of ordinary sensitivities on nearby or adjacent properties.

### **9.58 Internet Sweepstakes**

Internet Sweepstakes are permitted in the Highway Commercial (HC) and Special Purpose (SP) Zoning Districts, subject to the following standards:

1. Internet Sweepstakes are not permitted as an accessory use;
2. Any structure in which an Internet Sweepstakes is the principal use shall be separated by a distance of at least 400 feet from any residential or mixed-use zoning district and from the following principal or accessory uses, defined as protected uses for purposes of this section: dwelling units, elementary and secondary schools, religious institutions, child care centers, parks and playgrounds;
3. Any structure in which an Internet Sweepstakes is the principal use shall be separated by a distance of at least 400 feet from any other Internet Sweepstakes;
4. The distance of separation from residential and mixed-use zoning districts and from the protected uses listed in 2., above, shall be measured from the closest point of the lot occupied by an Internet Sweepstakes to the nearest residential or mixed use zoning district or the property line of a protected use. The distance of separation between Internet Sweepstakes shall be measured from the closest points of the lots occupied by Internet Sweepstakes;
5. No alcohol may be sold or consumed on the premises;
6. Operations must be visible and open to the front of the store. Tinted glass with a minimum visual transmittance factor of 35 is permitted.
7. Patrons must be 18 years of age or older.

### **9.59 Banquet Facility**

Banquet Facilities are permitted in the Rural Zoning District subject to ~~a Special Use Permit, according to the procedures of Article 11.4.10~~the following conditions: ~~Events shall be allowed at Banquet Facilities for the public such as weddings, catered receptions, rehearsal dinners, business meetings/retreats.~~

~~The Town Board shall issue a Special Use Permit for the subject facility in the Rural District if, but not unless, the evidence presented at the Special Use Permit Hearing establishes:~~

1. That the hours of operation, including set-up and break-down, for events will be no earlier than 8:00 am and no later than midnight (12:00 am).
2. That events must comply with the noise restrictions identified in the Town of Huntersville Noise Ordinance ~~whether or not~~whether the property is located within the Town's corporate limits or the Extraterritorial Zoning Jurisdiction (ETJ); and
- ~~3. That events must comply with the noise restrictions identified in the Town of Huntersville Noise Ordinance or Mecklenburg County Noise Ordinance, whichever is applicable; and~~
- ~~4.3.~~ That the use will be located on a lot of at least 10 acres in size with a minimum of 30 feet of frontage on a public road either by fee simple ownership or by exclusive easement.
- ~~5.4.~~ One residence (single-family detached house) may be located on the site.

6-5. New buildings shall maintain a rural character and be compatible with surrounding area.

7-6. Events may take place inside a building, tent, or outdoors. Catered activities and receptions may take place in tents or buildings.

8-7. Entrance drives, internal drives, parking and service areas may be gravel, crushed stone, or other suitable material approved by the Planning Director. These areas shall be well maintained and kept free of potholes, weeds, etc. The initial 50 feet of driveway from the public roadway connection shall be paved with concrete or asphalt.

9-8. That there will be a separation of no less than:

1. Parking areas shall be located one hundred (100) feet from arterial roads and thoroughfares, and fifty (50) feet from adjacent properties. Parking areas will be visually buffered from arterial roads, thoroughfares and adjoining properties.
2. Event areas shall be visually buffered and located sixty (60) feet from any property boundary located in a residential district or developed for residential or mixed-use purposes.
3. Any newly constructed accessory structure such as barns, gazebos and Agriculture or Farm related structures shall be located at a minimum of sixty (60) feet from any property boundary located in a residential district or developed for residential or mixed-use purposes.
4. As each property is unique, the Town Board may modify the buffers for a Banquet Facility based on particular topographical issues and uses of the property. For instance, additional buffer requirements may be appropriate for event areas and/or reduction in buffer area may be appropriate for farming or pasture areas. Such modification requires a rezoning.

10-9. ~~The facility Applicant~~ shall have adequate off-street parking to accommodate the maximum number of attendees.

11-10. The method for providing potable water and a system of sanitary sewage collection and disposal for the maximum number of attendees shall be provided.

12-11. Mobile food/beverage vehicles are allowed on the premises with the following conditions:

1. The mobile food/beverage vehicles must cater to the guests of invitation only events, for a time period limited to the event, and are not open to public use.
2. The mobile food/beverage vehicles must park in a designated spot, indicated on the special use plan. This area will be screened from public view and adjacent land owners, by an opaque screen.
3. No more than three mobile food/beverage vehicles allowed at one time.
4. No trucks will be stored overnight on the property.

Events shall be allowed at Banquet Facilities for the public such as weddings, catered receptions, rehearsal dinners, business meetings/retreats.

## 9.60 Reserved Off-Site Catering Services In An Agritourism Catering Facility

~~Off-site catering services in an Agritourism Catering Facility are permitted in the Rural Zoning District subject to the following conditions: a Special Use Permit according to the procedures of Article 11.4.10. Any Agritourism Catering Facility classified as a bona fide farm pursuant to G.S. 160D-903 shall be exempt from the Special Use Permit requirement.~~

- ~~1.—The facility shall be located on a lot of at least twenty (20) acres in size.~~
- ~~2.—A principal residence shall be located on site.~~
- ~~3.—There shall be no more than twelve (12) employees' present and performing activities for the off-site catering services at any time, excluding on-site resident family members of the facility owner employed in the catering operation. As used in this section 9.60, employees who are present and performing activities for both on-site and off-site catering services shall count towards the twelve (12) employee limit. The permit shall specify the number of employees permitted at the facility at the same time.~~
- ~~4.—That facility shall have adequate off-street parking for the permitted number of employees and for the vehicles used for off-site catering services. In order to accommodate employees, off-site catering vehicles and visiting clients of the catering operation, there shall be a minimum of 1.5 spaces for each permitted employee and off-site catering service vehicle. As used in this section 9.60, vehicles used for both on-site and off-site catering services are included and subject to these regulations. Such parking shall have a visually opaque buffer at least thirty-five feet in width along the adjacent boundary or a structural screen such as a fence that is augmented with vegetation.~~
- ~~5.—There shall be no outside storage or evidence of personal property, materials and equipment used for off-site catering services visible from adjoining residences or streets. As used in this section 9.60, personal property, materials and equipment used for both on-site and off-site catering services are included and subject to these regulations.~~
- ~~6.—If any portion of the facility utilized by the off-site catering services is located within the on-site principal residence, such portion shall occupy no more than twenty-five percent (25%) of the total finished square footage of such principal residence. The total square footage of the facility used for off-site catering services may not exceed fifty (50%) of the total finished square footage of such principal residence. As used in this section 9.60, portions of the facility used for both on-site and off-site catering services are included and subject to these regulations.~~
- ~~7.—The lot containing the facility shall have: (i) a minimum of thirty feet (30') of frontage on a public road, (ii) a thirty-foot (30') wide exclusive easement to a public road or (iii) a shared exclusive easement, of a minimum of 40' in width, for use by no more than three adjoining properties at the time of the issuance of a permit.~~
- ~~8.—Entrance drives, internal drives, parking and service areas may be gravel, crushed stone, or other suitable material approved by the Planning Director. These areas shall be well maintained and kept free of potholes, weeds, etc. The initial fifty feet (50') of driveway from the public roadway connection shall be paved with concrete or asphalt.~~

Any Agritourism Catering Facility located in the Town's ETJ and used for a bona fide farm purpose as defined in N.C.G.S. § 160D-903 shall be exempt from the conditions set forth above.

### **9.61 Reserved Par 3 And/Or Golf Driving Range**

Par 3 and golf driving ranges are permitted in the Rural Zoning District subject to a Special Use Permit according to the procedures of Article 11.4.10.

The Town Board shall issue a Special Use Permit for the use in the Rural District if, but not unless the evidence presented at the Special Use Permit hearing establishes:

- 1.—~~Par 3 courses shall not be lit. Outdoor lighting associated with driving ranges in the Rural district shall be designed as follows:~~
  - 1.—~~Facility lighting may include floodlights but must be shielded and shall be oriented and directed in such a way as to not produce glare at any off-site location.~~
  - 2.—~~Maximum light fixture height shall be 40 feet.~~
  - 3.—~~Maximum lighting level is 15 foot candles measured at grade.~~
  - 4.—~~If free standing lighting is proposed, photometric lighting plans shall be submitted at special use permit application. A maximum of .5 foot candles at any location on any non-residential property and .1 foot candles at any location on any residential property, as measurable from any orientation of the measuring device shall be met.~~
  - 5.—~~Lighting shall be extinguished at 11 pm.~~
  - 6.—~~Upon review of the photometric plan, the Town Board may modify the above lighting standards provided the spirit of the ordinance, reducing glare and off-site light trespass is maintained.~~
- 2.—~~Vehicular access to the use will be provided only by way of a Boulevard or Major Thoroughfare.~~
- 3.—~~A par 3 golf course or driving range must be located on a property at least 20 acres in size.~~
- 4.—~~No multi level buildings or tee boxes are permitted.~~
- 5.—~~Hours of operation shall be no earlier than 6 am and no later than 11 p.m.~~
- 6.—~~Existing vegetation within 50 feet of the fronting thoroughfare and residential property lines shall remain undisturbed. If no vegetation exists along the property line, an opaque buffer shall be planted per Article 7.6 If there is no existing vegetation along the street, the required second row of street trees will be planted using large maturing evergreen trees to maintain an intermittent screen.~~
  - 1.—~~As each property is unique, the Town Board may modify the buffers for a golf facility based on particular topographical issues and uses of the property. For instance, additional buffer requirements may be appropriate for active commercial areas, while a reduction in buffer area may be appropriate for open natural areas.~~

- ~~7.—At no time shall golf balls be permitted to cross on to adjacent property or onto the public street. If course or tee orientation makes it possible for balls to leave the site through standard operating use, netting, buffers, screening or other barrier shall be installed to prohibit off-site encroachment. If netting is required, it shall be located behind a vegetative buffer, screening if from any property line.~~
- ~~8.—Only accessory retail and commercial uses meant to serve patrons of the golf facility are permitted, such as snack shops and pro shops. No principle use restaurants or retail establishments meant to serve the general public are permitted.~~

### **9.62 Dormitory**

Dormitories for a bona fide farm are permitted in the Rural and Transitional Zoning Districts subject to ~~the following conditions: 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.~~
- ~~2.1. The use shall~~does not conflict with long range plans.
- ~~3.2. The use shall~~does not ~~violate constitute a any applicable~~ nuisance ~~to adjoining properties with respect to noise, dust, fumes, odor, and traffic~~ordinances or other applicable laws.
- ~~4.3. Buildings, parking, and~~ trash facilities shall be setback at least 100' from any adjoining property line and 500' from any public street right-of-way.
- ~~5.4. The use shall be visual screened year-~~round from all adjoining properties and public streets.
- ~~6.5. The driveway and parking area shall, at minimum, be ground asphalt~~
- ~~7.6. The dormitory is located on a bona fide farm of at least 100 contiguous acres~~ and is on the land being farmed by the occupants on a full-time basis.
- ~~8.7. The dormitory cannot exceed 2 stories in height; 15,000 sq. ft. per building; and five buildings total.~~
- ~~9.8. Building and housing will be constructed and maintained to meet H-2A program requirements or similar federal programs applicable at the time.~~

Dormitories located in the Town's ETJ and used for a bona fide farm purpose as defined in N.C.G.S. § 160D-903 are exempt from the conditions set forth above.

### **9.64 Multi-Family Homes**

Multi-family homes in the NR, NC, TC, and HC zones shall be subject to the following provisions:

1. One multi-family homes on one lot shall be subject to the following:
  1. Minimum buffer widths for adjoining property lines excluding street rights-of-way shall be as follows:

1. Five feet (5') minimum buffer width in any of the following circumstances: a) the apartment house has four dwelling units or less; b) boundaries are internal to a major subdivision containing the apartment house; or, c) the apartment house adjoins property zoned TC, TOD-R or TOD-E regardless of number of units, density, or adjoining land use.
  2. Ten feet (10') minimum buffer width in either of the following circumstances: a) density is less than 10 units an acre regardless of the adjoining land use; or b) the apartment house is 10 units an acre or more and adjoins anything other than a detached house, duplex house, or attached house.
  3. Twenty feet (20') minimum buffer width when density is between 10 to 15 units an acre and is adjoining a detached house, duplex house, or attached house.
  4. Thirty feet (30') minimum buffer width when density is between 15+ to 20 units an acre and is adjoining a detached house, duplex house, or attached house.
  5. Forty feet (40') minimum buffer width when density exceeds 20 units an acre and is adjoining a detached house, duplex house, or attached house.
2. There shall be three (3) trees per 1000 square feet of buffer area with a minimum of 50% large maturing, minimum of 25% small maturing, and minimum of 75% evergreen. Further, there shall be ten (10) shrubs per 1000 square feet of buffer area and 100% shall be evergreen.
2. Two or more multi-family homes on one lot constitutes a major subdivision and shall comply with all applicable requirements, including the Multi-Building Sites approval process found in Section 6.800 of the Subdivision Ordinance.

**AN ORDINANCE TO AMEND ARTICLE 3 & ARTICLE 9 OF THE  
HUNTERSVILLE ZONING ORDINANCE**

**Section 1.** Be it ordained by the Board of Commissioners of the Town of Huntersville that **Article 3, Section 3.2.1(a)** of the Huntersville Zoning Ordinance is hereby amended as follows:

**Permitted Uses.**

**Uses permitted by right.**

- bed and breakfast inn
- boarding or rooming houses for up to two roomers
- family care home
- single-family detached homes

**Uses permitted with conditions.**

- cemeteries, (9.7)
- religious institutions, (9.8)
- commercial communication towers, (9.9)
- duplexes up to 10% of dwelling units in development, (9.13)
- essential services 1 and 2, (9.14)
- government buildings up to 5,000 sq. ft. of gross floor area; fire stations are permitted in government buildings up to 15,000 sq. ft. of gross floor area
- neighborhood and outdoor recreation, (9.21)
- parks, (9.29)
- plant nurseries, (9.46)
- riding academies and/or commercial stables, (9.33)
- schools, (9.35)
- transit shelters, (9.39)
- banquet facility, (9.59)
- dormitory for a bona fide farm (9.62)

**Uses permitted with Special Use Permit.**

- agricultural industry, (9.3)
- ~~banquet facility, (9.59)~~
- ~~commercial communication towers (9.9)~~
- ~~commercial par 3 golf course and / or golf driving range (9.61)~~
- ~~dormitory for a bona fide farm (9.62)~~
- ~~off-site catering services performed in an agritourism facility (9.60)~~

- solar energy facility, major, (9.54)
- wind energy facility, major, (9.53)
- wind energy facility, minor, accessory (9.53)

**Section 2.** Be it ordained by the Board of Commissioners of the Town of Huntersville that **Article 3, Section 3.2.2(a)** of the Huntersville Zoning Ordinance is hereby amended as follows:

**Permitted Uses.**

**Uses permitted by right.**

- bed and breakfast inns
- boarding or rooming houses for up to two roomers
- family care home
- single family detached homes

**Uses permitted with conditions.**

- cemeteries, (9.7)
- religious institutions, (9.8)
- duplexes up to 20% of dwelling units in development, (9.13)
- essential services 1 and 2, (9.14)
- government buildings up to 5,000 sq. ft. of gross floor area; fire stations are permitted in government buildings up to 15,000 sq. ft. of gross floor area
- neighborhood and outdoor recreation, (9.21)
- parks, (9.29)
- plant nurseries, (9.46)
- riding academies and/or commercial stables, (9.33)
- schools, (9.35)
- transit shelters, (9.39)
- dormitory for a bona fide farm (9.62)

**Uses permitted with Special Use Permit.**

- agricultural industry, (9.3)
- ~~country inn development (9.52)~~
- ~~dormitory for a bona fide farm (9.62)~~
- solar energy facility, major, (9.54)
- wind energy facility, major, (9.53)
- wind energy facility, minor, accessory, (9.53)

**Section 3.** Be it ordained by the Board of Commissioners of the Town of Huntersville that **Article 3, Section 3.2.6(b)** of the Huntersville Zoning Ordinance is hereby amended as follows:

a. **Permitted Uses.**

**Uses permitted by right.**

- bed and breakfast inns
- boarding or rooming houses for up to six roomers
- civic, fraternal, cultural, community, or club facilities
- commercial uses
- congregate housing designed within the “civic” building type
- family care home
- government buildings
- hotels
- indoor amusement
- nightclubs, music clubs, bars, and similar entertainment facilities
- single family homes

**Uses permitted with conditions.**

- automobile and/or motorcycle sales, automobile service and repair, up to 2 acres in size, with a principal building of at least 8,000 sq. ft., all damaged vehicles and auto parts to be screened opaque (9.25)
- cemeteries, (9.7)
- religious institutions, (9.8)
- essential services 1 and 2, (9.14)
- neighborhood gasoline stations, excluding major service and repair of motor vehicles (9.22)
- parking lot as principal use (9.28)
- parks, (9.29)
- schools, (9.35)
- temporary mobile food sales (9.37)
- temporary outdoor sales of seasonal agricultural products and customary accessory products (example: farmers’ markets, Christmas tree/pumpkin sales), (9.37)
- transit-oriented parking lots as a principal use, (9.49)
- transit shelters, (9.39)
- multi-family homes (9.64)

**Uses permitted with Special Use Permit.**

- wind energy facility, minor, accessory, (9.53)

**b. Permitted Building and Lot Types.**

- apartment
- attached house
- civic
- detached house
- mixed use<sup>1</sup> up to 50,000 sq. ft. of first floor area; larger buildings may be permitted with ~~special use permit~~ conditional rezoning
- storefront up to 50,000 sq. ft. of first floor area; larger buildings may be permitted with ~~special use permit~~ conditional rezoning
- workplace up to 50,000 sq. ft. of first floor area; larger buildings may be permitted with ~~special use permit~~ conditional rezoning

**c. Permitted Accessory Uses.**

- accessory dwelling, (9.1)
- day care home (small), (9.11)
- drive through windows, excluding those associated with restaurants, (9.12)
- home occupation, (9.19)
- solar facility, minor non-residential (9.54)
- solar energy facility, minor residential (9.54)
- stalls or merchandise stands for outdoor sale of goods at street front (encroachment onto sidewalk may be permitted by agreement with town); outdoor storage expressly prohibited<sup>2</sup>
- accessory uses permitted in all districts, (8.11)

**d. General Requirements.** Along existing streets, new buildings shall respect the general spacing of structures, building mass and scale, and street frontage relationships of existing buildings.

1. buildings which adhere to the scale, massing, volume, spacing, and setback of existing buildings along fronting streets exhibit demonstrable compatibility.
2. buildings which exceed the scale and volume of existing buildings may demonstrate compatibility by varying the massing of buildings to reduce perceived scale and volume. The definition of massing in Article 12 illustrates the application of design techniques to reduce the visual perception of size and integrate larger buildings with pre-existing smaller buildings.
3. Subsection 3.2.6(d)(1)(a)-(b) shall not apply to development on parcels where multifamily structures are an allowable use and the development contains two or more affordable housing units for families or individuals with incomes below eighty percent (80%) of the area median income.

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4. Nothing in this subsection shall be interpreted to conflict with the building design element provision as found in N.C.G.S. 160D-702(b) for structures subject to the North Carolina Residential Code.

On new streets, allowable building and lot types will establish the development pattern.

1. In major subdivisions and planned developments, the aggregate number of dwelling units contained in attached houses, apartment buildings, and mixed-use buildings shall not exceed 30 percent of the total number of dwelling units in a project.
2. (Reserved)
3. New construction favors retail on first floor, office and/or residential on upper floors.
4. Every building lot shall have frontage upon a public street or urban open space.
5. **Minimum Height.** Mixed Use, Storefront and Workplace Buildings. New construction shall be a minimum of two stories for buildings fronting on the following roads:
  - Gilead Road- From Sherwood Drive to Old Statesville Road (NC 115)
  - Huntersville-Concord Road- From Old Statesville Road (NC 115) to Main Street
  - Old Statesville Road (NC 115) - From 400 feet north of the intersection of Gilead Road/Huntersville-Concord Road to Greenway Drive
  - Main Street- From Huntersville-Concord Road to Greenway Drive
6. See Section 8.16, Standards for Residential Lot Widths, Alleys, Garages and Parking in Residential Districts.

<sup>1</sup> The mixed-use building duplicates the shopfront building type and has at least two occupiable stories; at least 50% of the habitable area of the building shall be in residential use, the remainder shall be in commercial use. However, when an existing residential building is redeveloped to a mixed-use, at least 40% of the habitable area shall be in residential use.

<sup>2</sup> Items for outdoor sales are returned to building at end of each business day; goods not brought in at close of business day are considered outdoor storage.

**Section 4.** Be it ordained by the Board of Commissioners of the Town of Huntersville that **Article 3, Section 3.2.7(a)** of the Huntersville Zoning Ordinance is hereby amended as follows:

**(a) Permitted Uses.**

**Uses permitted by right.**

- amusement facilities: all indoor uses
- armories for meetings and training of military organizations
- auction sales
- boarding or rooming houses for up to six roomers
- religious institutions
- civic, fraternal, cultural, community, or club facilities
- commercial uses
- contractor offices and accessory storage yards, excluding the storage of general construction equipment and vehicles
- family care home
- government buildings
- indoor and outdoor recreation
- nightclubs, music clubs, bars, and similar entertainment facilities
- pawnshops and second-hand shops
- single family homes
- vocational and technical schools
- wholesale sales with related office, storage and warehousing entirely within an enclosed building; truck terminals not permitted

**Uses permitted with conditions.**

- adult establishments, (9.2)
- amusement facilities, outdoor, limited to par 3 golf courses, golf driving ranges, and archery ranges, (9.5)
- car wash, (9.6)
- commercial marinas, (9.43)
- day care center, (9.11)
- essential services 1 and 2, (9.14)
- gasoline service stations, including service and repair of motor vehicles, (9.22)
- hotels spaced 250' or more from residential or mixed-use zones, (9.45)
- parks, (9.29)
- temporary outdoor sales of seasonal agricultural products (example: Christmas tree/pumpkin sales), (9.37)
- temporary mobile food sales, (9.37)
- transit-oriented parking lots as a principal use, (9.49)
- transit shelters, (9.39)

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- vehicle and boat service, rental, cleaning, mechanical repair, and body repair, (9.25; 9.26)
- multi-family homes (9.64)

**Uses permitted with special use permit.**

- crematoriums, accessory, (9.56)
- halfway houses (9.55)
- ~~hotels spaced less than 250' from residential or mixed-use zones, (9.45)~~
- ~~hotels exceeding permitted building height, (9.45)~~
- wind energy facility minor, accessory, (9.53)

**Section 5.** Be it ordained by the Board of Commissioners of the Town of Huntersville that **Article 3, Section 3.2.9(a)** of the Huntersville Zoning Ordinance is hereby amended as follows:

(a) **Permitted Uses.**

**Uses Permitted by Right.**

- office
- distributive businesses
- inns
- laboratories and research facilities
- manufacturing and assembly, excluding heavy manufacturing
- government buildings
- warehouses, except mini-warehouse storage
- wholesale sales
- vocational and technical schools

**Uses Permitted With Conditions.**

- automotive country club, (9.57)
- day care center, (9.11)
- commercial communication tower, (9.9)
- essential services 1 and 2, (9.14)
- ~~hotels and motels spaced 250' or more from residential or mixed use zones, (9.45)~~
- parks, (9.29)
- schools (9.35)
- temporary mobile food sales, (9.37)
- transit-oriented parking lots as a principal use, (9.49)
- transit shelters, (9.39)

**Uses Permitted with Special Use Permit.**

- ~~hotels and motels spaced less than 250' from residential or mixed use zones (9.45)~~
- ~~schools (9.35)~~
- wind energy facility, minor (accessory) (9.53)

**Section 6.** Be it ordained by the Board of Commissioners of the Town of Huntersville that **Article 3, Section 3.2.13(a) and 3.2.13(c)** of the Huntersville Zoning Ordinance is hereby amended as follows:

(a) **Permitted Uses.**

**Uses permitted by right.**

- bed and breakfast inns
- boarding or rooming houses for up to six roomers
- civic, cultural, and neighborhood recreation facilities up to 15,000 sq. ft. of gross floor area, minimum FAR of .35
- conference centers, up to 15,000 sq. ft. of gross floor area, minimum FAR of .35
- dormitories
- family care home
- financial institutions up to 6,000sq. ft. of gross floor area
- government buildings up to 8,000sq. ft. of gross floor area, minimum FAR of .35
- indoor motions pictures, limited to one (1) screen
- inns
- multi-family homes
- offices, general, medical, professional, minimum FAR of .35
- personal, professional, and technical services up to 8,000 sq. ft. of gross area, minimum FAR of .35
- research and development services, minimum FAR of .35
- restaurants without drive-through windows, up to 8,000 sq. ft. of gross floor area, minimum FAR of .35
- retail establishments, up to 8,000 sq. ft. of gross area, minimum FAR of .35
- greenways
- single family homes
- squares, plazas, or other formal open spaces not exceeding 1/2 acre in area
- stalls or merchandise stands for outdoor sale of goods at street front (encroachment onto sidewalk may be permitted by agreement with town); outdoor storage expressly prohibited<sup>1</sup>.
- taverns and bars, up to 6,000 sq. ft. of gross floor area, minimum FAR of .35
- transit stations
- workshops and studios for the design and manufacture of art, craft and artisan products, up to 8,000 sq. ft. of gross area, minimum FAR of .35

**Uses permitted with a Special Use Permit.**

- any non-residential use permitted by right or with conditions where size of first floor area exceeds 15,000 sq. ft., (9.47)
- any permitted non-residential use or collection of non-residential uses that exceeds the maximum permitted in the district by paragraph e) 5) of this section, (9.47)
- parking lot or structure as principal use (9.47)
- schools (9.35)
- wind energy facility, minor, accessory, (9.53)

**Uses permitted with conditions.**

- any non-residential use permitted by right or with conditions where size of first floor area exceeds 15,000 sq. ft., (9.47)
- any permitted non-residential use or collection of non-residential uses that exceeds the maximum permitted in the district by paragraph e) 5) of this section, (9.47)
- banks, up to 6,000 sq. ft. of gross floor area
- religious institutions up to 300 seats in the largest place of assembly, (9.8)
- civic, cultural, and neighborhood recreation facilities up to 15,000 sq. ft. of gross floor area, minimum FAR of .35
- conference centers, up to 15,000 sq. ft. of gross floor area, minimum FAR of .35
- day care centers up to 8,000 sq. ft. of gross floor area (9.411)
- essential services 1 and 2, (9.14)
- government buildings up to 8,000 sq. ft. of gross floor area, minimum FAR of .35
- indoor motion pictures, limited to one (1) screen
- offices, general, medical, professional, minimum FAR of .35
- personal, professional, and technical services up to 8,000 sq. ft. of gross area, minimum FAR of .35
- parking lot or structure as principal use (9.479)
- research and development services, minimum FAR of .35
- restaurants without drive-through windows, up to 8,000 sq. ft. of gross floor area, minimum FAR of .35
- retail establishments, up to 8,000 sq. ft. of gross area, minimum FAR of .35
- schools (9.35)
- squares, plazas, or other formal open spaces not exceeding 1/2 acre in area
- stalls or merchandise stands for outdoor sale of goods at street front (encroachment onto sidewalk may be permitted by agreement with town); outdoor storage expressly prohibited<sup>1</sup>.
- taverns and bars, up to 6,000 sq. ft. of gross floor area, minimum FAR of .35

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- transit shelters, (9.39)
- ~~workshops and studios for the design and manufacture of art, craft and artisan products, up to 8,000 sq. ft. of gross area, minimum FAR of .35~~

**(c) Permitted Accessory Uses.**

- accessory dwelling, (9.1)
- day care home (small), (9.11)
- home occupation, (9.19)
- parking lot as an accessory to any permitted principal use, on the same lot or on an abutting lot, according to the standards of Article 6
- solar facility, minor non-residential (9.54)
- solar energy facility, minor residential (9.54)
- accessory uses permitted in all districts, (8.11)

**Section 7.** Be it ordained by the Board of Commissioners of the Town of Huntersville that **Article 3, Section 3.2.14(a)** of the Huntersville Zoning Ordinance is hereby amended as follows:

**(a) Permitted Uses.**

**Uses Permitted by Right.**

- financial services
- commercial uses, other than those specifically permitted in this section
- conference centers, up to 15,000 sq. ft. of gross floor area
- greenways
- government offices
- inns
- light manufacturing, (9.48)
- multi-family homes in mixed use buildings
- offices
- professional, personal, and technical services
- squares, plazas, or other urban open spaces not exceeding 1/2 acre in area
- single family attached homes in mixed use buildings
- transit stations
- workshops and studios for the design and manufacture of art, craft, and artisan products, up to 8,000 sq. ft. of gross area

**Uses Permitted with Conditions.**

- ~~conference centers, up to 15,000 sq. ft. of gross floor area~~
- day care center, (9.11)
- essential services 1 and 2, (9.14)
- hospitals, (9.48)
- light manufacturing, (9.48)
- ~~multi-family homes in mixed use buildings~~
- ~~squares, plazas, or other urban open spaces not exceeding 1/2 acre in area~~
- ~~single family attached homes in mixed use buildings~~
- ~~workshops and studios for the design and manufacture of art, craft, and artisan products, up to 8,000 sq. ft. of gross area~~
- parking lot or parking structure as a principal use, (9.498)

**Uses Permitted with a Special Use Permit.**

- ~~light manufacturing, on not more than 5 acres, (9.48)~~
- ~~accessory warehousing exceeding 25% of the finished floor area of the principal use, (9.48)~~
- ~~hospitals, (9.48)~~
- wind energy facility, minor, accessory, (9.53)

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

- civic building
- highway commercial (for conference facilities only), minimum FAR of .35
- mixed use<sup>1</sup>
- shopfront
- workplace, minimum FAR of .35

**(c) Permitted Accessory Uses.**

- home occupations, (9.19)
- parking lot as an accessory to any permitted principal use, on the same lot or on an abutting lot according to the standards of Article 6
- retail, restaurant, bars and taverns, personal services, clinics and similar workplace support uses up to 20 percent of first floor area of any building, or of a multi-building project taken as a whole
- solar energy facility free-standing, minor, non-residential, (9.54)
- solar energy facility,, minor non-residential (9.54)
- solar energy facility, minor residential (9.54)
- ~~warehousing not to exceed 25% of the finished floor area of the principal use, (9.48)~~
- accessory uses permitted in all districts, (8.11)

**Section 8.** Be it ordained by the Board of Commissioners of the Town of Huntersville that **Article 9, Section 9.9** of the Huntersville Zoning Ordinance is hereby amended as follows:

### **9.9 Commercial Communication Tower**

A Commercial Communication tower is subject to ~~shall meet~~ the following ~~standards~~ conditions:

1. To encourage future shared use of commercial communication towers, the tower owner must demonstrate that the tower will support a specified number of antennas and must file a letter of intent with the town to lease the space to other users in good faith. In turn, the owner may charge users a proportionate share of capital, financing, and operating costs, plus the cost of insulating equipment so that the transmissions do not interfere with one another. To encourage collocation of commercial communication antenna and facilities and to reduce the need for new commercial communication towers, co-location of such antennae and facilities shall be permitted on any commercial communication tower or tower for radio communication for business or governmental purposes of which the tower was in existence on July 20, 2009, regardless of when it was constructed, the underlying zoning district, or any condition of approval for the existing tower other than a condition which was imposed or accepted by the Board of Commissioners. To the extent practical as determined by the Planning Director, all standards of this Section 9.9 shall be applicable.
2. No new commercial communication tower may be established if there is a technically suitable space available on an existing communications tower within the geographic area that the proposed tower is to serve.
3. The entire facility must be aesthetically compatible with its environment. If not otherwise camouflaged, towers shall be of a coloration that will blend with the surroundings. Example: brown/green/gray.
4. Fencing must be provided to secure the communication equipment on site. If chain link or similar fencing material is used on the site, an opaque screen shall be provided on the exterior side of the fence.
5. All obsolete or unused facilities must be removed within 12 months of cessation of operations at the site.
6. Equipment, mobile or immobile, not used in direct support of the transmission or relay facility shall be stored or parked on the site unless repairs to the facility are being made.
7. Towers shall not be artificially lighted except to ensure human safety as required by the Federal Aviation Administration (FAA) regulations. To the extent possible, tower lighting shall be located and directed to avoid flashing or shining into the interior spaces of dwellings.

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8. An opaque screen expected to reach minimum 8' height at maturity shall be planted around the perimeter of the area occupied by the tower, security fencing, and auxiliary uses such as parking. In addition, existing onsite trees and other vegetation shall be preserved to the extent possible.
9. No more than one communication tower shall be constructed on a single tract of land.
10. If such a structure is located on a lot adjacent to a lot or lots located in a residential or mixed-use district, it must be located at least 200 feet from all property lines adjacent to the residential or mixed use district(s).
11. To be permitted as an incidental accessory use in any zoning district, a tower shall be camouflaged on, with, or in an existing or proposed conforming structure (e.g., inside religious institution steeple, on utility transmission line tower). A detailed site plan and structural elevations must be submitted to the Planning Department for approval. The affirmative decision of the Planning Department shall be based upon a determination that the proposed tower is so camouflaged as to be unnoticeable to the public; or if placed upon a utility transmission line tower, that the additional equipment would not further diminish the quality of the view from surrounding properties and public streets, nor would additional light(s) intrude upon the private interior or exterior living areas of existing dwellings.
12. Commercial Communication Towers, in addition to satisfying meeting the conditions criteria set forth in 9.9.1-9.9.10, and 9.9.12-9.9.13 may be allowed in the Rural (R) district only if they satisfy meet the following additional conditions criteria and are subject to a Special Use Permit, according to the procedures of Section ~~11.4.10~~:
  - a. The height of the commercial communication tower may not exceed 199 feet above ground level;
  - b. The commercial communication tower may only be placed on properties in eight and a half (8.5) acres on a tract that existed as an eight and a half (8.5) acre tract or greater on February 6, 2012;
  - c. The commercial communication tower must be set back a distance of at least 500 feet from any public right-of-way and 200 feet from any property line;
  - d. The commercial communication tower may only be placed on a property where it will not require artificial illumination;
  - e. The commercial communication tower must provide technically-suitable space for at least four (4) users;

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- f. The commercial communication tower must be set back a distance of at least the tower's fall zone, as certified by a North Carolina Professional Engineer, from any occupied structure.
  - g. All commercial communication towers in the Rural district shall be constructed using a monopole design.
  - h. A new communication tower cannot be placed within a one-mile radius of an existing tower.
13. Collocation on town-owned utility poles shall be in accordance with N.C.G.S. 160D-937.
14. Nothing in Article 9.9 shall be interpreted to conflict with the provisions of N.C.G.S. 160D-938.

**Section 9.** Be it ordained by the Board of Commissioners of the Town of Huntersville that **Article 9, Section 9.11** of the Huntersville Zoning Ordinance is hereby amended as follows:

**9.11 Day Care Centers And Small Day Care Homes**

**1. Child Day Care Center.**

- a. A center must meet a permitted building and lot type for the district in which it is to be located.
- b. Play space must be provided in accordance with the regulations of North Carolina Department of Human Resources.
- c. Outdoor play space must be enclosed on all sides by building, and/or permitted types of walls or fences; it may not include driveways, parking areas, or land otherwise unsuited for children's play space; play space may not be in the established front yard.
- d. Sufficient stacking lanes for drop-off and pick-up shall be provided onsite so that traffic circulation is not impeded on any public right-of-way.
- e. In the Transit-Oriented Development-Residential (TOD-R) District, day care centers have a limit of 8,000 sq. ft of gross floor area.

**2. Adult Day Care Center.**

- a. A center must meet a permitted building and lot type for the district in which it is to be located.

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- b. There is no limit on the hours of operation of an Adult Day Care Center, but it shall not serve any client on a continuous 24-hour basis.
- c. Sufficient stacking lanes for drop-off and pick-up shall be provided onsite so that traffic circulation is not impeded on any public right-of-way.
- d. In the Transit-Oriented Development-Residential (TOD-R) District, day care centers have a limit of 8,000 sq. ft of gross floor area.

**3. Child Day care home, small, accessory.**

- a. The day care operation must be located within the residential dwelling unit occupied by the operator of the service. Preschool instruction and daytime care is limited to 6 children not related to the operator.
- b. A Child Day Care home shall meet the following standards:
  - i. Child Day Care Homes must be licensed by the North Carolina Department of Health and Human Services.
  - ii. Play space must be provided in accordance with the regulations of the North Carolina Department of Health and Human Services.
  - iii. Outdoor play space must be fenced or otherwise enclosed on all sides and may not include driveways, parking areas, or land otherwise unsuited for children's play space; Outdoor play space is prohibited in any established building setback from a street.
  - iv. Chain link and similar fencing materials shall be planted on exterior side with evergreen shrubs minimum 3 feet in height and 6 feet on center at installation or be obscured by a comparable screening treatment.
  - v. A day care home must be clearly incidental to the residential use of the dwelling and must not change the essential residential character of the dwelling; all building and lot standards for residential dwellings shall be maintained.
  - vi. There are no specific limitations on the hours of operation of a Day Care Home, but no outdoor play shall be permitted after sundown.

**4. Adult Day Care Home, small.**

- 1. An Adult Day Care home must be located within the residential dwelling unit occupied by the operator of the service. Care is limited to no more than 6 adults who do not reside in the dwelling.
- 2. An Adult Day Care home shall meet the following standards:

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- i. A day care home must be clearly incidental to the residential use of the dwelling and must not change the essential residential character of the dwelling; all building and lot standards for residential dwellings shall be maintained.
- ii. There is no limit on the hours of operation of an Adult Day Care Center, but it shall not serve any client on a continuous 24-hour basis.

**Section 10.** Be it ordained by the Board of Commissioners of the Town of Huntersville that **Article 9, Section 9.35** of the Huntersville Zoning Ordinance is hereby amended as follows:

**9.35 Schools**

1. Schools shall conform principal buildings to the standards of Civic Buildings and lots, Article 4. Accessory and incidental buildings may be placed within a street fronting yard if they conform to a building and lot type permitted in the zoning district. Buildings which do not so conform shall be placed within established rear and side yards which do not abut a street.
2. Permanent parking lots associated with schools shall meet the standards of Article 6, Off-Street Parking. However, areas designated for temporary bus parking that also serves as a recreational area shall not be subject to interior parking lot landscaping requirements.
3. Notwithstanding 1. and 2., above, where the safe transport of students requires functional separation of parking and circulation areas (i.e. school bus, auto drop-off, etc.), the location of parking and circulation according to building and lot type may be modified, so long as streets abutting parking and circulation areas are, to the extent practicable, detailed as plazas. Sufficient stacking lanes for drop-off and pick-up shall be provided onsite so that traffic circulation is not impeded on any public right-of-way. Stacking on Town streets may be allowed if all of the following are met:
  - a. Site is zoned TND-R, TND-U or TND-Overlay;
  - b. Maximum enrollment shall not exceed 360 kindergarten to 8th grade students;
  - c. Two-way traffic maintained on Town streets along the entire pick up/drop-off zone;
  - d. Pick-up/drop-off zone shall have a minimum width of eight (8) feet exclusive of the two-way traffic lanes.

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- e. The school shall provide at a minimum a 11.5-foot-wide hardscaped area behind the back of curb. Street trees with grates are allowable, but bushes/shrubs in the area are not allowed.
  - f. A traffic impact analysis, including a mandatory circulation plan and queuing analysis must be approved by the Town of Huntersville Engineering & Public Works Department prior to plan approval. Should conditions in the field vary from the analysis, the Town Engineer has the ability to modify the circulation plan.
4. Dust-free, pervious surface areas are encouraged for overflow or event parking; such areas need not conform with Article 6 if they are maintained in a natural condition (for example, as a grassed field).
  5. Service areas shall be separated by an opaque screen from the view from any street and from abutting properties as described in Section 7.6 of this ordinance.
  6. Where chain link and similar fencing material are installed in an established yard abutting a street, such fencing shall be planted on the exterior side with evergreen shrubs minimum 3 feet in height (expected height at maturity minimum 6 feet), 6 feet on center at installation.
  7. Outdoor lighting associated with active outdoor recreational facilities shall be designed as follows:
    - a. Facilities shall use fully shielded lighting fixtures except where luminaries are:
      1. Provided with internal and/or external glare control louvers and installed so as to minimize up-light and offsite light trespass; and
      2. Installed and maintained with aiming angles that permit no greater than five percent (5%) of the light emitted by each fixture to project above the horizontal.
    - b. Lighting plans shall limit light trespass to the maximum extent possible. A maximum of .5 foot-candles at any location on any non-residential property, and .1 foot-candles at any location on any residential property, as measurable from any orientation of the measuring device, shall be met.
    - c. Lighting shall be extinguished after 11:00 p.m. Illumination of the sports facility shall be permitted after this time only to conclude a scheduled event that was unable to conclude before this time due to unusual circumstances.
  8. Elementary and Junior High Schools shall be located on streets sized to accommodate traffic volumes of background uses plus the additional traffic projected to be generated by the school(s).
  9. Senior high schools shall be on a lot which abuts a minor or major thoroughfare; primary vehicular access shall be provided from the thoroughfare.
  10. When permitting temporary classroom units, the entire site shall be reviewed for compliance with applicable codes (i.e. sidewalks, landscaping, turn-lanes).

Applicants are encouraged to bring the site into compliance where deficiencies are identified relative to the intensification of use proposed.

11. Sufficient stacking lanes for drop-off and pick-up shall be provided onsite so that traffic circulation is not impeded on any public right-of-way.
12. In a Corporate Business zoning district, schools shall only be allowed ~~with the issuance of a special use permit~~ subject to the following additional conditions:
  - a. Schools shall only be allowed on existing lots and in existing buildings, ~~as of December 20, 2010, no~~ The school buildings shall be no greater than 50,000 sq. ft. in size. Additions to buildings intended for school use will be limited to 10% of the existing floor area of the building.
  - b. Schools shall be limited to a temporary use in this district. The length of time allowed for the school to operate ~~shall will be determined by the Town Board during the special use permit process~~; not to exceed three (3) years from the occupancy of the temporary building. If the school does not occupy the building within one (1) year of ~~the special use permit~~ approval, the approval permit will become null and void. A school may reapply for another Special Use Permit allowing an additional two (2) years in the CB district ~~with the approval of the Town Board~~. At no time shall an individual school be located in the CB district at the same location for more than a total of five (5) years.
  - c. The maximum number of students shall be 300.
  - d. In a CB zoning district, the school site shall be designed, located, and accessed such that primary passenger vehicles routes avoid those that will be primarily ~~heavily~~ used by truck/industrial traffic.

**Section 11.** Be it ordained by the Board of Commissioners of the Town of Huntersville that **Article 9, Section 9.45** of the Huntersville Zoning Ordinance is hereby amended as follows:

**9.45 Hotels And Motels**

Hotels are permitted in the Highway Commercial and Corporate Business Districts subject to the requirements below; Motels are permitted in the Corporate Business District only, subject to the requirements below:

1. Any structure in which a hotel or motel is the principal or accessory use shall be separated by a distance of at least 250 feet from any residential or mixed-use zoning district, measured from the closest point of the lot occupied by the hotel or motel to the closest point of lots in residential and mixed-use zoning districts.
- 2.

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- a. Any structure in which a hotel or motel is the principle or accessory use shall be separated by a distance no less than three (3) times the height of the proposed structure closest to the common lot line of the adjoining residential and mixed-use zone, but in no case less than 100 feet.
  - b. That all other site design requirements stated in this code are met. Any structure in which a hotel or motel is the principal or accessory use is spaced less than established in 1 above shall require a conditional rezoning special use permit subject to the following standards as well as all other standards applicable for special use permits: and
  - c. ~~That~~ Vvehicular access to the use shall ~~will~~ be provided only by way of a major or minor thoroughfare, or a Retail/Mixed-Use Local or Collector Street within a commercial or mixed-use project.
3. Any structure in which a hotel or motel is the principal or accessory use may exceed the permitted building height of the zoning district, not to exceed six (6) stories, subject to a conditional rezoning Special Use Permit, and the requirements of Article 9.45.2.

**Section 12.** Be it ordained by the Board of Commissioners of the Town of Huntersville that **Article 9, Section 9.47** of the Huntersville Zoning Ordinance is hereby amended as follows:

**9.47 Special Uses In TOD-R Districts**

Uses permitted in the TOD-R district that exceed maximum first floor area or exceed the maximum limit for non-residential uses are permitted subject to the following conditions: approval of a Special Use Permit. The procedures of Section 11.4.10 shall be followed. The Town Board shall issue a Special Use Permit for the subject use(s) and building(s) if, but not unless, the evidence presented at the Special Use Permit hearing establishes each of the following:

1. ~~That a~~ Along any street providing primary pedestrian access to a transit station the following requirements apply:
  1. Street level building edge(s) shall line at least one-half of the approved block length; and
  2. The distance between pedestrian entries at street level shall not exceed 100 feet; and
  3. ~~A~~ at least thirty percent (30%) of the area of the street level façade shall be composed of windows and doors; and
  4. The standards set forth in this subsection shall be ~~above~~ are met by either the principal building, or by the construction of liner buildings along street level.

2. ~~That t~~The proposed buildings and uses shall not substantially increase the demand for automobile access to the transit-oriented development by 50% or more.
3. ~~That t~~The proposed buildings and uses shall meet the Intent statement for the district.

**Section 13.** Be it ordained by the Board of Commissioners of the Town of Huntersville that Article 9, Section 9.48 of the Huntersville Zoning Ordinance is hereby amended as follows:

**9.48 Special Uses In TOD-E Districts**

Uses permitted in the TOD-E district that have the potential for reducing employment intensity are permitted subject to the following conditions: approval of a Special Use Permit. ~~The procedures of Section 11.4.10 shall be followed.~~

~~The Town Board shall issue a Special Use Permit for the subject use(s) and building(s) if, but not unless, the evidence presented at the Special Use Permit hearing establishes each of the following:~~

1. ~~That t~~The use is in the area between the ¼ mile and the ½ mile walk from the station site.
2. ~~That, f~~For buildings along any street in the district that provides primary pedestrian access to a transit station:
  - a. Street level building edge(s) shall line at least one-half of the approved block length; and
  - b. The distance between pedestrian entries at street level shall not exceed 100 feet; and
  - c. ~~a~~At least thirty percent (30%) of the area of the street level façade shall be composed of windows and doors; and
  - d. The standards above set forth in this subsection shall be are met by either the principal building, or by the construction of liner buildings along street level.
3. ~~That t~~The proposed buildings and uses shall not substantially increase the demand for truck and automobile access through the pedestrian-oriented street system of the TOD by 50% or more.
4. ~~That t~~The proposed buildings and uses meet the Intent statement for the district.
5. Light manufacturing limited to a maximum of 5 acres.
6. Accessory warehousing limited to 25% of the finished floor area of the principal use

**Section 14.** Be it ordained by the Board of Commissioners of the Town of Huntersville that **Article 9, Section 9.52** of the Huntersville Zoning Ordinance is hereby amended as follows:

**9.52 Country Inn Development In The Transitional Residential Zoning District (Reserved)**

~~Country Inn Developments are permitted in the Transitional Residential Zoning District subject to a Special Use Permit, according to the procedures of Section 11.4.10.~~

~~The Town Board shall issue a Special Use Permit for the subject facility in the TR District if, but not unless, the evidence presented at the Special Use Permit hearing establishes:~~

- ~~1.—That the use will be located on a lot of at least twenty (20) acres in size; and~~
- ~~2.—That the total dwelling rooms do not exceed twenty-four (24) rooms for rental and/or owner/staff occupancy in a maximum of ten buildings (two (2) main inns and up to eight (8) residential cottages); and~~
- ~~3.—That the owner/management shall reside onsite.~~
- ~~4.—That the use may utilize the Residential Local Street design standards of Article 5; and~~
- ~~5.—That the use may utilize a paved private drive. If a private drive is used it shall be constructed on a recorded easement not less than twenty (20) feet in width serving the Country Inn exclusively with the following restrictions:
  - ~~a.—The recorded easement shall have at least thirty (30) feet of frontage on a public street.~~
  - ~~b.—The private paved road must be at least eighteen (18) feet wide and constructed in accordance with the Land Development Standards Manual as it applies to Huntersville. Private drive right of way or easement shall be of such width to accommodate drainage/water quality treatment.~~
  - ~~c.—The plat and associated deeds shall clearly state such drive shall remain private and will not be taken over by a public entity in the future; and~~~~
- ~~6.—That special events shall be allowed for the public such as wedding receptions, rehearsal dinners, afternoon tea, parties, business meetings/retreats and similar events with the following restrictions:
  - ~~a.—That hours of operation, including set-up and break-down, for special events will be no earlier than 9:00 a.m. and no later than 11:00 p.m.~~
  - ~~b.—That special events must comply with the noise restrictions identified in the Town of Huntersville Noise Ordinance; and~~~~
- ~~7.—That there will be a separation of no less than:
  - ~~a.—Parking areas shall be located one-hundred (100) feet from arterial roads and thoroughfares, thirty-five (35) feet from internal public streets and driveways and one hundred (100) feet from adjacent properties except when their uses are adjacent to dedicated open spaces, either by deed or easement, in which case, the setback shall be thirty-five (35) feet. Parking areas will be visually buffered from the arterial roads and thoroughfares.~~~~

- ~~b—Special event areas shall be located one hundred (100) feet from any property boundary located in a residential district or developed for residential or mixed-use purposes except when their uses are adjacent to the dedicated open spaces either by deed or easement, in which case the setback shall be thirty-five (35) feet. A thirty (30) foot vegetated buffer along the property line is required for special event areas except when the adjacent property uses are dedicated open spaces either by deed or easement. Additional buffers may be required as part of d) of this section.~~
  - ~~c—All newly constructed accessory structures such as: Barns, Green Houses, Vertical Gardens, Agriculture or Farm related structures shall be located one hundred (100) feet from any property located in a residential district or developed for residential or mixed-use purposes except when their uses are adjacent to the dedicated open spaces either by deed or easement in which case the setback shall be thirty-five (35) feet.~~
  - ~~d—As each property is unique, the Town Board may modify the buffers for a Country Inn Development based on particular topographical issues and uses of the property. For instance, additional buffer requirements may be appropriate for special event areas and/or reduction in buffer area may be appropriate for farming or pasture areas within the Country Inn project.~~
- ~~8.—The Country Inn Development shall be rural in nature and considered a single lot development and shall not be required to provide connector roads to or through other residential developments.~~

**Section 15.** Be it ordained by the Board of Commissioners of the Town of Huntersville that **Article 9, Section 9.59** of the Huntersville Zoning Ordinance is hereby amended as follows:

### **9.59 Banquet Facility**

Banquet Facilities are permitted in the Rural Zoning District subject to ~~a Special Use Permit, according to the procedures of Article 11.4.10:~~ the following conditions: Events shall be allowed at Banquet Facilities for the public such as weddings, catered receptions, rehearsal dinners, business meetings/retreats.

The Town Board shall issue a Special Use Permit for the subject facility in the Rural District if, but not unless, the evidence presented at the Special Use Permit Hearing establishes:

1. That the hours of operation, including set-up and break-down, for events will be no earlier than 8:00 am and no later than midnight (12:00 am).

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2. That events must comply with the noise restrictions identified in the Town of Huntersville Noise Ordinance ~~whether or not~~ whether the property is located within the Town's corporate limits or the Extraterritorial Zoning Jurisdiction (ETJ).; ~~and~~
- ~~3. That events must comply with the noise restrictions identified in the Town of Huntersville Noise Ordinance or Mecklenburg County Noise Ordinance, whichever is applicable; and~~
3. That the use will be located on a lot of at least 10 acres in size with a minimum of 30 feet of frontage on a public road either by fee simple ownership or by exclusive easement.
4. One residence (single-family detached house) may be located on the site.
5. New buildings shall maintain a rural character and be compatible with surrounding area.
6. Events may take place inside a building, tent, or outdoors. Catered activities and receptions may take place in tents or buildings.
7. Entrance drives, internal drives, parking and service areas may be gravel, crushed stone, or other suitable material approved by the Planning Director. These areas shall be well maintained and kept free of potholes, weeds, etc. The initial 50 feet of driveway from the public roadway connection shall be paved with concrete or asphalt.
8. That there will be a separation of no less than:
  - a. Parking areas shall be located one hundred (100) feet from arterial roads and thoroughfares, and fifty (50) feet from adjacent properties. Parking areas will be visually buffered from arterial roads, thoroughfares and adjoining properties.
  - b. Event areas shall be visually buffered and located sixty (60) feet from any property boundary located in a residential district or developed for residential or mixed-use purposes.
  - c. Any newly constructed accessory structure such as barns, gazebos and Agriculture or Farm related structures shall be located at a minimum of sixty (60) feet from any property boundary located in a residential district or developed for residential or mixed-use purposes.
  - d. As each property is unique, the Town Board may modify the buffers for a Banquet Facility based on particular topographical issues and uses of the property. For instance, additional buffer requirements may be appropriate

for event areas and/or reduction in buffer area may be appropriate for farming or pasture areas. ~~Such modifications requires a rezoning.~~

- ~~9. The facility Applicant shall have adequate off-street parking to accommodate the maximum number of attendees.~~
10. The method for providing potable water and a system of sanitary sewage collection and disposal for the maximum number of attendees shall be provided.
11. Mobile food/beverage vehicles are allowed on the premises with the following conditions:
  - e. The mobile food/beverage vehicles must cater to the guests of invitation only events, for a time period limited to the event, and are not open to public use.
  - f. The mobile food/beverage vehicles must park in a designated spot, indicated on the special use plan. This area will be screened from public view and adjacent land owners, by an opaque screen.
  - g. No more than three mobile food/beverage vehicles allowed at one time.
  - h. No trucks will be stored overnight on the property.

Events shall be allowed at Banquet Facilities for the public such as weddings, catered receptions, rehearsal dinners, business meetings/retreats.

**Section 16.** Be it ordained by the Board of Commissioners of the Town of Huntersville that **Article 9, Section 9.60** of the Huntersville Zoning Ordinance is hereby amended as follows:

**9.60 Off-Site Catering Services In An Agritourism Catering Facility (Reserved)**

~~Off-site catering services in an Agritourism Catering Facility are permitted in the Rural Zoning District subject to a Special Use Permit according to the procedures of Article 11.4.10. Any Agritourism Catering Facility classified as a bona fide farm pursuant to G.S. 160D-903 shall be exempt from the Special Use Permit requirement.~~

- ~~1.—The facility shall be located on a lot of at least twenty (20) acres in size.~~
- ~~2.—A principal residence shall be located on site.~~
- ~~3.—There shall be no more than twelve (12) employees' present and performing activities for the off-site catering services at any time, excluding on-site resident family members of the facility owner employed in the catering operation. As used in this section 9.60, employees who are present and performing activities for both on-~~

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site and off-site catering services shall count towards the twelve (12) employee limit. The permit shall specify the number of employees permitted at the facility at the same time:

4. That facility shall have adequate off-street parking for the permitted number of employees and for the vehicles used for off-site catering services. In order to accommodate employees, off-site catering vehicles and visiting clients of the catering operation, there shall be a minimum of 1.5 spaces for each permitted employee and off-site catering service vehicle. As used in this section 9.60, vehicles used for both on-site and off-site catering services are included and subject to these regulations. Such parking shall have a visually opaque buffer at least thirty-five feet in width along the adjacent boundary or a structural screen such as a fence that is augmented with vegetation.
5. There shall be no outside storage or evidence of personal property, materials and equipment used for off-site catering services visible from adjoining residences or streets. As used in this section 9.60, personal property, materials and equipment used for both on-site and off-site catering services are included and subject to these regulations.
6. If any portion of the facility utilized by the off-site catering services is located within the on-site principal residence, such portion shall occupy no more than twenty-five percent (25%) of the total finished square footage of such principal residence. The total square footage of the facility used for off-site catering services may not exceed fifty (50%) of the total finished square footage of such principal residence. As used in this section 9.60, portions of the facility used for both on-site and off-site catering services are included and subject to these regulations.
7. The lot containing the facility shall have (i) a minimum of thirty feet (30') of frontage on a public road, (ii) a thirty foot (30') wide exclusive easement to a public road or (iii) a shared exclusive easement, of a minimum of 40' in width, for use by no more than three adjoining properties at the time of the issuance of a permit.
8. Entrance drives, internal drives, parking and service areas may be gravel, crushed stone, or other suitable material approved by the Planning Director. These areas shall be well-maintained and kept free of potholes, weeds, etc. The initial fifty feet (50') of driveway from the public roadway connection shall be paved with concrete or asphalt.

**Section 17.** Be it ordained by the Board of Commissioners of the Town of Huntersville that **Article 9, Section 9.61** of the Huntersville Zoning Ordinance is hereby amended as follows:

**9.61-Par 3 And/Or Golf Driving Range (Reserved)**

~~Par 3 and golf driving ranges are permitted in the Rural Zoning District subject to a Special Use Permit according to the procedures of Article 11.4.10.~~

~~The Town Board shall issue a Special Use Permit for the use in the Rural District if, but not unless the evidence presented at the Special Use Permit hearing establishes:~~

- ~~1.—Par 3 courses shall not be lit. Outdoor lighting associated with driving ranges in the Rural district shall be designed as follows:
  - ~~a.—Facility lighting may include floodlights but must be shielded and shall be oriented and directed in such a way as to not produce glare at any off-site location.~~
  - ~~b.—Maximum light fixture height shall be 40 feet.~~
  - ~~c.—Maximum lighting level is 15 foot-candles measured at grade.~~
  - ~~d.—If free standing lighting is proposed, photometric lighting plans shall be submitted at special use permit application. A maximum of .5 foot-candles at any location on any non-residential property and .1 foot-candles at any location on any residential property, as measurable from any orientation of the measuring device shall be met.~~
  - ~~e.—Lighting shall be extinguished at 11 pm.~~
  - ~~f.—Upon review of the photometric plan, the Town Board may modify the above lighting standards provided the spirit of the ordinance, reducing glare and off-site light trespass is maintained.~~~~
- ~~2.—Vehicular access to the use will be provided only by way of a Boulevard or Major Thoroughfare.~~
- ~~3.—A par 3 golf course or driving range must be located on a property at least 20 acres in size.~~
- ~~4.—No multi-level buildings or tee boxes are permitted.~~
- ~~5.—Hours of operation shall be no earlier than 6 am and no later than 11 p.m.~~
- ~~6.—Existing vegetation within 50 feet of the fronting thoroughfare and residential property lines shall remain undisturbed. If no vegetation exists along the property line, an opaque buffer shall be planted per Article 7.6 If there is no existing~~

~~vegetation along the street, the required second row of street trees will be planted using large maturing evergreen trees to maintain an intermittent screen:~~

~~a.—As each property is unique, the Town Board may modify the buffers for a golf facility based on particular topographical issues and uses of the property. For instance, additional buffer requirements may be appropriate for active commercial areas, while a reduction in buffer area may be appropriate for open natural areas.~~

~~7.—At no time shall golf balls be permitted to cross on to adjacent property or onto the public street. If course or tee orientation makes it possible for balls to leave the site through standard operating use, netting, buffers, screening or other barrier shall be installed to prohibit off site encroachment. If netting is required, it shall be located behind a vegetative buffer, screening if from any property line.~~

~~8.—Only accessory retail and commercial uses meant to serve patrons of the golf facility are permitted, such as snack shops and pro shops. No principle use restaurants or retail establishments meant to serve the general public are permitted.~~

**Section 18.** Be it ordained by the Board of Commissioners of the Town of Huntersville that **Article 9, Section 9.62** of the Huntersville Zoning Ordinance is hereby amended as follows:

**9.62 Dormitory**

Dormitories for a bona fide farm are permitted in the Rural and Transitional Zoning Districts subject to the following conditions: ~~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.~~
1. The use shall does not conflict with long range plans.

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2. The use ~~shall does not violate constitute a~~ any applicable nuisance to adjoining properties with respect to noise, dust, fumes, odor, and traffic. ordinances or other applicable laws.
3. Buildings, parking, and trash facilities shall be setback at least 100' from any adjoining property line and 500' from any public street right-of-way.
4. The use shall be visual screened year-round from all adjoining properties and public streets.
5. The driveway and parking area shall, at minimum, be ground asphalt
6. The dormitory is located on a bona fide farm ~~of at least 100 contiguous acres~~ and is on the land being farmed by the occupants on a full-time basis.
7. The dormitory cannot exceed two (2) stories in height; 15,000 sq. ft. per building; and five buildings total.
8. Building and housing will be constructed and maintained to meet H-2A program requirements or similar federal programs applicable at the time.

Dormitories located in the Town's ETJ and used for a bona fide farm purpose as defined in N.C.G.S. § 160D-903 are exempt from the conditions set forth above.

**HUNTERSVILLE ORDINANCE ADVISORY BOARD:** July 11, 2024

**PUBLIC HEARING DATE:** August 6, 2024

**PLANNING BOARD MEETING:** August 27, 2024

**TOWN BOARD DECISION:** September 17, 2024