

Members

Chair: Amy Hallman

Vice-Chair: Kathy Jones

Scott Harrington

Matthew Jones

Joseph Kluttz

Harrison Whittaker

Planning Board Member:

Scott Hensley



Town Staff
(Non-Voting Members)

Alisia Bergsman
Town Commissioner

Brian Richards
Director
Planning Department

Tracy Barron
Administrative Analyst
Planning Department

Emily Sloop
Town Attorney

AGENDA

Ordinance Advisory Board Meeting

December 5, 2024 - 3:30 PM

TOWN HALL (101 Huntersville-Concord Road)

Live stream available via

YouTube [@townofhuntersvillenc28078](https://www.youtube.com/@townofhuntersvillenc28078)

1. **Call to Order/Roll Call**
2. **Approval of Minutes**
 - 2.A. Consider approval of the July 11, 2024, regular meeting minutes.
3. **Public Comments**
4. **Action Agenda**
 - 4.A. TA 24-16: An amendment to the Zoning Ordinance (Article 11.4.3, d and Article 7.4.2, g); and the Subdivision Ordinance (Section 6.320,3 and Section 6.300,1, n) regarding Community Meeting Requirements, Existing Features Requirements, and Berm Requirements.
5. **Other Business**
6. **Adjourn**

General Meeting Information

Huntersville Ordinances Advisory Board:

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

Meeting Time, Place and Agenda:

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

reserves the right to deviate from the agenda.

Public Comment and Public Hearing Policy:

Persons desiring to address the Board during the public comment period or a public hearing shall sign up via the speaker sign-up sheet prior to the beginning of the meeting. Once the meeting has begun, a person may not sign up to speak. Persons who have signed up to speak shall be allowed to speak for up to three (3) minutes. The Mayor shall have the discretion to shorten the allotted speaking time depending on the number persons registered to speak and in consideration of the length of the agenda. ([Public Comment and Public Hearing Policy - Amended February 19, 2024](#))

Special Accommodations:

Please contact the Planning Department, 72 hours prior to the meeting, for special accommodations to attend this meeting and/or if this information is needed in an alternative format. Tracy Barron can be reached at tbarron@huntersville.org or 704-766-2215.



Request for Board Action

December 5, 2024

To: The Honorable Mayor and Board of Commissioners

From:

Subject:

EXPLAIN REQUEST:

ACTION RECOMMENDED:

FINANCIAL IMPLICATIONS:

ATTACHMENTS:

1. July 11, 2024 Minutes

Minutes of the Town of Huntersville Ordinance Advisory Board

The Town of Huntersville Ordinance Advisory Board met in person at 3:30 p.m. on Thursday, July 11, 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. Jones, J. Kluttz, S. Harrington, S. Hensley, and H. Whittaker

Voting Members Absent: None

Non-Voting Members Present: Commissioner Bergman, B. Richards, T. Barron, and J. Chambers.

Non-Voting Members Absent: None

Approval of Minutes

Item 2A. Consider approval of the May 2, 2024, Regular Meeting Minutes

Motion: S. Harrington made a Motion to Approve the May 2, 2024, regular meeting minutes as amended. H. Whittaker seconded the motion.

Vote: The motion passed (6-0-1) with M. Jones abstaining due to not being in attendance.

Public Comments

None

Action Agenda

4A. 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.

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

The Board confirmed that public input would not be minimized with this amendment. Staff explained that the uses that staff is recommending no longer require a special use permit would still require a rezoning permit which would involve the Board approval process including a public hearing and allowing for public comments at all public meetings.

The Board reviewed some of the criteria attached to the uses that are proposed to be amended to determine if further adjustments should be made to be in keeping with more accurate current criteria. Staff concurred that the criteria need additional attention and confirmed that they are working on that.

The Board asked Staff to explain how they determined which uses had environmental impact and which did not. Staff reviewed commercial communications towers in the rural area and

explained how the uses in rural and transitional residential zones require a minimum of an 8.5 acre parcel which severely limits where it could be placed and the impact that it would have on the environment.

The Board asked how staff ensures that the conditions of a rezoning are being met. Staff reviewed the existing process for all conditional rezonings.

Motion: J. Kluttz made a motion to recommend Approval of TA24-12 as worded. K. Jones seconded the motion.

A. Hallman commented that she is in support of public comment, and she appreciates giving them more of an opportunity to do this.

Vote: The motion passed unanimously (7-0).

Other Business

5A. Consider appointment of Chair and Vice-Chair.

Chairwoman Hallman called for nominations for the Vice-Chair position.

Nomination: H. Whittaker nominated K. Jones for Vice-Chair. S. Harrington seconded the nomination. There were no other nominations.

Vote: The motion passed unanimously (7-0).

Chairwoman Hallman called for nominations for the Chair position.

Nomination: S. Harrington nominated A. Hallman for Chair. M. Jones seconded the nomination. There were no other nominations.

Vote: The motion passed unanimously (7-0).

Adjourn

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

Vote: The motion passed unanimously (7-0).

Approved this ____ day of _____ 2024.

Chair or Vice Chair

Board Secretary



Request for Board Action

December 5, 2024

To: Board Members

From: Lauren Speight, Senior Planner

Date: December 5, 2024

Subject: TA24-16

EXPLAIN REQUEST:

Request for recommendation

ACTION RECOMMENDED:

Request for recommendation

FINANCIAL IMPLICATIONS:

N/A

ATTACHMENTS:

1. TA24_16 Text Amendment Application
2. TA24-16 Ordinance Draft for 12.05



Text Amendment Application

Date of Application 11/25/2024

Fee

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

Type of Change

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

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

Description of Change

Proposed text amendment will affect the following: Please see attached draft for proposed changes.

Ordinance(s): _____ Article(s): _____ Section(s): _____

Current Ordinance

Proposed Text

Reason for Proposed Change

Attach additional pages if needed.

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

Applicant

Printed Name Town Planning Department

Corporation Limited Liability Company Trust Partnership Other: _____

Signature Planning Staff Date 11/25/2024

Title _____ Email _____

Address of Applicant 105 Gilead Road, Huntersville, NC

Property Owner (if different than applicant)

* Printed Name _____

Corporation Limited Liability Company Trust Partnership Other: _____

Signature _____ Date _____

Title _____ Email _____

Address of Property Owner _____

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

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

Contact Information

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

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

Date Received By Planning Department: _____

Staff Initials: _____

AN ORDINANCE TO AMEND ARTICLE 11.4.3, d of the Zoning Ordinance, Section 6.320, 3 of the Subdivision Ordinance; Section 6.300, 1, n of the Subdivision Ordinance; Article 7.4.2, g of the Zoning Ordinance; and Article 7.11 of the Zoning Ordinance – Community Meeting Requirements, Existing Features Requirements, Berm Requirements, Urban Open Space

Section 1. Be it ordained by the Board of Commissioners of the Town of Huntersville that Article 11.4.3, Section d of the Zoning Ordinance is hereby amended by modifying the allowable days for community meetings as follows:

d. Before a public hearing may be held on a petition for a conditional zoning, the petitioner must file in the Office of the Planning Department a written report of at least one community meeting held by the petitioner. **The community meeting shall not be held on Town of Huntersville Board of Commissioners or Planning Board meeting nights.** Notice of such a meeting shall be provided to all of the following, using the parcel ownership information listed in the current Mecklenburg County tax records:

1. Owner of each property petitioned for rezoning
2. Owner of each abutting property
3. Owner of each property within 250 feet of the petitioned property
4. Owner of each property directly across a street, easement, or right-of-way, public or private, from the petitioned property
5. Owner of each property across a street, easement, or right-of-way, and within 250 feet of the right-of-way boundary opposite the petitioned property
6. Contact person for each neighborhood association, property owner association, and homeowner association registered with the Town Planning Department that has jurisdiction over property within 2,000 feet of any portion of the rezoning site (distance scaled on a Town of Huntersville or Mecklenburg County official map). If fewer than two registered associations are identified within 2,000 feet of the rezoning site, it is the responsibility of the petitioner to identify and include unregistered associations or associations beyond 2,000 feet of the site, such that no fewer than two neighborhood, property owner, or homeowner associations are notified of the community meeting.
7. The report shall include, among other things, a listing of those persons and organizations contacted about the meeting and the manner and date of contact, the date, time, and location of the meeting, a roster of the persons in attendance at the meeting, a copy of any materials presented at the meeting, a summary of issues discussed at the meeting, including changes suggested by the participants and a description of any changes to the rezoning petition made by the petitioner as a result of the meeting. In the event the petitioner has not held at least one meeting pursuant to

this paragraph, the petitioner shall file a report documenting efforts that were made to arrange such a meeting and stating the reasons such a meeting was not held. The adequacy of a meeting held or report filed pursuant to this paragraph shall be considered by the Town Board but shall not be subject to judicial review.

Section 2. Be it ordained by the Board of Commissioners of the Town of Huntersville that Section 6.320, Section 3 of the Subdivision Ordinance is hereby amended by modifying the allowable days for community meetings and timeframe within which the meeting shall occur as follows:

3. A written report of at least one community meeting held by the subdivider must be submitted **before acceptance of the second review cycle** ~~within forty-five (45) days of the initial filing of the sketch plan for review~~ by the Planning Department. **Community meetings for major subdivision applications submitted with conditional district rezoning applications shall defer to the timeline for community meetings set forth in Article 11 of the Zoning Ordinance.** The community meeting shall not be held on ~~regularly~~-scheduled Town **of Huntersville** Board **of Commissioners or** ~~and~~ Planning Board meeting nights. Notice of such a meeting shall be provided to all of the following via certified mail using the parcel ownership information listed in the current Mecklenburg County tax records:
 1. Owner of each property petitioned for subdivision
 2. Owner of each abutting property
 3. Owner of each property within 250 feet of the petitioned property
 4. Owner of each property directly across a street, easement, or right-of-way, public or private, from the petitioned property
 5. Owner of each property across a street, easement, or right-of-way, and within 250 feet of the right-of-way boundary opposite the petitioned property
 6. Contact person for each neighborhood association, property owner association, and homeowner association registered with the Town Planning Department that has jurisdiction over property within 2000 feet of any portion of the subdivision site (distance scaled on a Town of Huntersville or Mecklenburg County official map).

The report shall include, among other things, a listing of those persons and organizations contacted about the meeting and the manner and date of contact, the date, time, and location of the meeting, a roster of the persons in attendance at the meeting, a copy of any materials presented at the meeting, a summary of issues discussed at the meeting, including changes suggested by the participants and a description of any changes to the subdivision petition made by the petitioner as a result of the meeting. In the event the subdivider has not held at least

one meeting pursuant to this paragraph, the subdivider shall file a report documenting efforts that were made to arrange such a meeting and stating the reasons such a meeting was not held. The adequacy of a meeting held or report filed pursuant to this paragraph shall be considered but shall not be subject to judicial review.

Section 3. Be it ordained by the Board of Commissioners of the Town of Huntersville that Article 6.300, Section 1, n of the Subdivision Ordinance is hereby amended by modifying requirements of the Existing Features (Site Analysis) Plan as follows:

1. An "Existing Features (Site Analysis) Plan" shall be submitted as part of the sketch plan application and for Farmhouse Cluster developments in order to determine significant features to be preserved. It is recommended a pre-application meeting with the administrator be held to review the Existing Features Plan prior to submission of the sketch plan. The Existing Features (Site Analysis) Plan analyzes each site's special features, as they form the basis of the design process for open space lands, building locations, street alignments, and lot lines. Detailed requirements for Existing Features Plans at the minimum must include:
 1. The location and area calculations of constraining features including wetlands, slopes over 25%, watercourses, intermittent streams and floodways, S.W.I.M. buffers (outside of floodways), watershed buffers, and all rights-of-way and easements (current and future);
 2. The location of significant features such as woodlands, tree lines, specimen and heritage trees, open fields or meadows, scenic views into or out of the property, watershed divides and drainage ways; existing structures, cemeteries, roads, tracks and trails; significant wildlife habitat; prime agricultural farmland; historic, archeological and cultural features listed (or eligible to be listed) on national, state or county registers or inventories; and aquifers and their recharge areas;
 3. The location of existing or planned utility easements (above and below ground) to include, but not limited to power/transmission, water, sewer, gas, phone, and cable;
 4. A topographical map showing original contours at intervals of not less than four feet and existing tree lines;
 5. **Proposed limits of disturbance;**

Section 4. Be it ordained by the Board of Commissioners of the Town of Huntersville that Article 7.4.2, Section g of the Subdivision Ordinance is hereby amended by:

Residential Development along Thoroughfares. All residential development fronting a major or minor thoroughfare shall provide a 20-foot landscape easement located within common area between the future right-of-way and any proposed lots or public streets. The easement shall be placed on a map of record and a note on the record plat shall state

TA 24-16: Community Meeting Requirements, Existing Features Requirements, Berm Requirements,
Urban Open Space

“The homeowners association shall be responsible for the continued preservation and maintenance of this area.”

All existing vegetation shall remain ~~unless it is determined by the Planning Board that the vegetation is not worthy of preservation and an alternative plan is acceptable.~~ These areas must meet or exceed the opaque screening standards as established in this Article through the use of existing vegetation and supplemental plantings.

Along thoroughfares, berms may be installed in a landscape easement adjacent to residential development only in areas devoid of existing vegetation ~~or vegetation not worthy of preservation and only with the approval of the Planning Board.~~ Installation of berms shall not exempt development from the opaque planting requirement as listed above. If included in the landscape design, berms shall:

1. Have a minimum height of 2 feet, a minimum crown width of 8 feet, and a side slope with a width to height ratio of no greater than 3 to 1 (3:1) if 4 feet or less in height. Berms shall not exceed 6 feet in height and, if greater than 4 feet in height, shall have a minimum crown width of 8 feet, and a side slope with a width to height ratio of no greater than 4 to 1 (4:1). Exceptions may be made to the maximum or minimum height of berms by the zoning administrator where, in his opinion, topographical changes dictate such exception.
2. Be designed and constructed with an undulating appearance which mimics as much as is practicable a natural topographical feature of the site.
3. Be substantially planted and covered with live vegetation. No berm shall consist entirely of turf grass, ground cover, mulch, or similar material. If a berm is greater than 2 feet in height all trees shall be arranged so that they are planted within 2 vertical feet of the natural grade, unless irrigation is provided.
4. Be fully installed, planted and stabilized prior to certification of zoning compliance.
5. Be designed to prevent standing water or to impede the flow of stormwater from adjacent properties.
6. Free of structures, including fences, unless approved by the Town as part of the landscaping requirements for a development site.
7. Not be used as part of any outdoor living space by adjacent property owners within the development.

Section 5. Be it ordained by the Board of Commissioners of the Town of Huntersville that Article 7.11, subsection 5 of the Zoning Ordinance is hereby amended by:

1. **Urban Open Space.**
 1. Urban Open Space is defined as all areas not divided into private or civic building lots, streets, right-of-way, parking or easements.

TA 24-16: Community Meeting Requirements, Existing Features Requirements, Berm Requirements,
Urban Open Space

2. Urban Open Space shall be planned and improved, accessible and usable by persons living nearby. Improved shall mean cleared of underbrush and debris and may contain one or more of the following improvements: landscaping, walls, fences, walks, statues, fountains, ball fields, and/or playground equipment. Walls and fences shall be made of brick, stone, wrought iron, or wood and shall not exceed 3.5 ft. in height. (Exceptions: fences used in conjunction with ball fields.) Urban Open Space shall conform to one of the Urban Open Space types described in this section, or to a minor variation of same.
3. In major subdivisions and multi-building developments in all zoning districts except Rural, urban open space shall be integrated into the design of the site. Such open space, whether on-site or off-site, shall be located within ¼ mile of each building lot as measured along the rights-of-way of streets providing access between the two. In large-lot subdivisions such urban open space shall be integrated into the design of the site so that, whether located on-site or off-site, such open space is located within 1/2 mile of all building lots, as measured along the rights-of-way of streets providing access between the two.
4. Urban Open Space features should provide focal points for the neighborhood. A central square or green, for example, may comprise a majority of the open space. There should be a hierarchy of open space within new neighborhoods to serve the needs of all residents.
5. No more than twenty-five (25) percent of each above ground water quality/quantity treatment system (BMP) within an urban open space area can be used. Any above ground BMPs located within an Urban Open Space must add to the overall quality of the open space, rather than detract from area devoted to BMP. ~~To exceed the twenty-five (25) percent limitation a design may be submitted to the Planning Board for review and approval.~~ BMP design shall incorporate a combination of the following design elements; but not limited to, pathways, boardwalks, ponds with fountains, and landscape material. Underground BMPs are not limited.
6. Urban Open Space types include Community Garden, Forecourt, Green, Greenbelt, Greenway, Park, Parkway, Pedestrian Passage, Plaza, Promenade, Square, and Woonerf, and are characterized as described below or to a minor variation of same.

Section 6. This ordinance shall become effective upon adoption.

HUNTERSVILLE ORDINANCE ADVISORY BOARD: 12-05-2024

PUBLIC HEARING DATE: DATE

PLANNING BOARD MEETING: DATE

TOWN BOARD DECISION: DATE