



**Huntersville Ordinances Advisory
Board Agenda
December 2, 2021
3:30 p.m. – 5:00 p.m.
Location: VIRTUAL MEETING**

- NOTICE VIRTUAL MEETING -

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

- A. **Call to Order**
- B. **Adoption of November 4, 2021 Minutes** (Attachment 1)
- C. **Comments from Audience (3 minutes per person allocation)**
- D. **Other Business**
 - 1. Discussion on language for TA21-15, an amendment to allow rooftop amenity spaces to exceed the maximum building height on multi-family and mixed use structures and to add regulations for rooftop amenity spaces that exceed the maximum building height.
- E. **Adjourn**



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

A. Call to Order

Attendance: M. Jones, T. Taylor, L. Munger, K. Jones, J. Henson, S. Moore, F. Gammon, and B. Skelly

Absent: T. Finlay

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

B. Adoption of October 7, 2021, Minutes

M. Jones requested Item D5 detail be addressed to highlight that the four Board members opposed likely due to concern regarding the lack of time provided to review the item.

M. Jones made a Motion to Approve the October 7, 2021, Minutes with the requested amendments. S. Moore seconded the motion. The motion passed (8-0).

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

D. Other Business

- 1. Continuation of discussion for recommendation on TA21-14, an amendment to 1) revise definitions of major and minor subdivision definitions to allow property owners to administratively record new right-of-way and improvements to existing public streets and provide greater flexibility for sewer and water options for property owners 2) clarify existing requirements for Farmhouse Cluster Plans.**

L. Speight, Planner II reviewed the proposed amendments and explained that the new language for a minor subdivision is to simply cover anything that is not a major subdivision and is not exempt. This supports the current standard with no changes and the adjusted wording is for clarity and brevity.

The definition to a major subdivision currently includes any offsite transportation improvements that require a plat revision to dedicate street right-of-way or improvements to an existing street and requires Town Board approval. Staff finds this to unnecessarily lengthen the process as the items are already reviewed as part of the plan review and is proposing that this definition be updated, and Town Board approval no longer be required.

Currently, if a right-of-way or easement for Charlotte Water is extended, it is considered a major subdivision. What staff is finding is that a minor subdivision that wants to use city water or sewer requiring an extension must now be developed as a major subdivision for this reason only.

For farmhouse clusters the current ordinance indicates that they are considered a minor subdivision and require Town Board approval. Staff is proposing to delineate the requirements which are a combination of requirements based on the zoning district and the land development requirements. These are not changes to the requirements, just a clarification to assist developers

in identifying the requirements.

J. Henson confirmed that the requirements for farmhouse clusters are remaining the same. Staff confirmed that is correct.

S. Moore asked if the easement associated with Charlotte Water/Sewer is related to the utilities needing to lay easements or if it regarding an applicant needing a connection and having to cross possibly multiple parties to gain the connection. Staff responded that it is more about the applicant needing to extend easements or access.

M. Jones asked for confirmation that the way this is written and everything currently proposed is in compliance with Article 8 of 160d amendments. E. Sloop confirmed that they are.

J. Henson made a Motion to Approve TA21-14 as proposed. B. Skelly seconded the motion. The motion passed unanimously (8-0).

2. TA 21-16 Amendment to Mountain Island Lake and Lake Norman Watershed regulations to comply with HB 218, effective November 1, 2021 (Attachment 1 - HB 218, Attachment 2 - Ordinance redline, Attachment 3 – Ordinance revision NOTE: AMENDMENT COMBINES CHANGES REQUIRED BY HB 218 WITH CHANGES REQUIRED BY SB 300 DISCUSSED LAST MONTH – STAFF WILL BE AVAILABLE TO ANSWER ANY QUESTIONS)

J. Simoneau, Planning Director advised that this has been amended from the Board previously heard to include additional state mandates. Staff provided a review of HB 218 and identified the ordinances with proposed amendments to be in compliance which include Article 3.3.2-A, 3.3.2-B, and 3.3.3-A.

F. Gammon asked if 160d edits were also included in this amendment. Staff responded that these edits are relative to HB 218 only. F. Gammon asked if Staff could include the redline texts in the agenda packets for Board members to review which would be very helpful and save time.

M. Jones concurred that reviewing proposed amendments against the most recent current version of the ordinances would be very helpful. Staff confirmed that they will work to provide that in the future. M. Jones asked if the item could be split into two items to vote on. Staff stated that the first portion of the amendment was already approved at the previous meeting and the new portion that has been added to decriminalize under HB 218 is the only additional recommendation being considered today.

L. Munger made a Motion to Approve TA21-16. J. Henson seconded the motion. The motion passed unanimously (8-0).

E. Adjourn

S. Moore made a Motion to Adjourn. L. Munger seconded the motion. The motion passed unanimously (8-0).

**AN ORDINANCE TO AMEND ARTICLE 8.7: Height Limitation OF THE ZONING ORDINANCE TO
ADD STANDARDS FOR ROOFTOP AMENITIES SPACES**

Section 1. Be it ordained by the Board of Commissioners of the Town of Huntersville that Article 8.7: Height Limitation of the Zoning Ordinance is hereby amended as follows:

- .1 The height of habitable buildings and components is controlled by building type (Article 4).
- .2 Structures and structural components not intended for human occupancy (including towers, steeples, flagpoles, chimneys, water tanks or similar structures) may exceed the height limit of buildings. Further, towers primarily used for manufacturing purposes that may also be occupied may exceed the height limit of buildings. Components of civic buildings which extend above the height limit shall follow the standards for the civic building type (Article 4). When adjacent to a lot or lots located in a residential district, any part of a non-civic structure which extends above the height limit must be separated from the residential lot by a distance equal to its height measured from the ground. In all other instances, any part of a non-civic structure which extends above the height limit must be separated from lot lines by a minimum distance of one foot for every four feet in height measured from the ground.
- .3 The height limitations of this section shall not apply to public utility poles and lines, skylights, and roof structures for elevators, stairways, tanks, heating, ventilation and air-conditioning equipment, or similar equipment for the operation and maintenance of a building, and any device used to screen such structures and equipment.
- .4 Commercial communication towers, where permitted, may exceed the height limit for structures when the standards of Section 9.9 are met.

.5 Rooftop Amenity Spaces

The intent of these rooftop amenity space regulations is to allow rooftop amenity spaces for residents of an apartment building type or mixed-use building type to exceed the maximum building height allowed subject to the below standards:

- a. **Location.**
- b. **Size and Height.**
 - i. **The height of the rooftop amenity space shall not exceed 15 feet ; and**
 - ii. **The area of the rooftop amenity space, measured to the outermost exterior element, shall not exceed 1,000 square feet or 10 percent of the floor area of the story below the space, whichever is less; and**
 - iii. **The rooftop amenity space is set back from any building edge at a distance equal to _____ ; and**
- c. **Access.**
 - i. **Rooftop amenity spaces that exceed the maximum structure height shall be available to all residents.**

- ii. The rooftop amenity space shall not be accessible to commercial tenants of a mixed-use building.
- d. Lighting and Noise.
 - i. Rooftop Amenity Spaces shall adhere to the lighting standards set in the Zoning Ordinance under Article 8.26.
 - ii. Rooftop Amenity Spaces shall adhere to the noise standards set in the Town Code of Ordinances under Title IX, Chapter 93, Article III. Noise.
 - iii. The use of sound amplifying equipment shall be prohibited.
 - iv. All exterior lighting associated with rooftop amenity spaces shall be turned off at 10:00 p.m., except for necessary lighting for site security.
- e. Open Space.

Section 2. Be it ordained by the Board of Commissioners of the Town of Huntersville that Article 12.2.1: General Definitions of the Zoning Ordinance is hereby amended as follows:

Rooftop Amenity Spaces. A covered area or an enclosed space on a building rooftop that is intended to be an accessory use for residents of multi-family apartment structures or mixed-use structures.

Section 3. Be it ordained by the Board of Commissioners of the Town of Huntersville that Article 4: Building and Lot Types: Apartment Building of the Zoning Ordinance is hereby amended as follows:

Permitted Heights and Uses

1. Building height shall be measured as the vertical distance from the highest finished grade relative to the street frontage, up to the eaves or the highest level of a flat roof.
2. The height of parapet walls may vary depending upon the need to screen mechanical equipment.
3. Building height to the ridge may vary depending on the roof pitch.
4. Permitted uses are indicated above.

5. Rooftop Amenity Spaces for Apartment Building Types may exceed the maximum building height in accordance with Article 8.7.

Section 4. Be it ordained by the Board of Commissioners of the Town of Huntersville that Article 4: Building and Lot Types: Shopfront Building of the Zoning Ordinance is hereby amended as follows:

Description

The shopfront building is a small-scale structure which can accommodate a variety of uses. The structure is typically a maximum of 15,000 square feet. A group of shopfront buildings can be combined to form a mixed-use neighborhood center. Individual shopfront buildings can be used to provide some commercial service, such as a convenience food store, in close proximity to homes. Traditional commercial buildings in the old town provide good examples. Hotels, inns, and conference centers may be placed in shopfront or mixed-use buildings. Where possible,

structures shall be designed to terminate vistas or serve as key focal points in the neighborhood. **A mixed-use building type duplicates the shopfront building type in accordance with the applicable Zoning District, see applicable Zoning District for additional standards.**

Permitted Heights and Uses

1. Building height shall be measured as the vertical distance from the highest finished grade relative to the street frontage, up to the eaves or the highest level of a flat roof.
2. The height of parapet walls may vary depending upon the need to screen mechanical equipment.
3. Building height to the ridge may vary depending on the roof pitch.
4. Permitted uses are indicated above, and are further controlled by district regulations.
5. Where an existing residential building converts to a mixed-use building, at least 40% of the habitable floors area shall be residential.

6. Rooftop Amenity Spaces for residents of Mixed-Use Building Types may exceed the maximum building height in accordance with Article 8.7.

Section 5. That this ordinance shall become effective immediately.

AN ORDINANCE TO AMEND ARTICLE 8.7: Height Limitation OF THE ZONING ORDINANCE TO ADD STANDARDS FOR ROOFTOP AMENITIES SPACES

Commented [KM1]: Need to amend.

Section 1. Be it ordained by the Board of Commissioners of the Town of Huntersville that Article 8.7: Height Limitation of the Zoning Ordinance is hereby amended as follows:

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 - iii. **The rooftop amenity space is set back from any building edge at a distance equal to ; and**
- c. **Access.**
 - i. **Rooftop amenity spaces that exceed the maximum structure height shall be available to all residents.**

Commented [KM2]: Do we want to limit location?

Options:

- Outright prohibit properties that adjoin certain zoning districts from having rooftop amenity spaces
- A rooftop amenity space must be 200' away from these specified zoning districts (how would we measure the distance?)
- Limit location based on use? (i.e. no rooftop amenity spaces allowed when subject property adjoins single-family residential)

Commented [KM3]: How do we feel about the 15' height limit?

Commented [KM4R3]: What if the start of rooftop amenity space is 5' under the max building height, does that mean it could exceed 15' above the max building height or 15' above the building itself?

Commented [KM5]: Okay with this size limit? How do we feel about the 10% of floor area of the story below? Would rather have just 1,000 SF limit?

Commented [KM6]: Do we want a setback?

Commented [KM7R6]: Planning Staff does not see a need for setback as similar items such as personal balconies do not require a setback.

- ii. The rooftop amenity space shall not be accessible to commercial tenants of a mixed-use building.
- d. Lighting and Noise.
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Commented [KM8]: Thinking 10 pm lighting limit because this discourages use of the space after 10 pm, helping with concerns of noise and light pollution.

Commented [KM9]: Would need to amend Urban Open Space 7.10 chart and 7.11 Urban Open Space. The Open Space would count for rooftop amenity spaces that do exceed the max build height and rooftop amenity spaces that do not exceed max build height.

Commented [KM10]: How do we want to define Rooftop Amenity Space?

structures shall be designed to terminate vistas or serve as key focal points in the neighborhood. **A mixed-use building type duplicates the shopfront building type in accordance with the applicable Zoning District, see applicable Zoning District for additional standards.**

Commented [KM11]: Is this clarification needed?

Permitted Heights and Uses

1. Building height shall be measured as the vertical distance from the highest finished grade relative to the street frontage, up to the eaves or the highest level of a flat roof.
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3. Building height to the ridge may vary depending on the roof pitch.
4. Permitted uses are indicated above, and are further controlled by district regulations.
5. Where an existing residential building converts to a mixed-use building, at least 40% of the habitable floors area shall be residential.

6. Rooftop Amenity Spaces for residents of Mixed-Use Building Types may exceed the maximum building height in accordance with Article 8.7.

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Apartment Building Type

Max Building Height Allowed: 36'

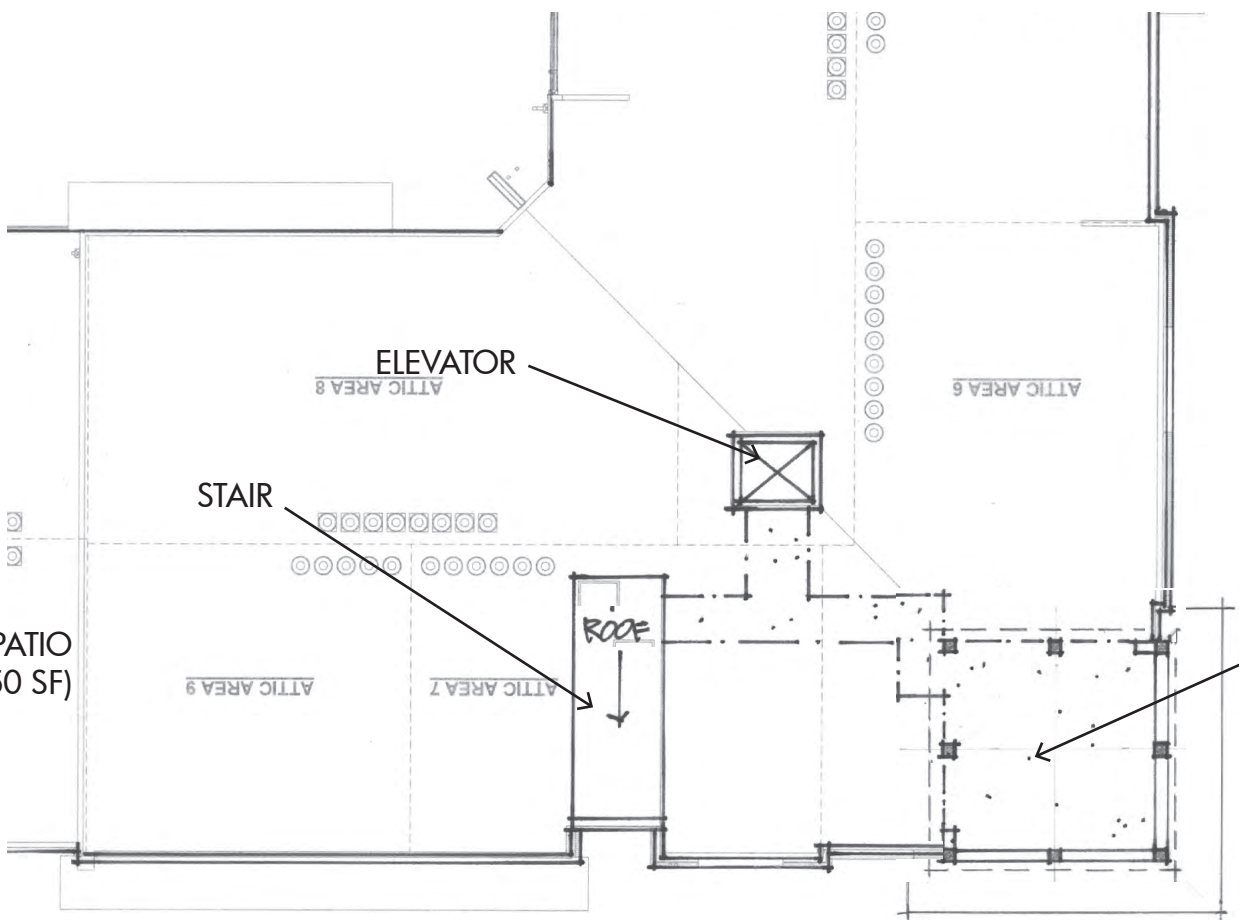
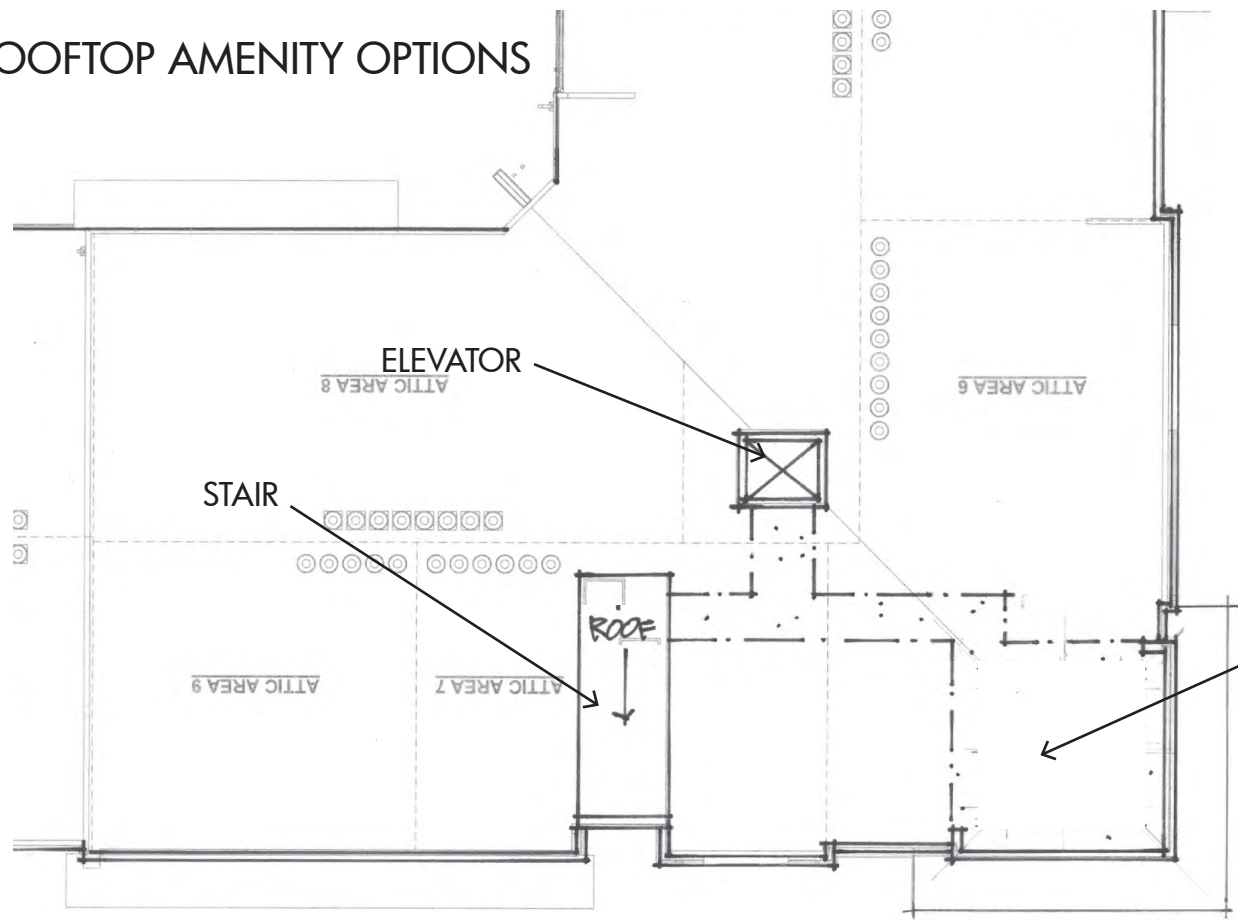
Zoning District where Apartment is a Permitted Building Type	Multi-Family & Apartment Building Type Allowed?
NR	Yes
NC	Yes
TC	Yes
HC	Yes
CI	Yes, with conditions
CB	Yes, permitted accessory use
TND	Yes
TOD-E	Multi-Family home only allowed in mixed/
TOD-R	Yes

Mixed-Use Building Type

Max Building Height Allowed: 48'

Mixed-Use Building Type Permitted	Size Standard	Residential % Required
NR	3,000 SF 1st floor area	50% habitable area of the building shall be in residential use. When an existing residential building is redeveloped to a mixed-use, at least 40% of the habitable area shall be in residential use.
NC	6,000 SF 1st floor area	50% habitable area of the building shall be in residential use. When an existing residential building is redeveloped to a mixed-use, at least 40% of the habitable area shall be in residential use.
HC	65,000 SF of 1st floor area on major thoroughfare; up to 15,000 SF on minor thoroughfare	50% habitable area of the building shall be in residential use
CI	No Limit	50% habitable area of the building shall be in residential use. When an existing residential building is redeveloped to a mixed-use, at least 40% of the habitable area shall be in residential use.
CB	6,000 SF 1st floor area	50% habitable area of the building shall be in residential use. When an existing residential building is redeveloped to a mixed-use, at least 40% of the habitable area shall be in residential use.
TC	50,000 SF 1st floor area; larger buildings may be permitted with a SUP.	50% habitable area of the building shall be in residential use. When an existing residential building is redeveloped to a mixed-use, at least 40% of the habitable area shall be in residential use.
TND	6,000 SF 1st floor area; up to 65,000 SF of 1st floor area w/i 2,000 feet of a freeway interchange or the intersection of two major thoroughfares.	50% habitable area of the building shall be in residential use. When an existing residential building is redeveloped to a mixed-use, at least 40% of the habitable area shall be in residential use.
TOD-R	No Limit	50% habitable area of the building shall be in residential use. When an existing residential building is redeveloped to a mixed-use, at least 40% of the habitable area shall be in residential use.
TOD-E	No Limit	50% habitable area of the building shall be in residential use. When an existing residential building is redeveloped to a mixed-use, at least 40% of the habitable area shall be in residential use.





WITHOUT PERGOLA



WITH PERGOLA



HUNTERSVILLE TOWN CENTER APARTMENTS

HUNTERSVILLE, NC
AUGUST 30, 2021

