



**Huntersville Ordinances Advisory
Board Agenda
March 3, 2022
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

1. Introduction of New Members
2. Review of Checklist
3. Election of Chair and Vice-Chair for one-year terms

B. Adoption of January 6, 2022 Minutes (Attachment 1)

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

D. Other Business

1. Consider a recommendation on Petition #TA22-04, a request by the Town of Huntersville Town Staff to amend Zoning Ordinance Article 9.54 to remove SUP requirements from Minor Solar Energy Facilities and to bring the articles language into compliance with 160D-914.
2. Consider a recommendation on Petition #TA22-02, a request by the Town of Huntersville Town Board to amend Zoning Ordinance Articles 3.2.4(d)(4), 3.2.5(d)(4), 3.2.6(d)(4) and 3.2.7(d)(4)(a) to remove a provision allowing over 30% attached houses, apartment buildings and mixed use buildings at designated transit stations in the Neighborhood Residential, Neighborhood Commercial, Town Center, and Highway Commercial zoning districts.
3. Consider a recommendation on Petition #TA22-03, a request by the Town of Huntersville Town Staff to amend Zoning Ordinance Articles 8.9.1 and Article 12.2.2 to update language regarding sight distance measurements in order to comply with State House Bill 489.

E. Adjourn

Draft HOAB Checklist for Ordinance Changes

1. Legal
 - a. What is the source of authority and is that authority specific or general?
 - b. Does it comply with statute and case law?
 - c. Does it comply with constitutional limits? (i.e. Due Process, Equal Protection, Takings (Nollan, Dolan, Koontz), 1st Amendment, 4th Amendment, etc.)
 - d. Can it be equally applied?
 - e. It is flexible and adaptive?
 - f. Does it impact the free use of real property and the right to improve one's property?
 - g. Does it bear substantial relation to public health, safety, or welfare?
 - h. Is it reasonable and necessary?
 - i. Does it give a third party veto power over another persons property?
 - j. If a restriction is it in favor of the citizen?
 - k. If an exaction is it rationally related and roughly proportional to the impacts of the proposed land use?
 - l. Does the regulation go too far, or is it too vague?
 - m. Does it have reasonable relation to a legitimate objective?
2. Fiscal Impacts
 - a. What is the estimated fiscal impact to the town?
 - b. Does it increase/decrease the financial burden of citizens?
 - c. Does it create property that will be exempt from tax?
3. Impact to Development Costs, Housing Affordability, Types of Uses/Housing and Density
 - a. Does it increase/decrease development costs?
 - b. What is its potential impact on housing affordability?
 - c. Does it increase or decrease the allowed types of uses and or housing?
 - d. Does it increase or decrease the density of allowed uses?
4. Administrative Impact
 - a. Does it increase/decrease administrative burden of staff?
 - b. Does it increase/decrease administrative costs?
 - c. Will it require additional investment in personnel, equipment, or systems?
 - d. Will it increase or decrease review and approval timelines?
5. Impact on Property Values
 - a. What is the potential impact on developed and undeveloped property values?
6. Comprehensive Plan
 - a. Does it comply with the Comprehensive Plan?
7. Cost/Benefit
 - a. Do the benefits out weight the costs?
8. Environmental Impacts
 - a. Does it increase/decrease environmental impact on water and air quality?
9. Infrastructure Impacts
 - a. What impacts would it have on water, wastewater, stormwater, transportation infrastructure?
10. Other Considerations
 - a. Does it make the Town more competitive in attracting economic development opportunities?
 - b. Will it provide additional community benefits or amenities?



**Huntersville Ordinances Advisory
Board Minutes
January 6, 2022
3:30 p.m. – 5:00 p.m.
Location: VIRTUAL MEETING**

- NOTICE VIRTUAL MEETING -

A. Call to Order

Members present: Chairman M. Jones, Commissioner L. Munger, K. Jones, F. Gammon, J. Henson, B. Skelly, T. Taylor, S. Moore

Member absent: T. Finlay

B. Adoption of December 2, 2021, Minutes (Attachment 1)

L. Munger made a Motion to Approve the December 2, 2022, Minutes. K. Jones seconded the motion. The motion passed (7-0-1) with S. Moore abstaining.

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

D. Other Business

1. Discuss Minor Solar Energy Facilities on the front roof slope by-right

S. Moore made a Motion to Amend the Agenda and remove Item D1 from the agenda. J. Henson seconded the motion. The motion passed unanimously (8-0).

2. Recommendation on language for TA21-15, an amendment to allow rooftop amenity spaces to exceed the maximum building height on apartment building types and mixed-use building types and to add regulations for rooftop amenity spaces that exceed the maximum building height.

J. Simoneau, Planning Director reviewed the proposed amendment which would allow rooftop amenities to exceed a maximum building height for apartment and mixed-use building type. The standards were based on feedback received from this Ordinance Advisory Board. Staff does not recommend that there be a setback as decks and balconies are allowed on all other levels up to the edge and building code will require appropriate railing and safety requirements. The rooftop amenity could count towards a maximum of 1,500 square feet of Urban Open Space and must be accessible to all residents.

S. Moore asked staff why the Code of Ordinances are not being used to stipulate the noise and sound ordinances versus a zoning overlay. Staff responded that the noise ordinance is general and in reviewing neighboring ordinances that allow rooftop amenities this seemed to be the favored approach.

K. Jones asked if the sound and light ordinances that the Community School of Davidson Athletic Field are currently under would be the same ordinances that would govern rooftop amenities. Staff confirmed that they are both governed by the same ordinance and in that situation, there have been complaints, staff has gone onsite with the light meter and determined the lights do not meet our ordinances and they are having to fix the issue. If a rooftop amenity received a complaint staff would investigate and if they were found out of compliance, they would also have to fix the issue.

S. Moore asked staff why a maximum of 1,500 square feet counting towards Urban Open Space was determined. Staff responded that this was also a similarity found in neighboring zoning ordinances and reminded the Board that this limitation only applies if you exceed your maximum building height.

K. Jones asked for clarification on the height exceeding what is allowed. Staff confirmed that these ordinances only begin when the proposed rooftop amenity exceeds the allowed building height.

F. Gammon asked about the access for commercial tenants and if the zoning ordinance would allow a commercial building to have a green roof for uses such as climate control and gardening. Staff confirmed that any limitations to this would only apply if the space exceeded the maximum allowed height.

L. Munger asked if a mixed-use building would have commercial on the first floor and residential above with the uses typically contiguous to the adjacent floors. Staff confirmed that is correct you would not typically want customers using elevators to go to the roof and past the residents.

M. Jones asked if there is any community benefit and if there is any incentive to incorporate storm water or impervious surface considerations, and if the proposed amendment is too narrow in its scope. Staff responded that the amenity is for the community within that building, and nothing precludes them from incorporating storm water or impervious considerations into their use. Staff responded that they felt comfortable with the amendment as currently written and agree that this could adapt or evolve into something greater in the future.

L. Munger made a Motion to Recommend Approval of TA21-15 as written. T. Taylor seconded the motion.

S. Moore stated he would not be voting in favor of this because while a step in the right direction he thinks that the sound/noise additions are unnecessary, and the 1,500 square feet is too limiting. He would be comfortable with the height exceeding 15' and we should do everything we can to incentivize these improvements.

The motion was a split vote (4-4) with M. Jones, K. Jones, S. Moore, B. Skelly opposed.

3. Recommendation on language for TA22-01, a text amendment to update the definition and initiation of Down Zoning in compliance with 160D state statutes.

J. Simoneau, Planning Director commented that this amendment is to bring the zoning ordinances in compliance with 160D state statute changes related to down zoning.

L. Munger made a Motion to Recommend Approval of TA22-01 as written. J. Henson seconded the motion. The motion passed unanimously (8-0).

4. Update on sewer capacity in eastern Huntersville

J. Simoneau, Planning Director provided an update on the sewer capacity status, areas affected, and proposed short term actions which include a reduced flow factor approved by the state and rationing of remaining capacity so that some capacity can be allocated to as many projects in the current review queue as possible which will be provided on a first come first serve basis to allow some phase development for most applicants. Mid term actions include design of a pump station to pump wastewater to an existing water treatment plant to provide more capacity. Long term action includes a request for more capacity and the anticipated expansion to be online in 2024.

K. Jones asked if this means any projects on the east side of town will be on hold. Staff stated it does not, some projects already have approval, other projects that have not been

approved by Charlotte Water, yet they are being reviewed for the potential of some development or if needed, a hold on the project.

F. Gammon stated that he read in the newspaper that Charlotte Water had changed how their willingness to serve is being handled. Staff responded that the willingness to serve is subject to capacity and the commitment to serve is not currently being issued if you fall within the affected area.

S. Moore suggested that the projects that have been approved and are paused due to this capacity issue receive a pause in their vested right period similar to what was offered during the recession. Staff agreed that was a good point and they would follow up on it.

L. Munger asked Staff to clarify what vesting rights refers to so that all listening understood the term. Staff explained that there is a time limit on approved projects that have not gotten started to reach completion and since it may be out of their control as to securing sewer services there may need to be a consideration to extend the allowed time limit.

5. Discussion on Ordinance Advisory Board meetings being conducted in-person or virtually.

M. Jones invited any comments or concerns regarding holding the meeting in person versus virtually.

J. Henson stated he was flexible and willing to do whatever served the needs of the majority.

S. Moore stated that if the state of emergency still stands then it makes sense to him to maintain a virtual meeting.

L. Munger agreed with S. Moore and given the current increase in positive cases he agrees that virtual is good for now.

F. Gammon commented he does not have a problem meeting virtually and if there is one person that does not feel comfortable meeting in person then he thinks it would be good to support their needs. Additionally, he asked if upon return to in person meetings if the meeting will continue to be streamed to the public. Staff confirmed that given our meeting location they would not be streamed. F. Gammon stated it is his opinion that we should stream the meetings. M. Jones agreed that the meetings should continue to be streamed.

M. Jones asked if any improvements to the ventilation system had been installed in any town facilities as he is personally high-risk. Staff confirmed we were not aware of any.

S. Moore made a Motion to Approve continue virtual meetings until the State rescinds their state of emergency related to COVID. L. Munger seconded the motion. The motion passed unanimously (8-0).

E. Adjourn

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

MEMO

TO: Huntersville Ordinances Advisory Board

FROM: Nathan Farber, Planner I

SUBJECT: Text Amendment TA 22-04

DATE: 2/24/2022

Attached is TA 22-02, a Zoning Ordinance text amendment proposed by Town Staff. The proposed amendment has two major goals:

1. To remove all special use permit requirements from Article 9.54.1 Minor Solar Energy facilities. Special use permits, approved by the Huntersville Town Board and recommended by the Planning Board, are required for minor solar energy facilities/solar panels fronting a public street. Other minor solar facilities are approved administratively by staff. Since this requirements inception in 2013, only three special use permits have been applied for, though two of those have occurred within the past 3 months (all approved). Staff has seen an increased interest in solar panels that will likely continue. Changing the the special use permit requirement to an administrative staff approval will remove the unnecessary burden that the special use permit places on applicants.
2. Town staff has worked with the Town Attorneys to reorganize and clean up language while also bringing language into full compliance with 160D-914.

If you have any questions, please contact me at 704-766-2241.

**AN ORDINANCE TO AMEND ARTICLE 9.54 OF THE ZONING ORDINANCE TO
REMOVE SUP REQUIREMENTS FROM MINOR SOLAR ENERGY FACILITIES AND TO
BRING THE ARTICLES LANGUAGE INTO COMPLIANCE WITH 160D-914**

Section 1. Be it ordained by the Board of Commissioners of the Town of Huntersville that article 9.54 of the Zoning Ordinance is hereby amended as follows:

~~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:~~

~~a. Residential Property (refer to illustration):-~~

- ~~1. Residential Property (refer to illustration): Minor solar facilities shall be allowed in accordance with the provisions below. However, these conditions will be waived if they prevent reasonable use of solar collectors as provided in GS 160D-914.~~

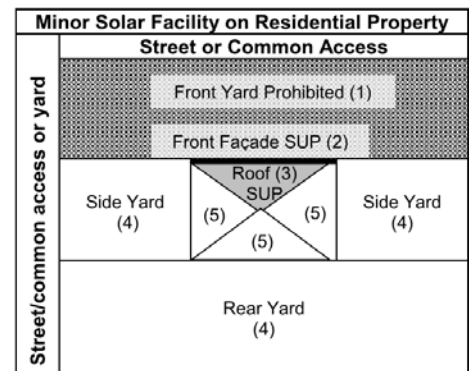
~~(1) Front yard placement is prohibited.~~

~~(2) Front façade placement (if facing street or common access) requires a Special Use Permit (SUP).~~

~~(3) Front roof slope placement requires a Special Use Permit (SUP)~~

~~(4) Side and rear yard placement permitted as by right accessory use in all districts subject to the issuance of a zoning permit.~~

~~(5) Side and rear roof slope placement permitted as a by right accessory use in all districts subject to the issuance of a zoning permit.~~



~~b. Non-Residential Property:~~

~~(1) Minor free-standing solar facilities on non-residential property shall require a Special Use Permit (SUP).~~

~~(2) Minor rooftop solar facilities on non-residential property: Facilities on flat roofs, facilities on roof slopes not facing a street and building integrated solar panels on roof slopes facing the street that are not noticeable are permitted by right in any zoning~~

~~district. All other roof mounted solar panels facing street shall require a Special Use Permit (SUP).~~

~~c. Minor free-standing facilities must comply with accessory structure setbacks and spacing.~~

~~d. Minor free-standing facilities shall be a maximum of 5 feet in height as measured from the grade at the base of the structure to the apex of the structure.~~

~~e. 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 Major Solar Energy Facilities~~

~~a. Shall require the issuance of a Special Use Permit and in addition to the Special Use Permit requirements found in [Article 11.4.10](#) shall include the following:~~

~~(1) An existing features plan as described in the Subdivision Ordinance [Article 6.300.1.14](#) is required. Placement of solar panels shall be based on preserving existing features to the extent practical.~~

~~(2) Major solar energy facilities are exempt from any parking requirements in the Huntersville Zoning Ordinance if there is no commercial or office building component.~~

~~(3) Setbacks:~~

~~i. Shall meet the minimum required setbacks for the underlying zoning district for installations in the R and TR zoning districts.~~

~~ii. Shall be a minimum of 20 feet from any property line in the SP zoning district.~~

~~(4) Height:~~

~~i. Free standing major solar facilities shall be a maximum of 8 feet in height as measured from the grade at the base of the structure to the apex of the structure.~~

~~(5) The minimum lot size requirement for major solar facilities is 10 acres.~~

~~b. Town of Huntersville to be given copies of any lease agreement and plan for removal of facility/equipment.~~

~~c. Glare resistant solar panels shall be used if the solar facility is adjacent to any airport.~~

d. ~~Rooftop major solar energy facilities should 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.~~

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

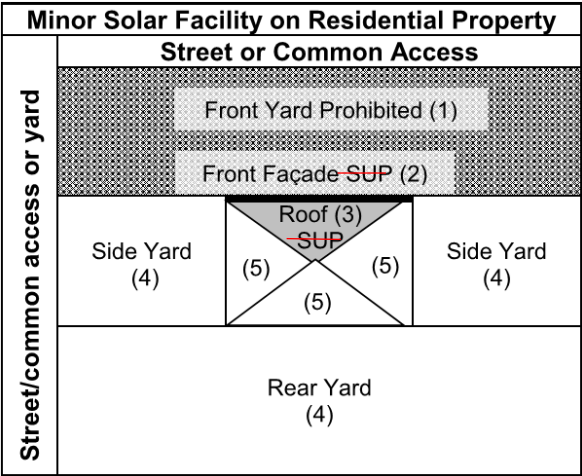
.1 Minor Solar Energy Facilities.

a. 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.

b. Residential Property (refer to illustration).



1. Front yard placement, as depicted by area (1) in the above illustration, 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, as depicted by area (2) in the above illustration, is permitted as a by-right accessory use in all districts subject to the issuance of a zoning permit.
3. Front roof slope placement that slopes downward, as depicted by area (3) in the above illustration, is permitted as by-right accessory use in all districts subject to the issuance of a zoning permit.
4. Side and rear yard placement as depicted by area (4) in the above illustration, is permitted as by-right accessory use in all districts subject to the issuance of a zoning permit.
5. Side and rear roof slope placement, as depicted by area (5) in the above illustration, is permitted as a by-right accessory use in all districts subject to the issuance of a zoning permit.

c. Non-Residential Property.

1. Front yard placement, as depicted by area (1) in the above illustration, 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 of minor free-standing solar facilities on non-residential property in locations other than the front yard as depicted by area (1) in the above illustration, 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:
 - (1) flat roofs
 - (2) roof slopes not facing a street and building; and
 - (3) roof slopes facing the street when using integrated panels.

.2 Major Solar Energy Facilities.

a. General Requirements for Major Solar Energy Facilities.

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.

b. Residential Property

Major solar energy facilities on residential property shall require the issuance of a Special Use Permit in accordance with the requirements set forth in [Article 11.4.10](#).

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.

1. Front yard placement, as depicted by area (1) in the above illustration, 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, as depicted by area (2) in the above illustration, is prohibited pursuant to N.C.G.S. § 160D-914(c)(1) when the placement would cause the solar facility to be visible by a person on the ground.
3. Front roof slope placement that slopes downward, as depicted by area (3) in the above illustration, is prohibited pursuant to N.C.G.S. § 160D-914(c)(2) when the placement would cause the solar facility to be visible by a person on the ground.
4. Side and rear yard placement as depicted by area (4) in the above illustration, is permitted as by-right accessory use in all districts subject to the issuance of a zoning permit.
5. Side and rear roof slope placement, as depicted by area (5) in the above illustration, is permitted as a by-right accessory use in all districts subject to the issuance of a zoning permit.

Notwithstanding this subsection, a Special Use Permit shall be granted if the regulations have the effect of preventing the reasonable use of a major solar energy facility on a residential property, except as provided in N.C.G.S. § 160D-914.

c. Non-Residential Property.

Major solar energy facilities on non-residential property shall require the issuance of a Special Use Permit in accordance with the requirements set forth in [Article 11.4.10](#).

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.

Section 4. That these amendments shall become effective upon approval by the Town Board of Commissioners.

HUNTERSVILLE ORDINANCE ADVISORY BOARD: January 6, 2021

PUBLIC HEARING DATE: March 2022

PLANNING BOARD MEETING: March 2022

TOWN BOARD DECISION: April 2022

MEMO

TO: Huntersville Ordinances Advisory Board
FROM: Jack Simoneau, AICP, Planning Director
SUBJECT: Text Amendment TA 22-02
DATE: 2/24/2022

Attached is TA 22-02, a Zoning Ordinance text amendment sponsored by the Huntersville Town Board affecting the Neighborhood Residential, Neighborhood Commercial, Town Center and Highway Commercial zoning districts by removing the ability to exceed 30% attached houses (row house, townhouse or duplex), apartment buildings and mixed-use buildings (commercial & residential in one multi-story building) in **major subdivisions** located within ¼ mile of **designated rail transit stations**. The Huntersville Town Board has requested a call for a public hearing for this text amendment because of the concern for increased residential density based on proximity to transit stations that may not happen, or if they do, will not be in place in the foreseeable future.

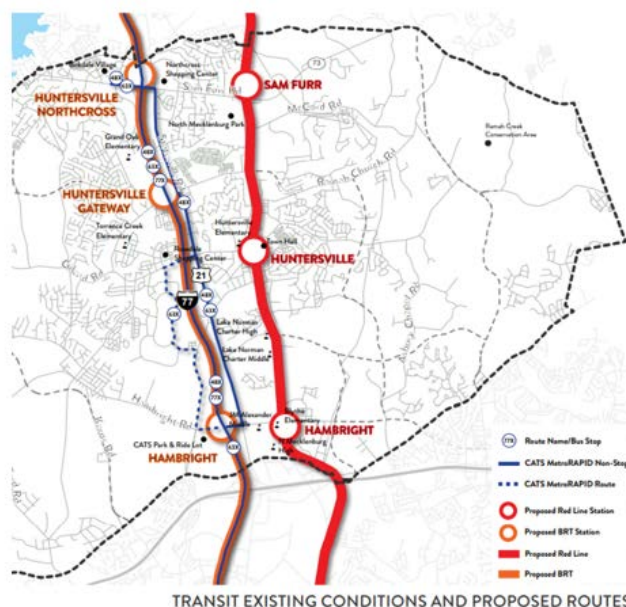
Key words to be aware of are “major subdivisions” (defined below) and “designated rail transit stations” (map below, red line showing general locations from Huntersville 2040 Community Plan).

Subdivision, Major.

A subdivision not otherwise exempt from these regulations that involves any of the following:

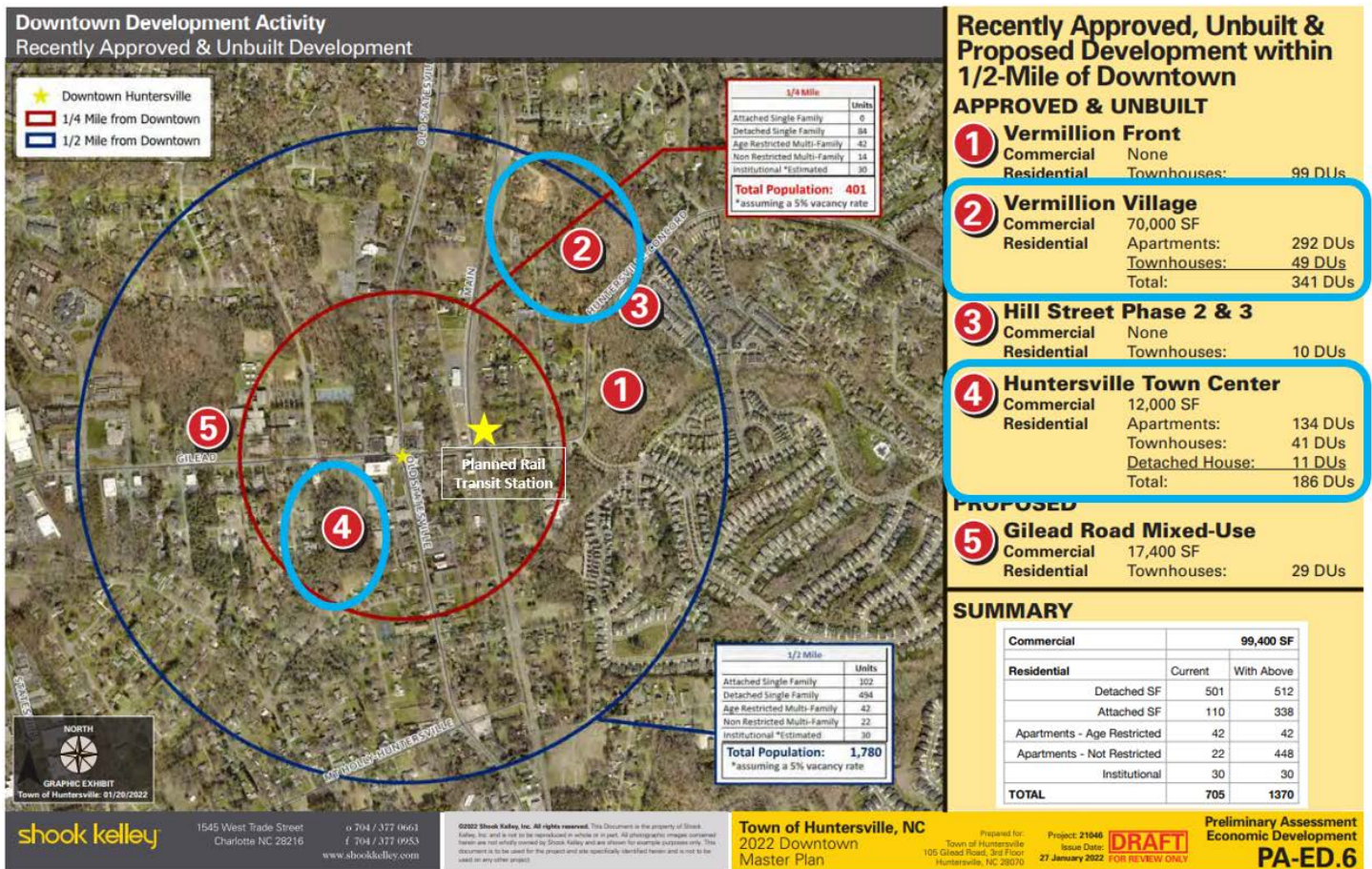
1. The creation of any new public street but does not include the public acquisition by purchase of strips of land for the widening or opening of streets or for public transportation system corridors or the location of public utility rights-of-way.
2. A future public school, park, greenway, or open space site shown in any adopted plan or policy document.
3. A multi-building site.
4. The installation of drainage improvements through one or more lots to serve one or more other lots.
5. The installation of a private waste-water treatment plant or a private water supply system for more than one lot or building site.

Huntersville 2040 Community Plan



The provision to exceed 30% attached houses, apartment buildings and mixed-use buildings within ¼ mile of transit stations in the Neighborhood Residential, Neighborhood Commercial, Town Center and Highway Commercial zoning districts has been in the ordinance since 1996.

The first development to be approved under these provisions was Vermillion Village in 2017 (#2 below) followed by Huntersville Town Center/North State Development in 2021 (# 4 below). Please note the map below is from the first public forum for the downtown plan currently underway. The red and dark blue circles represent ¼ mile and ½ mile from the center of downtown (intersection of Gilead Road and NC 115), not the planned rail station.



To see the location of Neighborhood Residential, Neighborhood Commercial, Town Center and Highway Commercial zoning districts, please go here: <https://www.huntersville.org/2624/Zoning-Map>. If you have any questions or would like additional information prior to the March 3, 2022, HOAB meeting, please contact me at 704-766-2211.

NR Zoning District 3.2.4(d)

d) 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.
 - 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 for One- and Two-Family Dwellings.
- 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) Notwithstanding the limitations of 3), above, in any section of a major subdivision located within ¼ mile of a designated rail transit station, the percentage of dwelling units contained in attached houses, apartment buildings, and mixed-use buildings is not limited. Higher overall density is encouraged within ¼ mile of rail transit stations. Rail transit stations are those locations designated by resolution adopted by the Board of Commissioners of the Town of Huntersville.~~
- ~~5) 4) Every building lot shall have frontage upon a public street except as provided in Section 8.1~~
- ~~6) 5) The percentage of attached dwelling units contained in a retirement community is not limited when duplex style buildings are used.~~
- ~~4) 6) See Section 8.16, Standards for Residential Lot Widths, Alleys, Garages and Parking in Residential Districts.~~

NC Zoning District 3.2.5(d)

d) 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, 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 provision as found in N.C.G.S. 160D-702(b) for structures subject to the North Carolina Residential Code for One- and Two-Family Dwellings.
- 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, ~~in any section of a major subdivision located within ¼ mile of a designated rail transit station, the percentage of dwelling units contained in attached houses, apartment buildings, and mixed-use buildings is not limited. Higher overall density is encouraged within ¼ mile of rail transit stations. Rail transit stations are those locations designated by resolution adopted by the Board of Commissioners of the Town of Huntersville. Further, 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 = ¼ 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.

Town Center Zoning District 3.2.6(d)

d) 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 provision as found in N.C.G.S. 160D-702(b) for structures subject to the North Carolina Residential Code for One- and Two-Family Dwellings.
- 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, in any portion of a major subdivision located within ¼ mile of a designated rail transit station, the percentage of dwelling units contained in attached houses, apartment buildings, and mixed-use buildings is not limited. Higher overall density is encouraged within ¼ mile of rail transit stations. Rail transit stations are those locations designated by resolution adopted by the Board of Commissioners of the Town of Huntersville.~~
- ~~5) 4) New construction favors retail on first floor, office and/or residential on upper floors.~~
- ~~6) 5) Every building lot shall have frontage upon a public street or urban open space.~~
- ~~7) 6) 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
- ~~8) 7) See Section 8.16, Standards for Residential Lot Widths, Alleys, Garages and Parking in Residential Districts.~~

Highway Commercial Zoning District 3.2.7(d)

d) 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 provision as found in N.C.G.S. 160D-702(b) for structures subject to the North Carolina Residential Code for One- and Two-Family Dwellings.
- 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,
 - ~~(a) In any section of a major subdivision located within ¼ mile of a designated rail transit station, the percentage of dwelling units contained in attached houses, apartment buildings, and mixed-use buildings is not limited. Higher overall density is encouraged within ¼ mile of rail transit stations. Rail transit stations are those locations designated by resolution adopted by the Board of Commissioners of the Town of Huntersville.~~
 - (a) 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.
 - (b) 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:
 - i 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.

- ii A minimum of 50% of the node acreage must be for residential use
 - iii All mixed-use buildings shall count towards the residential acreage requirements
 - iv 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.
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- 5) 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.
 - 6) Any Highway Commercial District shall be bordered on at least one side by a major or minor thoroughfare.
 - 7) Abutting Interstate 77, the specified buffer requirement of Section 7.5 applies.
 - 8) 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.
 - 9) 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.
 - 10) See Section 8.16, Standards for Residential Lot Widths, Alleys, Garages and Parking in Residential Districts.

AN ORDINANCE TO AMEND THE TOWN OF HUNTERSVILLE

ZONING ORDINANCE

Section 1. BE IT ORDAINED by the Board of Commissioners of the Town of Huntersville, North Carolina, that Section 8.9.1, Clear Sight Triangle at Street Intersection, is hereby amended as follows:

8.9 Clear Sight Triangle at Street Intersection

.1 A clear view at each corner of an intersection of public or private streets or driveways shall be maintained by establishing a “sight triangle” that is free of obstructions that may block a driver’s view. The extent of the required sight triangle varies according to the posted speed and traffic control device(s) of the streets forming the intersection. Below is a general figure from the American Association of State Highways and Transportation Officials (AASHTO) “A Policy on Geometric Design of Highways and Streets” which depicts the required sight triangle area to be free of obstructions at an intersection. Measurements for sight distances at street intersections, including sight triangles, shall begin within the roadway or edge of pavement of a proposed or existing street. Additional information on the required sight triangles can be found in the Town’s Engineering Standards and Procedures Manual.

Section 2. BE IT ORDAINED by the Board of Commissioners of the Town of Huntersville, North Carolina, that 12.2.2, Sign Definitions, is hereby amended as follows:

Sight Distance Triangle. The triangular area formed by the point of intersection of two street right-of-way lines and a point located along each right-of-way line at a distance of 35 feet from the point of intersection. Measurements for sight distances at street intersections, including sight triangles, shall begin within the roadway or edge of pavement of a proposed or existing street.

Section 3. Effective Date.

This ordinance shall become effective upon the date of adoption.