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## Article 3

### 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.

a. **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~~ residential uses

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

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

- ~~attached houseduplex~~
- civic building
- detached house

**c. 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)

**d. 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 the greenway shall, at a minimum, be reserved as open space per the subdivision regulations	25%	45% or more
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Units per Gross Acre	Less than .3 units per acre	.30	.90
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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.

12. Duplexes are permitted in major subdivisions. The aggregate number of dwelling units contained in the duplex house type shall not exceed ten (10) percent of the total number of dwelling units in a project.

~~11. New buildings shall comply with the requirements of Article 4 for the lot and building types unless otherwise specified 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 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.**

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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.

- e. **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

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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

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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. Private building lots, or any portion thereof, shall not be used to satisfy tree save requirements or open space requirements.
  10. The project shall provide an 80-foot landscaped buffer along the property street frontage. The buffer shall consist of:
    1. Vegetated plantings consisting of four (4) trees per 1,000 sq/ft of buffer area; 75% large maturing; 50% evergreen; 25% small maturing and five (5) shrubs per 1,000 sq/ft; 75% evergreen; or
    2. Softscape (i.e. street trees, meadow, or pastures) and hardscape elements (i.e. stone walls or split rail fencing). Residential structures must not be visible from ~~teh~~the public road using an opaque screening (Article 7.6.2).
  11. 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.
  12. 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.
- f. **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.

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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).

### **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.

a. **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~~ residential uses

**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)

**Uses permitted with Special Use Permit.**

- agricultural industry, (9.3)
- dormitory for a bona fide farm (9.62)
- energy facility, major, (9.54)
- wind energy facility, major, (9.53)
- wind energy facility, minor, accessory, (9.53)

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

- ~~attached house~~ duplex
- civic building
- detached house

c. **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)

d. **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), this section), 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.

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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.
12. Duplexes are permitted in major subdivisions. The aggregate number of dwelling units contained in the duplex house type shall not exceed twenty (20) percent of the total number of dwelling units in a project.
11. New buildings shall comply with the requirements of Article 4 for the lot and building types unless otherwise specified 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 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.

e. **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;

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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. Private building lots, or any portion thereof, shall not be used to satisfy tree save requirements or open space requirements.
10. The project shall provide an 80-foot landscaped buffer along the property street frontage. buffer shall consist of:
  1. Vegetated plantings consisting of four (4) trees per 1,000 sq/ft of buffer area; 75% large maturing; 50% evergreen; 25% small maturing and five (5) shrubs per 1,000 sq/ft; 75% evergreen; or

2. Softscape (i.e. street trees, meadow, or pastures) and hardscape elements (i.e. stone walls or split rail fencing). Residential structures must not be visible from the public road using an opaque screening (Article 7.6.2).
  11. 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.
  12. 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.
- f. **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).

### **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~~ residential uses
- 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)

• **Permitted Building and Lot Types.**

- civic building

• **duplex**

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

2. **Permitted Accessory Uses.**

- accessory dwellings, (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)

3. **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 Yards	Minimum Corner Lot Side Yard
20,000	90'	40'	50'	10'	20'

~~4.—4. New buildings shall comply with the requirements of Article 4 for the lot and building types unless otherwise specified by this Ordinance.~~

### 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.

- **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~~ residential uses

**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)

• **Permitted Building and Lot Types.**

- apartment
- ~~attached house townhome~~
- **duplex**
- **triplex**

• **quadplex**

- -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

• **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)

• **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~~ duplex, triplex, quadplex, townhome, apartment buildings, and mixed-use<sup>1</sup> buildings shall not exceed ~~30 thirty~~ percent (30%) 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.
- ~~5.6.~~ \_\_\_\_\_ The percentage of ~~attached~~ dwelling units contained in ~~duplex style buildings is not limited within~~ a retirement community ~~development. 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.
- ~~6.~~ ~~New buildings shall comply with the requirements of Article 4 for the lot and building types unless otherwise specified by this Ordinance.~~

<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.

### **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~~townhome
- duplex
- triplex

~~2.~~ **quadplex**

- civic
- detached house
- mixed-use<sup>1</sup> up to 6,000 sq. ft. of first floor area
- ~~storefront~~ **shopfront** 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~~ **duplex, triplex, quadplex, townhome**, apartment

buildings, and mixed-use<sup>1</sup> buildings shall not exceed ~~30~~ thirty percent (30%) of the total number of dwelling units in a project.

~~4.—~~

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.
- ~~9.— New buildings shall comply with the requirements of Article 4 for the lot and building types unless otherwise specified by this Ordinance.~~

<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.

### **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.

- **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**

**residential uses**

**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)

- **Permitted Building and Lot Types.**

- apartment
- **attached house townhome**

- **duplex**

- **triplex**

- **quadplex**

- 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 conditional rezoning
- **storefront shopfront** up to 50,000 sq. ft. of first floor area; larger buildings may be permitted with a conditional rezoning
- workplace up to 50,000 sq. ft. of first floor area; larger buildings may be permitted with a conditional rezoning

- **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)
  
- **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.

~~1.~~—In major subdivisions and planned developments, the aggregate number of dwelling units contained in ~~attached houses duplex, triplex, quadplex, townhome~~, apartment buildings, and mixed-use<sup>1</sup> buildings shall not exceed ~~thirty~~30 percent (~~30%~~) of the total number of dwelling units in a project.

~~2.~~—

~~3.~~2.\_\_\_\_\_ New construction favors retail on first floor, office and/or residential on upper floors.

~~4.~~3.\_\_\_\_\_ Every building lot shall have frontage upon a public street or urban open space.

~~5.~~4.\_\_\_\_\_ **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

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

6. ~~New buildings shall comply with the requirements of Article 4 for the lot and building types unless otherwise specified by this Ordinance.~~

<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.

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

**2. Permitted Building Types.**

- apartment
- ~~attached houseduplex~~

• triplex

• quadplex

~~2.~~• townhome

- civic
- detached house

## TA25-01: Residential Uses

- 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<sup>2</sup> buildings shall not exceed ~~30~~thirty percent (30%) 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<sup>2</sup> 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~~duplex, triplex, quadplex, apartment buildings, and mixed-use<sup>2</sup> 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<sup>2</sup> 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<sup>2</sup> 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

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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.

~~9.—New buildings shall comply with the requirements of Article 4 for the lot and building types unless otherwise specified by this Ordinance.~~

<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.

### **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.

• **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

• residential uses on the premises which are intended for use by employee(s) of the institution or of companies providing on-site services to the institution

**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)

• **Permitted Building and Lot Types.**

- apartment
- ~~attached house duplex~~

• triplex

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

• **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)
- **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.
    - ~~5. New buildings shall comply with the requirements of Article 4 for the lot and building types unless otherwise specified by this Ordinance.~~

<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.

### **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, (9.45)
- schools, (9.35)
- parks, (9.29)
- 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.**

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

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

- apartment
- ~~attached house duplex~~

- triplex

- quadplex

- 2. • townhomes

- 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 residential uses in a duplex, triplex, quadplex, townhome, or apartment~~ intended for use by personnel employed for security or maintenance
- ~~residential uses in a duplex, triplex, quadplex, townhome, or apartment 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) residential use~~ 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 residential~~ 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.
- ~~6.—New buildings shall comply with the requirements of Article 4 for the lot and building types unless otherwise specified by this Ordinance.~~

<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.

### **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.

- **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

• **Permitted Building and Lot Types.**

- duplex

• **triplex**

• **quadplex**

• **townhome**

- workplace
- highway commercial

• **Permitted Accessory Uses.**

- residential uses permitted in the CB District

- 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)

• **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. New buildings shall comply with the requirements of Article 4 for the lot and building types unless otherwise specified by this Ordinance.~~

### **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.

#### **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
- **residential uses**
  - ~~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)

• **Permitted Building and Lot Types.**

- apartment
- ~~attached houseduplex~~

• **triplex**

• **quadplex**

- 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
- ~~storefrontshopfront~~ 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

• **Permitted Accessory Uses.**

- accessory dwelling, (9.1)

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- 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)
- **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.

~~4. New buildings shall comply with the requirements of Article 4 for the lot and building types unless otherwise specified by this Ordinance.~~

- **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)

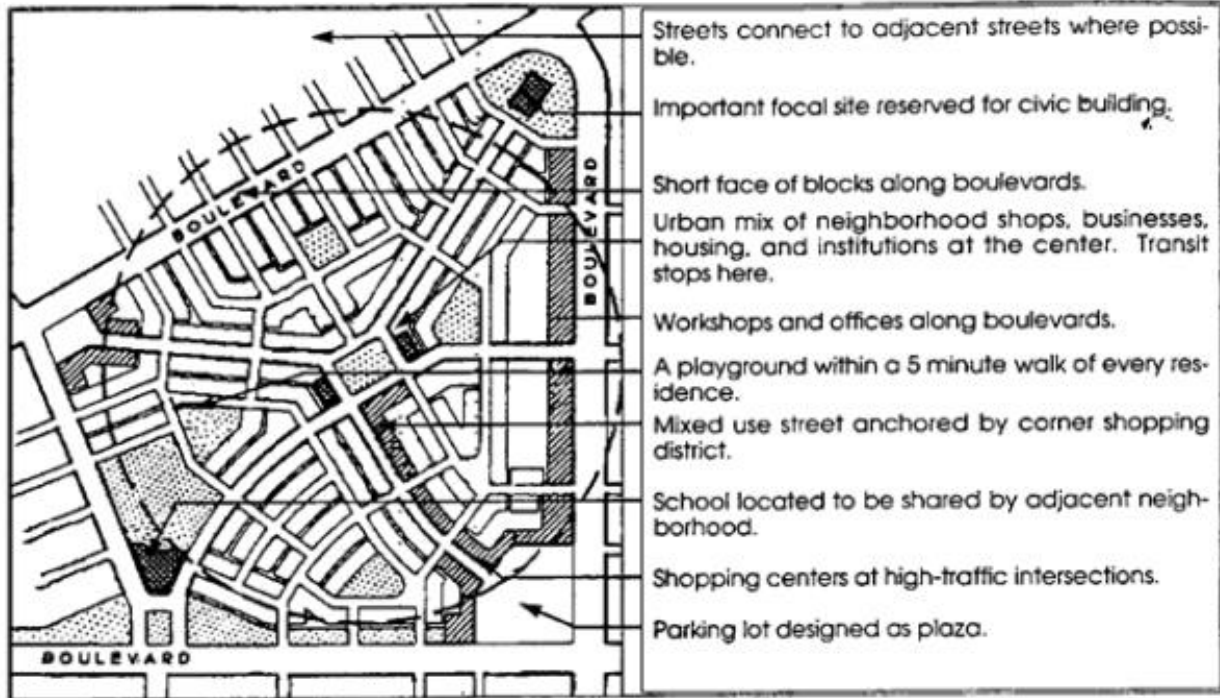
- **TND Design Provisions.**

1. **Neighborhood Form.**

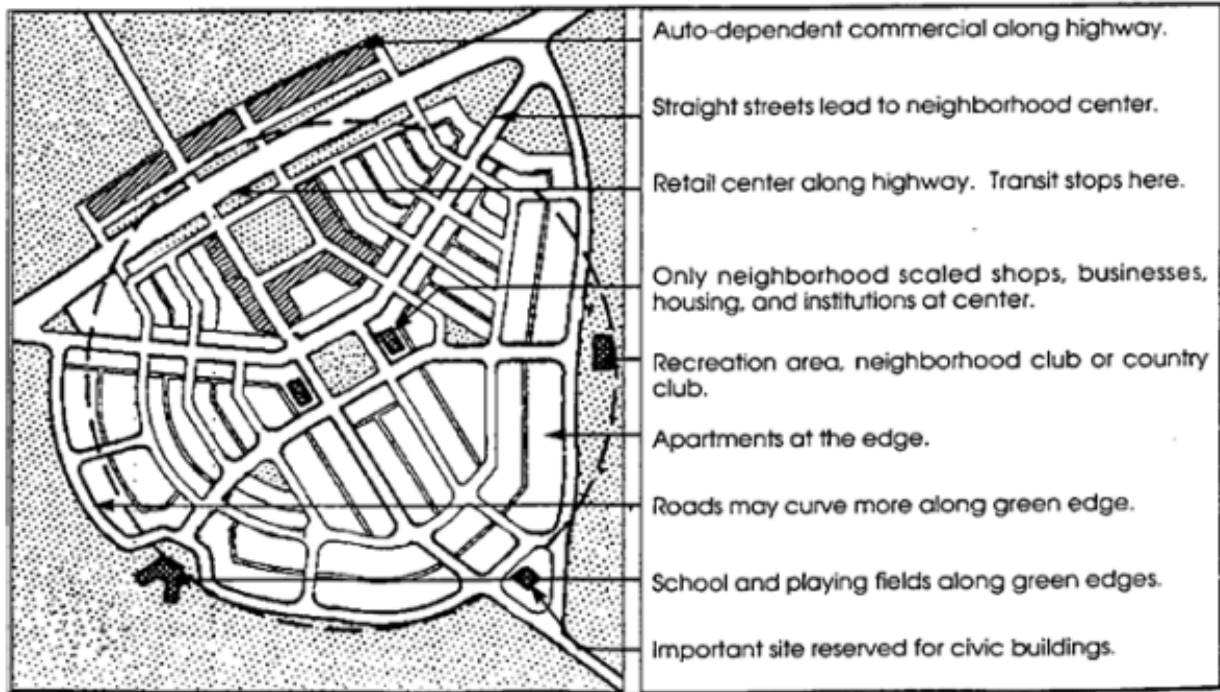
- The illustrations of Traditional Neighborhood Street Typologies in Article 5 show the general arrangement and distribution of elements in a more urban TND (designated TND-U), and in a less urban TND (designated TND-R).
- The area of the TND shall be divided into blocks, streets, lots, and open space.
- 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.

### **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.

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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.

~~9.—New buildings shall comply with the requirements of Article 4 for the lot and building types unless otherwise specified by this Ordinance.~~

<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.

#### **1. 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 residential uses~~
- 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

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- 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 or 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.**

- 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)
- religious institutions, (9.8)
- day care centers, (9.11)
- essential services 1 and 2, (9.14)
- parking lot or structure as principal use, (9.49)
- schools, (9.35)
- transit shelters, (9.39)

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

- apartment
- ~~attached house duplex~~

### **• Triplex**

### **~~2.~~ • quadplex**

- civic
- detached house on lot of 5,000 sq. ft. or less
- mixed-use<sup>2</sup>
- ~~storefront shopfront~~
- workplace

## **3. 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)

**4. 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.

~~7. New buildings shall comply with the requirements of Article 4 for the lot and building types unless otherwise specified by this Ordinance.~~

**5. 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:

	Minimum	Maximum
• 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

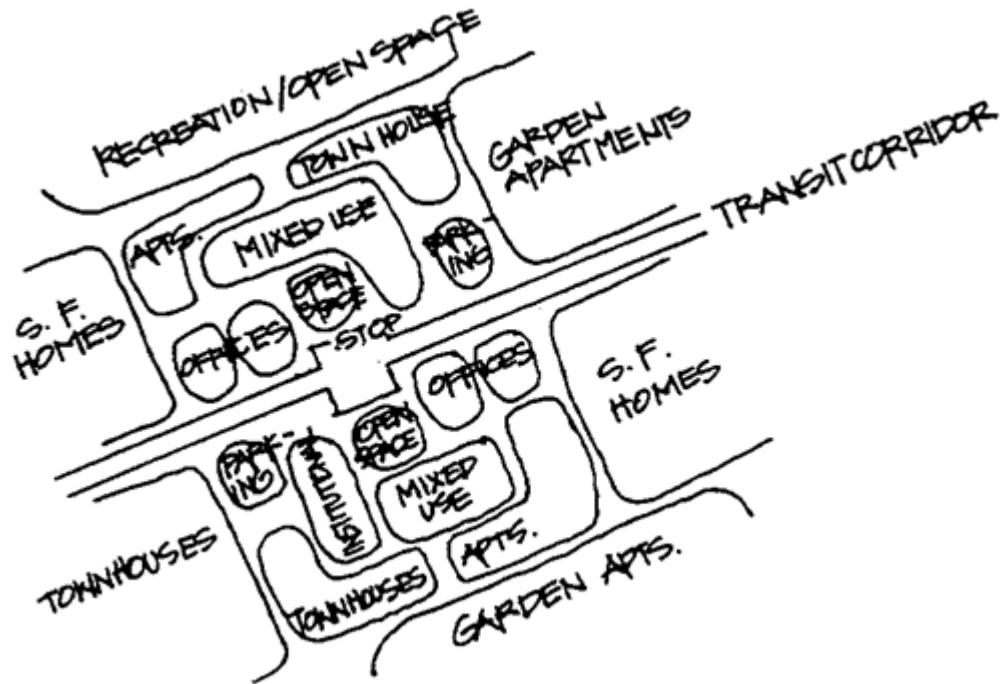
combination of the two. In addition, the locational standards below shall apply.

- 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.

## 6. 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.

### **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 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~~ residential uses
- offices
- professional, personal, and technical services
- squares, plazas, or other urban open spaces not exceeding 1/2 acres 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.**

- day care center, (9.11)
- essential services 1 and 2, (9.14)
- hospitals, (9.48)
- light manufacturing, (9.48)
- parking lot or parking structure as a principal use, (9.48)

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

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

**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

**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, (9.48)
- accessory uses permitted in all districts, (8.11)

**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. New buildings shall comply with the requirements of Article 4 for the lot and building types unless otherwise specified by this Ordinance.~~

**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:

	Minimum	Maximum
• 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

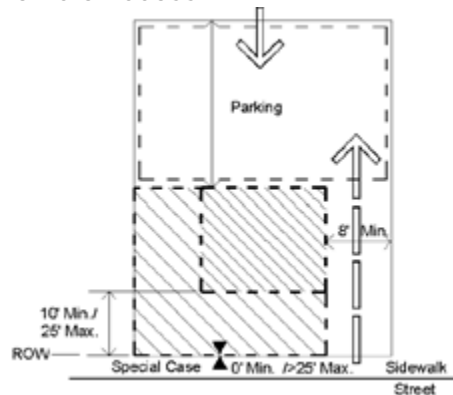
6. **District Edge Conditions.** Along any boundary of a TOD-E district that abuts a pre-existing subdivision of 20 or more single-family detached homes, one of the following edge conditions shall apply to abutting lot boundaries, however no buffer or wall shall be allowed to block extension of a street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

## Article 4

### 4.7 Lot Type / Apartment Building

#### Building Placement/Parking/Vehicle Access.

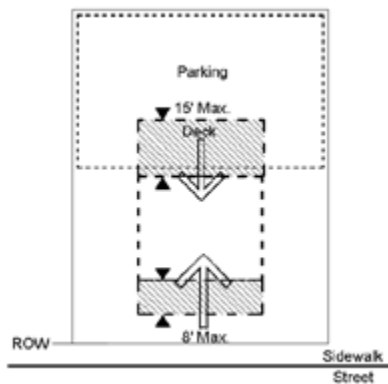


1. Buildings shall be placed on the lot within the zone represented within the hatched area.
2. In most cases, the build to line will be 15' behind street ROW. Special site conditions such as topography, pattern of lot widths, or setbacks of existing buildings permit a larger setback. In urban conditions, apartments may be set up to the property line at the sidewalk, including corner conditions.

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3. Building facades shall be generally parallel to front property lines. All buildings shall front onto a public street. All ground floor residential units with exterior access shall front a public street, unless specifically exempted by one of the provisions of Section 8.1.
4. Parking shall be located to the rear of the building.
5. Points of permitted access to the parking indicated by arrows.
6. Hedges, garden walls, or fences may be built on property lines or as the continuation of building walls. A garden wall, fence, or hedge (min. 3' in height) shall be installed along any street frontage adjacent to parking areas.
7. Trash containers shall be located in the rear parking area (see Parking Regulations).
8. Mechanical and utility equipment at ground level shall be placed in the side or rear yard and shall be screened from view by opaque screening from grade level along any public street or adjacent property (Article 7.6.2). Buildings that front on more than one public street may have mechanical and utility equipment located within a street facing yard, provided it is visually screened using compatible building materials and design as the principal structure. This is applicable only where no other reasonable option exists as determined by the Administrator. Examples of features limiting the location of mechanical and utility equipment may include, but not limited to, the physical layout of existing building, the presence of easements, elevation changes, etc.

### Encroachment/Pedestrian Access.



1. For buildings set back from sidewalk, balconies, stoops, stairs, open porches, bay windows, and awnings are permitted to encroach into setback area up to 8'.
2. Attached decks are permitted to encroach into the rear setback up to 15 feet.
3. For buildings set up to the sidewalk, upper level balconies, bay windows and their supports at ground level may encroach a maximum of 5'0" over the sidewalk.

4. Main pedestrian access to the building and to individual units is from the street (indicated by larger arrow), unless specifically exempted by one of the provisions of Section 8.1. Secondary access may be from parking areas (indicated by smaller arrow).

**Description.** The apartment building is a residential building accommodating several households. In traditional towns, this building type coexists with a variety of other building types. A successful contemporary design permits its integration with other residential types through the coordination of site and building design (see Architectural Regulations). Apartment complexes should be one or more separated buildings similar in their scale on the public street to large detached housing. Where possible, structures shall be designed to terminate vistas or serve as key focal points in the neighborhood.

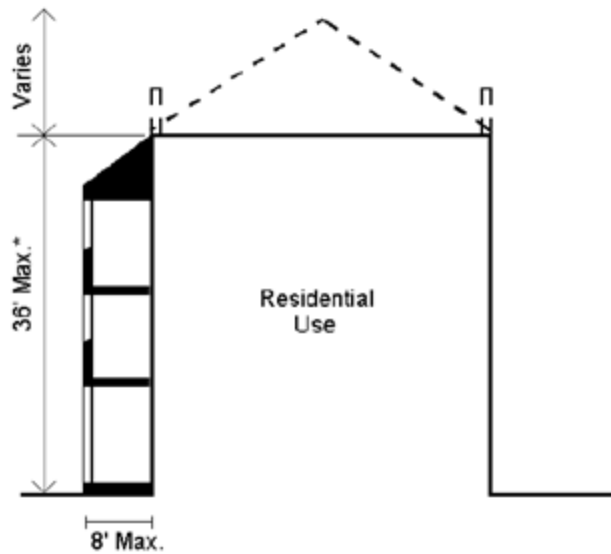
**Special Conditions:**

1. The intention of buildings in all locations must be to relate the principal facade to the sidewalk and public space of the street.
2. Corners: Setback at street corners will generally replicate frontage conditions. However, side setbacks on a minor street may be less than the front dimension.
3. Within the limits described, front and side setbacks will vary depending upon site conditions. Setbacks should be used in a manner which encourages pedestrian activity. Squares or spatially defined plazas within building setback areas can act as focal points for pedestrians.

3.4. Two or more apartment buildings 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.

## **4.8 Building Type / Apartment Building**

### **Permitted Height and Uses.**



1. Building height shall be measured as the vertical distance from the highest finished grade relative to the street frontage, or, if alternate frontage conditions from the constructed portion of a greenway along or within the project boundary, are provided, as permitted under Section 8.1.4, height may be measured from the highest finished grade of the side of the building opposite the greenway alternative frontage, up to the eaves. If building height is measured from the highest finished grade of the side of the building opposite the greenway alternative frontage, no more than one (1) additional story on the greenway side of the building may result from this arrangement.
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.

**Architectural Standards.**

**Principles.**

- A. To perpetuate the unique building character of the town and its environs, and to re-establish its local identity, development shall generally employ building types that are sympathetic to the historic architectural vocabulary of the area in their massing and external materials.
- B. The front elevations facing the street, and the overall massing shall communicate an emphasis on the human scale and the pedestrian environment.
- C. Each building should be designed to form part of a larger composition of the area in which it is situated. Adjacent buildings should thus be of similar scale, height, and configuration.

## TA25-01: Residential Uses

- D. Building silhouettes should be generally consistent. The scale and pitch of roof lines should thus be similar across groups of buildings.
- E. Apartment Building Architectural Standards Principles A-D shall not apply to the residential portion of 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.
- F. Porches should form a predominant motif of house designs and be located on the front or to the side of the dwelling. When attached to the front, they should extend over at least 15% of the front facade. All porches should be constructed of materials in keeping with those of the main building.
- G. Front loaded garages, if provided, shall meet the standards of Section 8.16.
- H. At a minimum, the Americans with Disabilities Act standards for accessibility shall be met.

### Configurations.

- A. Main roofs on residential buildings shall either be flat or symmetrical gables or hips with a pitch of between 4:12 and 12:12. Monopitch (shed) roofs are allowed only if they are attached to the wall of the main building. No monopitch shall be less than 4:12. All accessory buildings shall have roof pitches that conform to those of the main building.
- B. Balconies should generally be simply supported by posts and beams. The support of cantilevered balconies should be assisted by visible brackets.
- C. Two wall materials may be combined horizontally on one facade. The “heavier” material should be below.
- D. Exterior chimneys should be finished in brick or stucco.

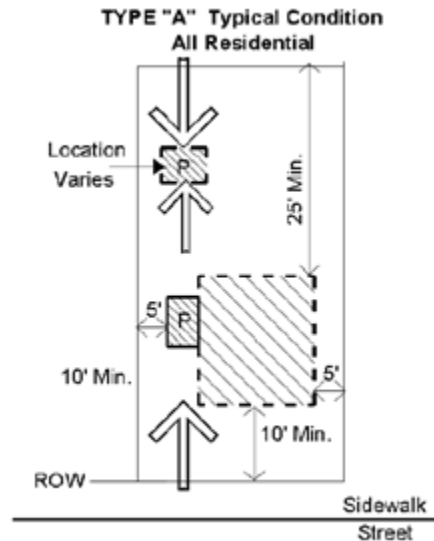
### Techniques.

- A. Overhanging eaves may expose rafters.
- B. Flush eaves should be finished by profiled molding or guttegutters



## 4.9 Lot Types / Detached House

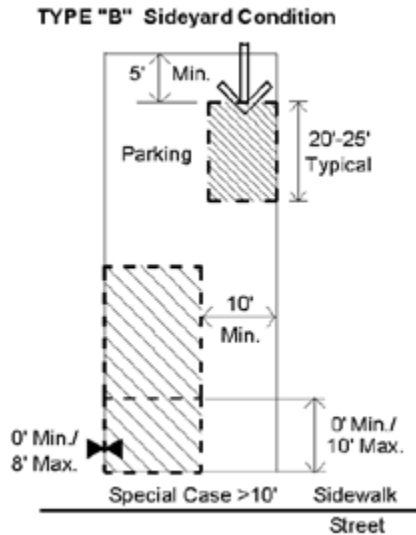
### Building Placement/Parking/Vehicle Access.



1. Buildings shall be placed on the lot within zone represented by the hatched area except in R<sub>1</sub> & TR, and GR zones, where min. front setback is 20'. Along new streets, the build-to line shall be a minimum of 10' behind street ROW. Along existing streets, front build-to lines of new buildings shall be equal to the average setbacks of existing buildings on the same side of the street within 300'. Where the average setback of existing buildings within 300' exceeds 50' the setback of any new building may vary up to 20' from the setback of an adjacent building, existing or proposed, in order to negotiate a gradual transition to a different building setback. Only in the most exceptional circumstances having to do with extreme topography or very special design composition may these rules of residential building placement be varied.
2. Garages may be detached (entered from front or rear), or attached to the main dwelling, with or without habitable rooms above. Front loaded garages, if provided, shall meet the standards of Section 8.16.
3. A detached garage may be located only in the rear yard.
4. Points of permitted front or rear access to parking indicated by arrows. On corner lots, sideyard access is also permitted.
5. Main pedestrian access to the building is from the street. Secondary access may be from parking areas.
6. For buildings set back from the sidewalk, balconies, stoops, stairs, open porches, bay windows, and, and awnings are permitted to encroach into the front setback area up to 8'.
- 6.7. Building facades shall be generally parallel to front property lines or alternative frontage per approved plans.

~~7.—Sideyard setback is 12' in the R-zone & 6' in the TR-zone.~~

**Building Placement/Parking/Vehicle Access.**



1. Generally, buildings shall be placed on the lot within zone represented by the hatched area. The build-to line will range from 0' to 10' behind street ROW. Special site conditions such as extreme topography may require a larger setback. ~~Sideyard houses are not permitted on in-fill sites abutting existing all-yard houses.~~
2. A detached garage may be located only in the rear yard. ~~Attached garages are not permitted on sideyard houses.~~
3. Points of permitted rear access to parking indicated by arrow.
4. Main pedestrian access to the building is from the street. Secondary access may be from parking areas.
5. For buildings set up to the sidewalk, balconies and upper level bay windows may encroach over the sidewalk up to 5'.
6. For buildings set back from the sidewalk, balconies, stoops, stairs, open porches, bay windows, and, and awnings are permitted to encroach into the front setback area up to 8'.
7. Commercial Use in a Detached House (NR district) shall comply with the following:
  - a. Parking shall be located in the side or rear yards only. If provided in the side yards, the parking area shall not exceed 25% of the frontage line and shall not be in the yards adjacent to a street.
  - b. Parking areas on adjacent mixed-use lot shall be connected whenever practical.

- c. Trash containers shall be located in the rear yard. If adjacent to existing single-family residential uses, trash containers shall be limited to residential rollout containers only (no dumpsters).
  - d. Mechanical equipment at ground level shall be placed on the parking lot side of the building away from buildings on adjacent sites and shall be screened from view by an opaque screen.
8. Mechanical equipment shall not encroach into any required setback.

**Description.** The single-family detached house may coexist with other, similarly scaled buildings along town streets. When other building types are integrated with the detached house, the scale of the detached house type and lot shall control. Civic buildings, however, may exceed the scale of the detached house. Where possible, structures shall be designed to terminate vistas or serve as key focal points in the neighborhood.

**Special Conditions.**

1. The intention of buildings in all locations must be to relate the principal facade to the sidewalk and public space of the street.
2. Setback at street corners will generally replicate frontage conditions. However, side setbacks on a minor street may be less than the front dimension.
3. Within the limits described, these regulations apply to all houses built on public streets. For detached homes on large lots accessed by a private drive in Rural Neighborhoods, building placement and site planning will be dictated by landscape features and landscape preservation.

## 4.10 Building Type / Detached House

**Permitted Height/Uses/Encroachments.**



1. Building height shall be measured as the vertical distance from the highest finished grade relative to the street frontage, up to the eaves.

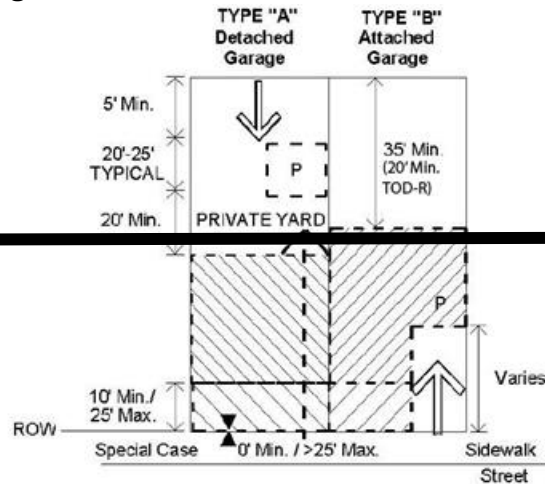
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2. Building height of main dwelling to ridge may vary depending on the roof pitch.
3. Permitted uses are indicated above.
4. Maximum footprint for a building housing a detached accessory dwelling is 650 square feet or 50% of first floor area of principal residence, whichever is greater.
5. Balconies, stoops, stairs, open porches, bay windows, and awnings are permitted to encroach into setback area up to 8’.
6. Decks, balconies, and porches are permitted to encroach into the rear yard setback as provided in Section 8.8.9.

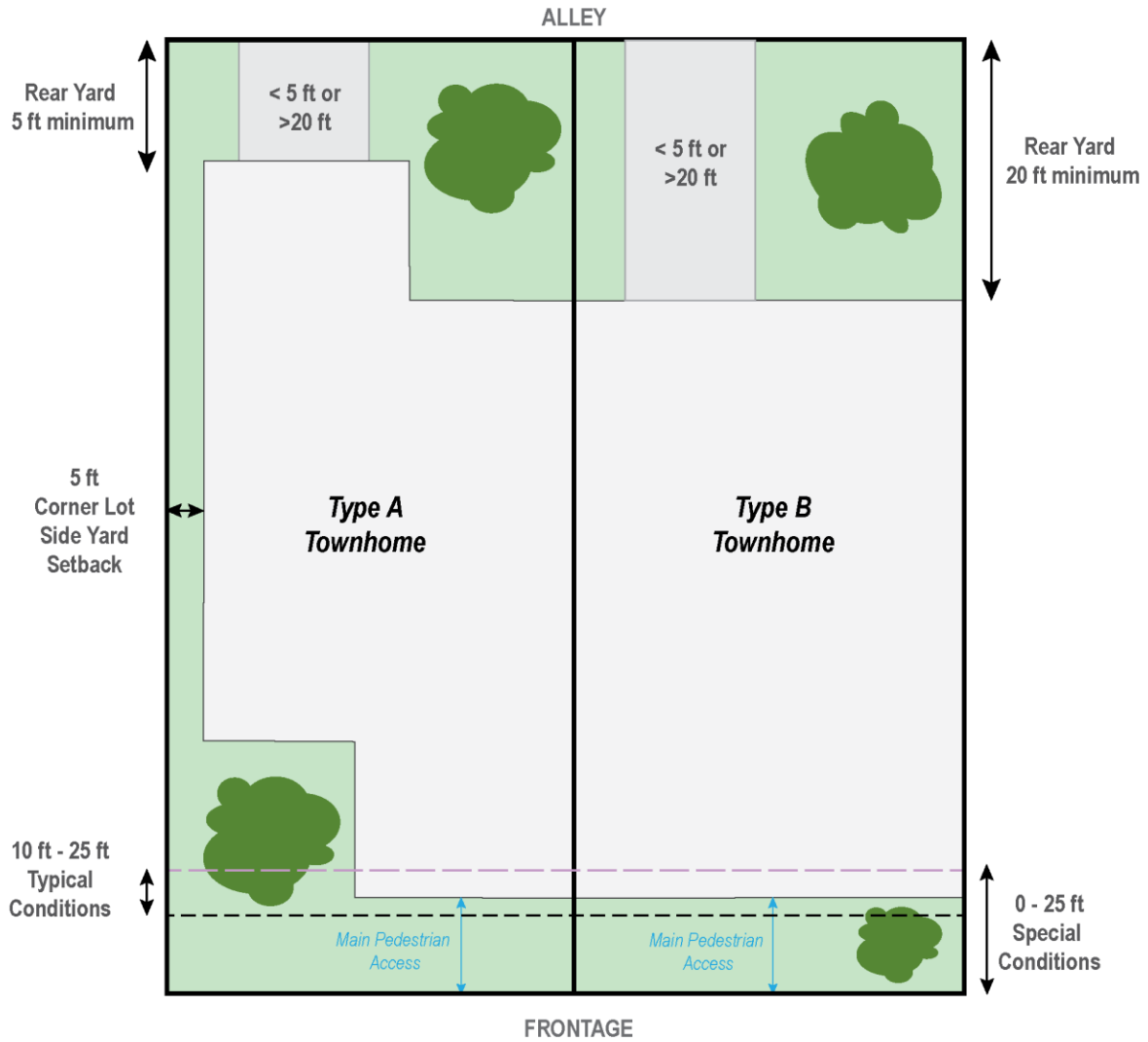


**4.11 Lot Type / Attached House Townhome**

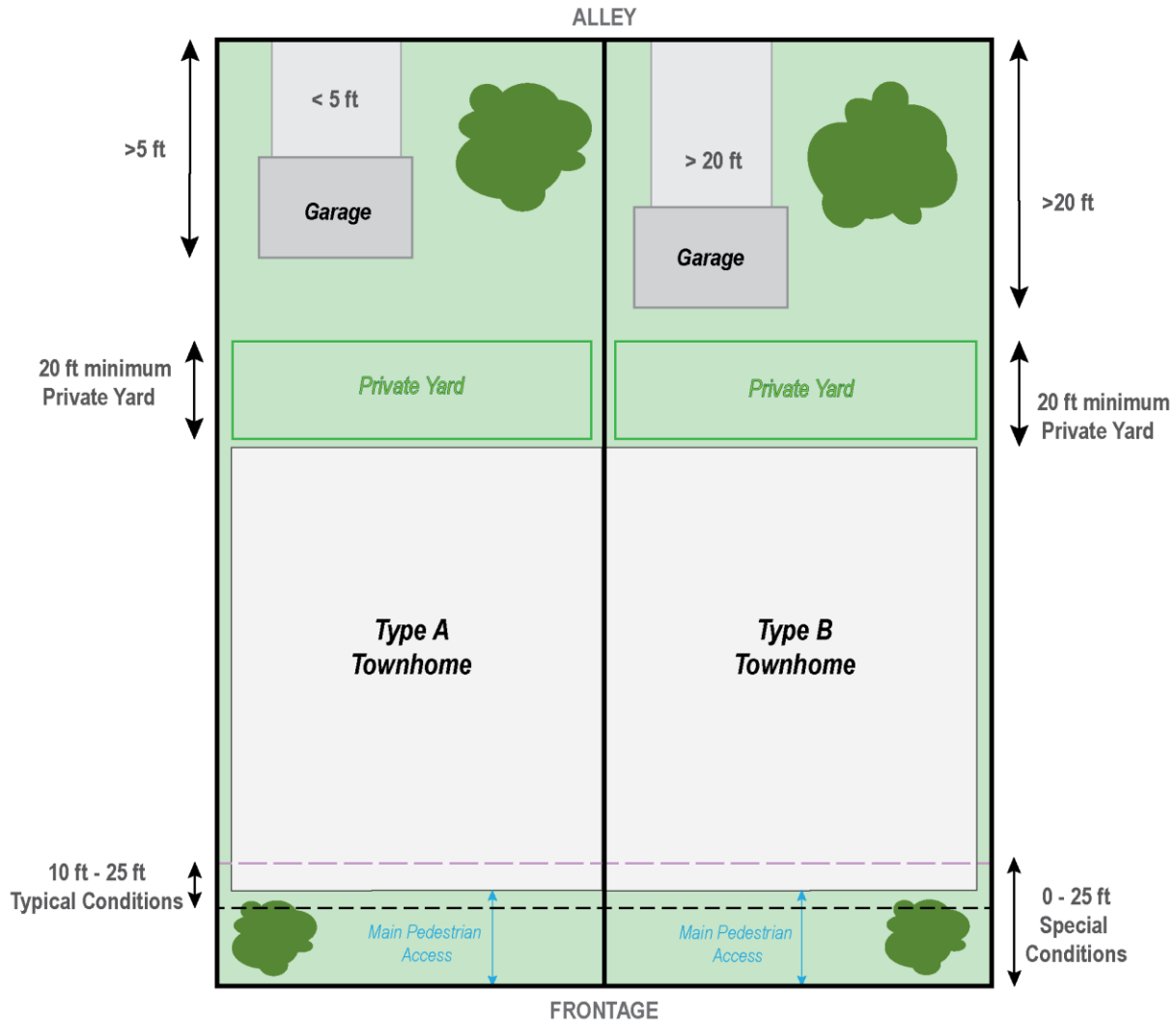
**Building Placement/Parking/Vehicle Access.**



### Townhomes - Attached Garage



### Townhomes - Detached Garage



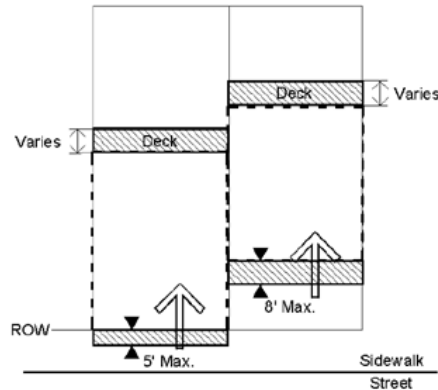
1. Buildings shall be placed on the lot within zone represented by the hatched area.
2. Along new streets, the build-to line will range from 10' to 25' behind street ROW. Special site conditions such as topography or lot widths permit a larger setback. Along existing streets, front build-to lines shall typically be equal to the average setbacks for buildings on the same side of the street within 300 feet. However, in more urban conditions, dwellings may be set up to the property line at the sidewalk.
3. Building facades shall be generally parallel to front property lines. All buildings shall front onto a public street.

~~3-4. Vehicular access for Townhomes shall be provided through a private drive, alley, or parking lot at the rear of the structure.~~

~~4.—Front loaded garages, if provided, shall meet the standards of Section 8.16.~~

~~5.—Points of permitted access to parking indicated by arrows.~~

**Encroachment/Pedestrian Access.**



1. For buildings set up to the sidewalk, balconies and ~~upper level~~ upper-level bay windows are permitted to encroach over the sidewalk area up to 5’.
2. For buildings set back from sidewalk, balconies, stoops, stairs, open porches, bay windows, and awnings are permitted to encroach into the front setback area up to 8’.
3. Main pedestrian access to the building is from the street (indicated by larger arrow). Secondary access may be from parking areas (indicated by smaller arrow).
4. Decks must be constructed only in an established rear yard and are permitted to encroach into the rear setback up to 15’.
5. Mechanical equipment shall not encroach into any required setback.

~~**Description.** The attached house is a rowhouse, a townhouse, or a duplex. Traditional southern homes in Savannah and Charleston provide the historic model. Dilworth Crescent in Charlotte provides a good contemporary example. Generally, building plans will have narrow frontages with the plan depth being greater than its width. Where possible, structures shall be designed to terminate vistas or serve as key focal points in the neighborhood.~~

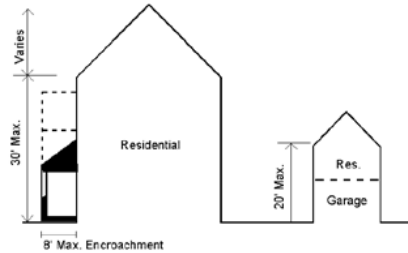
**Special Conditions.**

1. The intention of buildings in all locations must be to relate the principal facade to the sidewalk and public space of the street.
2. Setback at street corners will generally replicate frontage conditions. However, side setbacks on a minor street may be less than the front dimension.

3. Front and side setbacks will vary depending upon site conditions. Setbacks should be used in a manner which encourages pedestrian activity.

## **4.12 Building Type / Attached HouseTownhome**

### **Permitted Height and Uses.**



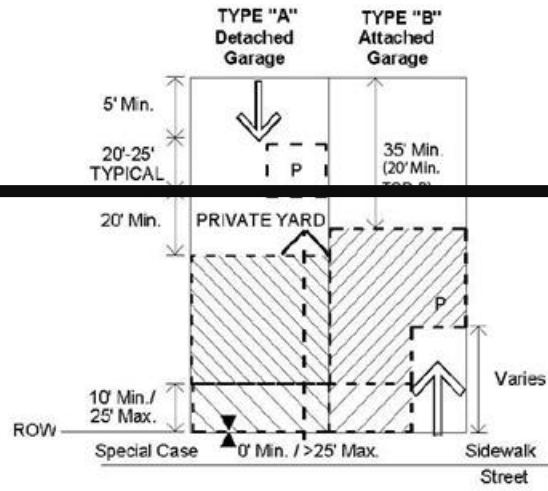
1. Building height shall be measured as the vertical distance from the highest finished grade relative to the street frontage, up to the eaves.
2. Building height to ridge will vary depending upon the roof pitch.
3. Permitted uses are indicated above.
4. Maximum footprint for a building housing a detached accessory dwelling is 650 square feet.



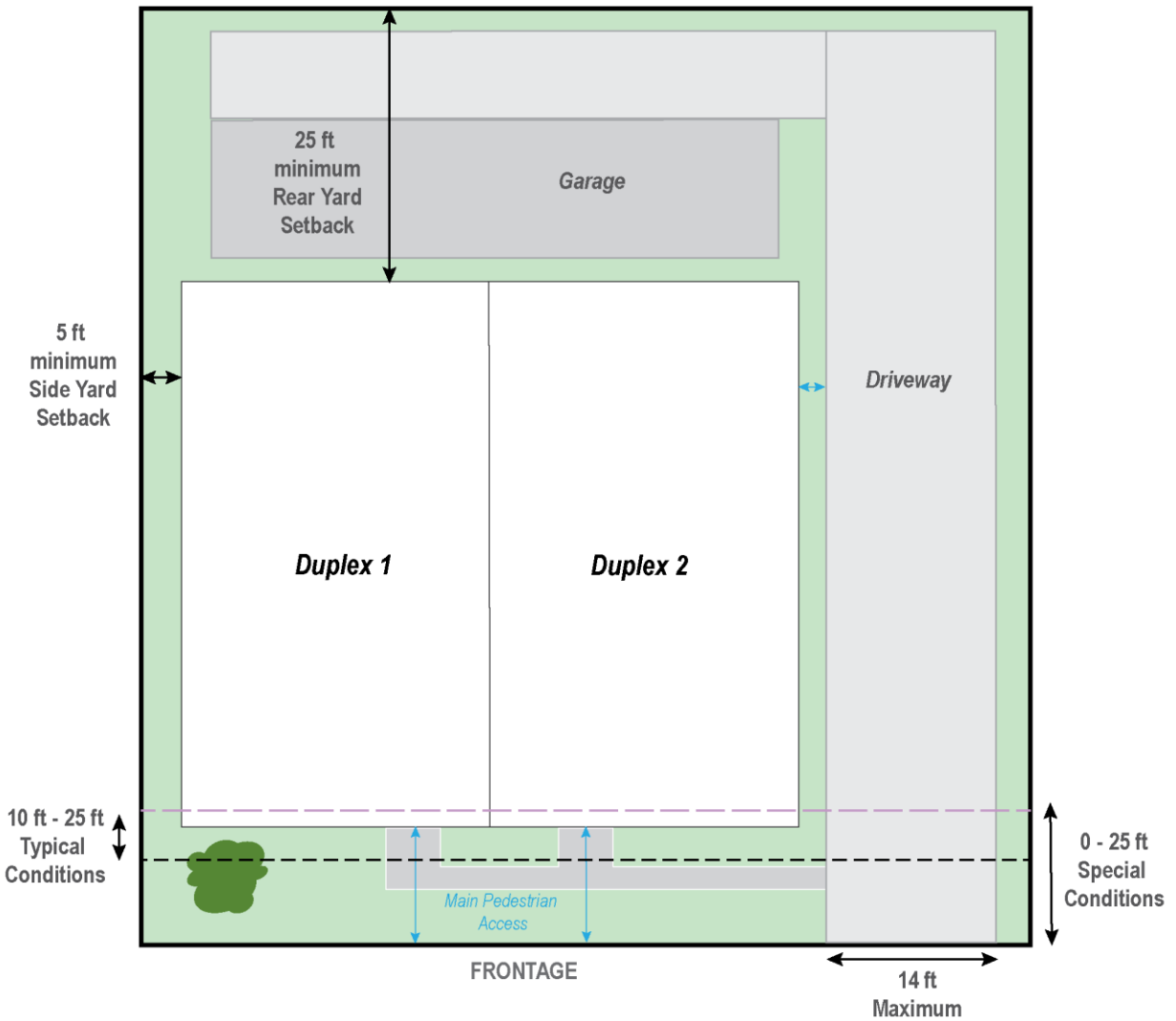
## **4.15 Lot Type / Duplex, Triplex, Quadplex**

### **Building Placement/Parking/Vehicle Access.**

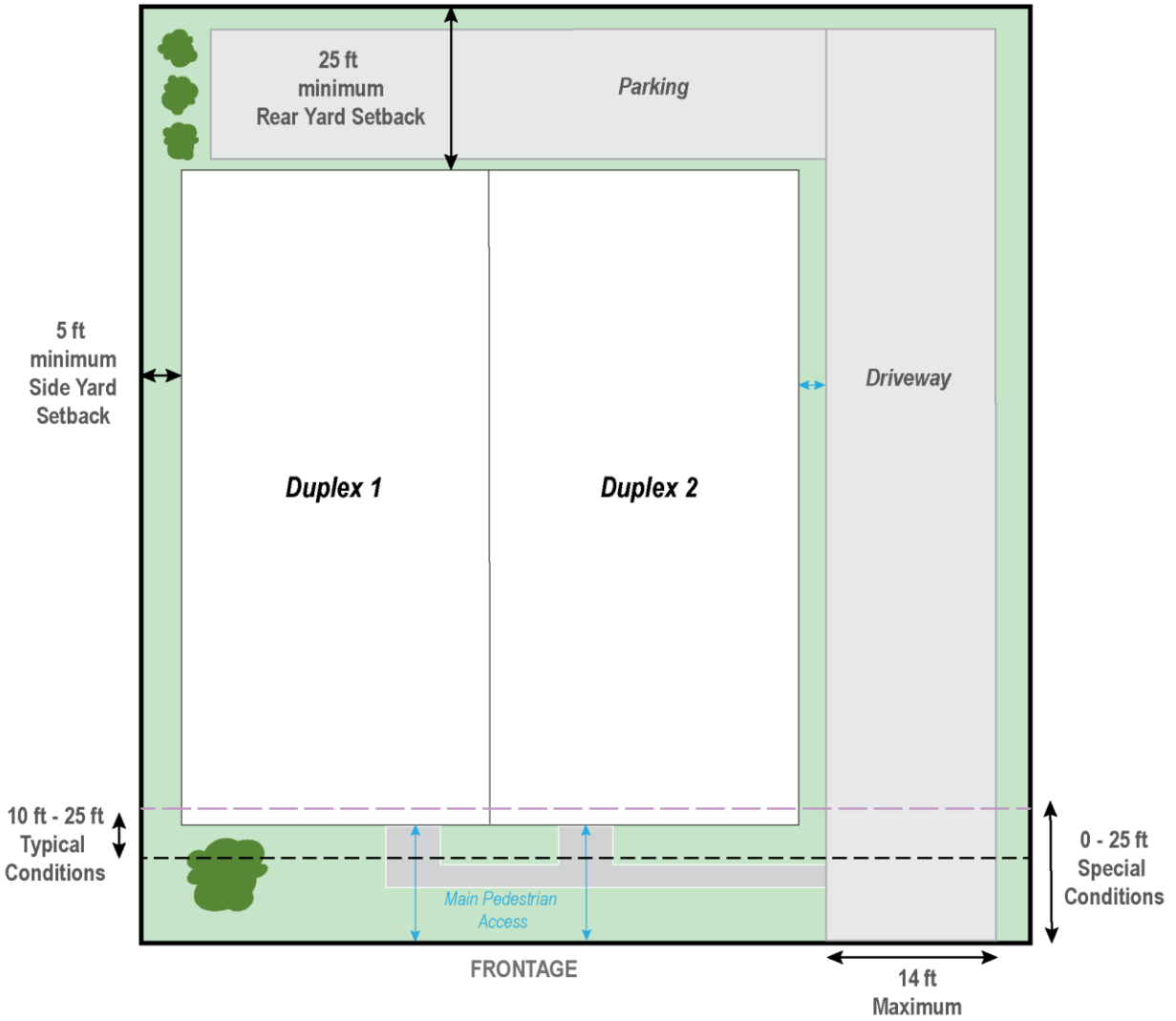
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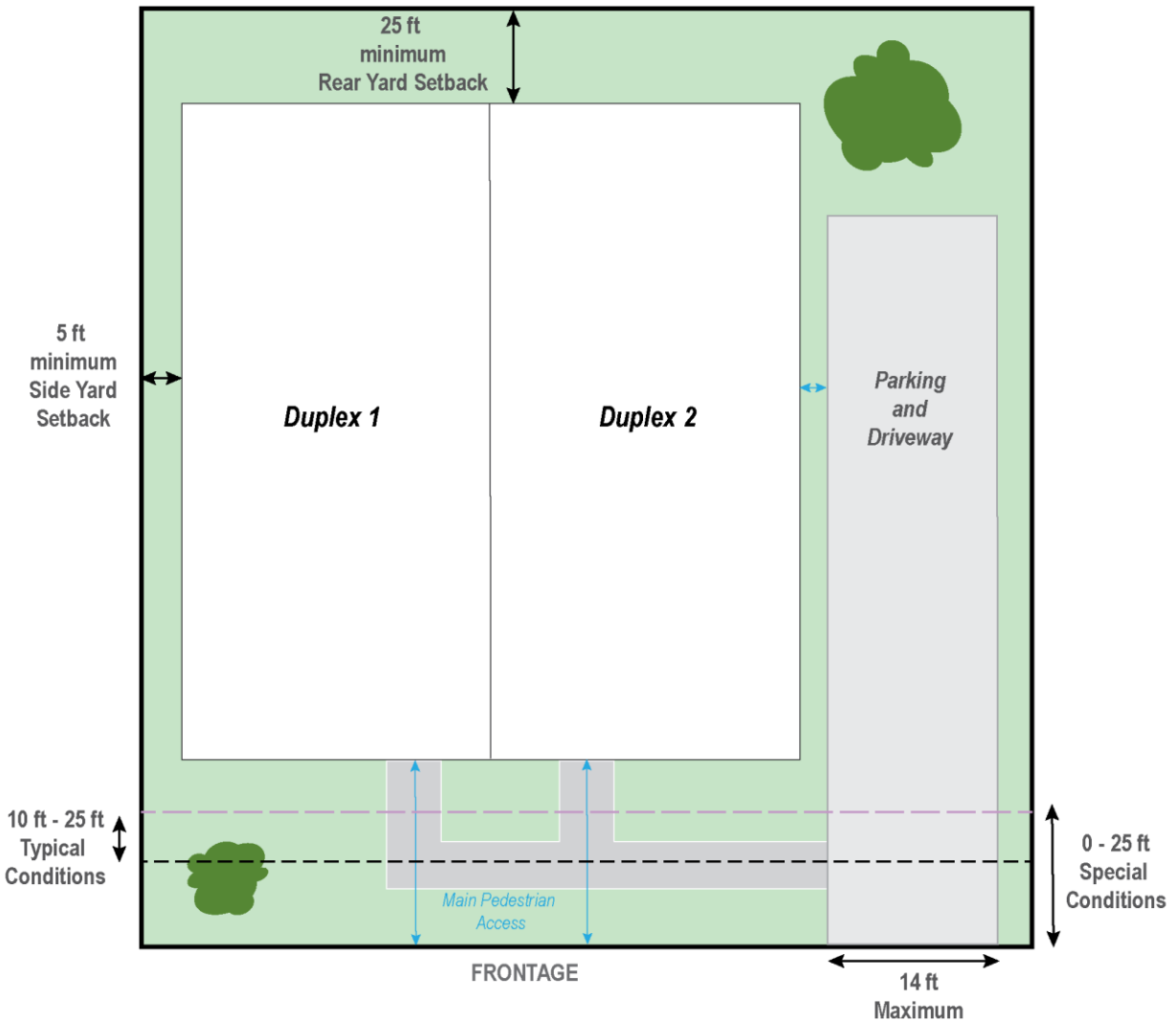
**Duplex, Triplex, and Quadplex - Rear Detached Garage (No Landscaping)**



**Duplex, Triplex, and Quadplex - Rear Parking (With  $\geq 5$  ft Landscaping)**



**Duplex, Triplex, and Quadplex - Side Parking (No Landscaping)**

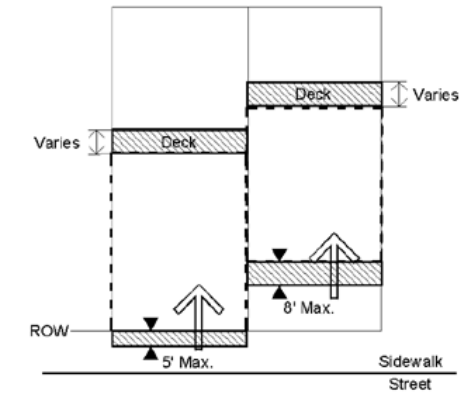


Duplexes, Triplexes, and Quadplexes shall demonstrate the below requirements in addition to the setbacks and lot requirements illustrated with the duplex lot type.

1. Buildings shall be placed on the lot within zone represented by the hatched area.
2. Along new streets, the build-to line will range from 10' to 25' behind street ROW. **Special Site conditions, such as topography or lot widths, may require permit a larger setback.** Along existing streets, front build-to lines shall typically be equal to the average setbacks for buildings on the same side of the street within 300 feet. However, in more urban conditions, dwellings may be set up to the property line at the sidewalk.
3. Building facades shall be generally parallel to front property lines. All buildings shall front onto a public street.

4. Points of permitted pedestrian access to parking shall be indicated by arrows. One main pedestrian entrance shall be located along the public street.
5. One driveway shall serve all units. Driveways shall not exceed 14' in the front yard. For triplex, and quadplex house types, driveway width shall not occupy more than 50% of the public street front width of a lot as measured along the public street right-of-way.
6. Off-street parking shall be located in the side or rear yards and comply with Article 6.

**Encroachment/Pedestrian Access.**



1. For buildings set up to the sidewalk, balconies and upper level bay windows are permitted to encroach over the sidewalk area up to 5'.
2. For buildings set back from the sidewalk, balconies, stoops, stairs, open porches, bay windows, and awnings are permitted to encroach into the front setback area up to 8'.
3. Main pedestrian access to the building shall be from the street. Secondary access may be from the side or rear yard.
4. Decks must be constructed only in an established rear yard and are permitted to encroach into the rear setback up to 15'.
5. Mechanical equipment shall not encroach into any required setback.

**Special Conditions Additional Standards.**

1. The intention of buildings in all locations must be to relate the principal facade to the sidewalk and public space of the street.
2. The setback at street corners will generally replicate frontage conditions. However, side setbacks on a minor street may be less than the front dimension.
3. Setbacks should be used in a manner which encourages pedestrian activity.

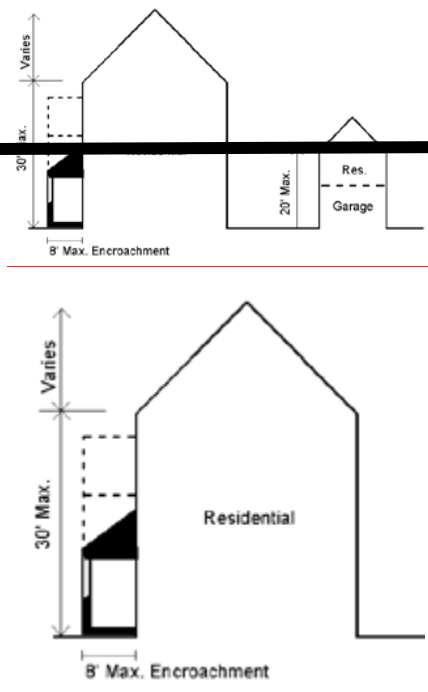
4. In the GR Zoning District, duplexes are permitted on corner lots according to the following standards:

1. The entrances to each unit shall face different streets;
2. The dwelling shall meet the minimum front yard setback from both streets upon which a unit fronts;
3. The lot shall be 1.5 time the minimum lot area for the GR district.

5. Two or more duplex, triplex, or quadplex buildings 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.

## **4.16 Building Type / Duplex, Triplex, Quadplex**

### **Permitted Height 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.
2. Building height to ridge will vary depending upon the roof pitch.
3. Permitted uses are indicated above.



A: —

## Article 5

### 5.5 Street Design Specifications

Design should permit comfortable use of the street by motorists, pedestrians, bicyclists, and transit users. Pavement widths, posted speeds, and the number of travel lanes shall be appropriate for a multi-modal transportation network for which it will serve. The specific design of any given street must consider the context of the building-types which have frontage and the relationship of the street to the overall Town street network.

#### **Decision Making Process.**

Street design is to be tailored to the context of the area in which the street is located and shall balance the needs of those living, working, and traveling on that street. All new streets and improvements to existing streets within the Town's jurisdiction (excluding projects where multi-modal transportation is not allowed) will use the collaborative decision-making process described below:

**Step 1: Define Land Use Context.** What is the intensity and type of land use at present? What building type(s), massing and exterior features are common between the existing developments? Is there a Small Area Plan for the district? What does it involve and advise? Are there other adopted plans that are applicable?

**Step 2: Define the Transportation Context.** Identify the transportation network that will influence the street design. What is the nature of the surrounding street network? Does the street cater to the multi-modal design philosophy? What are the incorporated street elements (lanes, sidewalks, bicycle lanes, traffic-calming devices, landscaping)? Are transportation improvements expected for the area?

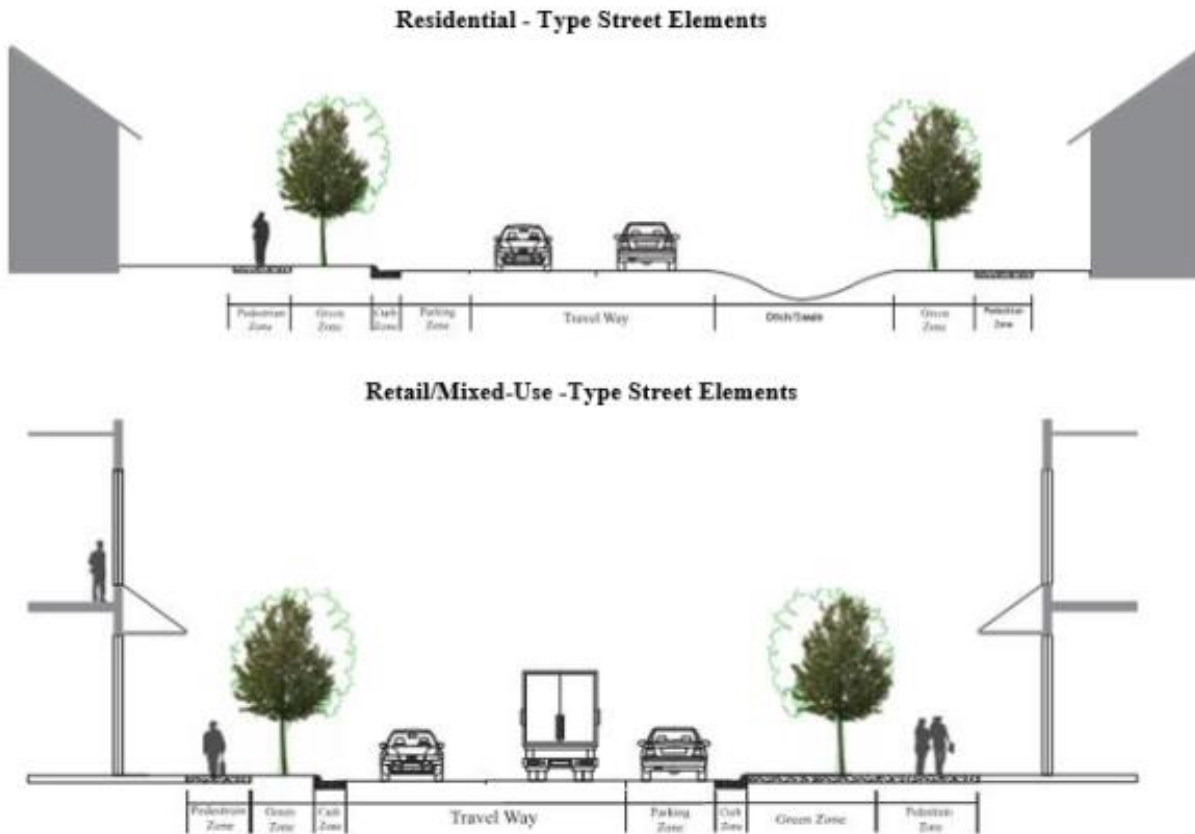
**Step 3: Establish Goals and Objectives.** Consider the issues and opportunities of the context (land use and transportation) and their impact on the design of the street network in order to develop goal sets for all users.

**Step 4: Prioritize Goals.** What components are acceptable and what should be modified? Do the stakeholders and larger community prefer the street network and neighborhood to change or remain the same? How would the stakeholders and larger community prefer the street network and neighborhood to change?

**Step 5: Develop Alternatives.** Research and test the most suitable street type and its elements using this Article. Identify the site-specific constraints (right-of-way, existing features, environmental features, topography, etc.).

**Step 6: Recommend Alternatives.** Apply the appropriate street cross-section in the Town of Huntersville Engineering and Standards and Procedure Manual. Reconfigure the cross-section according to the context-based analysis in Steps 1 and 2 to meet goals established in Step 4 and accommodate the site-specific constraints listed in Step 5.

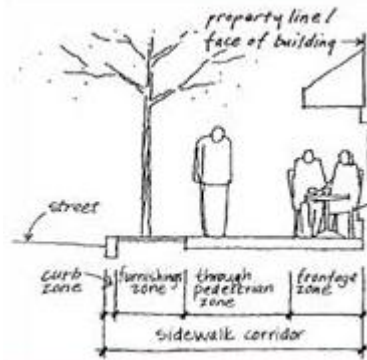
**Elements of Street Design.** Below are cross-sections to be used for ILLUSTRATIVE PURPOSES to explain each design element discussed in this section.



**NOTE:** On-street parking typically provided on both side of street.

1. Pedestrian Zone is the area intended for pedestrian travel. The walkway section of the pedestrian zone shall be free of all obstacles (temporary and permanent) and should be of sufficient width to allow pedestrians to walk safely and comfortably for current and future

pedestrian activity. At a minimum, 5 feet “free and clear” (per ADA standards) shall be



provided.

2. A sidewalk is required on both sides of public streets excluding residential-type streets in the Rural district, and the undeveloped side of residential-type streets adjacent to open space. Sidewalks are not required for alleys. On residential streets, the minimum sidewalk width shall be 5 feet. In commercial and mixed-use areas, the minimum sidewalk width is 7 feet free and clear of obstacles. When the Green Zone includes hardscaped materials (tree grates and cutouts), the minimum sidewalk width is 10 feet with 5 feet “free and clear” (per ADA standards).
3. Sidewalk widths along thoroughfares (or higher-order streets) are established on a case-by-case basis but shall not be less than 6 feet.
4. Tree-grates may be utilized for street trees; however, the grate-area may only count toward 1 foot of the “free and clear” (per ADA standards) sidewalk area. All other material placed at the base of street trees, other than concrete or asphalt, shall not count toward the minimum sidewalk width.
  1. Street trees are required on both sides of all public streets except along the undeveloped side of residential-type streets adjacent to open space. Street Trees shall be located within a Green Zone, which is the space between the sidewalk and the back of curb or back of swale where no curb and gutter is present. Typically, Green Zones are a planting strip or hardscaped amenity zone, which serves as a buffer between pedestrians and vehicles. The Green Zone may include street trees and landscaping and often includes street furnishings and utilities. To encourage tree health, Green Zones shall be provided as follows:
    1. Curb and gutter section – 7 feet in width (minimum for small-maturing street trees), 9 feet in width (minimum for large maturing street trees) per Article 7;
    2. Ditch section – 6 feet minimum outside the swale;
    3. Industrial Streets – 10 feet in width;
    4. Alleys – not required.
  2. Generally, street trees shall be planted at a spacing not to exceed 40 feet on center. Where overhead utility lines preclude the use of large-maturing street trees, small-maturing street trees may be substituted, planted 30 feet on center. Street tree spacing may be “field-adjusted” for driveways or utilities, and to comply with the Town of Huntersville Engineering Standards and Procedures Manual, but should generally maintain uniform spacing. Street trees should not be planted within 40 feet of the radius return of an intersection.
  3. Parking Zone is an area to accommodate on-street parking adjacent to uses where on-street parking provides convenience. Parking widths and layout may vary. Refer

to the Town's Engineering Standards and Procedures Manual for specifics on parking space widths and lengths. This area may also include transit stops and provisions for transit pullouts.

On-street parking is recommended where building type and use will generate regular parking need. Occasional on-street parking can be accommodated without additional pavement width. For streets which serve workplace and storefront buildings, on-street parking lane(s) are required and shall be marked as such. An on-street parking lane on at least one side of the street is required on streets serving apartments, ~~attached houses~~duplex, triplex, quadplex, townhomes, and detached houses with lots 60' or less in width that are a part of a major subdivision. This parking should be on the side of the street that the use is located (if applicable). In some conditions, parking should be adjacent to urban open space. Standard curb and gutter is required where there is marked parking.

Generally, on-street parking should be parallel, and 7 to 8 feet in width; Angled parking or reverse-angle parking is only permitted as an intentional design element where appropriate.

4. **Medians.** Medians that are greater than 10 feet in width should be planted. Refer to the Engineering Standards and Procedures Manual for additional planting requirements. Pedestrian refuges may be located in the medians.
5. Traffic Control Plans depicting all regulatory, warning and street name signage as well as pavement markings shall be prepared in accordance with the guidance of the Manual on Uniform Traffic Control Devices and the Engineering Standards and Procedures Manual for all public streets. The developer is responsible for the initial installation of the signs and/or markings and the maintenance thereof until the public accepts the street for maintenance. Conflicts between street signs and tree plantings shall be avoided.

These elements may be varied only in accordance with the design principles detailed above and as approved by the Planning Director in consultation with the Town's Engineer.

## Article 8

### 8.16 Standards For Residential Lot Widths, Alleys, Garages And Parking In Residential Districts

1. Except as specifically provided in the Rural and Transitional districts, detached house types and ~~two-unit attached~~duplex house types shall be required to have a lot width greater than 50' feet. Developers shall have the option to provide lots widths 50' feet wide or less when alley access allowing on-site parking is provided for detached house types and ~~two-unit attached~~duplex house types. Further, developers shall also have the option to apply for a conditional district rezoning to create lot widths of 50 feet wide or less without an alley provided it can demonstrated the development can accommodate on-street parking, meet

## TA25-01: Residential Uses

all the provisions of the Zoning Ordinance including installation of street trees, and demonstrate public services such as trash pick-up can be provided.

2. Alley access for on-site parking is strongly encouraged for ~~three-unit or more attached house types~~ triplex, quadplex, and townhome building types.
3. For lots 60 feet wide or less, driveways shall be no more than 14 feet wide as measured along the public street right-of-way for a detached house and ~~two-unit attached duplex~~ house type. For lots wider than 60 feet, driveways shall be no more than 20 feet wide as measured along the public street right-of-way for a detached house and ~~two-unit attached duplex~~ house type. For ~~three or more unit attached triplex, quadplex, and townhome~~ house types, driveway width shall not occupy more than 50% of the public street front of a lot as measured along the public street right-of-way.
4. When front entry garages are used, it is recommended to minimize emphasis on front loaded garages by having a building feature projecting from or flush with the garage, have a column to separate a two-car garage or any other technique as determined by the owner to be appropriate.
5. Driveways shall extend at least twenty (20) feet from a public right-of-way and public sidewalk easement to prevent on-site residential parking from encroaching into the public right-of-way or easement for a public sidewalk.
6. On-street parking at lot front, when specifically provided, may be counted toward all or part of the parking requirement of a dwelling unit.
7. Detached garages may only be placed in the established rear yard. Garages for more than two cars must be detached and located in the established rear yard or be attached side or rear loading,
8. Lots in subdivisions approved prior to the effective date of this ordinance, are exempt from the limitations of .1 through .2, above.
9. Vehicles used primarily for commercial purposes and with more than two axles are prohibited from parking on streets, in driveways, or on private property in residential districts. This shall not be construed as preventing the temporary parking of delivery trucks, moving vans, and similar vehicles which deliver goods or services.
10. Provisions for parking unlicensed vehicles in residentially zoned districts shall be as follows:
  1. No more than two (2) motor vehicles that do not have a current, valid license plate and are not fully enclosed in a permanent structure shall be permitted outside on any premises, provided such vehicles are registered to the occupant of the premises or immediate family member of the occupant as the record title of the vehicle.
  2. No unlicensed motor vehicle if not registered to the occupant of the premises or immediate family member of the occupant as the record title owner of the vehicle shall be permitted outside of any premises.

3. Vehicles described in paragraphs (a) and (b) are not permitted to be located within any established setback or any established side yards which abut a street or any required side yards contained in these regulations or any street right-of-way. If stored in the rear yard, it must be a minimum of five (5) feet off the rear property line.
4. Vehicles described in paragraphs (a) and (b) are not permitted on vacant or undeveloped parcels.

## Article 9

### 9.1 Accessory Dwelling

1. An accessory dwelling may be attached, within, or separate from the principal dwelling.
- ~~2.—The principal use structure of the lot shall be a detached house or townhome or attached single-family dwelling, built to the standards of the North Carolina Housing Code.~~
- ~~2.~~
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.~~
- ~~5.4.~~ 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.
- ~~6.5.~~ 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.
- ~~7.6.~~ 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 for the accessory dwelling.~~

### ~~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:~~

- a.—~~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.~~
- b.—~~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.~~

## Article 12

### **12.2.1 General Definitions**

**Abandon.** To cease the regular use or maintenance of a lot, building, or structure.

**Abutting.** Having common property boundaries or lot lines which are not separated by a street, alley, or other vehicular right-of-way such as a railroad. For the purpose of sending notices required by N.C.G.S. § 160D-602, properties are "abutting" even if separated by a street, railroad, or other transportation corridor.

**Accessory structure or use.** A use or structure that is customarily or typically subordinate to and serves a principal use or structure; is clearly subordinate in area, extent, or purpose to the principal use or structure served; and is located on the same lot as the principal use or structure. In no event shall "accessory use" or "accessory structure" be construed to authorize a use or structure not otherwise permitted in the district in which the principal use is located. The total square footage of

all accessory structure(s) shall not exceed the total square footage of heated area located on the first floor of the principal structure.

Adjacent. Either abutting or being directly across a street.

Adjusted Tract Acreage (ATA). The net useable land area of a proposed development site as determined by deducting specific percentages of various categories of constrained land from the gross tract area. This process is further described in Article 3 under the Rural and Transitional zoning districts.

Administrative decision. Decisions made in the implementation, administration, or enforcement of development regulations that involve the determination of facts and the application of objective standards set forth in this ordinance. These are sometimes referred to as ministerial decisions or administrative determinations.

Adult Establishment. Any principal or accessory structure or use of land which meets the definition of adult establishment as set forth in North Carolina General Statute Section 14-202.10. Adult Establishment does not include Massage Therapy, as defined later in the Article. Notwithstanding the definition of “adult bookstore” provided in G.S. 14-202.10(1), for purposes of this ordinance “adult bookstore” means a retail establishment:

which receives a majority of its gross income during any calendar month from the sale or rental of (i) “publications” which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to “specified sexual activities”, as defined in G.S. 14-202.10(11), or “specified anatomical areas”, as defined in G.S., 14-202.10(10); and/or (ii) merchandise that are “sexually oriented devices”, as defined in G.S. 14-202.10(9); or

having a preponderance of its publications and/or merchandise (i) “publications” which are distinguished or characterized by their emphasis on matter depicting, describing or relating to “specified sexual activities”, as defined in G.S. 14-202.10(10), or “specified anatomical areas”, as defined in G.S., 14-202.10(11); and/or (ii) merchandise that are “sexually oriented devices”, as defined in G.S. 14-202.10(9).

As used in this definition, “publications” include books, magazines, other periodicals, movies, video-tapes, and other products offered in photographic, electronic, magnetic, digital or other imaging medium.

Agricultural industry. Commercial poultry or swine production, cattle or swine feed lots, fur bearing animal farms, commercial plant production (not retail nurseries), commercial fish or poultry hatcheries, other forms of agriculture as defined in N.C.G.S. 106-581.1, and other similar activities.

Agritourism. Any activity carried out on a farm or ranch that allows members of the general public, for recreational, entertainment, or educational purposes, to view or enjoy rural activities, including farming, ranching, historic, cultural, harvest-your-own activities, hunting, fishing, equestrian activities, or natural activities and attractions. A building or structure used for agritourism includes any building or structure used for public or private events, including, but not limited to, weddings, receptions, meetings, demonstrations of farm activities, meals, and other events that are taking place on the farm because of its farm or rural setting.

Agritourism Catering Facility. Buildings, improvements and facilities used in connection with an operation providing event-based food services for both (1) on-site agritourism facilities (whether indoors or outdoors) used for public or private events, including but not limited to weddings, receptions, meetings, demonstrations of farm activities, meals, and other events that are taking place on the farm because of its farm or rural setting; and (2) subject to Section 9.60, off-site public and private events. Personal property and equipment utilized exclusively in providing on-site catering services to agritourism facilities shall be exempt from regulation in the extraterritorial zoning jurisdiction. In order to qualify under this definition, an Agritourism Catering Facility must be located on property designated and used for bona fide farm purposes as contemplated by N.C.G.S. § 160D-903.

Airport. A facility intended and used as the place where one or more fixed-wing or rotary-wing aircraft is regularly stored, maintained, or repaired while not in flight, including an area that the aircraft may use to take off and land.

Airport uses. Fixed and rotary wing aircraft operations together with retail sales and service operations related to public, private, or general aviation, including aircraft sales, repair and storage, commercial shipping and storage, restaurants, and other uses designed to serve aviation passengers and industry.

Amendment. Any change by the Town Board to the text of these regulations or the official Zoning Maps.

Amusement, commercial outdoor. Any business establishment which is primarily engaged in providing an amusement activity such as a miniature golf course, skateboard course, water slide, mechanical ride, par 3 golf course, golf driving range, go-cart or motorcycle course, fish ranch, or similar activity to the general public, but does not include outdoor motion picture theaters.

Amusement, commercial indoor. Any business establishment which is primarily engaged in providing an amusement activity such as a video arcade, billiard parlor, skating rink or similar activity as a principal use to the general public, but does not include indoor motion picture theaters.

Area Median Income. The Area Median Income (AMI) and/or Median Area Income shall mean the AMI for Mecklenburg County, NC.

Arena. A structure or facility designed and intended to be used primarily for athletic events and containing seating for spectators of those events, but not including a raceway or drag strip.

Automotive repair. A building and its premises used for the storage, care, repair, or refinishing of motor vehicles including both minor and major mechanical overhauling, paint and body work. Minor repairs shall be limited to battery and tire changes, light and fuse replacement, wiper blade changes and similar activities. Also referred to as vehicle repair.

Automotive service station. Any premises where gasoline and other petroleum products are sold and light maintenance activities such as engine tune-ups, lubrication, minor repairs, and carburetor cleaning may be conducted. Service stations shall not include premises where heavy

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automobile maintenance activities such as engine overhauls, automobile painting, and body work are conducted. Also referred to as retail sale of gasoline.

**Bed and Breakfast Inn.** A use that takes place within a building that, prior to such an establishment, was a single family detached residence, that consists of renting from one to six dwelling rooms on a daily basis to tourists, vacationers, and business travelers, where the breakfast meal only is provided and is available only to guests. The homeowner shall reside on site and employment shall not exceed two full time employees in addition to the owner(s).

**Beneficial Landfill.** Permitted with conditions in all districts (9.44). The purpose of a beneficial fill site is to allow the land to be recontoured for the purpose of improving land use potential or for other beneficial reuse as defined by the North Carolina Solid Waste Management Rules, 15A NCAC 02U .0103 and by Chapter 130A of the North Carolina General Statutes; involves no excavation and accepts only fill material consisting of inert debris or used asphalt or a combination of inert debris and used asphalt. Provided, however, that excavation, grading and fill activity shall not be considered a beneficial fill site within this definition if such activity (1) is confined within the boundaries of a parcel of property or development project and involves uncontaminated soil, gravel or rock originating on such property or development project, or (2) is conducted pursuant to a valid preliminary subdivision plan or final subdivision plat, a residential building permit, a commercial building permit, or any preliminary permit issued pursuant to a pending application for such a plan or permit, and involves only uncontaminated soil, gravel or rock.

**Berm.** A raised earth mound, which is planted with ornamental vegetation.

**Board of Adjustment.** The Zoning Board of Adjustment of the Town of Huntersville.

**Boarding house.** A dwelling unit with up to six rooms for rent to boarders, or designed and intended to be rented to boarders, but which rooms individually or collectively do not constitute separate dwelling units. No separate cooking facilities will be provided for any boarder.

**Buffer.** (See also Screening.) A strip of land with natural or planted vegetation, located between a structure or use and a side or rear property line, intended to spatially separate and visually obstruct the view of two adjacent land uses or properties from one another. A buffer area may include any required screening for the site.

**Build-to line.** A line extending through a lot which is generally parallel to the front property line and marks the location from which the principle vertical plane of the front building elevation, exclusive of porches, bay windows and similar appurtenances, must be erected; intended to create an even building façade line on a street. The build-to line is established on the record plat (final plat).

**Building.** Any structure used or intended for supporting or sheltering any use or occupancy.

**Building face.** The dominant structural feature of the elevation of any side of a building. For example, the building face of a two-story dwelling with one-story porch is the two-story elevation of the structure.

**Building lines.** Lines that are tangent to the exterior surface of buildings or structures, or the surfaces of cantilevered projections therefrom, parallel to front, side, and rear lot lines, and referred to as front, side, and rear building lines, respectively.

**Building site.** (See also Development.) An area of land, or property where development is undertaken.

**Bus stop shelter/Transit Shelter.** A freestanding structure less than 100 square feet, located on a bus transit route, which is designed to accommodate embarking and disembarking bus transit passengers.

**Caliper.** The size of a tree's trunk diameter as measured six (6) inches above the ground for trees four (4) inches or less, and as measured twelve (12) inches above the ground for trees larger than four (4) inches. This measurement of caliper is used to determine if *newly planted* trees meet the requirements of this ordinance.

**Canopy.** The uppermost spreading branchy layer of a tree.

**Canopy tree.** A deciduous tree with height at maturity greater than 35 feet which produces significant shade due to the size and shape of its canopy.

**Catchment Area.** The area surrounding a rapid transit station location that is within convenient walking distance of the transit stop or boarding platform. New development in a catchment area is subject to specific standards and development intensities associated with "transit oriented development" (TOD) zoning districts. When used in conjunction with a specified measurement of distance (usually 1/2 mile or 1/4 mile), that distance is measured by computing actual walking distance along existing or proposed streets and/or pedestrian walkways.

**Champion tree.** A classification the state and federal forestry agencies use to define the largest trees of a specific species.

**Change of Use.** The change in the use of a structure or land, for which a certificate of occupancy is required. Change of use shall include a change from one use to another use in the list(s) of permitted uses, and shall also include a change from one use to another use within any broad category of uses, such as from one use listed in the commercial use category to another use listed in the commercial use category, as herein defined.

**Civic, social service, or fraternal organization facility.** A building or meeting facility, which is restricted to members and guests of members of a non-profit association or corporation, including accessory uses such as recreational facilities, banquet facilities, and overnight lodging for members, but not including the sale of goods or services to the public on the premises on a regular basis, or commercial outdoor recreational or entertainment activities involving the use of animals or firearms.

**Clear cutting.** The large-scale indiscriminate removal of trees, shrubs, and undergrowth with the intention of preparing real property for non-agricultural development purposes.

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Clinic, medical, dental, or optical. A use or structure intended or used primarily for the testing and treatment of human physical or mental disorders.

Clinic, veterinary. A use or structure intended or used primarily for the testing and treatment of the physical disorders of animals; not principally used for the overnight boarding or grooming of well animals; not permitting outdoor cages, pens, or runs for the confinement of animals unless expressly permitted in the district; and not used for the training of animals.

Commencement of construction. The first placement of permanent evidence of a structure on a site pursuant to a duly issued building permit, such as the pouring of slabs or footings or any work beyond the stage of excavation, including the relocation of a structure. "Commencement of construction" does not include the installation of streets or walkways; nor the excavation for a basement, footings, piers, or foundations, or the erection of temporary forms; nor does it include the installation on the property of temporary buildings, such as garages, sheds, or trailers, not part of the main structure nor occupied as dwelling units.

Commercial communication tower. A tower facility, either roof or ground mounted, that includes, but is not limited to, radio and television transmission towers or similar utilities, microwave towers, and cellular telephone communication towers and similar structures for wireless communication. This term shall not include radio transmission facilities for use by ham radio operators or two-way local radio facilities for business or governmental purposes.

Commercial use. A category of uses that includes retail establishments, offices, professional and personal services, light manufacturing and assembly, branch banks, financial services, health care services, indoor motion picture theatres, conference centers, laboratories and associated research facilities whose products or waste products entail no special environmental handling requirements, studios, broadcast facilities (excluding towers), inns, theatres, restaurants without drive-through windows, bars, and day care facility as a principle use. Each use permitted in the commercial use category shall also meet any applicable conditions set out in Article 9, Conditions for Certain Uses. Excluded from the commercial use category are adult uses; vehicle, boat, or manufactured home sales, service, and repair; drive-through windows as a principal or accessory use; wholesale sales; heavy manufacturing; outdoor storage; floor area that is shared with residential uses as provided in Article 4; outside commercial kennels, and other uses that, by their nature or service characteristics are auto dependent, have potential for environment degradation, or are otherwise incompatible with nearby residential use.

Comprehensive Plan. A comprehensive plan that has been officially adopted by the governing board pursuant to G.S. 160D-501.

Comprehensive Transportation Plan (CTP). The set of maps and accompanying data adopted and maintained by the Charlotte Regional Transportation Planning Organization and its successor organizations that identify the region's aspirations for a long range surface transportation system. The CTP includes maps for Highway, Transit & Freight Rail, Bicycle, and Pedestrian systems and is not financially constrained. The CTP Highway Map is the successor to the Thoroughfare Plan; roadways identified are synonymous with the term "thoroughfare."

Conditional zoning district. A zoning district in which the development and the use of the property included in the district is subject to the predetermined ordinance standards and the rules,

regulations, and conditions imposed as part of the legislative decision creating the district and applying it to the particular property. Conditional zoning shall not require the issuance of a special use permit or permitting process apart from the establishment of the district and its application to particular properties.

Congregate housing. Dependent or independent living facilities for the elderly; dormitories, orphanages, and similar uses, but not including group homes.

Conservation Easement. A conservation agreement as defined by N.C.G.S 121-35(1) in the form of an easement.

Conservation Subdivision. A tract of land 40 acres or more that is subdivided into single family building lots at a gross density not exceeding 1 dwelling unit per 20 acres, where no new streets are created through the development process and use of the land is restricted by an irrevocable conservation easement held by a conservation organization authorized by N.C.G.S. 121-35(1) et seq. The Conservation Subdivision is permitted only in the Rural and Transitional District and permits only residential home sites, Riding Academies/Commercial Stables according to Section 9.33, and customary rural land uses that are compatible with land conservation.

Construction and Demolition (C&D) Debris. Solid waste or debris resulting solely from construction, remodeling, repair or demolition operations on pavement, buildings, or other structures. (Inert debris, land clearing debris, and yard trash are separately defined herein.)

Construction and Demolition (C&D) Landfill. A facility for the land disposal of construction and demolition (C&D) debris, and wastes acceptable for disposal in a LCID Landfill; it is designed to meet the minimum standards of the State of North Carolina by utilizing acceptable landfill engineering technology.

Correctional Facility. A publicly or privately owned building(s), and all accessory uses and structures, used to confine, house, and supervise persons held in lawful custody including those who are serving terms of imprisonment for violations of criminal laws or who are awaiting trial for alleged violations of criminal laws, but not including temporary holding facilities that are accessory to a police station.

Country Inn Development. A rural development with up to two main inns and up to eight residential rental cottages accessed by private drive located on parcels of land 20 acres and larger that consists of no more than twenty-four (24) rooms for rental and or owner/staff occupancy where on a daily basis, breakfast, lunch and dinner is provided and is available only to overnight guests and special events guests. The owner/operator shall reside on site.

Critical root zone (CRZ). A circular region measured outward from the tree trunk representing the essential area of the roots that must be maintained in order for a tree's survival. The critical root zone is one foot of radial distance for each inch of the tree DBH, with a minimum of eight (8) feet.

Cultural facility. An indoor or outdoor theater, auditorium, or other building or structure designed, intended, or used primarily for musical, dance, dramatic, or other live performances, or a museum or gallery operated primarily for the display, rather than the sale, of works of art.

Dangerous to others. Within the relevant past, the individual has inflicted or attempted to inflict or threatened to inflict serious bodily harm on another, or has acted in such a way as to create a substantial risk of serious bodily harm to another, or has engaged in extreme destruction of property; and that there is a reasonable probability that this conduct will be repeated. Previous episodes of dangerousness to others, when applicable, may be considered when determining reasonable probability of future dangerous conduct. Clear, cogent, and convincing evidence that an individual has committed a homicide in the relevant past is prima facie evidence of dangerousness to others.

Day care center. Day care, as a principal use or an accessory use, provided on a less than 24-hour basis for either children or adults, according to the following limiting definitions.

Child day care center. An individual, agency, or organization providing supervision or care on a regular basis for children who are not related by blood or marriage to, and who are not the legal wards or foster children of, the supervising adult; usually serving more than 10 children at a time; not an accessory to residential use.

Adult day care center. An individual, agency, or organization providing supervision or care on a regular basis for more than 6 adults in a place other than their usual place of abode, on less than a 24-hour basis.

Day care home (small, accessory use). Day care provided on a less than 24-hour basis for either children or adults, according to the following limiting definitions.

Child Day Care Home (small, accessory use). Supervision or care provided on a regular basis as an accessory use within a principal residential dwelling unit, by a resident of the dwelling, for up to 6 children who are not related by blood or marriage to, and who are not the legal wards or foster children of the supervising adult.

Adult Day Care Home (small, accessory use). Care provided on a regular basis as an accessory use within a principal residential dwelling unit, by a resident of the dwelling, for up to 6 adults who do not reside in the dwelling.

Deciduous. Shrubs and trees that lose their leaves annually.

Deck. A platform that is open and either freestanding or attached to a building, supported by pillars or posts.

Dependent living facility. Nursing homes, rest homes, and homes for the aged facilities, which are designed for persons who need a wide range of health and support services, such as medical, nursing, and personal services care, central dining facilities, and transportation services.

Density, gross residential. The number of residential dwelling units per acre of land, determined by dividing the number of dwelling units by the total number of acres in the parcel to be developed.

Developer. A person, including a governmental agency or redevelopment authority, who undertakes any development and who is the landowner of the property to be developed or who has been authorized by the landowner to undertake development on that property.

Development. The carrying out of any building activity, the making of any material change in the use or appearance of any structure or land, or the subdividing of land into two or more parcels.

1. Except as provided in subsection (c) hereof, for the purposes of these regulations, the following activities or uses shall be considered "development":
  - a. The reconstruction, alteration of the size, or material change in the external appearance of a structure on land or water;
  - b. A change in the intensity of use of land, such as an increase in the number of dwelling units in a structure or on land or a material increase in the number of businesses, manufacturing establishments, offices, or dwelling units in a structure or on land;
  - c. Alteration of the shore or bank of a pond, lake, river, or other waterway;
  - d. Commencement of drilling (except to obtain soil samples), mining, or excavation on a parcel of land;
  - e. Clearing of land, including clearing or removal of vegetation and including any significant disturbance of vegetation or soil manipulation; or
  - f. Deposit of refuse, solid or liquid waste, or fill on a parcel of land.
  - g. The construction, erection, alteration, enlargement, renovation, substantial repair, movement to another site, or demolition of any structure.
  - h. The excavation, grading, filling, clearing, or alteration of land.
  - i. The subdivision of land as defined in G.S. 160D-802.
  - j. The initiation or substantial change in the use of land or the intensity of use of land.
2. "Development" includes all other activity customarily associated with it. When appropriate to the context "development" refers to the act of developing or to the result of development. Reference to any specific operation is not intended to mean that the operation or activity when part of other operations or activities are not development. Reference to particular operations is not intended to limit the generality of this definition.
3. For the purposes of these regulations the following operations or uses shall not be considered "development"; some may, however, require a building permit:
  - a. Work involving the maintenance, renewal, improvement, or alteration of any structure, if the work affects only the color or decoration of the exterior of the structure or interior alterations that do not change the use for which the structure was constructed;

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- b. Work involving the maintenance or replacement of existing landscaped areas and existing rights-of-way;
- c. A change in use of land or structure from a use within a specified category of use to another use in the same category;
- d. A change in the ownership or form of ownership of any parcel or structure;
- e. The creation or termination of rights of access, riparian rights, easements, covenants concerning development of land, or other rights in land unless otherwise specifically required bylaw; or
- f. The clearing of survey cuts or other paths of less than four feet in width.

Development Approval. An administrative or quasi-judicial approval made pursuant to this Ordinance that is written and that is required prior to commencing development or undertaking a specific activity, project, or development proposal. Development approvals include, but are not limited to, zoning permits, site plan approvals, special use permits, variances, and certificates of appropriateness. The term also includes all other regulatory approvals required by regulations adopted pursuant to this Ordinance, including plat approvals, permits issued, development agreements entered into, and building permits issued.

Development Permit. See Development Approval.

Diameter at breast height (DBH). The caliper of an existing semi-mature or mature tree measured at 4 1/2 feet above the existing ground on the uphill side of the tree.

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

Down Zoning. Any amendment to the zoning ordinance or zoning map that affects an area of land in one of the following ways:

1. By decreasing the development density of the land to be less dense than was allowed under its previous usage.
2. By reducing the permitted uses of the land that are specified in a zoning ordinance or land development regulation to fewer uses than were allowed under its previous usage.

No amendment to zoning regulations or a zoning map that down-zones property shall be initiated nor is it enforceable without the written consent of all property owners whose property is the subject of the down-zoning amendment, unless the down-zoning amendment is initiated by the Town Board.

**Drip line.** An imaginary vertical line extending from the outer most portion of the tree canopy to the ground that defines the exterior limits of the tree canopy.

**Drive-through service window.** A customer service facility located within the principal structure as an accessory to an office or retail establishment which is intended to enable the customer to transact business with a sales or service representative located within the principal structure without exiting the motor vehicle. It is presumed that the motor vehicle exits the premises immediately upon the transaction of business.

**Dwelling.** ~~Dwelling as defined by G.S. 160D-102.~~

Apartment. Five or more dwelling units placed one on top of another and/or side by side and sharing common walls, common floors, and ceilings located on a single lot of record.

Detached house. One dwelling unit that is developed with no parti-walls and with open yard on at least three sides, including modular homes, but not including manufactured homes, mobile homes, or recreational or motor vehicles located on an individual lot of record designed for and occupied exclusively by one family.

Duplex. Two dwelling units, including modular homes, placed one on top of another or attached side by side and sharing one or more common walls, common floors, and common ceilings on one lot of record.

Triplex. Three dwelling units, including modular homes, placed one on top of another or attached side by side and sharing one or more common walls, common floors, and common ceilings on one lot of record.

Quadplex. Four dwelling units, including modular homes, placed one on top of another or attached side by side and sharing one or more common walls, common floors, and common ceilings on one lot of record.

Townhome. A single dwelling unit with a private entrance and exit directly outside on an individual lot of record that shares one or more common walls with one or more townhomes. There shall be no more than seven (7) townhome units adjoined by common walls. There shall be a break of Common Open Space, Urban Open Space and/or a public street between sets of seven (7) townhome lots.

Manufactured or Mobile Home. A structure as defined in G.S. 143-145(7). The manufactured home building type shall be subject to the detached home lot type requirements of Article 4.

Modular Home. A structure as defined in G.S. 105-164.3 (143). The modular home building type shall be subject to the detached home lot type requirements of Article 4.

**Dwelling unit.** A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

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Accessory dwelling. A dwelling unit which is located on the same lot as a detached or attached single family house, has a first floor area no greater than 650 square feet or 50% of the first floor area of the principal dwelling (whichever is greater), is owned by the owner of the principal dwelling unit but occupied by another. If the principal dwelling is a group home, use of an accessory dwelling shall not increase the number of residents otherwise permitted in a single group home.

~~Apartment house. Two or more dwelling units placed one on top of another and/or side by side and sharing common walls and common floors and ceilings, and which are located on a single lot of record.~~

~~Attached house. Rowhouse, townhouse, duplex, triplex, or quadriplex houses, generally developed side by side where land is sold with the dwelling unit. Attached dwellings on individually deeded lots are excluded from the definition of (apartment) multi-family dwellings.~~

~~Detached house. A dwelling unit that is developed with no parti-walls and with open yards on at least three sides, including modular homes, but not including manufactured homes, mobile homes, or recreational or motor vehicles.~~

~~Duplex house. Two dwelling units, including modular homes, placed one on top of another or attached side by side and sharing one or more common walls.~~

~~Multi-family home. A dwelling or group of dwellings on one lot, containing separate living units for three or more families.~~

~~Single-family home. An attached or detached dwelling unit located on an individual lot designed for and occupied exclusively by one family.~~

Easement-access lot. A lot of one (1) acre or more in area, created **through a division of land not subject to the Subdivision Ordinance**, for which access is provided by a private and exclusive recorded easement at least 15 feet in width connecting said lot to a public street. A driveway accessible by emergency equipment must be located on the access easement.

Elementary and secondary schools. Publicly owned or privately-owned pre-schools, elementary schools, middle schools, junior high schools, and high schools; but not including institutions, the primary function of which, is child day care.

Esplanade. A wide pedestrian walk, formal in design, which runs parallel to a waterfront. An esplanade may be made of pavers, asphalt, crushed gravel, grass, concrete, or other dust-free material.

Essential Services. Publicly or privately owned facilities or systems for the distribution of gas, electricity, steam or water, the collection and disposal of sewage or refuse; the transmission of communications; or similar functions necessary for the provision of public services. Radio transmission facilities for use by ham radio operators or two-way radio facilities for business or governmental communications shall be deemed accessory uses and not essential services,

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provided no transmitter or antenna tower exceeds 180 feet in height. Essential Services are divided into three classes:

Class 1	Transmission lines (above and below ground) including electrical, natural gas, and water/wastewater distribution lines; pumping stations, lift stations, and telephone switching facilities (up to 200 square feet).
Class 2	Elevated water storage tanks; package treatment plants; telephone switching facilities (over 200 square feet), substations, or other similar facilities used in connection with telephone, electric, steam, and water facilities; raw water treatment facilities.
Class 3	Generation, production, or treatment facilities such as power plants, sewage treatment plants, and landfills.

Existing tree canopy. Tree canopy that has existed for at least 2 years prior to development.

Exterior features. The architectural style, general design, and general arrangement of the exterior of a structure, including the kind, texture, and color of building materials, the size and scale of the building, and the type and style of all windows, doors, light fixtures, signs, and other appurtenant fixtures, and including the landscaping and natural features of the parcel containing the structure.

Façade. The principal vertical surface of a building which is set along a frontage line. The elevation of a façade is the vertical surface area. Façades are subject to visual definition by building height, setback or build to lines, (a line prescribed for the full width of the façade above which the façade sets back; the location of a recess line is determined by the desired height to width ratio of the enfronting space or by a desired compatibility with existing buildings), and transition lines (a line prescribed for the full width of the façade expressed by a variation of material or by a limited projection such as a cornice or balcony).

Facility Operator. The entity responsible for the day-to-day operation and maintenance of the Alternative Wind Energy Facility.

Facility Owner. The entity or entities having controlling or majority equity interest in the Alternative Wind Energy Facility, including their respective successors and assigns.

Family. An individual, or two or more persons related by blood, marriage, or adoption living together as a single housekeeping unit; or a group of not more than six persons not related by blood, marriage, or adoption living together as a single housekeeping unit, as in a group home.

Family Care Home. A home with support and supervisory personnel that provides room and board, personal care, and habilitation services in a family environment for not more than six resident persons with disabilities. Persons with disabilities shall mean a person with a temporary or permanent physical, emotional, or mental disability, including, but not limited to, an intellectual or other developmental disability, cerebral palsy, epilepsy, autism, hearing and sight impairments, emotional disturbances, and orthopedic impairments but not including persons with a mental illness who are dangerous to others as defined in G.S. 122C-3(11)(b). Family care homes are permitted in any district which allows residential use, however, no new family care home, measured

from the nearest property lines is permitted within a one-half mile radius of an existing family care home.

Farm, bona fide. Except as provided in G.S. 106-743.4 for farms that are subject to a conservation agreement under G.S. 106-743.2, bona fide farm purposes include the production and activities relating or incidental to the production of crops, grains, fruits, vegetables, ornamental and flowering plants, dairy, livestock, poultry, and all other forms of agriculture, as defined in G.S. 106-581.1. Activities incident to the farm include existing or new residences constructed to the applicable residential building code situated on the farm occupied by the owner, lessee, or operator of the farm and other buildings or structures sheltering or supporting the farm use and operation. For purposes of this section, "when performed on the farm" in G.S. 106-581.1(6) includes the farm within the Town and any other farm owned or leased to or from others by the bona fide farm operator, no matter where located. For purposes of this section, the production of a nonfarm product that the Department of Agriculture and Consumer Services recognizes as a "Goodness Grows in North Carolina" product that is produced on a farm subject to a conservation agreement under G.S. 106-743.2 is a bona fide farm purpose.

Farmhouse Cluster. A rural subdivision for up to six house lots accessed by private drive; permitted only in the Rural and Transitional District.

Financial institution. A use or structure where financial, pecuniary, fiscal, or monetary services are made available to the public, including but not limited to depository institutions (i.e. banks, credit unions, savings and loans, etc.), non-depository credit institutions (i.e. credit agencies, loan brokers, etc.), holding companies (but not predominantly operating companies), other investment companies, brokers and dealers in securities and commodities contracts, and security and commodity exchanges.

Fire Separation Distance. The distance measured from the building face to one of the following:

1. To the closest interior lot line.
2. To the centerline of a street, an alley or public way.
3. To an imaginary line between two buildings on the lot.

The distance shall be measured at the right angle from the face of the wall.

Flag lot. A lot of one (1) acre or more in area, created **through a division of land not subject to the Subdivision Ordinance**, for which access is provided by a narrow projection of the lot at least 15 feet in width connecting said lot to a public street. A driveway accessible by emergency equipment must be located on the lot projection.

Flood. A temporary rise in stream flow or stage that results in water over topping its banks and inundating areas adjacent to the watercourse.

Floodway. That portion of the channel and flood plain of a stream designated to provide passage for the Regulatory Flood without increasing the elevation of that flood at any point by more than one foot.

Floodway encroachment lines. The outer boundaries of the floodway.

Floodway fringe. The land area located between the encroachment lines of the floodway district and maximum elevation subject to inundation by the base flood as defined in Chapter 9 of the Town of Huntersville Code of Ordinances (*Floods*).

Flood protection elevation. The elevation shown on the Flood Area Map and to which structures and uses allowed under these regulations are to be elevated or flood proofed.

Floor. The top surface of an enclosed area in a building (including the basement) such as the top of the slab in concrete slab construction or the top of the wood flooring in wood frame construction.

Floor area. The sum of the gross horizontal areas of each floor of the principal building, and any accessory buildings or structures, measured from outside of the exterior walls or from the center line of party walls. The term does not include any area used exclusively for the surface or structured parking of vehicles or for building or equipment access, such as stairs, elevator shafts, and maintenance crawl space.

Floor area ratio (FAR). The total floor area of the building or buildings on a lot or parcel divided by the gross area of the lot or parcel.

Frontage. The lot boundary which coincides with a public thoroughfare or space. The façade of a structure facing the street. There are seven ways in which a building may address the street:

Arcade. A covered passage with shops on one or both sides. Generally, the façade overlaps the sidewalk while the shopfront remains setback. Sidewalk is fully covered with overhang.



Shopfront. A business or retail use where the façade is aligned directly on the frontage line with the entrance at grade; typical of sidewalk retail. Shopfronts often have awnings or a colonnade. A transition line should separate the signage from the façade below.



Stoop. The façade is aligned directly on the frontage line with the first floor elevated to secure privacy at window height. This type is suitable for residential uses such as rowhouses and apartment buildings. An easement may be necessary to accommodate an encroaching stoop.

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**Forecourt.** The façade sets back and is replaced by a low wall at the frontage line. The forecourt is suitable for gardens and car drop offs. It should be used sparingly and in conjunction with a shopfront or stoop. Trees within the forecourt should be placed to have their canopies overhanging the sidewalks.



**Dooryard.** The façade is set back from the frontage line with an elevated garden or terrace between. This type effectively removes the front yard from the sidewalk and reinforces privacy. A roofed and elevated terrace is especially suitable for restaurants and cafes.



**Porch and Fence.** The façade is set back substantially from the frontage line with an encroaching porch. The porch should be within conversational distance of the sidewalk. The fence at the frontage line establishes the demarcation of private from public use. The fence row may be designated by a vegetative hedge or structural material, but should not be less than 2 feet nor more than 5 feet in height.



**Front lawn.** The façade is set back substantially from the frontage line. The front lawn should be visually continuous with adjacent yards and should be unfenced. The large setback provides a good buffer from heavy traffic volumes and is an appropriate design in areas where large lot single family homes are placed along a Residential Collector Street.



Frontage Buildout. The portion of lot frontage which has a building or wall running parallel to it.

Full Cutoff Light Fixture. A luminaire light distribution where no light is emitted above the horizontal, and where the intensity at 80 degrees from nadir is no greater than 100 candela per 1000 lamp lumens.

Glare. The sensation produced by luminance within the visual field that is sufficiently greater than the luminance to which the eyes are adapted to cause annoyance, discomfort, or loss in visual performance and visibility.

Government Building. A building, use, or facility serving as a governmental agency office, police station, fire station, library, post office, or similar facility, but not including a vehicle storage yard, correctional facility, sanitary landfill, solid waste transfer or disposal facility, wastewater treatment facility, educational or health institution, university, group home, trucking facilities and commercial driver license facilities (CDL), or housing for persons who are participating in work release programs or who have previously served and completed terms of imprisonment for violations of criminal laws.

Grade. The elevation of the land or land level at a specific point.

Green Zone. The space between the sidewalk and the back of curb or back of swale and sidewalk where no curb and gutter is present, typically a planting strip or hardscaped amenity zone, which serves as a buffer between pedestrians and vehicles. The Green Zone includes street trees and landscaping and often includes street furnishings and utilities. This is also referred to as Street Yard and Street Tree Planting Easement.

Halfway House. A facility providing sheltered services and/or rehabilitation for up to 6 unrelated residents (not including staff or supervisors) that is not otherwise classified as a family care home. Examples may include but are not limited to persons who are recovering from substance abuse and/or are on probation, parole or are initially placed in-lieu of more restrictive custodial confinement (such as a pretrial release program), and juveniles in order to help them readjust and transition back into mainstream society. This definition does not include persons who are dangerous to others as defined in G.S. 122C-3(11)(b).

Hazardous materials treatment facility. A building, structure or use of land devoted, or intended to be devoted, primarily to changing by any method, technique or process, including incineration or neutralization, the physical, chemical, or biological character of any hazardous material regulated by the Federal Resource Conservation and Recovery Act of 1976, as amended (42 U.S.C. Sec. 6901 et seq.), and the "North Carolina Solid Waste Management Act", as amended (Article 9, G.S.130A-290 et seq.), so as to neutralize such material or render it nonhazardous, safer for transport, amenable for recovery, amenable for storage or reduced in bulk. Such a use may also contain temporary storage facilities normally associated with these operations and of sufficient size to conduct a commercially feasible operation. However, under no circumstances is a hazardous materials treatment facility to be construed to be any of the following:

1. A facility which manufactures hazardous materials from component nonhazardous materials;

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2. A facility or location for the long term or perpetual storage of hazardous materials; or
3. A facility for the treatment of hazardous materials which is clearly subordinate, incidental and related to the principal structure, building or use of land and is located on the same lot as the principal structure, building or use.

Heavy Manufacturing. The assembly, fabrication, or processing of goods and materials using processes that ordinarily have greater than average impacts on the environment, or that ordinarily have significant impacts on the use and enjoyment of adjacent property in terms of noise, smoke, fumes, odors, glare, or health and safety hazards; or that otherwise do not constitute "light manufacturing"; or any use where the area occupied by outdoor storage of goods and materials used in the assembly, fabrication, or processing exceeds 25 percent of the floor area of all buildings on the lot.

Heliport. A facility or structure that is intended or used for the landing and take-off of rotary-wing aircraft, including the regular repair, fueling, or maintenance of such aircraft, or the sale of goods or materials to users of such aircraft.

Helistop. A facility or structure that is intended or used for the landing and take-off of rotary-wing aircraft, but not including the regular repair, fueling, or maintenance of such aircraft, or the sale of goods or materials to users of such aircraft.

Heritage tree. A tree that is listed in the North Carolina Big Trees List, the *American Forest Association's Champion Tree* list, the Mecklenburg County Treasure Tree List or any tree that would meet 80% of the points of a tree on North Carolina's Big Tree List.

Home Occupations. A business, profession, occupation, or trade which is conducted within a residential building or accessory structure for the economic gain or support of a resident of the dwelling, and which is incidental and secondary to the residential use of the building.

Horse Farm. Any tract of land of three or more acres which is principally used for the breeding, training, riding, and/or maintenance of horses, and those uses which are accessory thereto, including up to one dwelling unit per each five acres and facilities for the sale of horses raised or maintained on the immediate premises.

Hospital. A health care facility the purpose of which is to provide for care, treatment, testing for physical, emotional, or mental injury, illness, or disability, and overnight boarding of patients, either on a for-profit or not-for-profit basis; but not including group homes.

Hotel. A building containing more than four individual rooms for the purpose of providing overnight lodging facilities to the general public for compensation, with or without meals, and which has common facilities for reservations and cleaning services, combined utilities, and on-site management and reception services, and all of whose rooms open onto heated corridors that are internal to the building.

Impervious ground cover. Any structure or ground cover consisting of asphalt, concrete, stone, brick, terrazzo, roofing, ceramic tile or any other natural or man-made material that prevents the absorption of surface water into the soil.

Independent Living Facility. Congregate living facilities, such as rest homes and homes for the aged, which are designed for older persons or disabled persons who do not require health and support services, such as medical and nursing care, central dining, and transportation service, located on the site. Each living unit may be self-contained and is physically accessible to older or disabled persons. Distinguished from apartment building(s) by the provision of some communal services.

Indoor Recreation. Public or private health or exercise clubs, tennis or other racquet courts, swimming pools, YMCA's, YWCA's or similar uses which are enclosed in buildings and are operated on a fee or membership basis primarily for the use of persons who do not reside on the same lot as that on which the recreational use is located. "Indoor recreation "structures may include accessory uses, such as snack bars, pro shops, and locker rooms, which are designed and intended primarily for the use of patrons of the principal recreational use.

Inert debris. Solid waste consisting solely of material that is virtually inert, that is likely to retain its physical and chemical structure under expected conditions of disposal, and that will not pose a threat to groundwater standards. Inert debris includes material such as concrete, brick, concrete block, uncontaminated soil, rock and gravel. Inert debris does not include manufactured products, appliances, and the like.

Inn. A building containing fewer than 30 individual rooms for the purpose of providing overnight lodging, food and drink to the general public for compensation, and which has common facilities for reservations, cleaning services, combined utilities, on-site management and reception.

Interconnected. Refers to streets which provide through access to other streets; interconnected street systems may be either rectilinear or curvilinear.

Internet Sweepstakes. A principal business where persons utilize electronic machines, including but not limited to computers and gaming terminals, to conduct games of chance, and where cash, merchandise or other items of value are redeemed or otherwise distributed, whether or not the value of such distribution is determined by electronic games played or by predetermined odds. Internet Sweepstakes do not include any lottery approved by the State of North Carolina.

Jail. A building, and all accessory uses and structures, used to confine, house, and supervise persons who are serving terms of imprisonment for violations of criminal laws or who are awaiting trial for alleged violations of criminal laws, but not including temporary holding facilities that are accessory to a police station and not including any housing or other facilities for persons who are participating in work-release programs or who have previously served and completed terms of imprisonment for violations of criminal laws.

Junk yard. A parcel of land on which waste material or inoperative vehicles and other machinery are collected, stored, salvaged, or sold.

Kennel, commercial. A use or structure intended and used for the breeding or accommodation of small domestic animals for sale or for the training or overnight boarding of animals for persons other than the owner of the lot, but not including a veterinary clinic in which the overnight boarding of animals is necessary for or accessory to the testing and medical treatment of the physical disorders of animals.

Kennel, private. A structure used for the outdoor accommodation of small domestic animals and not operated on a commercial basis.

Land Clearing and Inert Debris (LCID) Landfill. A facility for the land disposal of land clearing debris and inert debris, as defined herein. It is designed to meet standards of the State of North Carolina by utilizing acceptable technology for landfilling land clearing and inert debris. A clean fill operation which is conducted to improve or recontour land, using only soil, is not construed to be such a landfill.

On-site LCID landfill. A LCID landfill which is located within the confines of property being developed or in use, and used only for the disposal of acceptable materials which are generated on the property being developed or used; a disposal site that is clearly an accessory use to the development activity.

Off-site LCID landfill. A LCID landfill which is itself the principal use of a property and is used for the disposal of acceptable materials, some or all of which are generated off the site of the property being used for the landfill.

Land Clearing Debris. Waste that is generated solely through land clearing activities; such waste includes stumps, trees, limbs, brush, grass, and other naturally occurring vegetative matter.

Land Development Standards Manual. The most recent edition of the Town of Huntersville Engineering Standards and Procedures Manual which sets forth standard details for the design and construction of various aspects of development.

Land disturbing activity. Any use of land by any person that results in a change in the natural cover or topography or that may contribute to sedimentation or soil compaction that affects the critical root zone.

Landscape architect. A registered landscape architect licensed by the State of North Carolina.

Landscaping. The installation and maintenance, usually of a combination of trees, shrubs, plant materials, or other ground cover, including grass, mulch, decorative stone and similar materials, but excluding bare soil, uncultivated vegetation, impervious pavement materials, and gravel.

Large-Lot Subdivision. A major residential subdivision in which all residential lots are a minimum of 3/4 acre in size.

Large Maturing Tree. A tree whose height is greater than 35 feet at maturity and meets the specification of "American Standards for Nursery Stock" published by the American Association of Nurserymen. See also canopy tree.

Light Manufacturing. The assembly, fabrication, or processing of goods and materials using processes that ordinarily do not create noise, smoke, fumes, odors, glare, or health or safety hazards outside of the building or lot where such assembly, fabrication, or processing takes place; where such processes are housed entirely within a building; or where the area occupied by outdoor

storage of goods and materials used in such processes does not exceed 25 percent of the floor area of all buildings on the property.

Light Trespass. Any form of artificial illumination emanating from a light fixture or illuminated sign that penetrates other property and creates a nuisance.

Lot. A parcel of land or any combination of several parcels of land occupied or intended to be occupied by a principal use or structure, together with any accessory structures or uses and such accessways, parking area, yards, and open spaces required in these regulations.

Lot of Record. A lot described by plat or by metes and bounds which has been recorded in the office of the Register of Deeds.

Lot Types.

Corner Lot. A lot located at the intersection of two or more streets or abutting a curved street or streets in such a way that the front building line meets either side lot line at an interior angle of less than 135`.

Interior Lot. A lot other than a corner lot with frontage on only one street.

Through Lot. A lot other than a corner lot with frontage on more than one street.

Reverse Frontage Lot. Any lot oriented to an abutting street in such a way that the intersection of the front building line, extended, and the street right of way line form an interior angle of less than 45 degrees is defined as having reverse frontage relative to said street.

Lot Width. Lot width shall be determined based on the applicable definition below:

1. The distance between the side lot lines measured along a minimum setback line established under the standards of the 1991 Huntersville Zoning Ordinance, the Mecklenburg County Zoning Ordinance, the provisions of Article 8.1, paragraph 1., or prior legally controlling regulations; or
2. The distance between the side lot lines measured along a build-to line established under the standards of the 1996 Huntersville Zoning Ordinance; or
3. Along the turnaround portion of a cul-de-sac, the distance between the side lot lines measured along a building frontage line established by legal subdivision plat or by actual building placement; or
4. If no setback is required for a lot according to this ordinance, and neither setback nor build-to line has been established on a previously recorded plat, lot width is the distance measured between the side lot lines along the street right of way.

Maintained Easement. A recorded right of way made of crushed gravel, pavement, or graded and cleared of brush, so as to permit access by vehicles.

~~Manufactured Home. A dwelling unit, other than a modular home, that is a structure, transportable in one or more sections, which in the traveling mode is eight body feet or more in width, or 40 body feet or more in length, or, when erected on site, is 320 or more square feet; and which is built on a permanent chassis and designed to be used as a dwelling, with or without permanent foundation when connected to the required utilities, including the plumbing, heating, air conditioning and electrical systems contained therein. "Manufactured home" includes any structure that meets all of the requirements of this subsection except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of HUD and complies with the standards established under the Act.~~

Manufactured or Mobile Home Park or Rental Community. Any parcel of land under single ownership where land is rented, and utilities are provided for the installation or placement of manufactured homes.

Manufactured or Mobile Home Subdivision. Any parcel of land which is subdivided, with utilities extended for the installation or placement of manufactured homes.

Marina, Commercial. A facility for the wet storage, launching and mooring of boats, together with all accessory structures and uses. The dry storage of boats is permitted as accessory to commercial marinas in the Highway Commercial District only, where outdoor storage shall adhere to the conditions of Section 9.26, and indoor storage shall adhere to a permitted building type.

Marine Railway. a line of track running from the shoreline into a body of water to provide a runway for a wheeled or other apparatus to lower a boat into the water.

Massage therapy. Health massage or bodywork therapy, performed by a practitioner credentialed in one of the following ways:

1. having a diploma or certificate from an institute or school of health massage, which has been accredited by either the American Massage Therapists Association, the National Therapists Association, or from an accredited college or university school of education for massage therapy; or
2. providing verification and documentation of at least 500 hours of experience in the practice of health massage/bodywork therapy and three letters of reference from state licensed health care professionals or licensed therapists on their professional letterhead.

Massing. The shape and form a building or assemblage of buildings assumes through architectural design. There are eleven elements which affect the creation of public space and the relationship between one building and another. A specific project should consider, but may not need to incorporate, all eleven elements.

**Building silhouette:** pitch and scale of a roof lines.



**Spacing between building façades:** setbacks or notches between primary façades which frames a structure.



**Setback from property line:** building setback and/or primary façade setback from property line.



**Proportion of windows, bays, and doorways:** vertical or horizontal elements tied together in bands across façade lengths.



**Proportion of primary façade:** size of façades in area and height to width ratios.



**Location and treatment of entryway:** important visual commonalities between structures.



**Exterior materials used:** similar materials and treatment add to compatibility of building(s).



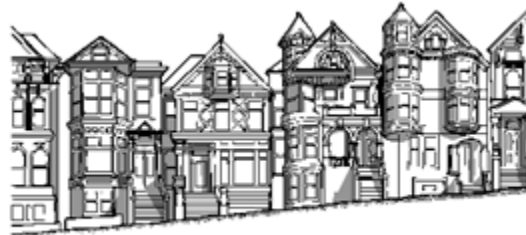
**Building scale:** building height and configuration.



**Landscaping:** ties together buildings and defines space.



**Shadow patterns that form decorative features:** the light and dark surfaces from materials used and projections from window bays and setbacks.



**Proportion of solids to voids:** the perceived permeability of a building façade that is created by the ratio of windows and doors to solid walls.

Mean Sea Level. The National Geodetic Vertical Datum (NGVD) of 1929, or other datum, to which base flood elevations shown on the Flood Insurance Rate Maps for Mecklenburg County are referenced.

Mechanical and utility equipment. Equipment including, but not limited to, heating and cooling units, ventilation, utility meters, junction boxes, transformers and generators.

Mid-block private alleyway with courtyard. An area enclosed on at least two sides by the vertical rise of building walls with a private vehicular or pedestrian passageway for access to the public street. This form may be used for vehicular parking that meets, but does not exceed, the needs of residential and/or non-residential uses that front upon it. The alleyway may be either linear or circuitous in nature. The alleyway with courtyard shall be of a unified design, constructed of hard-surfaced paving materials and optional landscaping to create an urban setting supportive of pedestrian use as well as optional vehicular parking. Hard-surfaced paving materials include paving blocks, stone, brick, and either concrete or asphalt that has been scored, colored, or otherwise configured to resemble pavers, stone, or brick.

Minor Modification to development approvals. Minor modifications that may be reviewed and approved by the Zoning Administrator or designated administrative official as provided for in these regulations.

Minor Modification, Special Use Permit. Minor modifications to special use permits that do not involve a change in uses permitted or the density of overall development permitted that may be reviewed and approved by the Zoning Administrator or designated administrative official.

Minor Modification, Conditional Zoning District. Minor modifications in conditional district standards that do not involve a change in uses permitted or the density of overall development permitted that may be reviewed and approved by the Zoning Administrator or designated administrative official.

Mixed-Use. The combination of both commercial and residential uses within a single building of two or more stories, wherein at least 50% of the heated floor area contains residential dwelling unit(s).

Mixed-Use Building. 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.

Mixed-Use Node. A pedestrian-oriented development consisting of a major subdivision and or a combination of major subdivisions that meet the following criteria; not less than 50 acres and not more than 100 acres, located at the intersection of two major thoroughfares (existing or proposed) as designated on the Thoroughfare Plan containing a combination of commercial uses in excess of

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100,000 square feet and residential uses which will occupy at least 50% of the land area of the node.

~~Mobile Home. A movable or transportable dwelling unit, other than a modular home or manufactured home, of at least 8 feet in width and at least 32 feet in length, constructed to be transported on its own chassis and including one or more components for transporting the unit.~~

~~Mobile Home Park. Any site or parcel of land under single ownership where land is rented and utilities are provided for the installation or placement of mobile homes.~~

~~Mobile Home Subdivision. Any parcel of land which is subdivided, with utilities extended for the installation or placement of mobile homes.~~

~~Modular Home. A dwelling unit which is constructed in compliance with the State Building Code and composed of components substantially assembled in an off-site manufacturing plant and transported to the building site for final assembly on a permanent foundation.~~

Mooring or Float. An object or structure secured in the water, such as by cables, lines, chains, or anchors, and intended or used for securing one or more boats in the water.

Motel. A building containing more than four individual rooms for the purpose of providing overnight lodging to the general public for compensation, and which has common facilities for reservations, cleaning services, combined utilities, on-site management and reception, and some or all of whose rooms open directly on a parking area.

Multiple Building Site. A group of two or more nonresidential buildings established on a single development tract, having unified design of buildings and coordinated organization of open space, parking, and service areas.

Nadir. Lowest point on the fixture.

Neighborhood Gasoline Station. A building and use for the sale of gasoline primarily to non-commercial vehicle operators, having no more than two pumping canopies, and providing only minor automotive repairs.

Neighborhood Recreation. Public or private neighborhood tennis, or other courts, swimming pools or similar indoor and/or outdoor uses that are operated on a fee or membership basis primarily for the use of persons who reside in the neighborhood that the facility is located. "Neighborhood Recreation" structures shall include accessory uses, such as snack bars, pro shops, and locker rooms, which are designed and intended primarily for the use of patrons of the principal recreational use.

Nightclub. Any commercial establishment serving alcoholic beverages and/or providing entertainment for patrons, including bars, lounges, taverns, cabarets, and similar establishments.

Nonconforming Structure. Any structure, lawfully existing on the effective date of these regulations or on the effective date of any subsequent amendments to these regulations or the Zoning Maps

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which render such structure nonconforming, which does not comply with all of the standards and regulations of this ordinance or any amendments thereto, whichever may be applicable.

Nonconforming Use. Any use, lawfully being made of any land, building or structure on the effective date of these regulations or on the effective date of any subsequent amendments to these regulations or the Zoning Maps which render such use nonconforming, which does not comply with all of the regulations of this ordinance or any amendments thereto, whichever may be applicable.

Nonconforming Vacant Lot. Any lot of record which does not meet the minimum area or width requirements established in these regulations or any amendment thereto, whichever may be applicable.

Non-residential use. All uses that are not a residential use.

Nursing home, rest home, or home for the aged. A facility or housing development in which an agency, organization, or individual provides care for 3 or more sick, handicapped, and/or aged persons, not related by blood or marriage to the operator. Such congregate care facilities are classified as "dependent living facilities" or "independent living facilities" depending upon the degree of support services on site.

Off-street parking. Parking which occurs on a lot and not on a street or other public right of way.

Office. A use or structure in which business or professional services are conducted or rendered.

Open Space. 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. Unless specifically allowed by this ordinance in Conservation Subdivisions, and Minor Subdivisions. Reference Article 7.11 Urban, Agricultural, Common, Natural and Recreational Open Space for specific qualitative criteria.

Outdoor lighting. Any light source that is installed or mounted outside of an enclosed building, but not including street lights installed or maintained along public or private streets.

Outdoor recreation. Public or private golf courses, country clubs, swimming pools, tennis courts, ball fields and ball courts which are not enclosed in buildings and are operated on a commercial or membership basis primarily for the use of persons who do not reside on the same lot as that on which the recreational use is located. "Outdoor recreation" shall include any accessory uses, such as snack bars, pro shops, and club houses which are designed and intended primarily for the use of patrons of the principal recreational use.

Overnight camping trailer park. Any lot upon which two or more overnight camp sites and/or overnight camping trailers occupied for temporary shelter, dwelling, recreation, or vacation uses may be located on a non-profit or for-profit basis.

Owner. The holder of the title in fee simple. Absent evidence to the contrary, a local government may rely on the county tax records to determine who is a landowner. The landowner may authorize a person holding a valid option, lease, or contract to purchase to act as his or her agent or representative for the purpose of making applications for development approvals.

Parallel conditional zoning district. A conditional zoning district in which the potential permitted use or uses are, except as limited by the conditions imposed on the district, of the same character or type as the use or uses permitted in a general use district having a parallel designation or name. Parallel conditional zoning shall not require the issuance of a special use permit or permitting process apart from the establishment of the district and its application to particular properties.

Parcel. Any quantity of land and/or water capable of being described in definitive terms with respect to its location and boundaries. It may be established as distinct from other parcels which are designated by its owner or developer as land to be used or developed as a unit, or which has been used or developed as a unit.

Park. Any land owned by the public and open for use by the general public for active or passive recreational purposes or as a refuge for wildlife.

Parking Lot. An area, not within a building, where motor vehicles may be stored for the purposes of temporary, daily, or overnight off-street parking. A parking area also includes all areas for storage and trash facilities.

Parking Zone. An area to accommodate on-street parking adjacent to uses where on-street parking provides convenience. Parking widths and layout may vary. This area may also include transit stops and provide provisions for transit pull-outs.

Participating Landowner. A landowner under lease or other property agreements with the Facility Owner or Operator pertaining to the Alternative Wind Energy Facility.

Pedestrian Access, Main. The principle architectural and functional means of a public ingress and egress into a building as part of normal and customary establishment operations.

Pedestrian Access, Secondary. An ancillary architectural and functional means of public ingress and egress into a building as part of normal and customary establishment operations.

Pedestrian Oriented Development. Any development type which accommodates the needs of the pedestrian. Such development will have parking to the side or rear of a building, will mix uses and provide them in proximity to one another, will allow the pedestrian the option of accomplishing certain trips without automobile use, and will provide a variety of interesting and detailed streetscapes which balance the need of the pedestrian and car equally.

Pedestrian Zone. The area intended for pedestrian travel. The walkway section of the pedestrian zone should be of sufficient width to allow pedestrians to walk safely and comfortably for current and future pedestrian activity.

Person. An individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, interstate body, the State of North Carolina and its agencies and political subdivisions, or other legal entity.

Pier. A structure extending into or along the water for use as a landing place for boats or as a promenade.

Pilot plant. A building or operation in which processes planned for use in production elsewhere can be tested, but not including the production of any good on the premises primarily or customarily for sale, or for use in production operations.

Planned commercial development. Any planned project including, shopping centers, office complex, church, institutional, business campuses and similar large complexes which have a variety of tenants or uses.

Planning Board. The Town of Huntersville Planning and Zoning Board, established by ordinance in accordance with N.C.G.S. 160D-301.

Planning Jurisdiction. The land located within the boundaries of the most recently adopted Huntersville Land Development Plan, and consistent generally with the Town's annexation sphere of influence, in which the Town may undertake planning and apply the development regulations authorized by this ordinance.

Plant Nursery. Any tract of land which is used for the growth, nurture, production, acclimation, marketing or sale (whether at wholesale or retail) of plants, flowers, fruits, vegetables, shrubbery, trees or other agricultural, ornamental or forestry products, as well as activities ancillary or incidental thereto, including, without limitation, the distribution and sale of goods and materials used in connection with those items.

Plaza. An urban open space, constructed entirely or largely of hard-surfaced paving blocks, stone, brick, or similar materials, framed on at least two sides by the vertical rise of building walls; occasionally framed by closely planted large maturing trees in lieu of buildings. May be used for occasional parking in front of a civic or public building.

Principal building or structure. A building or structure containing the principal use of the lot.

Principal use. The primary purpose or function that a lot serves or is proposed to serve.

Private courtyard. An area enclosed on at least three sides by the vertical rise of building walls providing a pedestrian open space constructed of hard-surfaced paving materials and/or landscaping. Hard-surfaced paving materials include paving blocks, stone, brick, and either concrete or asphalt that has been scored, colored, or otherwise configured to resemble pavers, stone, or brick.

Project area. Any area of land and/or water, regardless of the number of individual parcels contained therein, on which development is proposed under these regulations.

Promenade. See Esplanade.

Proposed right-of-way line. The margin of a thoroughfare's right-of-way at its ultimate intended width, determined by (1) the thoroughfare's classification and (2) dimensional requirements or locational criteria as established in the Subdivision Ordinance.

Prototype production plant. A building or operation in which goods are produced only in a quantity necessary for full investigation of the merits of a product, but not including the production of any goods on the premises primarily or customarily for sale or for use in production operations on the premises.

Pruning. The cutting off or removal of dead or living parts of a tree or shrub for the intentions of improving growth.

Public utilities. Above ground or underground publicly licensed utilities including water, sanitary sewer collection and distribution line, natural gas, cable television, storm water drainage, transit or transportation, or electrical services and any associated structures such as pumping stations, treatment plants, and transformer stations for providing to the public a utility service deemed necessary for the public health, safety, and welfare. Utility service to the public has been defined broadly to mean all consumers-industrial, commercial, or residential.

Public utility structure. An electricity or gas substation, water or wastewater pumping station, telephone repeater station or similar structure used as an intermediary switching, boosting, distribution, or transfer station for electricity, water, wastewater, cable television, or telephone services between the point of generation and the end user, or a public or private wastewater treatment plant or water treatment plant, but not including satellite dish antennae, facilities for the handling of solid waste, or radio, television, or microwave transmission or relay towers.

Quadrangle. A rectangular area, such as a courtyard, enclosed by buildings.

Quarry. An operation for the dredging, digging, extraction, mining, or quarrying of stone, sand, gravel, or minerals for commercial purposes.

Quasi-judicial decision. A decision involving the finding of facts regarding a specific application of a development regulation and that requires the exercise of discretion when applying the standards of the regulation. The term includes, but is not limited to, decisions involving variances, special use permits, certificates of appropriateness, and appeals of administrative determinations.

Reach. A longitudinal segment of a stream or river, such as the segment between two bridge crossings or the mouths of two tributaries to the stream or river.

Redevelopment. The demolition and reconstruction of a building or a portion of a building.

Reclassification of land. A change in the zoning district assigned to a lot pursuant to a public hearing before the Town Board and a subsequent decision by the Board. (Also, Rezoning).

Regulatory Flood. A flood representative of large floods reasonably characteristic of what can be expected to occur on a particular stream, with an average recurrence interval of 100 years, determined from an analysis of floods on a particular stream and other streams in the same general region.

Religious institution. A church, synagogue, temple, mosque, or other place of religious worship, including any accessory use or structure, such as a school, day care center, cemetery or dwelling, located on the same lot.

## TA25-01: Residential Uses

Research laboratory. A facility equipped for basic and applied research or experimental study, testing, or analysis in the natural sciences, including any educational activities associated with and accessory to such research, but not including a medical, dental, optical, or veterinary clinic, or a research facility located on the principal site of a health institution or university.

Residential cottage. A rental unit associated with Country Inn Development that consists of sleeping quarters and bathroom facilities which are typically associated with overnight stays.

Residential use. ~~The use of a~~Any detached house, duplex, triplex, quadraplex, ~~attachedtownhome,~~ ~~or multifamily dwellingapartment~~, manufactured home, mobile home, modular home, group home for up to six clients, limited residence boarding house, or dormitory by occupants primarily as a permanent dwelling unit.

Restaurant. A building or operation, the purpose of which is to accommodate the consumption of food and beverages.

Retirement Communities. Single family and attached housing under single ownership on a parcel of land designed for active adults and independent persons over age fifty-five (55) not requiring health support services such as medical and nursing care on site. Each living unit is self-contained and is physically accessible to older and disable persons. Distinguished from apartments by the provision of some communal services.

Retail establishment. A building, property, or activity the principal use or purpose of which is the sale of goods, products, or merchandise directly to the consumer.

Riding Academy. A facility the principal use of which is the provision of lessons in horseback riding on a non-profit or for-profit basis. Permitted in the Rural and Transitional District, according to the standards of Section 9.33.

Sanitary Landfill. A solid waste disposal facility designed to meet the minimum standards of the State of North Carolina wherein refuse and other waste defined by State standards is disposed of by utilizing acceptable landfill engineering technology.

Saw-mill. A mechanized facility for cutting logs into timber for carpentry.

Screening. A fence, wall, hedge, landscaping, buffer area or any combination of these provided to create a visual separation between certain land uses. A screen may be located on the property line or elsewhere on the site, as determined by the use to be screened.

Setback, established. The distance between a street line and the front building line of a principal building or structure, as constructed, projected to the side lot lines. See also Yards.

Setback, required. The minimum distance required by this ordinance or established by recorded plat between the street right-of-way line and the front building line of a principal building or structure, projected to the side lines of the lot. For flag lots, the minimum setback shall be

measured between the front property line of the buildable portion of the lot and the front building line of the principal structure, projected to the side lines of the lot.

Shared Vehicle Zone. The primary travel way for vehicles which can include a mixture of traffic (cars, trucks, buses, and bicycles).

Shielded Light Fixture. A light fixture with cutoff optics that allows no direct light emissions above a vertical cutoff angle of 90 degrees above nadir, through the light fixture's lowest light emitting part. Any structural part of the light fixture providing this cutoff angle must be permanently affixed.

Shopfront. A business or retail use with façade aligned directly on the frontage line and the entrance at grade. Found in sidewalk retail.

Shopping Center. A group of two or more retail establishments or restaurants, including all associated out parcels (whether or not they have been subdivided from the primary tract), having a unified design of buildings, coordinated parking and service areas, and developed in accordance with the requirements of the zoning district in which it is located.

Shrub. Vegetation that is planted for ornamental or screening purposes.

Sign. Any object, device, structure, or part thereof, situated outdoors, which is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, designs, symbols, fixtures, colors, illumination, or projected images. Signs do not include the flag or emblem of any nation, organization of nations, state, city, or of any fraternal, religious or civic organization; works of art which in no way identify a product; or scoreboards located on athletic fields.

Significant tree. Any tree other than a pine tree with a caliper of 18 inches or more.

Silviculture. Science and art of cultivating forest crops based on the study of life history and general characteristics of forest trees.

Site analysis. A site plan completed by a certified landscape architect, in conjunction with a licensed land surveyor, showing the subject property including the following features: existing tree lines, all specimen and heritage trees, topography at two feet intervals, lakes, streams, floodplain, SWIM buffers, watershed buffers, historic sites, slope analysis (0%-10%, 10%-15%, 15%-25%, >25%), natural drainage patterns, soils, site connectivity and access.

Site plan. A scaled drawing and supporting text showing the relationship between lot lines and the existing or proposed uses, buildings, or structures on the lot. The site plan may include site-specific details such as building areas, building height and floor area, setbacks from lot lines and street rights-of-way, intensities, densities, utility lines and locations, parking, access points, roads, and stormwater control facilities that are depicted to show compliance with all legally required development regulations that are applicable to the project and the site plan review.

Small Maturing Trees. A tree whose height is less than 35 feet at maturity and meets the specifications of "American Standards for Nursery Stock" published by the American Association of Nurserymen.

Solar Energy Facility, Major. A solar energy facility that is not a minor solar energy facility.

Solar Energy Facility, Minor. A facility for the production of electrical energy or solar heat in which all of the following are met:

1. Is located on the power beneficiary's premises; and
2. Is intended primarily to offset part or all of the beneficiary's requirements for electricity/gas; or is any non-residential rooftop facility.
3. Is secondary to the beneficiary's use of the premises for other lawful purpose(s).

Solar Farm. See Solar Energy Facility, Major.

Solar Hot Water Heater. A solar heater(s), or solar thermal system that provides heat for water, space heating, and swimming pools by collecting the sun's energy to heat air or a fluid which transfers solar heat.

Solar Panel. A device which is used to convert energy contained within the sun's rays into electricity, PV (photovoltaic) panel.

Solar Power. The conversion of solar energy into another form of energy.

Solid Waste. Any hazardous or nonhazardous garbage, refuse, sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility, or other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from industrial, institutional, commercial, agricultural, and land clearing operations. This term does not include the following:

1. Fowl and animal fecal waste;
2. Solid or dissolved material in any of the following:
  - a. Domestic sewage, and sludge generated by the treatment thereof, in sanitary sewage disposal systems which have a design capacity of more than 3,000 gallons or which discharge effluents to the surface waters;
  - b. Irrigation return flows; or
  - c. Wastewater discharges, and the sludge incidental thereto and generated by the treatment thereof, which are point sources subject to permits granted under Section 402 of the Federal Water Pollution Control Act, as amended (33 U.S.C. Sec. 1342 et seq.) and permits granted under G.S. 143-215.1 by the Environmental Management Commission;
3. Oils and other liquid hydrocarbons controlled under Article 21A of Chapter 143 of the North Carolina General Statutes;
4. Any radioactive material as defined by the North Carolina Radiation Protection Act (G.S. 104E-1 et seq.); or

5. Mining refuse covered by the North Carolina Mining Act (G.S. 74-46 et seq.), and regulated by the North Carolina Mining Commission (as defined under G.S. 143B-290).

Special Use Permit. A permit issued to authorize development or land uses in a particular zoning district upon presentation of competent, material, and substantial evidence establishing compliance with one or more general standards requiring that judgment and discretion be exercised as well as compliance with specific standards. The term includes permits previously referred to as conditional use permits or special exceptions.

Specimen tree. A tree (or group of trees) that may be considered important community assets due to their unique or noteworthy characteristics or values. A tree may be considered a specimen tree based on its size, age, rarity or special historical or ecological significance and may also meet the following criteria:

1. Large hardwoods (e.g. oaks, poplars, maples, etc.) and softwoods (e.g. pines sp.) in good or better condition with a DBH of 24" or greater.
2. Smaller understory trees (e.g. dogwoods, redbuds, sourwoods, persimmons, etc.) in good or better condition with a DBH of 12" or greater.
3. Lesser-sized trees of rare species or special intrinsic value as approved by staff.

Stadium. A structure or facility designed, intended, or used primarily for athletic events or other performances and containing seating for spectators of those events, but not including a raceway or drag strip.

Storm Drainage Design Manual. The most recent edition of the manual adopted by the Town Board setting forth standard details for the design and construction of storm water management systems.

Story. That part of a building or structure above ground level between a floor and the floor or roof next above. A mezzanine shall be considered a story if it exceeds one-third of the area of the floor immediately below. A penthouse shall be considered a story if it exceeds one-third of the area of the roof. The under roof area with dormers does not count as a story.

Street Line. The outer boundary of a street right-of-way.

Street Orientation. The direction of the architectural front façade of a building in relation to the street.

Street, Private. An interior circulation road designed and constructed to carry vehicular traffic from public streets within or adjoining a site to parking and service areas; it is not maintained nor intended to be maintained by the public.

Street, Public. A right-of-way or fee simple tract of land which has been set aside for public travel, dedicated to the public by the recording of a subdivision plat, built to public street standards, and eligible for maintenance by either the Town of Huntersville or the State of North Carolina.

Street Right-of-Way. Street right-of-way shall mean any public right-of-way set aside for public travel which is accepted or eligible to be accepted for maintenance by the State of North Carolina

or the Town of Huntersville or Mecklenburg County, if so authorized; or has been dedicated for public travel by the recording of a plat or a subdivision which has been approved or is subsequently approved by the Town of Huntersville; or has otherwise been established as a public street prior to the adoption of this ordinance.

Street tree. A tree planted along a street right-of-way or public access easement, excluding alleys. The tree must be a large maturing deciduous canopy tree on the approved tree list.

Street Vista. A view framed by buildings at the termination of the axis of a thoroughfare or large neighborhood street.

Street Yard. The area of land along the front property line parallel to a right-of-way reserved for tree planting and landscaping. Also called street tree planting easement or Green Zone.

Streets. The term “streets” generally represents a continuum of roadway types that vary in form and function serving a variety of access and mobility needs. The types range from “Freeway” to “Local” and are further described below:

Freeway. High volume, high speed highways with access only at interchanges. Freeways are typically constructed to Interstate Highway standards. May incorporate special management techniques and may contain specialized accommodations for multi-occupant or transit vehicles. No parallel accommodation for non-motorized users.

Boulevard. Moderate to high volume, moderate speed roadway. Includes median and may incorporate interchanges as appropriate. Access strongly controlled, typically provided at street intersections and may be directional in nature (i.e. not full movement.) Shall incorporate provisions for transit, bicycle, and pedestrian users depending on context.

Other Major Thoroughfares. Multi-lane, moderate to high volume roadway, speed limits vary according to context. Often incorporate auxiliary lanes for turning vehicles. Typically includes median, individual driveways discouraged. Shall incorporate provisions for transit, bicycle, and pedestrian users.

Minor Thoroughfares. Usually two-lane roadways with low to moderate speeds depending on context. Balance of mobility and access functions. May include transit user provisions, shall incorporate non-motorized users.

Collector. A roadway which assemble traffic from local streets, and distributes it to the nearest thoroughfare. The collector road provides direct primary access to low/medium density land uses. It is designed to carry low to moderate traffic volumes at low to moderate speeds.

Local. This is a two-lane roadway which provides access directly to adjoining low/medium density land uses. It also conducts traffic to local limited and collector streets which serve the area. The local road is designed to accommodate low volumes of traffic at low speeds.

Town Streets (Town of Huntersville classification). Town Street classification refers to the hierarchy of low speed, interconnected streets with pedestrian orientation of buildings and

a fine-grained section which includes street tree plantings and sidewalks on either side of pavement. The required street elements can be assembled in a variety of ways depending on the fronting uses and the function/rank of the street in the hierarchy. Streets meeting the standards of Article 5 and the Engineering Standards and Procedures Manual (ESAPM) are eligible for acceptance and maintenance by the Town as public streets. Residential alleys will generally remain private.

Thoroughfare. Any street (existing or proposed) on the adopted Comprehensive Transportation Plan (CTP) Highway Map. The words thoroughfare and arterial are used synonymously and indicate streets which are designated as freeways, expressways, boulevards, other major thoroughfare or minor thoroughfare.

Structure. Anything constructed, installed, or portable, the use of which requires a location on a parcel of land. This includes a fixed or movable building, which can be used for residential, business, commercial, agricultural, or office purposes, either temporarily or permanently. "Structure" also includes, but is not limited to, swimming pools, tennis courts, signs, cisterns, sewage treatment plants, sheds, docks, mooring areas, and similar accessory construction.

Substantial Improvement. Any repair, reconstruction, expansion, or improvement of a structure, the cost of which exceeds 50 percent of the assessed value of a structure as determined either before the expansion or improvement begins or before the damage occurred giving rise to there pair or reconstruction. "Substantial improvement" shall not include, however, any repair or improvement required to bring the structure into compliance with existing state or Town health, sanitary, safety, or building code specifications necessary to ensure safe habitation of the structure.

Temporary Storage Container. Transportable units designed and used primarily for temporary storage of building materials, household goods, personal items and other materials for use on a limited basis on residential property.

Temporary Structure. A building placed on a lot for a specific purpose which is to be removed within a specified time period. Examples of temporary structures are monitoring stations, mobile classrooms, construction trailers and guard houses, and produce stands.

Terminated Vista. A view through or along a street, open space, or other opening which is brought to a close by a building, structure, significant natural feature, park or similar public space or feature.

Textured Glass. A patterned glass which has a specific pattern or design impressed into one surface. It allows the passage of light, but varying levels of obscuration, depending on the depth and configuration of pattern.

Threshold elements. Porches, stoops, stairs, balconies, eaves, and cornices, loggias, arcades, chimneys, doors and windows, which are placed at or near the build-to line and interface between the main body of the building and the street.

Topping. Any pruning practice that results in removal of the foliage and limbs that leads to disfigurement or abnormal shape of a tree. Also known as rounding-over, heading-back, dehorning, capping, and hat racking.

## TA25-01: Residential Uses

Town Attorney. The attorney for the Town of Huntersville, duly retained by the Board of Commissioners of the Town of Huntersville.

Town Manager. The Town Manager of the Town of Huntersville.

Traditional Neighborhood. A traditional neighborhood incorporates design principles that produce compact, mixed-use, pedestrian scaled communities. The following conventions are generally employed in the design of traditional neighborhoods.

1. The neighborhood is limited in area to that which can be traversed in a 10 to 15 minute walk.
2. Residences, shops, workplaces, and civic buildings are located in close proximity.
3. A well defined and detailed system of interconnected streets serves the needs of the pedestrian and the car equally, providing multiple routes to all parts of the neighborhood.
4. Physically defined open spaces in the form of plazas, squares, and parks, in addition to finely detailed public streets, provide places for formal and informal social activity and recreation.
5. Private buildings form a clear edge, delineating the private from the public realm.
6. Civic buildings reinforce the identity of the neighborhood, providing places of assembly for social, cultural, and religious activities.

Traditional neighborhoods pursue certain objectives through their design.

1. Independence of movement for the elderly and young by bringing many activities of daily living within walking distance.
2. Reduced traffic congestion and road construction costs by reducing number and length of car trips.
3. Use or preparation for future use of alternative forms of transportation by organizing appropriate building densities.
4. Improved security of public spaces organized to stimulate informal surveillance by residents and business operators.
5. Enhanced sense of community and improved security through provision of a range of housing types and workplaces in proximity to one another.
6. Accessible places for public assembly and civic engagement by identification of suitable sites for civic buildings.

Transitional Setback or Yard. That area, if any, along a thoroughfare, which lies between (a) the minimum setback or yard line for the zoning district measured from the existing street right-of-way line and (b) the minimum setback or yard line measured from the Proposed Right-of-Way Line. There will be no transitional setback or yard when the existing street right-of-way and the proposed right-of-way line are the same.

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Transitional use. A permitted use or structure that, by nature, level of activity, or physical scale, acts as a transition or intermediate use between two or more incompatible uses.

Transit-Oriented Parking Lot. An area directly associated with a public transit system where motor vehicles may be stored for the purposes of temporary or daily off-street parking.

Transmittance. Percentage of normally incident visible light passing directly through the glazing.

Tree save area. Area to be preserved which equals the drip line of tree(s) plus an additional 5 feet around the entire perimeter of area.

Tree survey. A description, for the purposes of identification, of the existing trees, under story vegetation, and topographical features on a site prior to development and site design.

Turbine Blade Clearance. The distance measured from the grade at the center of the tower to the lowest point of the turbine rotor or tip of the turbine blade when it reaches its lowest elevation.

Turkey Shoot. A place or event at which contestants discharge shotguns in competition for prizes.

Uniformity ratio. The ratio of average illumination to minimum illumination.

University, college and junior college. A use, whether privately-owned or publicly-owned, providing academic education beyond the high school level.

Used asphalt. Used asphalt or used asphalt mixed with dirt, sand, gravel, rock, concrete or similar non-hazardous material.

Vested right. The right to undertake and complete the development and use of the property under the terms and conditions of a development approval, including any amendments thereto, as specified in G.S. 160D-108(c) or under common law.

Vocational School. A use, whether privately-owned or publicly-owned, that trains persons in specific trades or occupations such as mechanics, stenography, or similar skills.

Warehousing. The indoor storage of goods, materials, or merchandise for shipment to, or processing on, other property.

Wastewater Treatment Facility. A facility operated by a licensed utility, in compliance with all applicable state, county, and town regulations, and intended or used for the treatment and surface or subsurface disposal of wastewater and which serves more than one use or more than four dwelling units; or a facility intended or used for the treatment and subsurface disposal of wastewater which serves only one use or up to four dwelling units.

Wind Energy Facility, Major. Wind farm that is not a minor wind energy facility.

Wind Energy Facility, Minor. A facility for the production of electrical energy in which all of the following are met:

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1. Is located on the power beneficiary's premises; and
2. Is intended primarily to offset part or all of the beneficiary's requirements for electricity/gas; and
3. Is secondary to the beneficiary's use of the premises for other lawful purpose(s).

Wind Farm. See Wind Energy Facility, Major.

Wind Power. The conversion of wind energy into another form of energy.

Wind Turbine, or Windmill. A wind energy conversion system that converts wind energy into electricity through the use of a wind turbine generator, and may include a nacelle, rotor, tower and pad transformer.

Wind Turbine Height. The distance measured from grade at the center of the tower to the highest point of the turbine rotor or tip of the turbine blade when it reaches its highest elevation.

Wholesale Establishment. A building, property, or activity the principal use or purpose of which is the sale of goods, products, or merchandise stored on the premises to persons who are intermediaries between the producer and the consumer.

Working Day. Any day on which the offices of the Town of Huntersville are officially open, not including Saturdays, Sundays, and other holidays designated by the Town Board.

Yard, rear, required. When required by this ordinance or established through recorded plat, a minimum distance between the rear of a principal building or structure and the lot line farthest from the street fronting the lot, projected to the side lines of the lot on which the building or structure is located.

Yard, rear, established. The distance between the rear of a principal building or structure and the lot line farthest from the street fronting the lot, projected to the side lines of the lot on which the building or structure is located.

Yard, side, required. When required by this ordinance or established by recorded plat, a minimum distance between the side lot line and the side building line, extending from the established setback to the required rear yard. For buildings not set back from the street right-of-way, the side yard shall be defined as extending from the street line to the required rear yard.

Yard, side, established. The distance between the side lot line and the side building line, extending from the established setback to the established rear yard. For buildings not set back from the street right-of-way, the side yard shall be defined as extending from the street line to the established rear yard.

Yard, tree, required. A tree or trees required to be planted in the front or rear yard of a lot to satisfy the requirements of Article 7 of the Zoning Ordinance.

## TA25-01: Residential Uses

Yard Trash. Solid waste consisting of vegetative material resulting from landscaping and yard maintenance, such as brush, grass, tree limbs and similar material.

Zero lot line. The location of a building on a lot in such a manner that one of the building's sides rests directly on a lot line; also referred to as a sideyard house.

Zoning Administrator. The employee(s) or agent(s) designated by the Town Manager to oversee the administration and enforcement of these regulations.