

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

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

Permitted Uses.

Uses permitted by right.

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

Uses permitted with conditions.

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

Uses permitted with Special Use Permit.

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

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

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

Permitted Uses.

Uses permitted by right.

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

Uses permitted with conditions.

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

Uses permitted with Special Use Permit.

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

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

a. **Permitted Uses.**

Uses permitted by right.

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

Uses permitted with conditions.

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

Uses permitted with Special Use Permit.

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

b. Permitted Building and Lot Types.

- apartment
- attached house
- civic
- detached house
- mixed use¹ up to 50,000 sq. ft. of first floor area; larger buildings may be permitted with ~~special use permit~~ conditional rezoning
- storefront up to 50,000 sq. ft. of first floor area; larger buildings may be permitted with ~~special use permit~~ conditional rezoning
- workplace up to 50,000 sq. ft. of first floor area; larger buildings may be permitted with ~~special use permit~~ conditional rezoning

c. Permitted Accessory Uses.

- accessory dwelling, (9.1)
- day care home (small), (9.11)
- drive through windows, excluding those associated with restaurants, (9.12)
- home occupation, (9.19)
- solar facility, minor non-residential (9.54)
- solar energy facility, minor residential (9.54)
- stalls or merchandise stands for outdoor sale of goods at street front (encroachment onto sidewalk may be permitted by agreement with town); outdoor storage expressly prohibited²
- accessory uses permitted in all districts, (8.11)

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

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

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

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

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

¹ 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.

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

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

(a) Permitted Uses.

Uses permitted by right.

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

Uses permitted with conditions.

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

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

Uses permitted with special use permit.

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

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

(a) **Permitted Uses.**

Uses Permitted by Right.

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

Uses Permitted With Conditions.

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

Uses Permitted with Special Use Permit.

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

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

(a) **Permitted Uses.**

Uses permitted by right.

- bed and breakfast inns
- boarding or rooming houses for up to six roomers
- civic, cultural, and neighborhood recreation facilities up to 15,000 sq. ft. of gross floor area, minimum FAR of .35
- conference centers, up to 15,000 sq. ft. of gross floor area, minimum FAR of .35
- dormitories
- family care home
- financial institutions up to 6,000sq. ft. of gross floor area
- government buildings up to 8,000sq. ft. of gross floor area, minimum FAR of .35
- indoor motions pictures, limited to one (1) screen
- inns
- multi-family homes
- offices, general, medical, professional, minimum FAR of .35
- personal, professional, and technical services up to 8,000 sq. ft. of gross area, minimum FAR of .35
- research and development services, minimum FAR of .35
- restaurants without drive-through windows, up to 8,000 sq. ft. of gross floor area, minimum FAR of .35
- retail establishments, up to 8,000 sq. ft. of gross area, minimum FAR of .35
- greenways
- single family homes
- squares, plazas, or other formal open spaces not exceeding 1/2 acre in area
- stalls or merchandise stands for outdoor sale of goods at street front (encroachment onto sidewalk may be permitted by agreement with town); outdoor storage expressly prohibited¹.
- taverns and bars, up to 6,000 sq. ft. of gross floor area, minimum FAR of .35
- transit stations
- workshops and studios for the design and manufacture of art, craft and artisan products, up to 8,000 sq. ft. of gross area, minimum FAR of .35

Uses permitted with a Special Use Permit.

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

Uses permitted with conditions.

- any non-residential use permitted by right or with conditions where size of first floor area exceeds 15,000 sq. ft., (9.47)
- any permitted non-residential use or collection of non-residential uses that exceeds the maximum permitted in the district by paragraph e) 5) of this section, (9.47)
- banks, up to 6,000 sq. ft. of gross floor area
- religious institutions up to 300 seats in the largest place of assembly, (9.8)
- civic, cultural, and neighborhood recreation facilities up to 15,000 sq. ft. of gross floor area, minimum FAR of .35
- conference centers, up to 15,000 sq. ft. of gross floor area, minimum FAR of .35
- day care centers up to 8,000 sq. ft. of gross floor area (9.411)
- essential services 1 and 2, (9.14)
- government buildings up to 8,000 sq. ft. of gross floor area, minimum FAR of .35
- indoor motion pictures, limited to one (1) screen
- offices, general, medical, professional, minimum FAR of .35
- personal, professional, and technical services up to 8,000 sq. ft. of gross area, minimum FAR of .35
- parking lot or structure as principal use (9.479)
- research and development services, minimum FAR of .35
- restaurants without drive-through windows, up to 8,000 sq. ft. of gross floor area, minimum FAR of .35
- retail establishments, up to 8,000 sq. ft. of gross area, minimum FAR of .35
- schools (9.35)
- squares, plazas, or other formal open spaces not exceeding 1/2 acre in area
- stalls or merchandise stands for outdoor sale of goods at street front (encroachment onto sidewalk may be permitted by agreement with town); outdoor storage expressly prohibited¹.
- taverns and bars, up to 6,000 sq. ft. of gross floor area, minimum FAR of .35

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

(c) Permitted Accessory Uses.

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

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

(a) Permitted Uses.

Uses Permitted by Right.

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

Uses Permitted with Conditions.

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

Uses Permitted with a Special Use Permit.

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

(b) Permitted Building and Lot Types.

- civic building
- highway commercial (for conference facilities only), minimum FAR of .35
- mixed use¹
- shopfront
- workplace, minimum FAR of .35

(c) Permitted Accessory Uses.

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

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

9.9 Commercial Communication Tower

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

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

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

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

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

9.11 Day Care Centers And Small Day Care Homes

1. Child Day Care Center.

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

2. Adult Day Care Center.

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

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

3. Child Day care home, small, accessory.

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

4. Adult Day Care Home, small.

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

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

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

9.35 Schools

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

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

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

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

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

9.45 Hotels And Motels

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

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

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

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

9.47 Special Uses In TOD-R Districts

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

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

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

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

9.48 Special Uses In TOD-E Districts

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

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

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

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

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

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

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

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

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

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

9.59 Banquet Facility

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

9.62 Dormitory

Dormitories for a bona fide farm are permitted in the Rural and Transitional Zoning Districts subject to the following conditions: ~~a Special Use Permit according the procedures of Article 11.4.10.~~ The Town Board shall issue a special use permit for the use in a Rural or Transitional Residential Zoning District if, but not unless, the evidence presented at the Special Use Permit hearing establishes:

- ~~1.—The use will not endanger health and safety, does not substantially reduce the value of nearby property.~~
1. The use shall does not conflict with long range plans.

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

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

HUNTERSVILLE ORDINANCE ADVISORY BOARD: July 11, 2024 (Recommended Unanimous Approval)

PUBLIC HEARING DATE: Hearing Held August 6, 2024

PLANNING BOARD MEETING: Recommended Approval on August 27, 2024

TOWN BOARD DECISION: Approved on September 17, 2024