

AN ORDINANCE TO AMEND THE TOWN OF HUNTERSVILLE ZONING ORDINANCE ARTICLE 3.3.1(a) MANUFACTURED HOME OVERLAY DISTRICT TO UPDATE SKIRTING REQUIREMENTS FOR MANUFACTURED HOMES TO COMPLY WITH G.S. CHAPTER 160D-910 AND TO AMEND ARTICLE 11.6.1(a) ZONING COMPLIANCE TO CLARIFY APPLICATION REQUIREMENTS AND TO AMEND ARTICLE 9.9 COMMERCIAL COMMUNICATION TOWER TO COMPLY WITH G.S. CHAPTER 160D-937 ON CO-LOCATING WIRELESS FACILITIES ON TOWN UTILITY POLES

Section 1. BE IT ORDAINED by the Board of Commissioners of the Town of Huntersville, North Carolina, that Zoning Ordinance Section 3.3.1(a) Manufactured Home Overlay District (MH-O), Permitted Uses, is hereby amended as follows:

a) Permitted Uses

Uses permitted by right

- all uses permitted by right in the underlying district, according to the standards of the underlying district
- family care homes

Uses permitted with conditions

- all uses permitted with conditions in the underlying district, according to the standards and conditions associated with the underlying district.
- Manufactured Homes, provided that:
 - (a) The home shall be set up in accordance with the standards set by the North Carolina Department of Insurance.
 - (b) A continuous, permanent masonry wall, having the appearance of a conventional load-bearing foundation wall, unpierced except for required ventilation and access, shall be installed under the perimeter of the manufactured home. **Notwithstanding the foregoing, neither masonry walls nor masonry skirting shall be required for manufactured homes located on land leased to the owner of the manufactured home; however, non-masonry skirting shall be installed on such manufactured homes.**
 - (c) The home will have all wheels, transporting lights, and towing apparatuses removed.
 - (d) The structure must be at least 14 feet in width along the majority of its length.
 - (e) The roof shall have at least a 3:12 pitch.
 - (f) Exterior wall and roofing materials and finishes shall be comparable in composition, appearance and durability to those commonly used in conventional residential construction. As examples, exterior walls would be expected to be covered in wood, stucco, brick, stone, other masonry materials, or similar conventional exterior finishes. Roofing material should consist of wood shingle, wood shake, synthetic composite shingle, ceramic tile, concrete tile, or similar conventional roofing materials.

(g) All entrances to a manufactured home shall be provided with permanent steps, porch or similar suitable entry.

Section 2. BE IT ORDAINED by the Board of Commissioners of the Town of Huntersville, North Carolina, that Zoning Ordinance Article 11.6.1(a) Zoning Compliance is hereby amended as follows:

11.6 Zoning Compliance

.1 Zoning Compliance

- a. A completed application form for a Zoning Permit shall be submitted by filing a copy of the application in the office of the Zoning Administrator. **All applications shall be signed by the property owner(s).**
- b. The **Zoning** Administrator shall approve the Zoning Permit unless ~~he~~ **the Zoning Administrator** finds, after reviewing the application and consulting with the applicant that:
 - 1) The requested Permit is not within ~~his~~ **their** jurisdiction according to the Permitted Uses; or
 - 2) The application is incomplete; or
 - 3) If completed as proposed in the application, the development will not comply with one (1) or more requirements of this ordinance (not including those requirements for which a variance has been granted); or
 - 4) If required under Article 14, no Traffic Impact Assessment has been approved by the Town.

Section 3. BE IT ORDAINED by the Board of Commissioners of the Town of Huntersville, North Carolina, that Zoning Ordinance Article 9.9 Commercial Communication Tower is hereby amended as follows:

9.9 Commercial Communication Tower

A Commercial Communication tower shall meet the following standards:

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 meeting criteria 9.9.1-9.9.10, may be allowed in the Rural (R) district only if they meet the following 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 4. EFFECTIVE DATE

This ordinance shall become effective upon the date of adoption.

HUNTERSVILLE ORDINANCE ADVISORY BOARD: November 3, 2022 & December 1, 2022

PUBLIC HEARING DATE: January 3, 2023

PLANNING BOARD MEETING: January 24, 2023

TOWN BOARD DECISION: Approved February 20, 2023