

January 16, 2018

TA #18-02 Amend Section 6.320 and 3.100 of the Subdivision Ordinance

PART 1: DESCRIPTION

Text Amendment, TA #18-02, is a request by the Town of Huntersville Planning Department providing the Planning Department authority to approve subdivision sketch plans that are consistent with a conditional rezoning plan approved by the Huntersville Board of Commissioners.

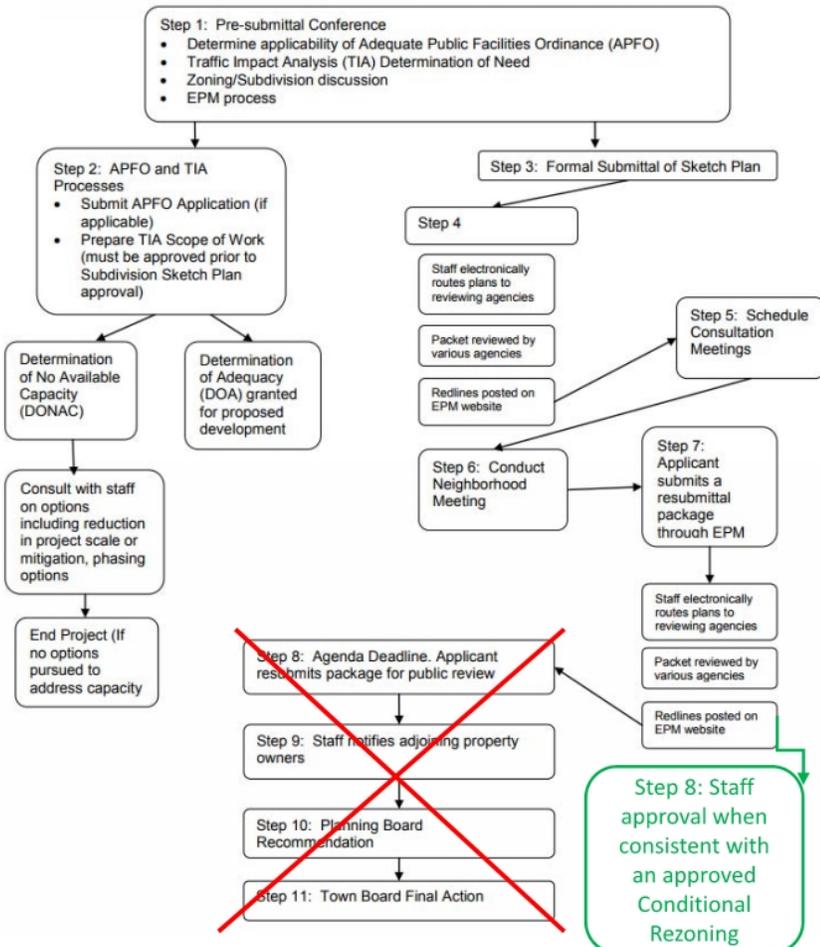
PART 2: BACKGROUND

Currently, subdivision sketch plan requests must go the Planning Board for a recommendation and the Town Board for approval even if the sketch plan is the same as an approved conditional rezoning plan. Under the proposed amendment to Sections 3.100 and 6.320(1) of the Subdivision Ordinance, staff would be given the authorization to approve a subdivision sketch plan if the same or showed **minor changes** to a conditional rezoning plan approved by the Town Board. **Minor changes** include minor shifts in street and open space location (not less open space), fewer lots and other changes which do not alter the overall layout of the plan or which were significant at the time of the conditional rezoning plan approval. (NOTE: this is similar to the definition of minor change as found in the Subdivision Ordinance-Section 3.100(10)).

Below is a flow chart illustrating the proposed process change. Please note that subdivision sketch plans **that do not require a conditional rezoning approval** would still follow the quasi-judicial process and will go to the Planning Board for a recommendation and the Town Board for final action.



Major Subdivision Sketch Plan Review Process Consistent with an Approved Conditional Rezoning Plan



Note: Applicant can submit the subdivision sketch plan at any time provided approval does not come before the property is conditionally rezoned

January 16, 2018

Subdivision sketch plans are quasi-judicial actions meaning the Town Board (and Planning Board) should not talk to anyone about the proposed development except under sworn testimony. When a subdivision sketch plan is combined with a conditional rezoning plan as applicants typically choose to do to save time, this creates a conflict since the Town Board (and Planning Board) **can discuss rezoning** with applicants/adjoining property owners, but **should not discuss the subdivision sketch plan** outside sworn testimony even though it mirrors the conditional rezoning plan.

Staff previously had the authority to approve subdivision sketch plans that were consistent with or showed only minor revisions to an approved conditional rezoning plan from 2000 until a major re-write of the zoning ordinance in 2003. Further, staff is provided the authority to approve subdivision sketch plans in Transit Oriented Districts (i.e. TOD-R CD zoning in the northern portion of Bryton).

Section 3.100 of the Subdivision Ordinance, Town Staff Decision Making, should also be amended by adding subsection 12 authorizing staff to approve subdivision sketch plans consistent with or showing minor revisions to an approved conditional rezoning plan.

The HOAB reviewed the proposed amendment at their September 7, 2017 meeting and recommended approval (7-0).

PART 3: STAFF RECOMMENDATION

Approval

PART 4: RELEVANT HUNTERSVILLE 2030 COMMUNITY PLAN AND APPLICABLE LONG RANGE PLAN SECTIONS

ED-14.1 Development Review Process: Support efforts to improve efficiency and responsiveness of development review process for development proposals.

PART 5: PUBLIC HEARING

The Public Hearing was held on Tuesday, January 16, 2018.

PART 6: PLANNING BOARD RECOMMENDATION

The Planning Board is scheduled to hear this text amendment on January 23, 2018.

PART 7: ATTACHMENTS

- Attachment A: Text Amendment Application
- Attachment B: Proposed Ordinance, Applicant Language

January 16, 2018

PART 8: STATEMENT OF CONSISTENCY – TA #17-02

Planning Department	Planning Board	Board of Commissioners
<p>APPROVAL: In considering the proposed amendment, TA 18-02, to amend Section 6.320 and 3.100 of the Subdivision Ordinance, the Planning staff recommends approval based on the amendment being consistent with ED 14.1 of the Town of Huntersville 2030 Community Plan.</p> <p>It is reasonable and in the public interest to amend the Subdivision Ordinance because conditional rezoning plans approved by the Town Board have gone through full plan review and public input is provided through that process.</p>	<p>APPROVAL: In considering the proposed amendment, TA 18-02, to amend Section 6.320 and 3.100 of the Subdivision Ordinance, the Planning Board recommends approval based on the amendment being consistent with <u>(insert applicable plan reference)</u> of the Town of Huntersville 2030 Community Plan.</p> <p>It is reasonable and in the public interest to amend the Zoning Ordinance because...<i>(Explain)</i></p>	<p>APPROVAL: In considering the proposed amendment, TA 18-02, to amend Section 6.320 and 3.100 of the Subdivision Ordinance, the Town Board recommends approval based on the amendment being consistent with <u>(insert applicable plan reference)</u> of the Town of Huntersville 2030 Community Plan.</p> <p>It is reasonable and in the public interest to amend the Zoning Ordinance because...<i>(Explain)</i></p>
	<p>DENIAL: In considering the proposed amendment, TA 18-02, to amend Section 6.320 and 3.100 of the Subdivision Ordinance, the Planning Board recommends denial based on the amendment being <u>(consistent or inconsistent)</u> with <u>(insert applicable plan reference)</u> of the Town of Huntersville 2030 Community Plan.</p> <p>It is not reasonable and in the public interest to amend the Zoning Ordinance because....<i>(Explain)</i></p>	<p>DENIAL: In considering the proposed amendment, TA 18-02, to amend Section 6.320 and 3.100 of the Subdivision Ordinance, the Town Board recommends denial based on the amendment being <u>(consistent or inconsistent)</u> with <u>(insert applicable plan reference)</u> of the Town of Huntersville 2030 Community Plan.</p> <p>It is not reasonable and in the public interest to amend the Zoning Ordinance because....<i>(Explain)</i></p>