

**TA #18-02** Amend Section 6.320 and 3.100, 3.200 and 3.300 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**

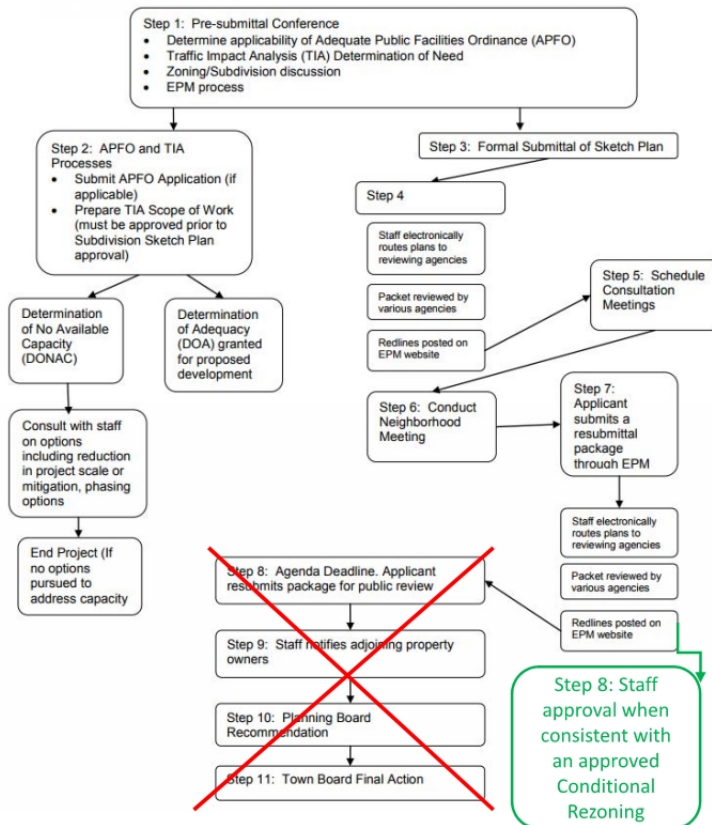
Currently, subdivision sketch plan requests must go the Planning Board for a recommendation and the Town Board for approval even if the sketch plan is the same as an approved conditional rezoning plan. Under the proposed amendment to Sections 3.100(12) and 6.320(1) of the Subdivision Ordinance, staff 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)). Further, Section 3.200(2) and 3.300(2), decision making authority for Planning Board and Board of Commissioners respectively, will be adjusted to reflect the proposed amendment.

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.

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



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

rezoning plan as applicants typically choose to do to save time, this creates a potential 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).

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

PART 3: 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 4: STAFF RECOMMENDATION

Approval based on the following:

1. The amendment is consistent with ED14.1 of the Huntersville 2030 Community Plan;
2. The Town Board and Planning Board will go through full conditional rezoning plan review and public input is provided through that process; and
3. It will simplify the approval process by removing redundancy;
4. The revised process will eliminate potential quasi-judicial contacts outside of sworn testimony.

PART 5: PUBLIC HEARING

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

PART 6: PLANNING BOARD RECOMMENDATION

The Planning Board first heard this text amendment on January 23, 2018 and continued the case asking for further elaboration on decision making. On February 27, 2018 the Planning Board reviewed the updated ordinance and recommended approval 7-1 (Bankirer opposed).

PART 7: ATTACHMENTS

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

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

Planning Department	Planning Board	Board of Commissioners
<p><b>APPROVAL:</b> In considering the proposed amendment, TA 18-02, to amend Section 6.320, 3.100, 3.200 and 3.300 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, it will simplify the approval process and it will avoid potential quasi-judicial contacts.</p>	<p><b>APPROVAL:</b> In considering the proposed amendment, TA 18-02, to amend Section 6.320, 3.100, 3.200 and 3.300 of the Subdivision Ordinance, the Planning Board 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, it will simplify the approval process and it will avoid potential quasi-judicial contacts. (7-1)</p>	<p><b>APPROVAL:</b> In considering the proposed amendment, TA 18-02, to amend Section 6.320, 3.100, 3.200 and 3.300 of the Subdivision Ordinance, the Town Board recommends approval based on the amendment being consistent with <b><u>(insert applicable plan reference)</u></b> of the Town of Huntersville 2030 Community Plan.</p> <p>It is reasonable and in the public interest to amend the Subdivision Ordinance because...<i>(Explain)</i></p>
		<p><b>DENIAL:</b> In considering the proposed amendment, TA 18-02, to amend Section 6.320, 3.100, 3.200 and 3.300 of the Subdivision Ordinance, the Town Board recommends denial based on the amendment being <b><u>(consistent or inconsistent)</u></b> with <b><u>(insert applicable plan reference)</u></b> of the Town of Huntersville 2030 Community Plan.</p> <p>It is not reasonable and in the public interest to amend the Subdivision Ordinance because....<i>(Explain)</i></p>