

## TA 21-10 – Corporate Business/Special Purpose/Campus Institutional Buffer Flexibility

### PART 1: DESCRIPTION

TA21-10 is a request by the Huntersville Planning Department to amend the requirements of Article 7.5.3 of the Huntersville Zoning Ordinance to allow flexibility for CB/SP/CI buffers along public streets and rights-of-way.

### PART 2: BACKGROUND

On December 21, 2020 the Town Board approved the Huntersville 2040 Community Plan. Land Use Policy (LU) 7.1 of the adopted plan includes the recommendation to provide flexibility from form-based design principles in defined Employment Centers under certain situations (see part 3 below). In addition, staff has observed the recent pattern of large commercial buildings being proposed in the Corporate Business (CB) zoning district. These large commercial buildings have had a difficult time fitting their proposed uses on the subject site with full 80 foot buffers along the public street. Staff has thus processed several conditional rezoning applications simply for the purpose of allowing the Town Board to modify the buffer width requirements of the ordinance. In response to the Huntersville 2040 Plan recommendation and the trend of large commercial applications requiring a rezoning to fit into their site, staff has proposed a text amendment that would allow a reduction of buffer width along the street based on the uses proposed near the street and the visibility of those uses from the street. The amendment would read as follows: New language in **bold underline**.

Footnote 2: The CB, CI, and SP buffer is not required if the subject property is abutting a property zoned CB, CI, or SP. Further, a full eighty (80) foot buffer may be ~~reduced~~ **removed** along street frontages where **the building proposed addresses the public street with architecture and design consistent with the building type requirements of Article 4.** ~~scale, frontage relationship, and location of accessory uses ensure design compatibility off site.~~ **The 80 foot buffer may be reduced to the width below along street frontages when the following conditions are met:**

- **40 foot buffer**
  - **Along any thoroughfare where only passenger vehicle parking is located between the building and the street, and/or the architecture of the building does not meet the building type requirements of Article 4.**
  - **Along interior streets of existing or proposed business parks where loading, storage, truck docks, or utility areas are located between the building and the street.**
- **20 foot buffer**
  - **Along interior streets of established or proposed business parks where only passenger vehicle parking is located in between the building and street, and/or the architecture of the building does not meet the building type requirements of Article 4.**
  - **Any building that meets the architectural standards of Article 4 but whose building is moved further from the street than the required build to line.**
- **Reduced street buffer widths may be disturbed and replanted so long as a complete visual opaque buffer is established at planting maturity between the building and street.**

### **PART 3: RELEVANT SECTIONS OF THE HUNTERSVILLE 2040 COMMUNITY PLAN**

- LU7.1: In defined Employment Centers, some flexibility in the form-based design principles is allowed, including:
  - Expanded options for frontages including buildings fronting the street or buffered from major or minor thoroughfares.
  - Exceptions to building frontage requirements and public street requirements may be allowable for internal streets in an industrial park or near interstates.
  - STAFF COMMENT: The proposed text would allow buffer flexibility along the proposed street frontage if the proposed building did not meet the form-based design requirements of Article 4. The text would allow buffer width reduction based on the type of street fronted upon and the use along the street proposed. High visibility thoroughfares and unaesthetic uses along the street keep a greater buffer requirement, while internal business park streets have minimal buffers.
- EV-2: Encourage existing economic assets and entrepreneurial business development.
  - STAFF COMMENT: Staff has observed that the commercial market has turned to a high concentration of large building distribution/warehouse type development. These larger buildings have consistently faced challenges meeting the street frontage buffer requirement as they rarely meet the architectural requirements of Article 4. Amending the ordinance will make better use of existing economic development zoning (CB) and make it more conducive for current commercial development trends.

### **PART 4: STAFF RECOMMENDATION**

Planning staff recommends approval of the proposed text amendment application. Please see the drafted text above and the proposed amendment ordinance included in the agenda packet.

### **PART 5: HUNTERSVILLE ORDINANCE ADVISORY BOARD**

The Huntersville Ordinances Advisory Board (HOAB) reviewed the proposed text on August 5<sup>th</sup>, 2021. After discussion, the HOAB unanimously recommended approval of the text as proposed by staff.

### **PART 6: PUBLIC HEARING**

The Public Hearing is scheduled for August 16<sup>th</sup>, 2021.

### **PART 7: PLANNING BOARD RECOMMENDATION**

The Planning Board is scheduled to consider this text amendment on August 24<sup>th</sup>, 2021.

### **PART 8: ATTACHMENTS AND ENCLOSURES**

- Draft Language Ordinance
- Text Amendment Application

**PART 9: STATEMENT OF CONSISTENCY – TA21-10**

Planning Department	Planning Board	Board of Commissioners
<p><b>APPROVAL:</b> In considering the proposed amendment TA21-10, to amend Article 7.5.3 to add flexibility to the CB/SP/CI buffer, the Planning Staff recommends approval of the application based on the amendment being consistent with policies LU 7.1 and EV-2 of the Huntersville 2040 Community Plan.</p> <p>It is reasonable and in the public interest to amend the Zoning Ordinance because the amendment would allow economic development site design flexibility, while preserving the aesthetics of the public street and pedestrian realm.</p>	<p><b>APPROVAL:</b> In considering the proposed amendment TA21-10, to amend Article 7.5.3 to add flexibility to the CB/SP/CI buffer, the Planning Board recommends approval based on the amendment being consistent with <u>(insert applicable plan reference)</u></p> <p>It is reasonable and in the public interest to amend the Zoning Ordinance because...(Explain)</p>	<p><b>APPROVAL:</b> In considering the proposed amendment TA21-10, to amend Article 7.5.3 to add flexibility to the CB/SP/CI buffer, the Town Board recommends approval based on the amendment being consistent with <u>(insert applicable plan reference)</u></p> <p>It is reasonable and in the public interest to amend the Zoning Ordinance because...(Explain)</p>
	<p><b>DENIAL:</b> In considering the proposed amendment TA21-10, to amend Article 7.5.3 to add flexibility to the CB/SP/CI buffer, the Planning Board recommends denial based on the amendment being <u>(consistent OR inconsistent) with (insert applicable plan reference).</u></p> <p>It is not reasonable and in the public interest to amend the Zoning Ordinance because...(Explain)</p>	<p><b>DENIAL:</b> In considering the proposed amendment TA21-10, to amend Article 7.5.3 to add flexibility to the CB/SP/CI buffer, the Town Board recommends denial based on the amendment being <u>(consistent OR inconsistent) with (insert applicable plan reference).</u></p> <p>It is not reasonable and in the public interest to amend the Zoning Ordinance because...(Explain)</p>

**AN ORDINANCE TO AMEND ARTICLE 7.5.3 OF THE ZONING ORDINANCE TO MODIFY THE  
CB/SP/CI 80 FOOT BUFFER ALONG STREET FRONTAGES**

Section 1. Be it ordained by the Board of Commissioners of the Town of Huntersville that Article 7.5.3 footnote [2] of the **Zoning Ordinance** is hereby amended as follows:

2The CB, CI, and SP buffer is not required if the subject property is abutting a property zoned CB, CI, or SP. Further, a full eighty (80) foot buffer may be ~~reduced~~ **removed** along street frontages where **the building proposed addresses the public street with architecture and design consistent with the building type requirements of Article 4.** ~~scale, frontage relationship, and location of accessory uses ensure design compatibility off site.~~ **The 80 foot buffer may be reduced to the width below along street frontages when the following conditions are met:**

- **40 foot buffer**
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- **Reduced street buffer widths may be disturbed and replanted so long as a complete visual opaque buffer is established at planting maturity between the building and street.**

Section 2. That this ordinance shall become effective September 20, 2021.

**HUNTERSVILLE ORDINANCE ADVISORY BOARD:** August 5, 2021

**PUBLIC HEARING DATE:** August 16, 2021

**PLANNING BOARD MEETING:** August 24, 2021

**TOWN BOARD DECISION:** September 20, 2021



# Text Amendment Application

Date of Application \_\_\_\_\_ 7/1/21 \_\_\_\_\_

## Fee

See Current Town of Huntersville Fee Schedule for Text Amendment to the Zoning/Subdivision Ordinance

## Type of Change

\_\_\_\_ New Addition to text of Zoning Ordinance / Subdivision Ordinance / Other

\_\_\_X\_\_\_ Revision/Modification to text of Zoning Ordinance / Subdivision Ordinance / Other

## Description of Change

Proposed text amendment will affect the following:

Ordinance(s): \_\_\_\_\_ Zoning Ordinance\_\_ Article(s): \_7.5.3\_\_\_\_\_ Section(s): \_\_\_\_\_

\_\_\_\_\_

See attached draft ordinance.

**Current Ordinance**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

See attached draft ordinance.

**Proposed Text**

\_\_\_\_\_  
\_\_\_\_\_

Add flexibility to buffer requirements along the street based on the use and architecture of the building facing the street.

**Reason for Proposed Change**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Attach additional pages if needed.

**NOTE: If the proposed text amendment effects property located along Hwy 73; is 2000 feet from an adjoining municipality, and/or the Mountain Island and Lake Norman Watersheds, additional peer review is required.**

## Applicant

Printed Name \_\_\_\_\_ Huntersville Planning Department (Brad Priest) \_\_\_\_\_

Corporation     Limited Liability Company     Trust     Partnership     Other: \_\_\_\_\_

Signature \_\_\_\_\_ *Bradley D. Priest* \_\_\_\_\_ Date \_\_\_\_\_ 7/1/21 \_\_\_\_\_

Title \_\_\_\_\_ Principal Planner \_\_\_\_\_ Email \_\_\_\_\_ bpriest@huntersville.org \_\_\_\_\_

Address of Applicant \_\_\_\_\_

## Property Owner (if different than applicant)

\* Printed Name \_\_\_\_\_

Corporation     Limited Liability Company     Trust     Partnership     Other: \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

Title \_\_\_\_\_ Email \_\_\_\_\_

Address of Property Owner \_\_\_\_\_

\* Property owner hereby grants permission to the Town of Huntersville personnel to enter the subject property for any purpose required in processing this application.

Every owner of each parcel included in this application, or the owner (s) duly authorized agent, must sign this application. If signed by an agent on behalf of the Owner, this petition MUST be accompanied by a Limited Power of Attorney signed by the property owner (s) and notarized, specifically authorizing the agent to act on the owner (s) behalf in signing this application. Failure of each owner, or their duly authorized agent, to sign, or failure to include the authority of the agent signed by the property owner, will result in an INVALID APPLICATION. **If additional space is needed for signatures, attach the Town of Huntersville Signature Addendum Form.**

## Contact Information

**Town of Huntersville  
Planning Department**  
PO Box 664  
Huntersville, NC 28070

Phone: 704-875-7000  
Fax: 704-875-6546  
Physical Address: 105 Gilead Road, Third Floor, Huntersville, NC 28078  
Website: <https://www.huntersville.org/228/Planning-Department>

Date Received By Planning Department: \_\_\_\_\_ 7/1/21 \_\_\_\_\_

Staff Initials: \_\_\_\_\_ BP \_\_\_\_\_