

TA 21-14 – Definitions of Major and Minor Subdivisions, Requirements for Farmhouse Cluster Plan

PART 1: DESCRIPTION

TA21-14 is a text amendment request submitted by the Town of Huntersville Planning Department to amend Sections 2.100: Definitions, Section 6.300: Sketch Plan Required for Major Subdivisions, Section 6.310: Sketch Plan Not Required for Minor Subdivisions. Section 6.520: Exceptions: When Preliminary Plan Not Required. The purpose of the amendment is to 1) remove recordation of street right of way dedication, reservation, and improvements from the definition of a major subdivision; 2) remove the extension of any needed right of way or easement for the water and sewer system operation by Charlotte Mecklenburg Utility Department from the definition of a major subdivision; 3) condense the definition of a minor subdivision; and, 4) specify the requirements for a Farmhouse Cluster Plan.

PART 2: BACKGROUND

Staff frequently process land development applications that require off-site roadway improvements including the dedication and reservation of right-of-way. The public acquisition of right of way by purchase is currently exempt per N.C.G.S 160D-802. Staff also encounter developers that propose infill residential development or minor residential subdivisions that are near existing water and sewer connection. Under the current definition of a major subdivision the dedication or right of way, reservation or right of way, improvements of existing streets, and extension of right of way or easements for water or sewer with Charlotte water are considered a major subdivision that includes a neighborhood meeting, Planning Board recommendation, and final action by the Town Board. The subdivision process is organized as a three-month process and intended for the subdivision larger commercial and residential developments.

Separately, the Zoning Ordinance currently states in Articles 3.2.1 (e)(11) and 3.2.2 (e)(11), "A Farmhouse Cluster requires an approved Farmhouse Cluster subdivision plan, according to the requirements of the Huntersville Subdivision Ordinance including approval by the Town Board and shall meet all other requirements for review and approval, which may include preliminary plan approval prior to approval of a final plat." The only reference to the farmhouse cluster plan in the Subdivision Ordinance is included in the definition of a minor subdivision and states, "For purposes of these regulations, Farmhouse Cluster developments are considered a minor subdivision and require Town Board approval." When individuals inquire with Staff of the exact requirements for submission there is no greater detail provided by the Zoning or Subdivision Ordinances. Farmhouse cluster plans are not common in general and prior to last year, there had not been a farmhouse cluster plan approved since 2009. However, in the past year, 3 farmhouse clusters have been received for review.

PART 3: RELEVANT SECTIONS OF THE HUNTERSVILLE 2040 COMMUNITY PLAN

- Policy EV1.4: Review development standards to support business growth. Support efforts to improve efficiency of the development review process for development proposals. Regularly review the market to ensure that standards are in line with current demand. COMMENT: Requiring applicants to go

through the major subdivision review process for the dedication or right of way, reservation or right of way, improvements of existing streets, and extension of right of way or easements water or sewer with Charlotte water unnecessarily elongates the review process, approvals, openings of commercial development and residential development. The bulk of these reviews is administrative and major residential subdivisions already require approval by the Town Board of Commissioners.

- Policy LU-10: Encourage a diversity of housing options. COMMENT: Infill residential development and minor subdivisions are frequently proposed and the current requirement that the extension of any needed right-of-way or easement for the water or sewer system operated by Charlotte-Mecklenburg Utility Department be considered a major subdivision is a deterrent to development that could offer options such as multiplexes and small scale residential developments.
- Policy LU-9: New residential development should follow appropriate housing design principles. LU 9.2: Within lower intensity areas including Moderate Density, Residential Edge, Rural Conservation, and Critical Watershed areas conservation design & farmhouse clusters are encouraged. Comment: The Zoning Ordinance allows farmhouse clusters in the Rural and Transitional Residential Zoning Districts and references the plan requirements for farmhouse clusters are in the Huntersville Subdivision Ordinance. The Subdivision Ordinance does not list the requirements for a farmhouse cluster plan. To ensure consistent requirements for future farmhouse cluster plans, it is beneficial to specify the plan requirements as done with sketch and preliminary plans to ensure the development follows appropriate design principles.

PART 4: STAFF RECOMMENDATION

Planning staff recommends approval of the proposed text amendment application.

Please see the drafted text below and the proposed amendment ordinance included in the agenda packet. Removed language is struck out, new language is **bold underline**.

Section 2.100: Definitions of the Subdivision Ordinance – Subdivision, Major.

Subdivision, Major.

A subdivision not otherwise exempt from these regulations that involves any of the following:

1. The creation of any new public street, **but does not include the public acquisition by purchase of strips of land for the widening or opening of streets or for public transportation system corridors or the location of public utility rights-of-way.** ~~or street right-of-way, or improvements to an existing street.~~
2. A future public school, park, greenway, or open space site shown in any adopted plan or policy document.
3. ~~The extension of any needed right-of-way or easement for the water or sewer system operated by Charlotte-Mecklenburg Utility Department.~~
4. The installation of drainage improvements through one or more lots to serve one or more other lots.

5. The installation of a private waste water treatment plant or a private water supply system for more than one lot or building site.

Section 2.100: Definitions of the Subdivision Ordinance – Subdivision, Minor.

A subdivision that is not otherwise exempt from the provisions of this ordinance and that **is not a “Major Subdivision” as that term is defined in this Ordinance.** ~~does not involve any of the following:~~

- ~~1. The creation of any new public street or street right of way, or improvements to an existing street.~~
- ~~2. A future public school, park, greenway, or open space site shown in any adopted plan or policy document.~~
- ~~3. The extension of any needed right of way or easement for the water or sewer system operated by Charlotte-Mecklenburg Utility Department.~~
- ~~4. The installation of drainage improvements through one or more lots to serve one or more other lots.~~
- ~~5. The installation of a private wastewater treatment plant or a private water supply system for more than one lot or building site.~~

For purposes of these regulations, Farmhouse Cluster developments are considered a minor subdivision, **except as provided below**, and require Town Board approval. **Farmhouse Cluster developments do not require a Sketch Plan, except as specifically set out herein below. A Farmhouse Cluster Plan shall demonstrate compliance with requirements of the Zoning Ordinance and include the following: an “Existing Features (Site Analysis) Plan” as detailed in Section 6.300 (1)(1-14), (2), and (3) of this Ordinance; a Four-Step Process as detailed in Section 6.300 (3) of this Ordinance; and a Preliminary Plan as detailed in Section 6.400 of this Ordinance.**

Section 6.300: Sketch Plan Required for Major Subdivisions of the Subdivision Ordinance.

14. an "Existing Features (Site Analysis) Plan" shall be submitted as part of the sketch plan application **and for Farmhouse Cluster developments** in order to determine significant features to be preserved. It is recommended a pre-application meeting with the administrator be held to review the Existing Features Plan prior to submission of the sketch plan. The Existing Features (Site Analysis) Plan analyzes each site’s special features, as they form the basis of the design process for open space lands, building locations, street alignments, and lot lines. Detailed requirements for Existing Features Plans at the minimum must include:

- (a) the location and area calculations of constraining features including wetlands, slopes over 25%, watercourses, intermittent streams and floodways, S.W.I.M. buffers (outside of floodways), watershed buffers, and all rights-of-way and easements (current and future);
- (b) the location of significant features such as woodlands, tree lines, specimen and heritage trees, open fields or meadows, scenic views into or out of the property, watershed divides and drainage ways; existing structures, cemeteries, roads, tracks and trails; significant wildlife habitat; prime agricultural farmland; historic, archeological and

cultural features listed (or eligible to be listed) on national, state or county registers or inventories; and aquifers and their recharge areas;

(c) the location of existing or planned utility easements (above and below ground) to include, but not limited to power/transmission, water, sewer, gas, phone, and cable;

(d) a topographical map showing original contours at intervals of not less than four feet and existing tree lines;

Section 6.310: Sketch Plan Not Required for Minor Subdivisions of the Subdivision Ordinance.

A sketch plan shall not be required for a Minor Subdivision, **except for Section 6.300(1)(14) and Section 6.300(3), which are required for Farmhouse Cluster developments.**

Section 6.520: Exceptions, When Preliminary Plan Not Required of the Subdivision of the Subdivision Ordinance.

The required preliminary plan may be waived by the Planning Director or Designee for subdivisions defined as Minor Subdivisions or divisions of land qualifying for Expedited Subdivision Review in Section 2.100 of these regulations provided:

1. A plat of the tract being subdivided, accompanied by two (2) applications signed by the owner or his duly authorized agent has been filed with the Planning Director or Designee, and the required fee submitted; and
2. The subdivider, has provided topographic information to determine flood elevations whenever the property proposed to be subdivided, or re-subdivided, is traversed by or adjacent to a known watercourse.

The required preliminary plan may also be waived by the Planning Director for those subdivisions, including Limited Subdivisions, which do not involve the dedication of a new street, ~~improvement to or right of way for an existing street,~~ or site designated for a future public facility.

However, a final plat must be prepared and recorded as provided in Section 6.600.

PART 5: HUNTERSVILLE ORDINANCE ADVISORY BOARD

The Huntersville Ordinances Advisory Board (HOAB) recommended approval of the attached draft of this text amendment during the November 4, 2021 meeting.

PART 6: PUBLIC HEARING

The Public Hearing is scheduled for January 3, 2022.

PART 7: PLANNING BOARD RECOMMENDATION

The Planning Board is scheduled to consider this text amendment January 25, 2022.

PART 8: ATTACHMENTS AND ENCLOSURES

- Attachment 1 - Draft Language Ordinance
- Attachment 2 - Text Amendment Application

PART 9: STATEMENT OF CONSISTENCY – TA21-14

Planning Department	Planning Board	Board of Commissioners
<p>APPROVAL: In considering the proposed amendment TA21-14 to amend Sections 2.100: Definitions, Section 6.300: Sketch Plan Required for Major Subdivisions, Section 6.310: Sketch Plan Not Required for Minor Subdivisions. Section 6.520: Exceptions: When Preliminary Plant Not Required of the Huntersville Subdivision Ordinance to 1) remove recordation of street right of way dedication, reservation, and improvements from the definition of a major subdivision; 2) remove the extension of any needed right of way or easement for the water and sewer system operation by Charlotte Mecklenburg Utility Department from the definition of a major subdivision; 3) condense the definition of a minor subdivision; and, 4) specify the requirements for a Farmhouse Cluster Plan, the Planning Staff recommends approval of the application based on the amendment being consistent with policies EV1.4, LU-10, LU-9, and LU-9.2 of the Huntersville 2040 Community Plan.</p> <p>It is reasonable and in the public interest to amend the Subdivision Ordinance because it clarifies</p>	<p>APPROVAL: In considering the proposed amendment TA21-14 to amend Sections 2.100: Definitions, Section 6.300: Sketch Plan Required for Major Subdivisions, Section 6.310: Sketch Plan Not Required for Minor Subdivisions. Section 6.520: Exceptions: When Preliminary Plant Not Required of the Huntersville Subdivision Ordinance to 1) remove recordation of street right of way dedication, reservation, and improvements from the definition of a major subdivision; 2) remove the extension of any needed right of way or easement for the water and sewer system operation by Charlotte Mecklenburg Utility Department from the definition of a major subdivision; 3) condense the definition of a minor subdivision; and, 4) specify the requirements for a Farmhouse Cluster Plan, 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>APPROVAL: In considering the proposed amendment TA21-14 to amend Sections 2.100: Definitions, Section 6.300: Sketch Plan Required for Major Subdivisions, Section 6.310: Sketch Plan Not Required for Minor Subdivisions. Section 6.520: Exceptions: When Preliminary Plant Not Required of the Huntersville Subdivision Ordinance to 1) remove recordation of street right of way dedication, reservation, and improvements from the definition of a major subdivision; 2) remove the extension of any needed right of way or easement for the water and sewer system operation by Charlotte Mecklenburg Utility Department from the definition of a major subdivision; 3) condense the definition of a minor subdivision; and, 4) specify the requirements for a Farmhouse Cluster Plan, 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>improves efficiency of land development reviews, encourages appropriate infill and small-scale residential development, and specifies requirements for farmhouse cluster plans.</p>		
	<p>DENIAL: In considering the proposed amendment TA21-14 to amend Sections 2.100: Definitions, Section 6.300: Sketch Plan Required for Major Subdivisions, Section 6.310: Sketch Plan Not Required for Minor Subdivisions. Section 6.520: Exceptions: When Preliminary Plant Not Required of the Huntersville Subdivision Ordinance to 1) remove recordation of street right of way dedication, reservation, and improvements from the definition of a major subdivision; 2) remove the extension of any needed right of way or easement for the water and sewer system operation by Charlotte Mecklenburg Utility Department from the definition of a major subdivision; 3) condense the definition of a minor subdivision; and, 4) specify the requirements for a Farmhouse Cluster Plan, the Planning Board recommends denial based on the</p>	<p>DENIAL: In considering the proposed amendment TA21-14 to amend Sections 2.100: Definitions, Section 6.300: Sketch Plan Required for Major Subdivisions, Section 6.310: Sketch Plan Not Required for Minor Subdivisions. Section 6.520: Exceptions: When Preliminary Plant Not Required of the Huntersville Subdivision Ordinance to 1) remove recordation of street right of way dedication, reservation, and improvements from the definition of a major subdivision; 2) remove the extension of any needed right of way or easement for the water and sewer system operation by Charlotte Mecklenburg Utility Department from the definition of a major subdivision; 3) condense the definition of a minor subdivision; and, 4) specify the requirements for a Farmhouse Cluster Plan</p>

	<p>amendment being <u>(consistent OR inconsistent)</u> with <u>(insert applicable plan reference)</u>.</p> <p>It is not reasonable and in the public interest to amend the Zoning Ordinance because....<i>(Explain)</i></p>	<p>, the Town Board recommends denial based on the amendment being <u>(consistent OR inconsistent)</u> with <u>(insert applicable plan reference)</u>.</p> <p>It is not reasonable and in the public interest to amend the Zoning Ordinance because....<i>(Explain)</i></p>
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AN ORDINANCE TO AMEND SECTIONS 2.100: DEFINITIONS, SECTION 6.300: SKETCH PLAN REQUIRED FOR MAJOR SUBDIVISIONS, SECTION 6.310: SKETCH PLAN NOT REQUIRED FOR MINOR SUBDIVISIONS, SECTION 6.520: EXCEPTIONS: WHEN PRELIMINARY PLAN NOT REQUIRED TO REMOVE RECORDATION OF STREET RIGHT OF WAY OR IMPROVEMENTS FROM MAJOR SUBDIVISION CATEGORY AND CLARIFY REQUIREMENTS FOR FARMHOUSE CLUSTER PLAN

Section 1. Be it ordained by the Board of Commissioners of the Town of Huntersville that Section 2.100: Definitions of the **Subdivision Ordinance** is hereby amended as follows:

Subdivision, Major.

A subdivision not otherwise exempt from these regulations that involves any of the following:

1. The creation of any new public street, **but does not include the public acquisition by purchase of strips of land for the widening or opening of streets or for public transportation system corridors or the location of public utility rights-of-way.** ~~or street right of way, or improvements to an existing street.~~
2. A future public school, park, greenway, or open space site shown in any adopted plan or policy document.
3. ~~The extension of any needed right of way or easement for the water or sewer system operated by Charlotte-Mecklenburg Utility Department.~~
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Subdivision, Minor.

A subdivision that is not otherwise exempt from the provisions of this ordinance and that **is not a "Major Subdivision" as that term is defined in this Ordinance.** ~~does not involve any of the following:~~

1. ~~The creation of any new public street or street right of way, or improvements to an existing street.~~
2. ~~A future public school, park, greenway, or open space site shown in any adopted plan or policy document.~~
3. ~~The extension of any needed right of way or easement for the water or sewer system operated by Charlotte-Mecklenburg Utility Department.~~
4. ~~The installation of drainage improvements through one or more lots to serve one or more other lots.~~
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For purposes of these regulations, Farmhouse Cluster developments are considered a minor subdivision, **except as provided below**, and require Town Board approval. **Farmhouse Cluster developments do not require a Sketch Plan, except as specifically set out hereinbelow. A Farmhouse Cluster Plan shall demonstrate compliance with requirements of the Zoning Ordinance and include the following: an "Existing Features (Site Analysis) Plan" as detailed in Section 6.300 (1)(1-14), (2), and (3) of this Ordinance; a Four-Step Process as detailed in Section 6.300 (3) of this Ordinance; and a Preliminary Plan as detailed in Section 6.400 of this Ordinance.**

Section 2. Be it ordained by the Board of Commissioners of the Town of Huntersville that Section 6.300: Sketch Plan Required for Major Subdivisions of the **Subdivision Ordinance** is hereby amended as follows:

14. an "Existing Features (Site Analysis) Plan" shall be submitted as part of the sketch plan application **and for Farmhouse Cluster developments** in order to determine significant features to be preserved. It is recommended a pre-application meeting with the administrator be held to review the Existing Features Plan prior to submission of the sketch plan. The Existing Features (Site Analysis) Plan analyzes each site's special features, as they form the basis of the design process for open space lands, building locations, street alignments, and lot lines. Detailed requirements for Existing Features Plans at the minimum must include:

(a) the location and area calculations of constraining features including wetlands, slopes over 25%, watercourses, intermittent streams and floodways, S.W.I.M. buffers (outside of floodways), watershed buffers, and all rights-of-way and easements (current and future);

(b) the location of significant features such as woodlands, tree lines, specimen and heritage trees, open fields or meadows, scenic views into or out of the property, watershed divides and drainage ways; existing structures, cemeteries, roads, tracks and trails; significant wildlife habitat; prime agricultural farmland; historic, archeological and cultural features listed (or eligible to be listed) on national, state or county registers or inventories; and aquifers and their recharge areas;

(c) the location of existing or planned utility easements (above and below ground) to include, but not limited to power/transmission, water, sewer, gas, phone, and cable;

(d) a topographical map showing original contours at intervals of not less than four feet and existing tree lines;

Section 3. Be it ordained by the Board of Commissioners of the Town of Huntersville that Section 6.310: Sketch Plan Not Required for Minor Subdivisions of the **Subdivision Ordinance** is hereby amended as follows:

6.310 SKETCH PLAN NOT REQUIRED FOR MINOR SUBDIVISIONS

A sketch plan shall not be required for a Minor Subdivision, **except for Section 6.300(1)(14) and Section 6.300(3), which are required for Farmhouse Cluster developments.**

Section 4. Be it ordained by the Board of Commissioners of the Town of Huntersville that Section 6.520: Exceptions, When Preliminary Plan Not Required of the Subdivision Ordinance is hereby amended as follows:

The required preliminary plan may be waived by the Planning Director or Designee for subdivisions defined as Minor Subdivisions or divisions of land qualifying for Expedited Subdivision Review in Section 2.100 of these regulations provided:

1. A plat of the tract being subdivided, accompanied by two (2) applications signed by the owner or his duly authorized agent has been filed with the Planning Director or Designee, and the required fee submitted; and
2. The subdivider, has provided topographic information to determine flood elevations whenever the property proposed to be subdivided, or re-subdivided, is traversed by or adjacent to a known watercourse.

The required preliminary plan may also be waived by the Planning Director for those subdivisions, including Limited Subdivisions, which do not involve the dedication of a new street, ~~improvement to or right of way for an existing street,~~ or site designated for a future public facility.

However, a final plat must be prepared and recorded as provided in Section 6.600.

Section 5. That this ordinance shall become effective upon approval by the Town Board of Commissioners.

HUNTERSVILLE ORDINANCE ADVISORY BOARD: October 7, 2021

PUBLIC HEARING DATE: January 3, 2022

PLANNING BOARD MEETING: Tentatively scheduled for January 25, 2022

TOWN BOARD DECISION: Tentatively scheduled for February 21, 2022