



Conditional District (CD) Rezoning Review Process

Contact Information

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A Conditional District (CD) is a zoning district in which the development and the use of the property included in the district is subject to the predetermined Ordinance standards and the rules, regulations, and conditions imposed as part of the legislative decision creating the district and applying it to the particular property. As permitted by SB 1288, a Conditional District shall not require the issuance of a conditional use or special use permit or permitting process apart from the establishment of the district and its application to particular properties. (Article 12.2, Zoning Ordinance)

Article 11.4.3 of the Zoning Ordinance details requirements for a Conditional District Rezoning. If a Sketch Plan is submitted in conjunction with a Conditional District Rezoning contact the Town Planning Department about additional review requirements and process.

It is the responsibility of the applicant to ensure all requirements are met by designated timelines to remain on the projected schedule for Final Action.

Step 1 Feasibility Meeting

A project feasibility meeting is a meeting to discuss potential projects and land development requirements. There are no minimum requirements or plans required to schedule a meeting of this type. However, the more information submitted prior to meeting allows Staff to best provide feedback for the proposed development. Multiple project feasibility meetings may be held for a project. Common points of discussion include site layout, transportation elements, Transportation Impact Analysis, long range plans, and small area plans.

Step 2 Traffic Impact Analysis (Z.O. Article 14.2)

The Traffic Impact Analysis (TIA) Determination and Scoping (if required) must be submitted to the Town and completed prior to the Rezoning Plan submission to the Mecklenburg County Electronic Plan Management (EPM) System for Land Development review. The first draft of the the TIA **must** be submitted to Staff 30 days prior to the Public Hearing.

Step 3 Pre-Submittal Meeting

Applicants must schedule a pre-submittal meeting with Town Staff to discuss the submittal process, site plan issues, and applicability of the Adequate Public Facilities (APF) and Traffic Impact Analysis (TIA) Ordinances. After the meeting applicants will receive a submittal checklist indicating required documents for review.

A Pre-Submittal meeting **must** be held before projects are submitted to EPM for Land Development review. Meetings will be coordinated with the assigned Project Manager from the Huntersville Planning Department. At least one week prior to the scheduled meeting, the applicant must email the Project Manager a set of plans for a cursory review prior to the meeting. **Applicants may not submit plans to EPM sooner than 5 business days following the Pre-Submittal Meeting.**

Step 4 Initial Submittal Requirements

The Town of Huntersville and Mecklenburg County LUESA use EPM to route and review plans. Please go to <https://epm.mecklenburgcountync.gov> to upload all documents.

The TIA Determination Form and Adequate Public Facilities Ordinance (APF) Application must be included with submitted files to EPM. The Determination of Adequacy (DOA) must be issued prior to the Planning Board meeting.



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See Conditional District Rezoning Checklist, EPM Intake Checklist and Fee Schedule for required documents, plans, and fees.

Step 5 Determination of Completeness and Review

Once the submittal has been uploaded to EPM, the Town has 48 hours to review the materials for completeness. Once Intake has been accepted, the review “time clock” begins, and plans are routed to applicable reviewers. **Effective March 1, 2020, Town Staff has 15 business days to complete reviews.** Results may be posted by Town Staff at any time during the review timeline. **Other agencies may exceed this timeframe.**

If the Rezoning Plan abuts a state-maintained road or a road regulated by the City of Charlotte, it is also reviewed by the North Carolina Department of Transportation (NCDOT) or the Charlotte Department of Transportation (CDOT) respectively. The applicant is responsible for routing all plans to NCDOT and CDOT for review and feedback. If the project is located along Hwy 73, 2000 feet from an adjoining municipality, and/or the Mountain Island and Lake Norman Watersheds, additional peer review is required. **Please note: All other agencies do not review plans within the same time frame as Town Staff.**

Step 6 Redline Meeting

Once all Town Staff have posted redline comments, the applicant may request a Redlines Meeting with their assigned Town Project Manager to review comments and address questions or concerns. Prior to meeting, comments should be addressed and electronically sent to Staff to review prior to the Redline Meeting.

Step 7 Community/Neighborhood Meeting

Coordinating the community/neighborhood meeting is the responsibility of the applicant. This meeting is held so neighbors can ask the applicant questions about the request and the applicant can collect feedback from the community. The community/neighborhood meeting shall be held as specified per the Town of Huntersville Plan Submission Schedule. The community/neighborhood meeting shall not be held on regularly scheduled Town Board and Planning Board meeting nights.

The community/neighborhood meeting may be held in close proximity to the project location at a venue of choice. Coordinate with the assigned Town Project Manager if Town facilities are needed for the community/neighborhood meeting. At least 10 days prior to the Public Hearing, the applicant must file with the Planning Department a written report of at least one community/neighborhood meeting held by the applicant. Below are the petitioner’s responsibilities for the neighborhood meeting:

Per the Town of Huntersville Zoning Ordinance Article 11.4.3 (d), notice of the community/neighborhood meeting shall be given to all of the following using the parcel ownership information listed in the current Mecklenburg County tax records (POLARIS 3G):

Who to Notify

- Owner of each property petitioned for rezoning
- Owner of each abutting property
- Owner of each property within 250 feet of the petitioned property
- Owner of each property directly across a street, easement, or right-of-way (public or private) from the petitioned property
- Owner of each property across a street, easement, or right-of-way (public or private) and within 250 feet of the right-of way boundary opposite the petitioned property
- Neighborhood associations, property owner associations, and homeowner associations registered with the Huntersville Planning Department within 2,000 feet of any portion of the subdivision site (distance scaled on a TOH or Mecklenburg County official map). If fewer than two registered associations are identified within 2000 feet of the rezoning site, it is the responsibility of the petitioner to identify and include unregistered associations or associations beyond 2000

feet of the site, **such that no fewer than two neighborhood, property owner, or homeowner associations are notified of the community meeting.**

The list of adjoining property owners is provided by the applicant in the initial submittal. The list of Adjoining Property Owners is produced using the most current Mecklenburg County Tax Records (POLARIS 3G).

Information Included on Invitation to Meeting

- Date, Time and Location of the meeting
- Name of the subdivision/project and Project # (if applicable)
- Address/Parcel number of the property petitioned for subdivision (location)
- Property owner names and applicant names (if different)
- Statement describing the purpose of the meeting and brief summary of the project
- www.huntersville.org/planning

Information to Include in the Community/Neighborhood Meeting Report

- a list of those persons and organizations contacted about the meeting and the manner and date of contact, the date, time, and location of the meeting
- a list of the persons in attendance at the meeting
- a copy of any materials presented at the meeting
- a summary of issues discussed at the meeting, including changes suggested by the participants and a description of any changes to the subdivision petition made by the petitioner as a result of the meeting

At least 10 days prior to the Public Hearing, the applicant must file with the Planning Department a written report of at least one community/neighborhood meeting held by the applicant.

Step 8 Resubmittal(s)

Once the applicant has addressed redline comments from the previous review, revised plans shall be uploaded to EPM. **It is not necessary to resubmit redlines; however, applicants are required to submit a Comment Response Memo detailing how redline comments have been addressed after each review. If a Pre-Resubmittal meeting is required by Town Staff, the project may not be resubmitted to EPM until the meeting takes place.** Please go to <https://epm.mecklenburgcountync.gov> to upload all documents, including the following:

- o Comment Response Memo
- o Complete set of revised Rezoning Plans
- o Any other revised or required documents that are necessary for review (PDFs)

Intake procedures outlined in Step 5 apply.

Step 7 Call Public Hearing

Staff calls a public hearing with the Town Board of Commissioners. The item is placed on the consent agenda. The applicant does not have to attend this meeting.

Step 8 Legal Ads and Adjoining Property Notification

Planning Staff is responsible for notifying a newspaper of general circulation and adjoining property owners of the public hearing date and posting zoning signs on the property once the Town Board has called the public hearing. The public hearing must be advertised in a paper with local circulation at least 10 days prior to the public hearing and no more than 25 days prior to the public hearing date. Additionally, staff must send letters through first-class mail to all adjoining property owners at least 10 days prior to the public hearing and no more than 25 days prior to the public hearing date. The list of adjoining property owners is provided by the applicant in the initial submittal and

is verified by staff prior to mailing of the notification letters. Owners of the property are generated through the most current Mecklenburg County Tax Records.

Step 9 Agenda Packet Deadline

The last day to submit changes to the conditional rezoning application is three weeks prior to the Public Hearing. This Agenda Deadline date can be found within the Town of Huntersville Plan Submission Schedule. Submit **16 FOLDED SETS of plans for the Public Hearing.**

Step 10 Public Hearing

Public Hearings are held by the Town Board on their first meeting of the month. Planning Staff presents the staff report to the public and submits a recommendation on the request. The Planning Board and public are invited to attend. The applicant is strongly encouraged to attend the public hearing to answer any questions the Board or public may have about the project. Changes to the request can be offered by the applicant at the public hearing. The Town Board does not make a decision at this meeting.

Step 11 Planning Board Recommendation

Town Staff will present the Rezoning Plan to the Planning Board for their recommendation. Applicants and any representatives are encouraged to attend the Planning Board meeting to answer questions the Board may have about the project. It is strongly recommended the applicant is present during the public comment section of the meeting to hear feedback from the public. If the applicant wishes to make a presentation to the Planning Board, materials are due to Planning Department Staff by noon the day of the meeting.

Step 12 Town Board Final Action

In response to the Planning Board's recommendations, the applicant may modify the application prior to submission to the Town Board, and Staff may likewise revise its recommendations. If the plan is revised, the applicant shall coordinate with Planning Department Staff about review processes and submission requirements for revised plan sets for Final Action. The Town Board renders a decision to approve or deny the Rezoning Plan based on the Ordinance as to whether the proposed zoning is consistent with all long range plans, adjacent neighborhood development as well as the Subdivision and Zoning Ordinances.

Step 13 Approval of Plans

If Final Action is taken to approve plans, Town Planning Department Staff will send the approval letter to the applicant for signature to acknowledge and accept conditions of the conditional rezoning. Afterward, Staff will approve and stamp the rezoning plans.

Resources

- **Electronic Plan Management**
 - <https://epm.mecklenburgcountync.gov>
- **Mecklenburg County Land Use and Environmental Services Agency**
 - <https://www.mecknc.gov/luesa>
- **POLARIS – Property Ownership and Land Record Information System**
 - <http://polaris3g.mecklenburgcountync.gov/>
- **Charlotte Water**
 - <https://charlottenc.gov/water>
- **NC Department of Environment and Natural Resources**
 - <https://www.nc.gov/agencies/environment-natural-resources>
- **NC Department of Transportation**
 - <https://www.ncdot.gov>



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- **Huntersville Water Quality Ordinance**
 - <https://www.huntersville.org/544/Ordinances-Manuals>
- **Subdivision Ordinance**
 - <https://www.huntersville.org/544/Ordinances-Manuals/228>
- **Zoning Ordinance**
 - <https://www.huntersville.org/544/Ordinances-Manuals/228>
- **Town Engineering Standards Manual**
 - <https://www.huntersville.org/544/Ordinances-Manuals/228>