

TA21-14 – Definitions of Major and Minor Subdivisions, Requirements for Farmhouse Cluster Plan

PART 1: DESCRIPTION

TA21-14 is a text amendment to the Subdivision Ordinance by the Town of Huntersville Planning Department to amend Section 2.100: Definitions, Section 6.300: Sketch Plan Required for Major Subdivisions, Section 6.310: Sketch Plan Not Required for Minor Subdivisions, and Section 6.520: Exceptions: When Preliminary Plan Not Required.

The purpose of the amendment is to remove the dedication, reservation, and improvement of existing street right of way from the major subdivision definition; remove the extension of right of way or easements for the water or sewer system operated by Charlotte Mecklenburg Utility Departments from the major subdivision definition; condense the definition of a minor subdivision; and specify the requirements for a Farmhouse Cluster Plan.

PART 2: BACKGROUND

This amendment will provide clarity regarding what is and is not considered a major subdivision. The way the Subdivision Ordinance currently reads, improvement to existing street right-of-way and extension of right-of-way easements for Charlotte -Mecklenburg water and sewer are considered a major subdivision. Major subdivisions require approval by the Town Board which is a 3-month process. It is not advantageous or efficient for plats that expand existing street right-of-way and extend right-of-way easements for Charlotte-Mecklenburg water and sewer to be defined as a major subdivision. With this amendment expansion of existing street right-of-way and CMU water/sewer utility easements will be considered a minor amendment requiring staff approval. The definition of a major subdivision will still include the creation of any new public street.

Staff is also proposing to condense the definition of a minor subdivision. Currently, the minor subdivision definition states that a minor subdivision does not involve the following and then lists the language used to define a major subdivision. Staff is proposing the definition of a minor subdivision to simply state that if a subdivision does not meet the major subdivision definition or the exempt definition than it is a minor subdivision.

The Subdivision Ordinance nor the Zoning Ordinance specifies the requirements for a Farmhouse Cluster Plan. 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." However, the only reference to the Farmhouse Cluster plan in the Subdivision Ordinance is in the definition of a minor subdivision and the language still does not specify the required information for a Farmhouse Cluster plan. Farmhouse Clusters are generally not common submittals; however, in the past year there were three Farmhouse Clusters submitted for review. This brought to Staffs attention that the plan requirements for a Farmhouse Cluster need to be specified in the Subdivision Ordinance.

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 extension of right of way or easements for water or sewer service or the dedication, reservation, and improvement of right of way for existing streets unnecessarily elongates the review process, approvals,

and 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 states 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 proposed ordinance to amend included in the agenda packet. Removed language is struck out, new language is **bold and underlined**.

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 was held and closed on January 3, 2022. No one from the public spoke for or against the application.

PART 7: PLANNING BOARD RECOMMENDATION

The Planning Board discussed the text amendment application on January 25, 2022. After Board discussion, J. Snyder made a Motion to Approve TA21-14 to amend Sections 2.10, 6.30, 6.31, and 6.52 of the Subdivision Ordinance, the Planning Board recommends approval based on the amendment being consistent with Policies EV 1.4, LU 9 and 9.2, and LU 10. It is reasonable and in the public interest to amend the Zoning Ordinance for the following reasons: 1)It does clean up the approval process while ensuring that items are addressed, and rules are met; 2)It establishes a proper path forward for farmhouse clusters that ensures that all of those processes and requirements are met; 3)It encourages in-fill development which often brings with it diverse housing options. G. Baber seconded the motion. The motion passed unanimously (9-0).

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, Section 6.300, Section 6.310 and Section 6.520 of the Subdivision Ordinance, 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 and improves efficiency of land development reviews, encourages appropriate infill and small-scale residential development, and specifies requirements for farmhouse cluster plans.</p>	<p>APPROVAL: J. Sny made a Motion to Approve TA21-14 to amend Sections 2.10, 6.30, 6.31, and 6.52 of the Subdivision Ordinance, the Planning Board recommends approval based on the amendment being consistent with Policies EV 1.4, LU 9 and 9.2, and LU 10. It is reasonable and in the public interest to amend the Zoning Ordinance for the following reasons: 1)It does clean up the approval process while ensuring that items are addressed, and rules are met; 2)It establishes a proper path forward for farmhouse clusters that ensures that all of those processes and requirements are met; 3)It encourages in-fill development which often brings with it diverse housing options. G. Baber seconded the motion. The motion passed unanimously (9-0).</p>	<p>APPROVAL: In considering the proposed amendment TA21-14 to amend Sections 2.100, Section 6.300, Section 6.310 and Section 6.520 of the Subdivision Ordinance, 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...<i>(Explain)</i></p>
<p>DENIAL: N/A</p>	<p>DENIAL: N/A</p>	<p>DENIAL In considering the proposed amendment TA21-14 to amend Sections 2.100, Section 6.300, Section 6.310 and Section 6.520 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>.</p> <p>It is not reasonable and in the public interest to amend the Zoning Ordinance because....<i>(Explain)</i></p>

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.~~ **A multi-building site.**
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.

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 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 Multi-building site or 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: Recommended approval on October 7, 2021

PUBLIC HEARING DATE: Held on January 3, 2022

PLANNING BOARD MEETING: Recommended approval on January 25, 2022

TOWN BOARD DECISION: Tentatively scheduled for February 21, 2022