

**AN ORDINANCE TO AMEND ARTICLE 14.2.3 OF THE ZONING ORDINANCE, TIA REFERENCE NO LONGER APPLICABLE PER ADMINISTRATIVE REVIEW OF SKETCH PLANS; SECTION 6.300 OF THE SUBDIVISION ORDINANCE FOR A TIA REFERENCE NO LONGER APPLICABLE; ARTICLES 11.8 AND 14.4.4 OF THE ZONING ORDINANCE, WITHDRAWAL OF AMENDMENT PETITIONS; SECTION 6.320 OF THE SUBDIVISION ORDINANCE, SKETCH PLAN COMMUNITY MEETING NOTIFICATION REQUIREMENTS; ARTICLE 11.4.3 OF THE ZONING ORDINANCE, CONDITIONAL ZONING COMMUNITY MEETING NOTIFICATION REQUIREMENTS**

**Section 1.** Be it ordained by the Board of Commissioners of the Town of Huntersville that Article 14.2.3 of the Zoning Ordinance is hereby amended by modifying the requirements for a draft TIA as follows:

**14.2.3 TIA Submission And Completion Requirement**

Once the Town has made a Determination of Need for a TIA, the applicant may proceed with the TIA scoping. Once the TIA scoping is complete, the applicant may proceed with the TIA, in accordance with the terms of the most recent version of the Town of Huntersville TIA Process and Procedures Manual, as approved by the Town Engineer and all applicable Zoning Ordinance and Subdivision Ordinance requirements. The draft TIA shall be submitted to Town staff 30 days prior to the Town Board Public Hearing ~~(for rezoning cases) or as provided in the Subdivision Ordinance.~~ Resubmittals of TIAs **for rezoning cases** shall be submitted a minimum of 20 business days prior to the scheduled Town Board final action. **In all other cases, the draft TIA and any resubmittals shall be submitted as provided in the most recent version of the Town of Huntersville TIA Process and Procedures Manual.** The final sealed TIA shall be completed and accepted by Town staff prior to final action by the Town Board or permit issuing authority.

**Section 2.** Be it ordained by the Board of Commissioners of the Town of Huntersville that Section 6.300.1 of the Subdivision Ordinance is hereby amended by modifying a TIA reference that is no longer applicable:

**6.300 SKETCH PLAN REQUIRED FOR MAJOR SUBDIVISIONS**

Prior to the filing of an application for approval of a major subdivision Preliminary Plan, a Sketch Plan shall be submitted to the Planning Director and any Designated Administrative Agent for review. When submitted, this **Sketch Plan shall be on a topographical map showing original contours at intervals of not less than four feet highlighting slopes over 25% and existing tree lines.** It shall show in sketch form the proposed layout of streets, lots, and other features in relation to existing conditions. It shall include the following information:

1. The boundary lines of the property being subdivided;
2. Water courses on the land to be subdivided;

3. The location, names, and rights-of-way of any existing streets on or within 300 feet of the land to be subdivided;
4. The location of all property lines which intersect the boundaries of the property being subdivided; the zoning district of each adjacent property;
5. Rough finished grades, the location of proposed streets, lots, parks or other open spaces, reservations, building lines, street cross-sections, number and type of buildings, and the location of any building restriction flood lines required by Section 7.280;
6. Zoning information for the proposed project site;
7. Proposed front, rear, and side yard dimensions for each building type along each street type;
8. For projects within a regulated watershed protection area, the location of required buffers and high density option detention, if applicable;
9. The location of general buffers or screens required for the project area, as a whole;
10. The scale of the plan, which shall not be smaller than 100 feet to the inch; north point; date;
11. A small scale vicinity map.
12. Information necessary to evaluate the proposed development site for compliance with the water quality standards of Section 8.17 of the Huntersville Zoning Ordinance and the Performance Criteria as detailed in Section 9 of the Huntersville Water Quality Design Manual. Further, the Site Evaluation Tool (SET) output shall be submitted for each proposed development site. Section 9 of the Huntersville Water Quality Design Manual contains detailed information concerning the submission requirements for SET.
13. Traffic Impact Assessments; Physical Analysis.
  1. a Traffic Impact Assessment for certain subdivisions, as required by Article 14 of the Town Zoning Ordinance, which is hereby incorporated by this reference.
  - ~~2. for developments of twenty (20) or more residential units or equivalent traffic generation a physical analysis (type of units expected, including number of bedrooms, projected values, size and timing of phases, etc.).~~
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:
  1. 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);

2. 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;
3. 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;
4. 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 Article 11.4.8 of the Zoning Ordinance is hereby amended by modifying the requirements for a withdrawal of zoning amendments:

**11.4.8 Effect of Denial of Petition**

1. **Any** petition for the reclassification of property that has been **withdrawn**, denied in whole or in part, or approved to a classification other than the one originally requested, shall not be re-submitted within one year of the date of the Town Board's action on the original petition, **or, in the case of a withdrawal, one year from the date the petition was withdrawn**, unless a petitioner applies for a district which is "lower" in the Hierarchy of Zoning Districts in Section 3.1.1.
2. The Town Board may allow re-submission of a petition **for the reclassification of property** within the one-year restricted period if it determines that, since the date of action on the prior petition, one of the following criteria has been met:
  1. There has been a similar change in the zoning district classification of an adjacent property; or
  2. The Town Board has adopted a new or amended plan for the area that changes public policy regarding how the property affected by the amendment should be developed; or
  3. Construction or expansion of a road, water line, sewer line, or other infrastructure has occurred or is to occur in such a time frame as to serve the property and comfortably accommodate the intensity of development allowed under the proposed classification; or
  4. There has been a substantial change in conditions or circumstances, outside the control of the petitioner, which justifies waiver of the one-year restriction on a new petition; this shall not include a change in the ownership of the subject property nor, in the case of a petition for reclassification to a conditional or parallel conditional zoning district, or MH Overlay district, a change in the scale or features of the development proposed in the prior petition.

3. Any petition allowed by the Town Board under subsection (2) above must be reviewed and approved in accordance with the procedures and standards of Section 11.4, Amendment Process, of these regulations.

**Section 4.** Be it ordained by the Board of Commissioners of the Town of Huntersville that Article 11.4.4 of the Zoning Ordinance is hereby amended by modifying the requirements for a withdrawal of zoning amendments:

**11.4.4 Withdrawal or Amendment of Petition.**

- a. A petition filed according to this section may be withdrawn by the petitioner at any time ~~up to the date of the public hearing on the petition~~ **prior to final action by the Town Board.**
- b. Once the petition has been filed, the petitioner shall not be allowed to amend it except by request to the Planning Director no later than three weeks prior to the scheduled public hearing date. No changes to the petition shall be accepted in the intervening weeks prior to the public hearing. No changes to the petition shall be made at the hearing, although potential changes proposed by the petitioner, Planning Board, Town Board, and other interested parties may be presented at the hearing and considered by the Planning Board and Town Board during their deliberations.
- c. If the Town Board deems any ~~requested~~ amendment **requested pursuant to Section 11.4.4 (b)** to be a substantial change to the petition ~~prior to a final decision~~, which does not result in an intensification of the petition, it shall defer action on the petition for 30 days to allow interested parties the opportunity to comment on the amendment to the petition. **Notwithstanding the foregoing, the Town Board may deny the petition.**
- d. If the Town Board deems any ~~requested~~ amendment **requested pursuant to Section 11.4.4 (b)** to be an intensification of the petition, it shall call a new public hearing **prior to final action** ~~as required by North Carolina General Statutes.~~ **Notwithstanding the foregoing, the Town Board may deny the petition.**
- e. Once a development approval is issued, modifications to the development approval must be reviewed and approved in the same manner in which it the approval was originally made, including any necessary notice and public hearing. However, minor modifications to development approvals as defined by Article 12 of this ordinance may be approved by staff.

**Section 5.** Be it ordained by the Board of Commissioners of the Town of Huntersville that Section 6.320 of the Subdivision Ordinance is hereby amended by modifying the requirements for mailing requirements for major subdivision sketch plan community meetings:

**6.320 REVIEW OF MAJOR SUBDIVISION SKETCH PLAN**

1. Upon submission, the Planning Director and any Designated Administrative Agent shall have fifteen (15) working days to review and comment on the Sketch Plan. Upon

completion of review, Planning Staff shall provide comments to the subdivider on any portions of the Sketch Plan that are not in compliance with the Town's Sketch Plan submission requirements or the Town's Zoning and Subdivision Ordinances.

2. The subdivider shall address all Town Staff comments prior to refining a revised Sketch Plan with the Planning Department. If subsequent corrections or changes to a sketch plan are necessary, the reviewer shall have fifteen (15) working days to review any revised sketch plan.
3. A written report of at least one community meeting held by the subdivided must be submitted within forty-five (45) days of the initial filing of the sketch plan for review by the Planning Department. The community meeting shall not be held on regularly scheduled Town Board and Planning Board meeting nights. Notice of such a meeting shall be ~~given~~ provided to all of the following via certified mail using the parcel ownership information listed in the current Mecklenburg County tax records:
  - a. Owner of each property petitioned for subdivision
  - b. Owner of each abutting property
  - c. Owner of each property within 250 feet of the petitioned property
  - d. Owner of each property directly across a street, easement, or right-of-way, public or private, from the petitioned property
  - e. Owner of each property across a street, easement, or right-of-way, and within 250 feet of the right-of-way boundary opposite the petitioned property
  - f. Contact person for each neighborhood association, property owner association, and homeowner association registered with the Town Planning Department that has jurisdiction over property within 2000 feet of any portion of the subdivision site (distance scaled on a Town of Huntersville or Mecklenburg County official map).

The report shall include, among other things, a listing 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 roster 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. In the event the subdivider has not held at least one meeting pursuant to this paragraph, the subdivider shall file a report documenting efforts that were made to arrange such a meeting and stating the reasons such a meeting was not held. The adequacy of a meeting held or report filed pursuant to this paragraph shall be considered but shall not be subject to judicial review.

4. Within 30 days of receiving the final Sketch Plan, the Planning Director or Designated Administrative Assistant shall prepare a written decision setting forth findings concerning the application's compliance with applicable regulations. If the staff decision proposes a finding or conclusion that the application fails to comply with applicable regulations, it shall identify the

requirement in question and specifically state supporting reasons for the proposed findings or conclusions. Notice of the decision to approve or deny a sketch plan shall be provided in accordance with N.C.G.S. § 160D-403. Administrative decisions to deny approval of a sketch plan may be appealed in accordance with Section 4.000.

**Section 6.** Be it ordained by the Board of Commissioners of the Town of Huntersville that Article 11.4.3 (d) of the Zoning Ordinance is hereby amended by modifying the requirements for a withdrawal of zoning amendments:

**11.4.3 Amendment Process, Initiation**

d. Before a public hearing may be held on a petition for a conditional zoning, the petitioner must file in the Office of the Planning Department a written report of at least one community meeting held by the petitioner. Notice of such a meeting shall be ~~given~~ **provided** to all of the following **via certified mail** using the parcel ownership information listed in the current Mecklenburg County tax records:

1. Owner of each property petitioned for rezoning
2. Owner of each abutting property
3. Owner of each property within 250 feet of the petitioned property
4. Owner of each property directly across a street, easement, or right-of-way, public or private, from the petitioned property
5. Owner of each property across a street, easement, or right-of-way, and within 250 feet of the right-of-way boundary opposite the petitioned property
6. Contact person for each neighborhood association, property owner association, and homeowner association registered with the Town Planning Department that has jurisdiction over property within 2,000 feet of any portion of the rezoning site (distance scaled on a Town of Huntersville or Mecklenburg County official map). If fewer than two registered associations are identified within 2,000 feet of the rezoning site, it is the responsibility of the petitioner to identify and include unregistered associations or associations beyond 2,000 feet of the site, such that no fewer than two neighborhood, property owner, or homeowner associations are notified of the community meeting.
7. The report shall include, among other things, a listing 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 roster 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 rezoning petition made by the petitioner as a result of the meeting. In the event the petitioner has not held at least one meeting pursuant to this paragraph, the petitioner shall file a report documenting efforts that were made to arrange such a meeting and stating the reasons such a meeting was not held. The

adequacy of a meeting held or report filed pursuant to this paragraph shall be considered by the Town Board but shall not be subject to judicial review.

**Section 7.** This ordinance shall become effective upon adoption.

**HUNTERSVILLE ORDINANCE ADVISORY BOARD:** 2/2/23, Recommended for Approval 9-0

**PUBLIC HEARING DATE:** 4/3/23

**PLANNING BOARD MEETING:** Recommendation for Approval 4/25/23

**TOWN BOARD DECISION:** Approved 5/15/23