

TA #16-06 Amend Article 12.2.1 GENERAL DEFINITIONS (Bona Fide Farm Definition)

PART 1: DESCRIPTION

Text Amendment, TA #16-06, is a request by Susan Lurz to amend Article 12.2.1 General Definitions of the Huntersville Zoning Ordinance (see Attachment A, Text Amendment Application and Attachment B, Proposed Ordinance) to modify the bona fide farm definition.

PART 2: BACKGROUND

The applicant is interested in operating a “teaching farm” on a 13.2 acre parcel at 14412 Beatties Ford Road (PIN 015-021-04) which would otherwise be classified as a bona fide farm, as it meets the defined requirements for bona fide tax status. Currently, teaching farm is not a use covered in the Town’s Zoning Ordinance.

The applicant proposes adding the use by modifying the bona fide farm definition to include language which will allow bona fide farms *only* within the corporate limits of the Town and located within the Rural or Transitional Residential districts to operate educational programs limited to farming technique, animal husbandry and seasonal farming activities.

The Land Development Ordinance Advisory Board (LDOAB) reviewed the proposed amendment at their October 6, 2016 meeting and recommended approval (7-0).

PART 3: RELEVANT SECTIONS OF THE HUNTERSVILLE 2030 COMMUNITY PLAN AND APPLICABLE LONG RANGE PLANS

The following are examples of relevant polices from the 2030 Huntersville Community Plan that may be incorporated into the Board’s statement of consistency for approval or denial of the request.

Policy E-1: Preservation and Enhancement – Support the preservation and enhancement of the natural environment, along with its scenic and cultural assets.

Policy ED-16: Tourism – The Town will support local tourism efforts and partner with other agencies such as “Visit Lake Norman” and “Destination Roundtable” as appropriate.

PART 4: STAFF RECOMMENDATION

Staff recommends amending Article 12.2.1 General Definitions The recommendation is based on:

Consistency with policies of the Huntersville Community Plan listed above.

PART 5: PUBLIC HEARING

The Public Hearing will be held on November 7, 2016. No comments were received from the public. A Town Board member asked if Bone Fide Farms in the Town limits verse in the County limits could be regulated

differently. The answer is yes, State General Statutes exempts Bona Fide Farms from County zoning. Under these same Statutes, municipalities have the authority to regulate Bona Fide Farms.

PART 6: PLANNING BOARD RECOMMENDATION

The Planning Board reviewed this text amendment on November 15, 2016 and recommended unanimous approval (6-0).

PART 7: ATTACHMENTS AND ENCLOSURES

Attachment A: Text Amendment Application
Attachment B: Proposed Ordinance

PART 8: STATEMENT OF CONSISTENCY – TA #16-06

Planning Department	Planning Board	Board of Commissioners
<p>APPROVAL: In considering the proposed amendment, TA 16-06, to amend Article 12.2.1 of the Zoning Ordinance, the Planning staff recommends approval based on the amendment being consistent with policy E-1 and ED-16 of the Town of Huntersville 2030 Community Plan.</p> <p>It is reasonable and in the public interest to amend the Zoning Ordinance because modifying the bona fide farm definition allows greater flexibility for farming uses in the rural and transitional residential districts.</p>	<p>APPROVAL: In considering the proposed amendment, TA 16-06, to amend Article 12.2.1 of the Zoning Ordinance, the Planning Board recommends approval based on the amendment being consistent with <u>the 2030 Community Plan policy E-1 and E-16.</u></p> <p>It is reasonable and in the public interest to amend the Zoning Ordinance due to the educational opportunities it will provide, the physical activity to improve health, and mental health development.</p>	<p>APPROVAL: In considering the proposed amendment, TA 16-06, to amend Article 12.2.1 of the Zoning 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...(Explain)</p>
		<p>DENIAL: In considering the proposed amendment, TA 16-06, to amend Article 12.2.1 of the Zoning 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....(Explain)</p>

Incomplete submissions will not be accepted.

Applicant Data

Date of Application 9-1-16
Name Susan Lurz
Address 14412 Beathies Ford Rd Huntersville, NC 28078
Phone Number (home) 980-253-1446 (work) Cell
Email Susan.lurz@proutree.com

Fee

Text Amendment to the Zoning/Subdivision Ordinance Fee \$400.00

Type of Change

☐ New Addition to text of Zoning Ordinance / Subdivision Ordinance / Other
☒ Revision/Modification to text of Zoning Ordinance / Subdivision Ordinance / Other

Description of Change (If possible, please provide a Word document of the proposed text change)

Proposed text amendment will affect the following:

Ordinance: Zoning Article: 12 Section: 12.2.1

Current Text:

See attached

Proposed Text:

See attached

Reason for requested change (attach additional sheets if necessary):

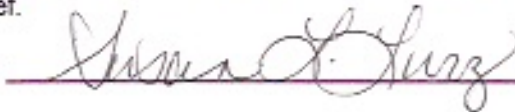
See attached

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.

Signatures

I hereby certify that the information presented by me in this application is accurate to the best of my knowledge, information and belief.

Applicant Signature: _____



Date: _____

9-1-16

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
Website: <http://www.huntersville.org/Departments/Planning.aspx>

Text Amendment Application

Current Text:

Farm, bona fide. Any tract of land containing at least three acres which is used for dairying or for the raising of agricultural products, forest products, livestock or poultry, and which may include facilities for the sale of such products from the premises where produced. The definition of “farm” and “bona fide farm” shall not include agricultural industries.

Proposed Text:

Farm, bona fide. Farm, bona fide. Any tract of land containing at least three acres which is used for dairying or for the raising of agricultural products, forest products, livestock or poultry, and which may include facilities for the sale of such products from the premises where produced. The definition of "farm" and "bona fide farm" shall not include agricultural industries. Additionally, any tract of land qualified to be a bona fide farm as above defined and which is located within the corporate limits of the Town and is in a Rural or Transitional Residential district may conduct educational programs or activities limited to farming technique, animal husbandry and seasonal farming activities.

Reason for Requested Change:

My farm is located at 14412 Beatties Ford Rd in Huntersville. I purchased the farm this past April with the intention of keeping it as a family farm with just my own horses and goats. However, since living on the farm these several months it feels like the farm should have another purpose. Because of the farms' layout, it lends itself nicely as a teaching farm for children. The land is flat and the buildings are close together which is perfect for an outdoor classroom. My company, Proudtree Empowered Learning, produces programs for social and emotional health for early childhood education as well as programs for nutrition and physical activity. My vision is to teach these programs on my farm to help children begin to build a strong, empowering foundation for healthy living.

Farm Description:

The farm has a 2300 sq ft main house, which I am currently living in, along with another 600 sq ft cottage, which was built by the previous owner as her yoga studio. There is a ten stall barn and a 12'x24' storage shed that I am currently using as my goat/tool house. The farm is situated on 13.2 acres, ten of which are fenced in for pastures. It is ideally located 15 minutes from local schools in the Huntersville, Cornelius, and Davidson areas.

Hours of Operation:

I would like for the hours of operation at the farm to coincide with the hours of a typical school day, Mon-Fri 9:00 to 3:00 but also allow for the possibility of afterschool programming which would be weekdays as well from 3:00–5:30pm. I would then also like to do summer camps, which would fall under those same hours.

I would like to schedule one class or school to come to the farm at a time, in three-hour increments, with no more than 40 children per group. I would also like to offer family engagement programs perhaps once a month on a Saturday as well as Farm Day or Open House events to invite educators, parents, and students to visit the farm. I am currently working with other like-minded facilities to receive assistance with school/child release forms and I am researching insurance needs. I have met with the Mecklenburg County Extension Service to gain their assistance with curriculum and to make sure the farm is handicap accessible and meets all ADA requirements.

The Business:

The farm will operate as Sweetwater Farms LLC, a for-profit company. There will be a fee per child associated with a trip to the farm that will go towards the upkeep and management of the farm.

AN ORDINANCE TO AMEND ARTICLE 12.2.1 GENERAL DEFINITIONS

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

12.2.1 General Definitions

Farm, bona fide. Any tract of land containing at least three acres which is used for dairying or for the raising of agricultural products, forest products, livestock or poultry, and which may include facilities for the sale of such products from the premises where produced. The definition of "farm" and "bona fide farm" shall not include agricultural industries. **Additionally, any tract of land qualified to be a bona fide farm as above defined and which is located within the corporate limits of the Town and is in a Rural or Transitional Residential district may conduct educational programs or activities limited to farming technique, animal husbandry and seasonal farming activities.**

Section 2. That this ordinance shall become effective upon adoption.

LAND DEVELOPMENT ADVISORY BOARD: October 6, 2016

LAND DEVELOPMENT ADVISORY BOARD RECOMMENDATION: Approval (7-0)

PUBLIC HEARING DATE: November 7, 2016

PLANNING BOARD MEETING: November 15, 2016

PLANNING BOARD RECOMMENDATION: TBD

TOWN BOARD DECISION: TBD