

**TA #16-07 Amend Article 3.2.2(d) Transitional Residential (TR) District**

**PART 1: DESCRIPTION**

Text Amendment, TA #16-07, is a request by LStar Management, LLC to amend Article 3.2.2(d) Transitional Residential (TR) District, to reduce lot size, width, and side yard setbacks but not change the maximum allowed density at 1.5 units per acre with at least 40% open space.

**PART 2: BACKGROUND**

The Transitional Residential District currently allows up to 1.5 units per acre if the subdivision has at least 40% open space. The average lot size shall be at least 12,000 sq. ft. with no lot under 10,000 sq. ft.. Lot width shall average at least 75' but in no case less than 60'. Side yard setbacks shall be at least 8'.

LStar Management, LLC requests the average lot size shall be at least ~~12,000~~ **7,500** sq. ft. with no lot under ~~10,000~~ **6,000** sq. ft.. Lot width shall average at least ~~75'~~ **60'**, but in no case less than ~~60'~~ **50'**. Side yard setbacks shall be at least ~~8'~~ **5'**. Under the proposed amendment, the maximum density allowed will remain at 1.5 units per acre provided there is at least 40% open space in the subdivision.

Therefore, a 100 acre tract of land could have up to 150 units with at least 40% open space under the current standards and under the proposed amendment. However, if the average lot size is reduced to 7,500 sq. ft., then the amount of open space provided would exceed the minimum 40% required to qualify for 1.5 units per acre (see below table).

EXISTING ORDINANCE TR DISTRICT	PROPOSED ORDINANCE TR DISTRICT
100 Acre Tract	100 Acre Tract
-15 acres for streets (estimate)	-15 acres for streets (estimate but likely lower)
= 85 acres available for lots and open space	= 85 acres available for lots and open space
-41.3 acres for lots (150 lots @12,000 sq. ft. each)	-25.8 acres for lots (150 lots @ 7,500 sq. ft. each)
= 43.7 acres max. potential open space	= 59.2 acres max. potential open space

According to the application:

*“The reduced lot minimums will allow for greater flexibility for development projects within the Huntersville Transitional Residential District (TR). The reduced lot minimums will allow greater product segmentation and better master/community planning which promotes economic vitality through increased sales absorption which in return enhances re-sale appreciation; social vitality by accommodating diverse life styles and the ability to create a sense of community.”*

The Land Development Ordinances Advisory Board (LDOAB) reviewed the proposed amendment at their November 3, 2016 meeting and recommended approval (5-2).

**As result of hearing concerns raised during the public hearing and the Planning Board meeting about encouraging a diversity of lot sizes and reducing side yard setbacks, the applicants agreed to make the following adjustments in green. Planning staff supports those changes and they are reflected in the attached ordinance.**

2. Development in the Transitional Residential District shall meet the following standards:
  - e. Lot sizes shall average at least ~~12,000~~ **7,500** sq. ft., but in no case shall any lot be less than ~~10,000~~ **6,000** sq. ft. The side yard setback shall be ~~8'~~ **5'** and the rear yard setback shall be a minimum of 25'.
  - f. Lot widths shall average at least ~~75~~ **60** feet (excluding cul-de-sac lots), but in no case shall any lot be less than over ~~60'~~ **50'** wide. On cul-de-sac or turn-arounds, lots shall have at least 80% of the minimum lot width required when measured to a point 50' back from the street right-of-way. Further, these lots shall have a minimum ~~35'~~ **25'** of

frontage along the street right-of-way. No more than 50% of the lots in a subdivision shall be one width. A 10' differential in lot widths is required. At least 2 lot sizes shall be required for subdivisions of 50 or less lots and at least 3 lot sizes shall be required for subdivisions over 50 lots in size.

### PART 3: RELEVANT HUNTERSVILLE 2030 COMMUNITY PLAN AND APPLICABLE LONG RANGE PLAN SECTIONS

The following are examples of relevant plans and 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 H-7:** Housing Affordability Support appropriate mix of housing for all income levels. *Staff Commentary: Reducing the average lot size but keeping the density in the TR the same CAN allow for varied lot sizes and therefore varied housing price points.*

**Policy H-8:** Development in the Transitional and Rural Areas Maintain the development standards in the Transitional and Rural zones and consider adjustments if warranted by changes in the housing market. *Staff Commentary: Allowing smaller lot sizes in the TR zone MAY be more appealing to people aging who want to maintain a smaller yard.*

**Policy E-1:** Preservation and Enhancement Support the preservation and enhancement of the natural environment, along with its scenic and cultural assets. *Staff Commentary: Keeping the TR density the same but reducing average lot sizes will allow for more open space and therefore provide more opportunity to avoid sensitive environmental areas such as steep slopes or significant stands of vegetation, as well as reduce the amount of impervious coverage. It will also provide more flexibility to avoid scenic views and cultural assets.*

**Policy E-2:** Location of New Development Avoid locating new development in areas of significant environmental, scenic or cultural resources. *Staff Commentary: Keeping the TR density the same but reducing average lot sizes will allow for more open space and therefore provide more opportunity to avoid sensitive environmental areas such as steep slopes or significant stands of vegetation, as well as reduce the amount of impervious coverage. It will also provide more flexibility to avoid scenic views and cultural assets.*

### PART 4: STAFF RECOMMENDATION

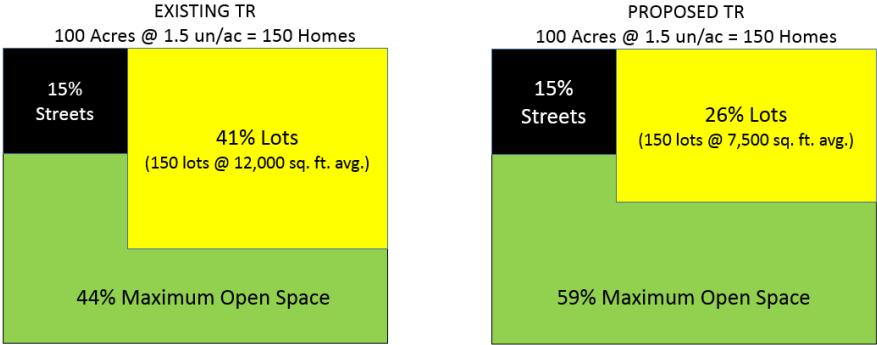
Staff recommends amending Article 3.2.2(d) Transitional Residential (TR) District as requested by LStar Management LLC based on:

- Consistency with policies of the 2030 Huntersville Community Plan listed above.
- Amending the Zoning Ordinance for reduced lot size and width average/minimums, and side yard setback in the TR zone is reasonable and in the public interest because overall density per acre is not being reduced and subdivision design flexibility is provided allowing for varied lot sizes, reduced development costs, and more opportunity to avoid sensitive environmental cultural and scenic resources.

### PART 5: PUBLIC HEARING

The Public Hearing was held on December 3, 2016. Issues raised included concern of:

- reducing side yard setbacks from 8' to 5' (*Staff indicated 5' setbacks were established in 1996 for the high intensity core between I-77 and the railroad*);
- providing on-street parking (*Staff indicated the ordinance provides when lots are 60'-wide or less, on street parking should be provided on at least 1 side of the street*);
- potential for locating small lots adjacent to existing larger lots (*staff indicated subdivisions require a special use permit thereby providing more flexibility for approval/denial. Subdivision standard 6.200(2) can be used to modify subdivision layout "to protect neighboring areas"*).
- Mr. Simoneau explained that density will not increase, but open space may increase per the below graphic.



**PART 6: PLANNING BOARD RECOMMENDATION**

The Planning Board recommended denial on January 24, 2017 due to the general concerns over the alignment with the 2030 Community Plan, and the magnitude of the request is substantial and should require further review by the Board and other bodies.

**PART 7: ATTACHMENTS AND ENCLOSURES**

- Attachment A & B: Text Amendment Application and Adjustment
- Attachment C: Proposed Ordinance
- Attachment D: Davidson & Cornelius Rural Area Development Standards
- Attachment F: Surrounding Communities Development Standards Map (excluding Davidson and Cornelius)

PART 8: STATEMENT OF CONSISTENCY – TA #16-07

Planning Department	Planning Board	Board of Commissioners
<p><b>APPROVAL:</b> In considering the proposed amendment, TA 16-07, to amend Article 3.2.2(d) of the Zoning Ordinance, the Planning staff recommends approval based on the amendment being consistent with policies H-7, H-8, E-1 &amp; E-2 of the Town of Huntersville 2030 Community Plan.</p> <p>It is reasonable and in the public interest to amend the Zoning Ordinance because overall density per acre is not being increased and subdivision design flexibility is provided allowing for varied lot sizes, reduced development costs, and more opportunity to avoid sensitive environmental, cultural and scenic resources.</p>		<p><b>APPROVAL:</b> In considering the proposed amendment, TA 16-07, to amend Article 3.2.2(d) of the Zoning Ordinance, the Town Board recommends approval based on the amendment being consistent with <b><u>(insert applicable plan reference)</u></b></p> <p>It is reasonable and in the public interest to amend the Zoning Ordinance because...<i>(Explain)</i></p>
	<p><b>DENIAL:</b> In considering the proposed amendment, TA 16-02, to amend Article 3.2.7, Article 3.2.8, Article 3.2.9, and Article 3.2.14 of the Zoning Ordinance, the Planning Board recommends denial for the general concerns over the alignment with the 2030 Community Plan, and the magnitude of the request is substantial and should require further review by the Board and other bodies.</p>	<p><b>DENIAL:</b> In considering the proposed amendment, TA 16-02, to amend Article 3.2.7, Article 3.2.8, Article 3.2.9, and Article 3.2.14 of the Zoning Ordinance, the Town Board recommends denial based on the amendment being <b><u>(consistent OR inconsistent)</u></b> with <b><u>(insert applicable plan reference)</u></b>.</p> <p>It is not reasonable and in the public interest to amend the Zoning Ordinance because...<i>(Explain)</i></p>