

TA 17-03: Planning Board Term Limits and Deferral and TR sideyard setback in Article 4

AN ORDINANCE TO AMEND ARTICLE 4: Lot and Building Type for Detached House, 11.4.2(b).1, *Planning Board Membership* and 11.4.7(b) *Planning Board Recommendation and Decision*

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

Article 11.4.2(b).1, Memberships From Within the Town Limits

b) Membership.

1) Members From Within the Town Limits.

Each member shall be appointed by the Town Board for a term of three years. In appointing the original members or in the filling of vacancies caused by the expiration of the terms of existing members, the Town Board may appoint certain members for less than three years to the end that thereafter the terms of all members shall not expire at the same time. The expiration date for each term shall be the 30th day of June of the year in which said term is to expire and the term of office of the succeeding member shall begin on the 1st day of July. If the original members are appointed such that their terms of office begin prior to a July 1 date, such terms of original members shall be extended by the period of time between their appointment and June 30 of the year of their appointment, it being the intent of this proviso that original members shall serve terms of one, two, or three years plus a period of time between their initial appointments and June 30 of the year of their initial appointments. A retiring member shall be eligible for reappointment to succeed himself **to be reappointed for two additional three (3) year terms. A member serving a partial term will be eligible to be appointed for three (3) additional terms – allowing partial terms to be added onto the term limits. Members who retire or are not reappointed will have a twelve (12) month waiting period before being eligible for reappointment.** For purposes of this section, original appointments refer to members appointed upon first establishment of the Planning Board, and also to members appointed to newly created seats upon any expansion of the Planning Board.

Section 2. Be it ordained by the Board of Commissioners of the Town of Huntersville that the **Zoning Ordinance** is hereby amended as follows:

Article 11.4.7(b) Recommendation and Decision

- (b) No proposed amendment shall be approved unless it is first submitted to the Planning Board for a recommendation. The Planning Board may defer action on a request ~~one time~~ **two times** for one of the following reasons: the public hearing remains open; ordinance required information is not completed; the petitioner agrees and/or requests a deferral. If the Planning Board does not make a written recommendation to approve, approve with conditions, deny, or recommend Town Board defer a decision on the proposed amendment at their initial meeting, or in the case of deferral, their next regularly scheduled meeting, then the Planning Board shall be considered to have recommended deferral for additional deliberation. The petition, along with the recommendation of the Planning Board, shall be placed on the agenda of the Town Board at its next regular zoning meeting.

In making its written recommendation, the Planning Board shall advise and comment on whether the proposed amendment is consistent with the adopted Huntersville Community Plan and other adopted long range plans that are applicable. The Planning Board shall provide a written recommendation to the Town Board that addresses plan consistency and other matters as deemed appropriate by the Planning Board, but a comment by the Planning Board that a proposed

amendment is inconsistent with adopted plans shall not preclude consideration or approval of the proposed amendment by the Town Board.

Section 3. Be it ordained by the Board of Commissioners of the Town of Huntersville that the **Zoning Ordinance** is hereby amended as follows:

Article 4: Lot and Building Type for Detached House

Building Placement/Parking/Vehicle Access Type "A" Typical Condition All Residential

7. Sideyard setback is 12' in the R zone & 8' 6' in the TR zone.

Section 4. That this ordinance shall become effective upon adoption.

LAND DEVELOPMENT ADVISORY BOARD: May 4, 2017

LAND DEVELOPMENT ADVISORY BOARD RECOMMENDATION: Approval of Sections 1-3

PUBLIC HEARING DATE: June 5, 2017

PLANNING BOARD MEETING: June 27, 2017

PLANNING BOARD RECOMMENDATION:

TOWN BOARD DECISION: