

TA #17-03 Planning Board Term Limit, PB Deferrals and TR Sideyard Setback in Article 4

PART 1: DESCRIPTION

Text Amendment, TA #17-03, is a three-part request. See Attachment A for application and Attachment B for proposed language.

Section 1 is by the Town of Huntersville Planning Board to amend Article 11.4.2(b).1 to modify the term limits for members from within the Town Limits.

Section 2 is by the Town of Huntersville Planning Board to amend Article 11.4.7(b) to modify the number of times the Planning Board may defer action on a request.

Section 3 is by the Town of Huntersville (Planning Department) to amend Article 4: Lot and Building Type for Detached House to modify a reference to Transitional Residential sideyard setback, which was changed in Article 3 on February 6, 2017.

PART 2: BACKGROUND

Section 1 Background - Upon appointment to the Planning Board, members serve for a three-year term. In accordance with the current language of Article 11.4.2, (b) 1 “retiring members of the Planning Board are eligible for reappointment to succeed himself”. This means a member of the Planning Board could serve an unlimited amount of terms (if continuously reappointed by the Town Board) without a required waiting period between reappointments.

On March 28, 2017, the Town of Huntersville Planning Board discussed and voted to recommend a text amendment to modify term limits for planning board members within the Town Limits, which would limit retiring member’s eligibility for reappointment to two (2) additional three (3) year terms. Prior to recommending this text amendment the Planning Board reviewed other communities and found it was common for Planning Boards to have term limits, see attachment C for summary of research. If approved, Planning Board members would only be eligible to serve nine (9) consecutive years. Additional language would require members who retire or are not reappointed would have a twelve (12) month waiting period before being eligible for reappointment.

Section 2 Background - Under the current language of Article 11.4.7 (b) the Planning Board may defer action on a request one time for the following reasons:

- Public hearing remains open
- Ordinance required information is not completed
- The petitioner agrees and/or request a deferral

The current Planning Board deferral language would allow the petitioner to request a deferral and when the item returned to the Planning Board would require members to take action on the request even if another deferral options was applicable. For example, if a petitioner requests to defer Planning Board action but comes to the next Planning Board meeting with an application that does not have all the Ordinance required information, the Planning Board would be required to take action. In some recent cases, the Planning Board recommended the Town Board send a project back to Planning Board for additional review. To reduce the potential for this “loop effect”, the

Planning Board discussed and voted (March 28, 2017) to recommend a text amendment allowing the Planning Board to defer action on a request two (2) times for the same reasons listed above.

Section 3 Background - On February 6, 2017, the Town Board approved a text amendment modifying Article 3.2.2(d), Transitional Residential (TR) zoning district lot sized, lot widths, and the required side yard setback. Article 4, Lot and Building Type for Detached House has a reference to the TR side yard setback that was not amended with the February 2017 request. Planning Staff has initiated this request to clean up the Article 4 side yard setback reference.

The HOAB reviewed the proposed amendment at their May 4, 2017 meeting and recommended approval of the proposed language.

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

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 ED-14: Development Review Process – Support efforts to improve efficiency and responsiveness of development review process for development proposals.

PART 4: STAFF RECOMMENDATION

Staff recommends approval of all three sections of this text amendment requests as proposed in Attachment B based on:

- Consistency with policies of the 2030 Huntersville Community Plan listed in Part 3 of this staff report.
- Specific to Section 1 - Amending term limits for Planning Board members (within the Town Limits), would reduce membership stagnation and facilitate new members with new perspectives be added to the Planning Board.
- Specific to Section 2 - Amending Planning Board deferrals allows the Planning Board the ability to defer action even after a petitioner requested deferral.
- Specific to Section 3 - Amending Article 4 Lot and Building Type for Detached House cleans up crossed referenced requirements in the Town's Zoning Ordinance.

PART 5: PUBLIC HEARING

The Public Hearing will be held on June 5, 2017.

PART 6: PLANNING BOARD RECOMMENDATION

The Planning Board is scheduled to hear this text amendment on June 27, 2017.

PART 7: ATTACHMENTS

Attachment A: Text Amendment Application
Attachment B: Proposed Ordinance
Attachment C: Planning Board Term Limit Research

PART 8: STATEMENT OF CONSISTENCY – TA #17-03

Planning Department	Planning Board	Board of Commissioners
<p>APPROVAL: In considering the proposed amendment, TA 17-03, to amend Article 4, Article 11.4.2(b)1, and Article 11.4.7(b) of the Zoning Ordinance, the Planning staff recommends approval of the entire three section request as presented based on the amendment being consistent with policy ED-14 of the Town of Huntersville 2030 Community Plan.</p> <p>It is reasonable and in the public interest to amend the Zoning Ordinance because this amendment facilitates periodical change of Planning Board members (within the Town Limits), allows Planning Board the ability to defer actions after a petitioner has requested a deferral, and cleans up crossed referenced requirements.</p>	<p>APPROVAL: In considering the proposed amendment, TA 17-03, to amend Article 4, Article 11.4.2(b)1, and Article 11.4.7(b) of the Zoning Ordinance, the Planning 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>APPROVAL: In considering the proposed amendment, TA 17-03, to amend Article 4, Article 11.4.2(b)1, and Article 11.4.7(b) 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...<i>(Explain)</i></p>
	<p>DENIAL: In considering the proposed amendment, TA 17-03, to amend Article 4, Article 11.4.2(b)1, and Article 11.4.7(b) of the Zoning Ordinance, the Planning Board recommends denial based on the amendment being (consistent OR inconsistent) 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>	<p>DENIAL: In considering the proposed amendment, TA 17-03, to amend Article 4, Article 11.4.2(b)1, and Article 11.4.7(b) of the Zoning Ordinance, the Town Board recommends denial based on the amendment being (consistent OR inconsistent) 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>