

TA #17-06

Amend various sections within Article 3, Article 7 B, Article 8.1.4, and Article 12.2.1 to revise open space criteria.

PART 1: DESCRIPTION

Text Amendment, TA #17-06, is a request by the Town of Huntersville Staff to amend the above mentioned articles of the Town Zoning Ordinance to reorganize, clarify and provide more open space options to the development community. See Attachment A for application.

PART 2: BACKGROUND

The Planning Board directed staff to evaluate open space. A sub-committee was formed to facilitate feedback and buy-in. The sub-committees goals were to review the Town of Huntersville Open Space Ordinance and to collaborate with the Huntersville Planning Staff to address the following:

1. **Expand the urban open space option menu:** Staff began looking at surrounding communities to better understand what urban open space options were being offered. The chart below summarizes the research.

Town	Playground	close	attached squares	plazas	Urban Parks	Forecourts	Detached squares	Greens	(Neighborhood) Parks	Parkway	Greenway	Greenbelt	Community Garden	Pedestrian Passageway	mini-parks	Passive recreation/unusable Open space
Davidson	X	X	X	X			X	X	X		X		X	X		
Cornelius	X	X	X	X	X	X	X	X	X	X	X	X				
Huntersville				X		X	X		X	X		X				
Holly Springs	X	X	X	X			X		X	X		X	X		X	X
Belmont	X	X	X	X		X	X	X	X	X	X					

The yellow highlighted boxes above represent new typologies that could be incorporated. Staff has addressed each as follows:

- Playground - as being allow within all urban space; primarily to be implemented with in parks and squares.
- Close fits under the current definition of square.
- Attached vs. detached squares – staff recommends no change to the current definition (either is appropriate).
- Urban parks, neighborhood parks, mini-parks – Have been defined with changes made to the current park option. Restrictions have been lessened by requiring 25% of the square to be abutted by a street (rather than 50%) and the size requirement for parks has been removed. This allows pocket parks to be placed within odd shaped areas.
- Greens – added
- Greenway – added. Historically the Town has considered the greenway and greenbelt to function interchangeably. To clarify staff is requesting to define both options.
- Community Gardens - added
- Pedestrian passageways – added
- Woonerf – not used by any of the Towns studied, but a prime opportunity as another option for car/pedestrian designed urban open space.
- Promenade – not used by the Towns studied, but an opportunity to provide another option as a linear feature within more dense areas.
- Passive recreation/unusable open space – addressed through other types of open space, such as recreational, agriculture or common open space, rather than urban open space.

2. **To review the off-site urban opens space provision** – After the subcommittee reviewed the language and understood application all were comfortable keeping the language as is.
3. **To evaluate the relationship of the water quality/quantity treatment system (BMPs)** – after reviewing the current ordinance and understanding current application, staff is recommending to add a definition of common open space. Under the current language, all types of open space (rural, agricultural, natural and urban) are prescribed and do not allow for BMPs unless the BMP is incorporated so that the intent of the ordinance is being met (example: Water detention pond within Monteith Place incorporates natural trails, which provides for recreation). Historically, BMPs have been approved within open space. However, the installation of BMPs have compromised the quality of the required open spaces. Features, such as, but not limited to, BMPs and entry monuments that do not meet the definitions of the other open space options would be allowed in common open space. The current required percentage of open space will not be affected by this request.

Upon learning the different types of BMPs and the ability to use them as amenities, design elements, and aesthetic opportunities the sub-committee can support the idea of allowing 25% of an above ground BPM to be incorporated in an urban open space with design criteria.

Other changes staff felt were needed:

- Clarity within the Rural and Transitional Residential District how an applicant obtains open space credit for installing public greenways.
- Currently buildings are required to front a public street or square. Staff is proposing to allow buildings to front on all types of urban open space and public streets.
- Change to existing urban open space diagrams.
- An introduction was added to Article 7B.

Attachment D, quick reference chart, provides a cliffs notes version of the current ordinance reference, proposed changes and reason for requested the changes. Staff recommends referencing this attachment while reviewing the clean version of the proposed ordinance (Attachment A).

PART 3: STAFF RECOMMENDATION

To achieve quality open space, staff recommends approval of the request as presented. The request is compliant with the goals (located in Part 4 of this report) of the 2030 Community Plan.

PART 4: RELEVANT HUNTERSVILLE 2030 COMMUNITY PLAN AND APPLICABLE LONG RANGE PLAN SECTIONS

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

Staff Comment: Removal of BMPs from natural, agricultural and recreational land will help preserve the natural environment.

E-2: Location of New Development – Avoid locating new development in areas of significant environmental, scenic, or cultural resources.

Staff Comment: Introduction of common open space will provide developers a location to place BMPs, rather than trying to shoe in BMPs and still meet the intent of the ordinance.

E-3: Environmental Regulations – Support and enhance environmental regulations pertaining to tree preservation, buffer yards, open space, water quality, and wetland and stream protection.

Staff Comment: More urban open space options and the ability to install BMPs within 25% of urban open space provides the flexibility to be creative while treating and containing storm water. The introduction of common

open space, which allows for BMPs will hopefully stimulate thinking about the qualitative nature of the natural, agricultural and recreational open space.

T-6: Pedestrian Connections – Support the installation of sidewalks, bikeways and greenway trails connecting residential, commercial, employment, recreational and institutional uses.

Staff Comment: The introduction of the new urban open spaces (Promenade, Greenway, Pedestrian Passageway, and Woonerf) will allow more options to get the public from point A to B

PART 5: HUNTERSVILLE ORDINANCES ADVISORY BOARD

The Board heard the request on August 3, 2017. Walsh made a motion to recommend approval of the request as presented, Anderson seconded the motion. The board voted (9-0) to recommend approval.

PART 6: PUBLIC HEARING

The Public Hearing will be held on August 21, 2017.

PART 7: PLANNING BOARD RECOMMENDATION

The Planning Board is scheduled to hear this text amendment on August 22, 2017.

PART 8: ATTACHMENTS

Attachment A: Text Amendment Application

Attachment B: Proposed Ordinance Language (redlined version)

Attachment C: Proposed Ordinance (clean Version)

Attachment D: Quick Reference guide

PART 9: STATEMENT OF CONSISTENCY – TA #17-06

Planning Department	Planning Board	Board of Commissioners
<p>APPROVAL: In considering the proposed amendment, TA 17-06, to amend Article 3.2.1, 3.2.2, 3.2.5, 3.2.6, 3.2.7, 3.2.8, 3.2.9, 3.2.11, 3.2.12, 3.2.13, 3.2.14, 7 Part B, 8.1.4, 12.2.1 of the Zoning Ordinance, the Planning staff recommends approval of language based on the amendment being consistent with the Town of Huntersville 2030 Community Plan policy numbers E-1, E-2, E-3 and T-6 .</p> <p>It is reasonable and in the public interest to amend the Zoning Ordinance because amending provides for greater flexibility within the open space requirements while maintaining consistency with other local community regulations.</p>	<p>APPROVAL: In considering the proposed amendment, TA 17-06, to amend Article 3.2.1, 3.2.2, 3.2.5, 3.2.6, 3.2.7, 3.2.8, 3.2.9, 3.2.11, 3.2.12, 3.2.13, 3.2.14, 7 Part B, 8.1.4, 12.2.1 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...(Explain)</p>	<p>APPROVAL: In considering the proposed amendment, TA 17-06, to amend Article 3.2.1, 3.2.2, 3.2.5, 3.2.6, 3.2.7, 3.2.8, 3.2.9, 3.2.11, 3.2.12, 3.2.13, 3.2.14, 7 Part B, 8.1.4, 12.2.1 of the Zoning Ordinance, the Town Board approval is 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 17-06, to amend Article 3.2.1, 3.2.2, 3.2.5, 3.2.6, 3.2.7, 3.2.8, 3.2.9, 3.2.11, 3.2.12, 3.2.13, 3.2.14, 7 Part B, 8.1.4, 12.2.1 of the Zoning Ordinance, the Planning 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>	<p>DENIAL: In considering the proposed amendment, TA 17-06, to amend Article 3.2.1, 3.2.2, 3.2.5, 3.2.6, 3.2.7, 3.2.8, 3.2.9, 3.2.11, 3.2.12, 3.2.13, 3.2.14, 7 Part B, 8.1.4, 12.2.1 of the Zoning Ordinance, the Town Board denial is 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>