



**TOWN OF DAVIDSON  
BOARD OF COMMISSIONERS  
1ST TUESDAY MEETING  
216 South Main Street, Davidson, NC 28036 -  
April 3, 2018 - 6:00 PM  
VIDEO**

1. Discussion

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**Agenda Title:** Discussion

**Manager's Report:**

**Summary:**

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<b>ATTACHMENTS:</b>
Description:
▢ <a href="#">R2018-06 Authorizing the Manager to begin the Conceptual Plan process for the Park at Beaty Street</a>
▢ <a href="#">GO Bond Projects Presentation April 3 2018</a>
▢ <a href="#">Public Facilities - Creech &amp; Associates</a>
▢ <a href="#">Town of Davidson Public Comment Policy</a>
▢ <a href="#">Solid Waste Fee to Ad Valorem April 3 2018</a>
▢ <a href="#">20180328 DRAFT - Redlined Version of DPO 17 For Review</a>
▢ <a href="#">20180403 BOC Presentation - DPO Section 17 Reference Slides</a>
▢ <a href="#">20180403 Section 17 Update - Handout</a>
▢ <a href="#">Upcoming agenda items for April 2018</a>



## **Resolution 2018-06**

### **Authorizing the Manager to Begin the Conceptual Plan Process for the Park at Beaty Street.**

**WHEREAS**, a conceptual plan process will allow the community and the Board of Commissioners to fully explore potential programs for a park on Beaty Street; and

**WHEREAS**, Community stakeholders including, adjoining neighborhoods, citizens at large, and Livability Board members, all of whom must apply to serve; and

**WHEREAS**, Parks & Recreation Director, with support from representative, Mecklenburg County Parks & Recreation, Natural Resources Division shall serve as staff liaison to the Task Force; and

**WHEREAS**, the Manager is authorized to advertise for applicants for the Task Force; and

**WHEREAS**, the Board of Commissioners shall appoint the Park at Beaty Street Conceptual Plan Task Force and that it shall be retired after the Board of Commissioners adopt a concept plan; and

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of the Town of Davidson that the once established Park at Beaty Street Conceptual Plan Task Force is charged with the following:

- Sponsor public forums to solicit community input and identify recreational needs
- Identify and evaluate all assets on-site
- Investigate park and recreation elements needed, including walking trails and other amenities
- Consider ancillary uses as appropriate, respecting historic character of surrounding parcels
- Develop planning level cost estimates for the various options to help in setting priorities and developing financing plans
- Evaluate each option on the basis of capital and operational costs, potential impacts on the natural environment, potential revenues, recreational needs and effect on programs
- Meet with the Davidson Board of Commissioners for review and comment before making final recommendations
- Make recommendations for the consideration of the Davidson Board of Commissioners

**Adopted on the 10th day of April, 2018.**

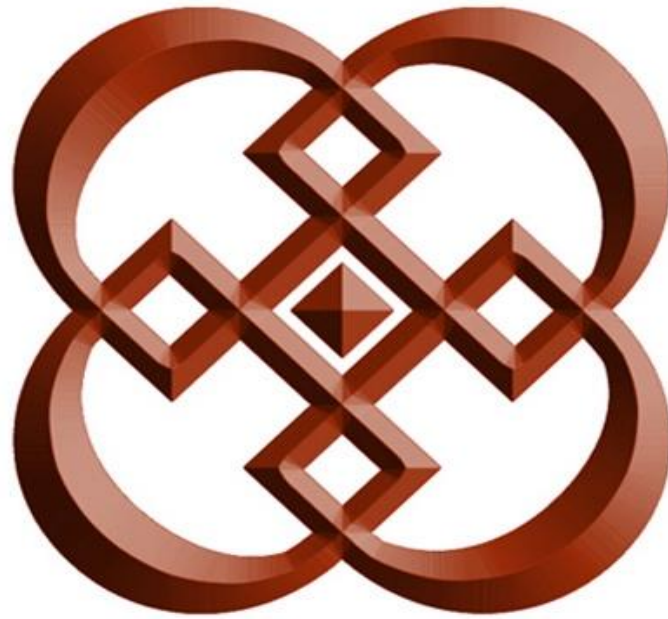
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Rusty Knox, Mayor

**Attest:**

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Carmen Clemsic, Town Clerk



# *The* Town *of* Davidson

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# Presentation Overview

- Presentation Plan
- G.O. Bonds and Issuance
- Parks and Recreation Projects



# Presentation Plan

- Mobility and Greenway Projects – February 27
- Parks and Recreation Projects – Tonight
- Comprehensive Review - April



# G.O Bonds

- 2017 Referenda
  - \$6 million Mobility
  - \$5 million Greenways
  - \$4 million Parks
- Projected issuance of \$5 million in 2019, 2021 and 2023
- August, 2017 - Projected ad valorem tax increase of 3.62 cents



# G.O. Bond Issuance

- Local Government Commission actually issues the debt
- Utilize bond counsel and financial advisor
- Need a bond rating and offering document
- From Board action to receipt of funds requires 60-90 days
- Issuance fees of about \$150,000 to \$175,000, including underwriting fees



# Parks

- Community Parks
- Park/Properties Improvements & Partnerships
- Maintenance/Minor Improvements in Parks
- Other Parks & Recreation Projects



# Community Parks – Park at Ada Jenkins



This project is in the FY18-23 adopted CIP. It would begin with a joint Ada Jenkins-Livability Board led public input/community outreach effort to involve all stakeholders in community task force.

Location: 00323325

Cost Estimate: \$400,000

1. Origin/Master Plan: P&R Master Plan
2. Why important: One of best opportunities for open play space on west side of town
3. Status: Ada Jenkins and town working on agreement for use of fields/maintenance
4. Next Steps: Key 1<sup>st</sup> step is to engage and involve community to lead project
5. Pros/Cons: lose space for other projects



# Community Parks – Park at Beaty Street



This project would begin with a comprehensive community outreach to help plan whatever amenities may eventually be included in the park. The park amenities can be added over time.

Location: 00328406,00326302,  
0328403,00328402

Cost Estimate: ?

1. Origin/Master Plan: P&R Master Plan
2. Why important: Town owned, environmentally sensitive land, one of few large parcels for park on west side of town
3. Status: Town owned
4. Next Step: Form citizen task force to lead project





## Community Parks – Park at Bailey Springs, Phase II



This project is in the FY18-23 adopted CIP. It includes the proposed buildout of the adopted concept plan for the park at Bailey Springs.

Location: 00711149

Cost Estimate: \$ 800,000

1. Origin/Master Plan: P&R Master Plan
2. Why important: This is geographic center of town, along greenway
3. Status: parcel still owned by WestBranch developer, expected to be deeded to town by May, 2018
4. Next Steps: have approved concept plan for very passive phase—will require design work eventually.



# Community Parks – Northern Athletic Complex (land purchase)

This project would identify and purchase a parcel just north of the Davidson line in Iredell County to become a lighted athletic complex for the community.

Location: northwest part of Meck  
County or potentially  
Iredell County

Cost Estimate: \$ 2,000,000

1. Origin/Master Plan: Need for athletic complex rose in priority with active recreation focus in past year
2. Why important: If we want to have lighted athletic field complex, our best opportunity may well be in south Iredell County
3. Status: recently opened PO for \$1,680 to research options for sites and costs if move forward



# Community Parks – Northern Athletic Complex (build-out)

This project would construct 2-4 lighted rectangular and 2-4 diamond artificial turf athletic fields each for the community as well as 4-6 outdoor courts appropriate for tennis, pickleball, and basketball.

Location: northwest part of Meck County  
or potentially Iredell County

Cost Estimate: \$ 3,000,000

1. Origin/Master Plan: Need for athletic complex rose in priority with active recreation focus in past year
2. Why important: If we want to have lighted athletic field complex, our best opportunity may well be in south Iredell County
3. Status: recently opened PO for \$1,680 to research options for sites and costs if move forward



# Park Improvements / Partnerships – Davidson K-8 Artificial Turf/Lighting of Rectangular Field



This project would be partnership with CMS re the K-8 work at Davidson Elementary--we would work to also get joint use of the gym as part of this deal. Note: The parcel is owned by CMS—the town would have access through a Memorandum of Understanding. Potentially partner with YMCA and/or Carolina Rapids as well.

Location: 00704123

Cost Estimate: \$ 1,000,000

1. Origin/Master Plan: Recent partnership opportunity with CMS through K-8 project
2. Why important: would gain joint use agreement for gym and indoor space and provide needed rectangular field space in town
3. Status: CMS has design; they need decision from town by end of April, 2018

General Obligation Bonds, Potential Projects

March 27, 2018  
Page 15 of 125



# Park Improvements / Partnerships – old IB School Gymnasium



This project would renovate the gymnasium--probably the single greatest need the P&R department has is for a gymnasium for existing programs. We are 100% dependent on CSD currently through our joint use agreement for their gyms. Once CSD has its own athletic complex it will no *longer* need outdoor space from the town and we worry we will not have access to CSD gyms. We MUST have a plan for a gym. The Ada Jenkins gym has proven too crowded as of yet to use on a regular basis for practice and even then is not suitable for games. We have discussed the idea of potentially partnering with CMS for the K-8 on this project.

Location: 00701319

Cost Estimate: \$ ?

1. Origin/Master Plan: this project was approved as part of 2008 county bond referendum
2. Why important: P&R dept's greatest need for current programming is gym space
3. Status: pursuing cost estimates to renovate



# Park Improvements / Partnerships – Gymnasium on Town-owned South Street property



This project would add to the old pump house and construct a gymnasium- probably the single greatest need the P&R department has is for a gymnasium for existing programs. We are 100% dependent on CSD currently through our joint use agreement for their gyms. Once CSD has its own athletic complex it will no *longer* need outdoor space from the town and we worry we will not have access to CSD gyms. We **MUST** have a plan for a gym. The Ada Jenkins gym has proven too crowded as of yet to use on a regular basis for practice and even then is not suitable for games. We have discussed the idea of potentially partnering with CMS for the K-8 on this project.

Location: 00704202A, 00704205

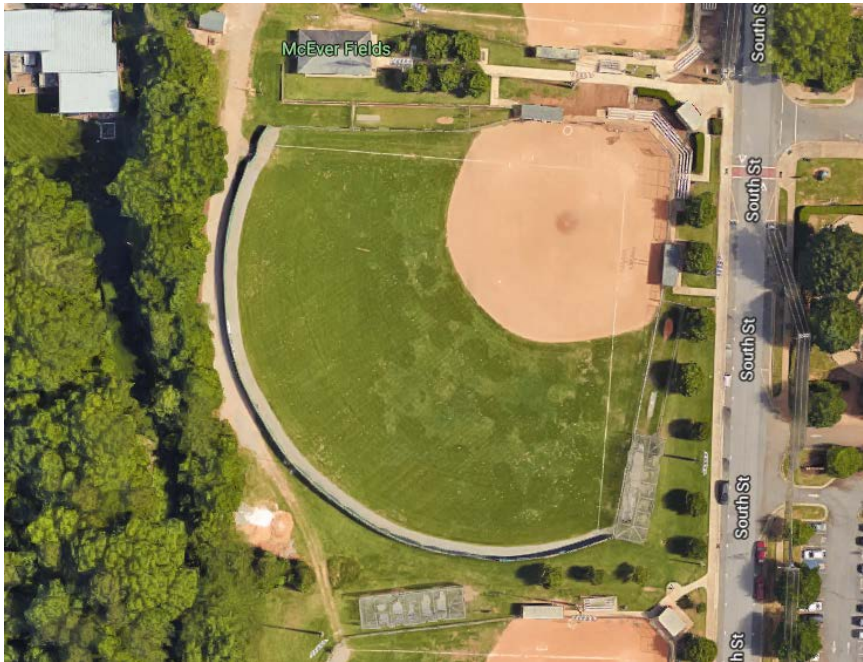
Cost Estimate: \$ 800,000

1. Origin/Master Plan: does not show up in any plan
2. Why important: P&R dept's greatest need for current programming is gym space
3. Status: recently opened PO for \$1,260 to research if possible





# Park Improvements / Partnerships – 60/90 Field at McEver



This project would convert McEver field #2 into a true 60/90 field, building the wall up to the proper height so that high school and DYBA older age teams could play games on the field.

Location: 00704307

Cost Estimate: \$ 320,000

1. Origin/Master Plan: Idea raised by Livability Board and DYBA
2. Why important: Would allow older teams to play at McEver (they currently cannot play in Davidson)
3. Status: Preliminary work completed
4. Next Steps: Would need more specific design work to proceed
5. Pros/Cons: Project would greater benefit a relatively small number of residents.



# Park Improvements – Fisher Farm Restroom



This project is in the FY18-23 adopted CIP. The restroom was included in the 2014 adopted master plan for Abersham/Allison/Fisher Farm but there was insufficient funding in the 2008 county bond project to complete the restrooms.

Location: 00311104

Cost Estimate: \$ 300,000

1. Origin/Master Plan: P&R Master Plan, Abersham/Allison/Fisher Farm Adopted Plan by Town and County BOC
2. Why important: The park is currently served by leased, portable toilets.
3. Status: Meck County has a standard design for restrooms in parks so we believe the process would be streamlined.



## Parks – Davidson Pointe



This project is in the FY18-23 adopted CIP. The builder must eventually dedicate a 7 acre parcel to the town.

Location: in Iredell County

Cost Estimate: \$ 50,000

1. Origin/Master Plan: The developer of Davidson Pointe must dedicate a 7 acre parcel to the town with Phase II. A park at this location accomplishes our goal of having a park within  $\frac{1}{4}$  mile of all homes.
2. Status: Phase II of the development is delayed so the park will in all probability not occur anytime soon
3. Next Steps: when it does move, 1<sup>st</sup> step will be to form citizen committee



# Parks – Davidson Landing Tennis Court Resurfacing



This project would be in partnership with the Davidson Landing homeowners association. Several years ago, the town contacted the homeowners association with the idea of resurfacing the tennis courts (which are currently in a state of disrepair) and, in exchange, opening them up for town resident usage.

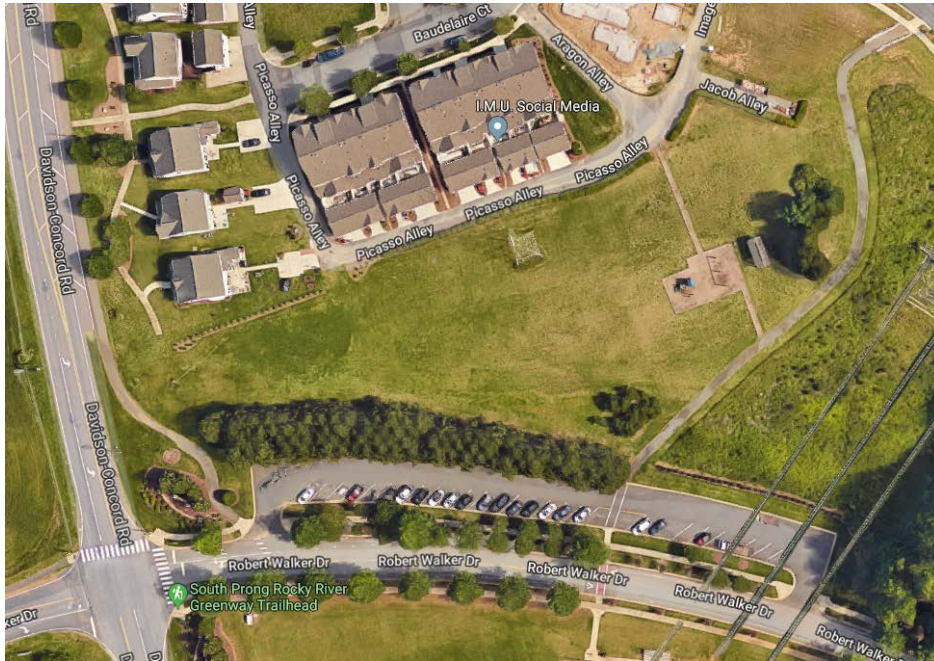
Location: 00118858

Cost Estimate: \$80,000

1. Origin/Master Plan: Not on plan
2. Why important: No public tennis courts currently, potential to be win for town and homeowners association
3. Status: we discussed this idea with association board and they were in favor of it but the town did not have funding.



# Parks – Active Recreation with Bradford Homeowners Assn



We would partner with the Bradford Homeowners Association to replace the existing playground that is in disrepair, and to add several active play features that are appropriate for the setting and the neighbors approve.

Location: 00727337

Cost Estimate: \$ 250,000

1. Origin/Master Plan: not in plan
2. Why important: Adjacent to River Run soccer field and parking—could be win for both town and homeowners association
3. Status: Forming neighborhood committee to begin discussions of potential play features



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General Obligation Bonds, Potential Projects

March 27, 2018  
Page 22 of 125

# Parks – Active Recreation on Lakeside Property



This project was raised as a possibility and discussed at a public forum on Oct 28, 2017, however, we are aware of some neighbors who do not support the project. We recommend significant public input, especially from impacted neighbors, prior to proceeding.

Location: 00323119

Cost Estimate: \$ 800,000

1. Origin/Master Plan: Active recreation focus in past year
2. Status: Town-owned parcel was purchased with Land, Water, Conservation Fund so there are some restrictions.
3. Next Steps: Strongly advise outreach to neighbors before proceeding if wish to move forward





# Parks – Downtown Community Park (Tot Lot)



The project would include enhancing the area of the Summit parking lot, Knox Court, and the Mary Beaty Tot Lot.

Location: 00325823, 00325830, 00325803,

Cost Estimate: \$ 423,525

1. Public facilities effort included use of this public space; citizens wanted improvements.
2. Popular and well used public space; farmers market is major draw and community asset.
3. Status: Public input process showed support; presented to adjacent business owners and DFM; Town board said consider GO funds for this project.



# 5 Year Plan - Park Maintenance/Minor Improvements

Park	Examples	Total Cost	Not Funded
Beaver Dam	Replace rotten siding, sills, railing, electrical		
Caldwell Tot Lot	Rebuild sandbox, Swing set w/ADA seat Rebuild tunnel, add water fountain		
Faulkner Square	New trash recycle containers, Paint arbor New benches, Replant overcrowded beds		
Forest Park	New walkway steps, Resurface trails, New tables and benches		
Mary Beaty Tot Lot	New play structure with ADA feature, Handicap Accessible Ramp, Repaint railings Shade canopy		
The Preserve Dog Park	Play Equipment, Borders along gravel walkways, Redo plant beds, New crushed concrete/gravel, Grind down stumps, New benches, Water fountain with dog bowl option		
McEver Fields	Dry storage for infield machine		60'90 field
	New windscreen, new sidewalk		
Fisher Farm	Signage		Permanent restroom
			\$713,550
	Total Maintenance Cost	\$1,223,400.00	



## Other Parks and Recreation Projects



# Park Improvements – Active Recreation Amenities & Picnic Shelter Replacement at Roosevelt Wilson Park



This project was originally funded through the operating budget and has been delayed. We have gone through extensive citizen input and we believe there is support for the amenities.

Location: 00323554

Cost Estimate: \$ 80,000  
play features  
\$65,000  
shelter &  
memorial

1. Origin/Master Plan: Active recreation focus in past year
2. Why important: Citizen input shows demand for play features
3. Status: Applying for CDBG
4. Next Steps: If not funded through CDBG, have funding reserved from in fund balance from last fiscal year. Shelter funding in operating budget.



# Park Improvements – Lake Davidson Nature Preserve Kayak/Canoe Launch



This project would begin with a community input session. The goal is to add a fully accessible kayak/canoe launch at the nature preserve for users. The project is to be funded through the Duke Energy licensing agreement/settlement. Note: The parcel is owned by Davidson Day and the town has a permanent easement.

Location: 00330150

Cost Estimate: \$ 130,000

1. Origin/Master Plan: P&R Master Plan
2. Why important: Currently no dock for watercraft launch onsite. Funding is through Duke Energy settlement.
3. Next Steps: Signing Memorandum of Understanding with Duke Energy for the funding



# Questions



Historic Preservation/Adaptive Reuse Experience  
Davidson IB School Preservation/Adaptive Reuse Study

April 3, 2018

CREECH & ASSOCIATES



**EDIFICE**  
GENERAL CONTRACTORS  
The Art and Science of Construction



## CREECH & ASSOCIATES



**David A. Creech, AIA, NCARB**

- Over 40 years experience
- Integral in the planning and development of the North Mecklenburg area
- Career focus has been in the design of Civic buildings
- Experience working with small towns in the Carolinas

Principal-In-Charge



**Brent J. Green, LEED AP**

- Over 25 years experience
- Extensive experience planning and programming municipal buildings
- Experienced in space/facilities needs assessments and programming
- Experience designing multi-departmental municipal buildings

Design Leader



**Michael S. Supino, AIA**

- Experience in municipal building project management
- Experienced in BIM modeling
- Experience in project coordination with design team and project owners

Project Manager



**Michael Carlisto**

- Over 27 years experience
- Extensive experience in the construction of civic and education buildings
- Experienced in addition/renovation and adaptive reuse projects

Project Executive



**Andy Aldridge**

- Over 25 years experience
- Experience with addition/renovation projects as well as adaptive reuse projects
- Extensive experience with municipal projects

VP, Pre-construction

# Team Organization Chart

## Architect of Record

CREECH & ASSOCIATES, PLLC

David A. Creech, AIA, NCARB  
Principal-In-Charge

Brent J. Green, LEED AP  
Design Leader

Michael S. Supino, AIA  
Project Manager

Natalie S. Stenger  
Project Designer

John M. Crawford, CSI, CDT  
Construction Administrator

## Community Planning & Landscape Architecture

STANTEC, INC.

Craig Lewis, FAICP, LEED AP, CNU-A  
Community Planning/Urban Design

Amanda Morrell, RLA  
Landscape Architecture

## Civil & Traffic Engineering

STANTEC, INC.

Jeffrey A. Rice, PE  
Civil Engineering

Robert Bernard, PE  
Civil Engineering

## M.E.P. & Fire Protection Engineering

OPTIMA ENGINEERING

Ronald V. Almond, PE, LEED AP  
Mechanical Engineer

Keith G. Pehl, PE, LEED AP  
Electrical Engineer

George C. Fowler, PE  
Plumbing & Fire Protection Engineer

## Structural Engineering

BULLA-SMITH DESIGN ENGINEERING

Tripp Bulla, PE, LEED AP  
Structural Engineer



- Huntersville Town Center
- Huntersville Police Department
- Huntersville Town Hall
- Cornelius Library
- Cornelius Police Department
- Mooresville Library
- Kannapolis City Hall, Police & Fire Headquarters
- Albemarle City Hall
- Mint Hill Police Department



- Mooresville Library
- Mint Hill Police Department
- Mint Hill Town Hall
- Monroe Fire Station Prototype
- Waxhaw Police Department
- Waxhaw Town Hall
- CMPD Providence Division
- Schiele Museum of Natural History
- Mount Holly Citizens' Center & Police Headquarters



## Palmer Fire School Charlotte, NC

## 2004 Historic Charlotte Preservation Award



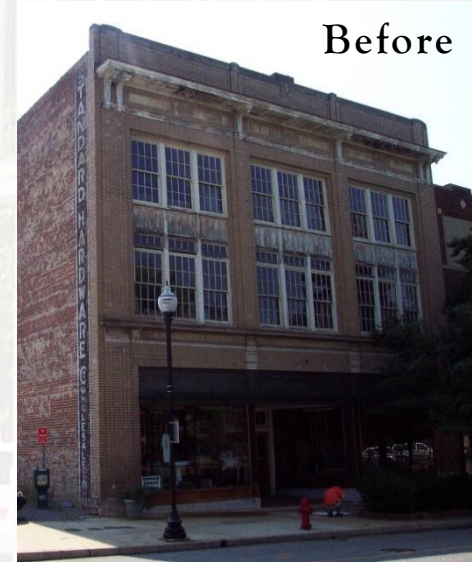
Palmer Fire School is a 5,000 sf former fire fighter training facility built in the late 1930's. Renovated to restore it to its natural form, the fire school is now home to the Charlotte Fire Fighter's Association. The ground floor features a main hall for association meetings and is also rented to the public for various events throughout the year. It received the coveted 2004 Historic Charlotte Preservation Award, given annually to outstanding restoration projects involving historically significant properties.



# Relevant Experience

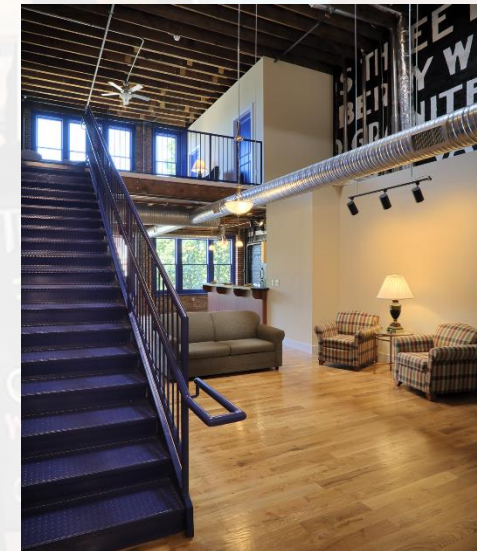
## Standard Hardware Gastonia, NC

## 2008 Preservation Award



South Street Arcade, located in downtown Gastonia, North Carolina, was originally designed in the 1920's by Hugh White, a famous North Carolina Architect. Sited across from the historic courthouse, this former hardware store was renovated to accommodate retail space on the first floor, office space on the second floor and residential on the third floor. This project was a 2008 Preservation Award Winner.

Page 35 of 125  
Project designed while Narmour Wright  
Crech Architecture.





## Albemarle City Hall Renovation and Addition Albemarle, NC

2011 NC Main Street Award



North Carolina  
Main Street



The historic city hall is a 14,000 square foot structure to be renovated with an approximate 30,000 square foot addition. To preserve the street presence of the original facility, the new addition was held back and placed behind the renovation. The Neo-Georgian aesthetic from the original structure was employed on the addition to seamlessly connect old and new. The renovation will modernize the facility as well as make it more conducive to efficiently provide city services. This project was a 2011 N.C. Main Street Award recipient for Best Public Building Improvement.



## Albemarle City Hall Renovation and Addition Albemarle, NC

2011 NC Main Street Award

Before

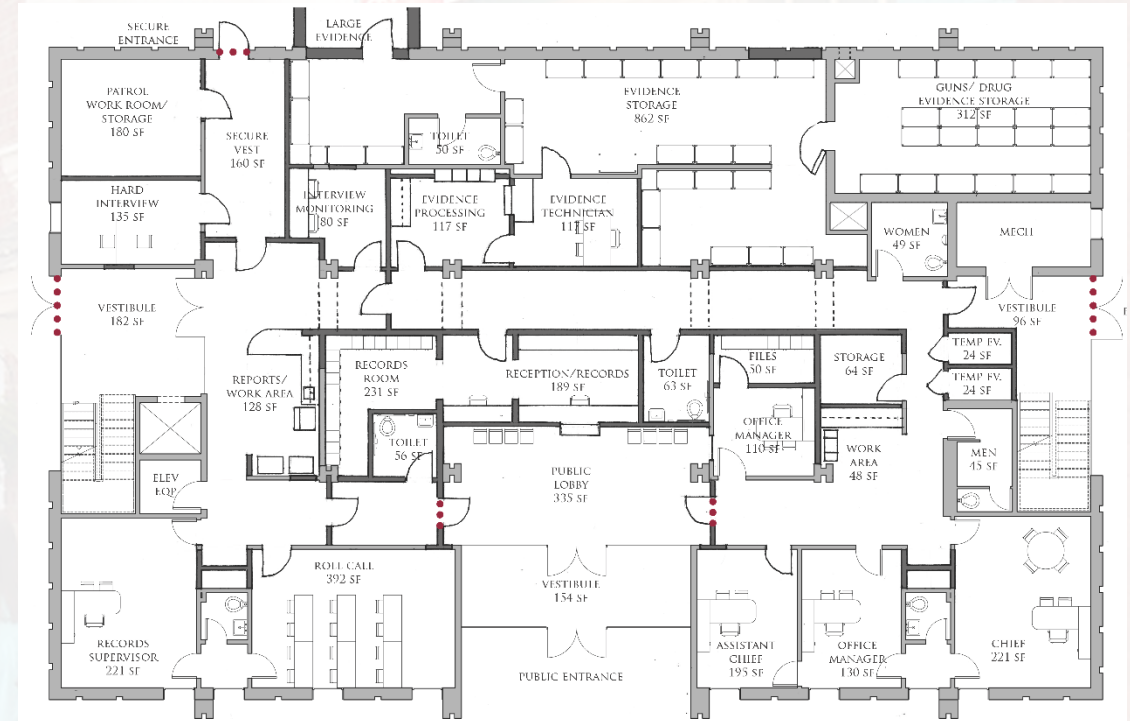


Before





## Albemarle Police Station Renovation Albemarle, NC



The iconic building on the main intersection of downtown Albemarle was purchased by the town to serve as a new police department through an adaptive reuse project. The design approach will maintain the exterior and repair the failing marble fascia. Many of the distinguishing features on the interior will be maintained to serve the new use.



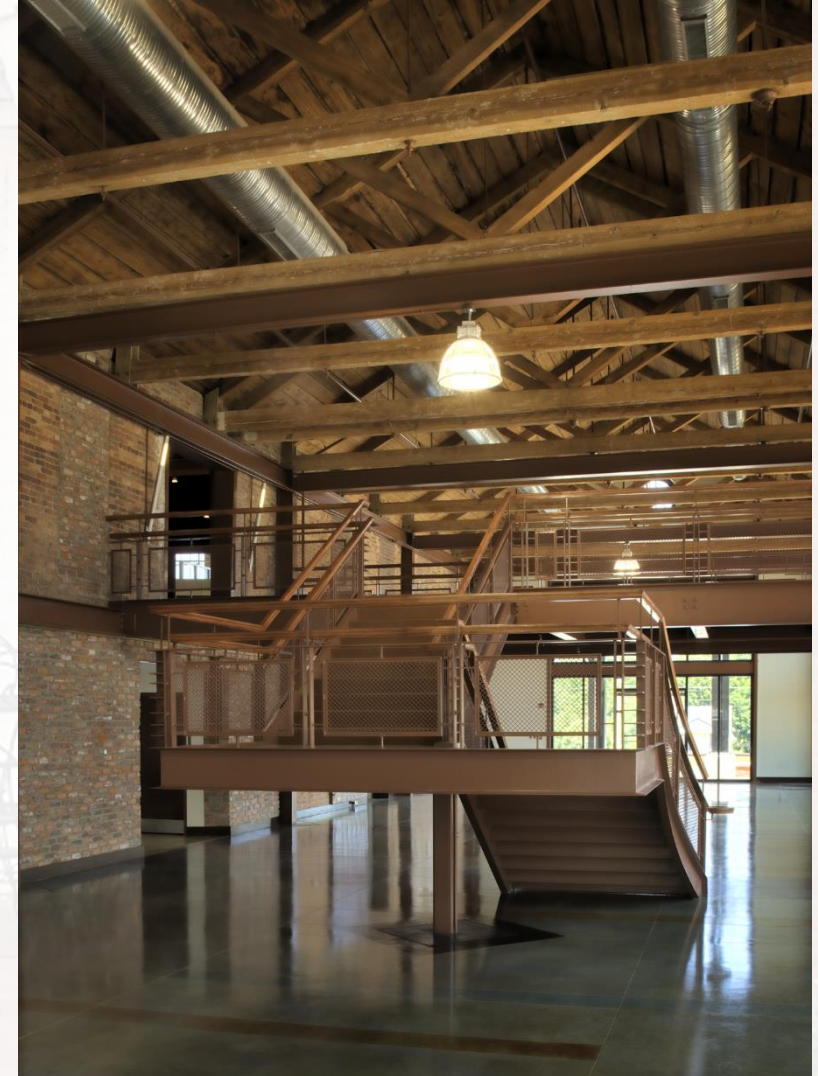
## Mount Holly Citizens' Center Renovations Mount Holly, NC



The Mount Holly Citizens' Center is a historic adaptive reuse of a 57,000 square foot textile mill dated back to the late 19th century. The building includes the Police Department, a police training room, City Council chambers, offices for planning and zoning, utilities, parks and recreation and administration. The building also has leasable retail space on the ground level street frontage.



## Mount Holly Citizens' Center Renovations Mount Holly, NC





## Belmont Police Department Renovation Belmont, NC



The Belmont Police Station is the adaptive re-use of a 16,000 square foot existing mill building located in Belmont, NC. The building contains a police training room, offices and work spaces for administration, patrol, investigation, and records. It also contains a criminal processing area and state-of-the-art communications center.





## The Citadel – Capers Hall Renovations and Additions Charleston, SC



This project is a 104,000 square foot classroom building with a new addition and a renovated wing constructed in the 1940's at the main entrance to campus. The front facade maintains a portion of the built edge that forms the center campus green, and our design approach was to renovate the wing that fronts the green and remove the 1970's addition. The new addition forms a central courtyard based in the vernacular of the campus architecture. Respect of the Moorish aesthetic creates a seamless transition that still allows for contextual ways to increase access to daylight.





Waxhaw Town Hall  
Waxhaw, NC

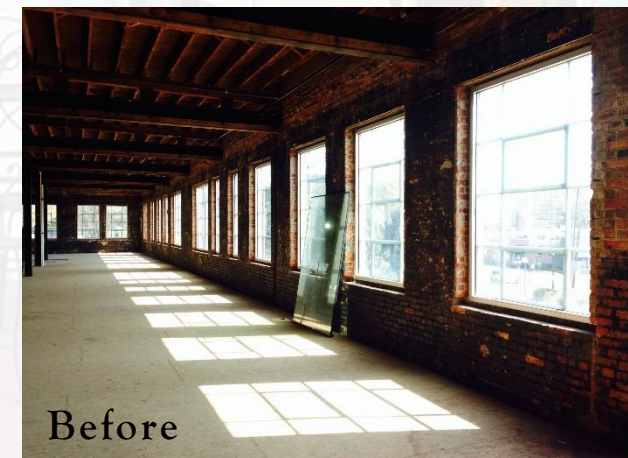




## Grinnell Office Building Charlotte, NC



- 28,300sf building with interior and exterior upgrades
- 1,300sf roof deck addition
- 2014 completion
- Building is on several historic registries



Before



4111 South Blvd  
Charlotte, NC



- 20,000sf renovation of two relocated 1940's-era aircraft hangers
- 2016 completion

Before





4111 South Blvd  
Charlotte, NC





## Ranson Middle School



- 42,000sf addition
- 100,000sf renovation
- \$15M
- 2015 completion



## Harding University High School



- 36,000sf addition
- 130,000sf renovation
- \$15.6M
- 2009 completion



# Davidson IB School Renovation Study



## Preservation Management Plan

- Key Historical Information
- Site Survey Information
- Statement of Significance
- Identification of Character Defining Features
- Documentation of Existing Conditions
- Materials Analyses
- Recommendations for Appropriate Treatments
- Future Compliance Requirements

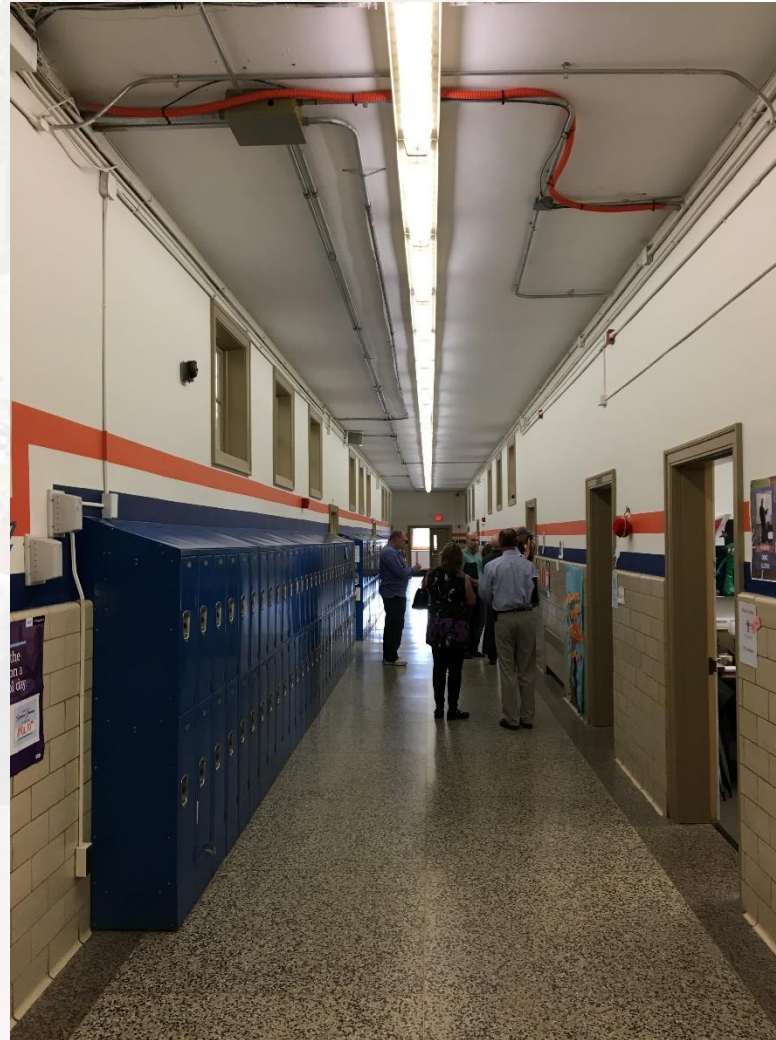


# Davidson IB School Renovation Study





# Davidson IB School Renovation Study





# Davidson IB School Renovation Study

## Opportunities

- Preserve a historically significant building in the community
- Provide appropriate spaces for community functions, the Board of Commissioners, and town administration including growth for 20 years
- Provide an inspiring office environment with amenities like tall ceilings and daylight

## Challenges

- Providing universal accessibility to all spaces in the building in an aesthetically sensitive manner
- Design efficient functional office spaces that are conducive to the existing structure and modules
- Provide a common point of entry with access to town spaces and the CMS North Division office
- Building systems replacement/integration
- Adequate thermal envelope while maintaining historical character





## **Public Comment Policy**

### **DRAFT 3-23-18**

#### **Overview**

In 2005, the North Carolina General Assembly, through the passage of NCGS 160A-81.1, required that each municipality in North Carolina provide a period for public comment at least once per month at a regular meeting of the board of commissioners. The General Assembly gave board of commissioners the authority to adopt rules governing the conduct of the public comment period. The Town of Davidson recognizes the importance of receiving comments from the public. The purpose of the public comment period is to give the public an opportunity to express their views, comments or opinions to the board of commissioners. It is a time for the board of commissioners to listen to the public. The following rules have been established to maintain order and decorum during the public comment period. Furthermore, these rules are designed to ensure fairness to each speaker by establishing rules in advance that will be applied equally to each speaker.

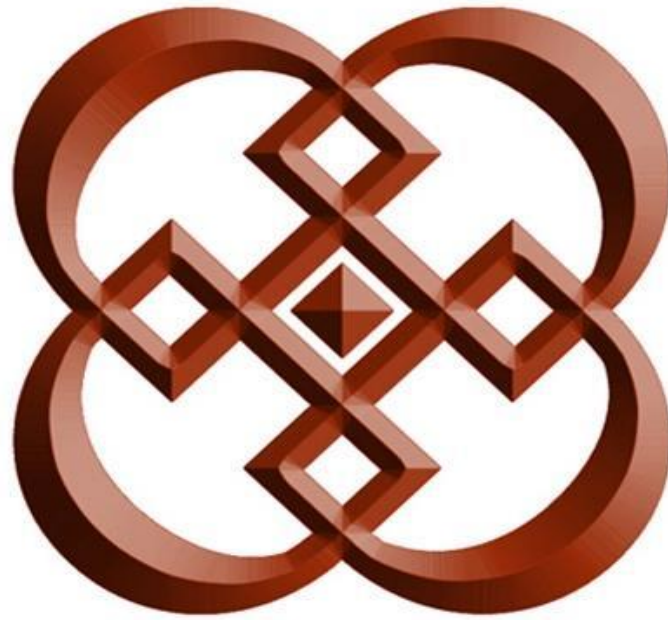
#### **Public Comment Period**

The public comment period shall be reserved as an item of business on the agenda for the board of commissioners' regular meeting, which is currently held on the second Tuesday of each month. All comments to the board of commissioners during the public comment period shall be subject to the following guidelines:

1. Prior to the start of the public comment period, persons wishing to address the board of commissioners will register on a sign-up sheet stationed by the meeting room door. Prior to beginning the public comment period, the Mayor will collect the sign-up sheet and recognize speakers in the order that they registered. Speakers will address the board of commissioners from the podium and special accommodations will be made for persons with a disability with appropriate advanced notice to the Town Clerk. Speakers will be asked to provide their name and address for the record.
2. Speakers may speak on any topic unless it is a topic for which a public hearing is being held on the same regular meeting agenda. Topics must be germane to the Town of Davidson.

2. Each speaker shall be limited to a maximum time of three (3) minutes. Each speaker will only be allowed to speak once during the public comment period. The Town Clerk shall serve as time keeper and the Mayor will promptly announce when the speaker's time has expired.
3. No time may be yielded or transferred from one speaker to another. Each speaker will be concise and avoid repetition. In order to avoid repetition and delay, groups of people supporting the same position are encouraged to designate a spokesperson for the group.
4. The public comment period is not intended to require the board of commissioners and/or any staff to answer any impromptu questions. Board members may ask a speaker to clarify information in order to better understand the speaker's comments. The board of commissioners will not take action on an item presented during the public comment period. Upon completion of the public comment period and when appropriate, the board of commissioners may summarize the comments heard from citizens and the board of commissioners may refer inquiries made during the public comment period to the Town Manager to address as appropriate. If necessary, the item may be added to the agenda of a future meeting, thereby providing the staff an opportunity to research the item and provide data to the board of commissioners for consideration and review.
5. Speakers will address comments to the entire board of commissioners as a whole and not one individual member. Discussions between speakers and members of the audience will not be permitted during the public comment period.
6. Speakers who have prepared written remarks are encouraged to leave a copy of such remarks with the Town Clerk. Speakers who have materials that they want distributed to the board related to the item they plan to discuss during the public comment period, shall provide nine (9) copies of those documents to the Town Clerk prior to the start of the meeting. The Clerk shall distribute the copies to the Davidson Mayor and Board of commissioners, Attorney, and Town Manager and retain one copy for the record.
7. Speakers shall be civil and courteous in their language and presentation. Profanity, vulgar language, inappropriate gestures, insults, personal attacks, accusations, or other inappropriate behavior will not be tolerated.
8. In order to provide for the maintenance of order and decorum in the conduct of the meeting, the Mayor may declare "out-of-order" any person who fails to comply with this policy. The Mayor shall caution any such person to abide by the provisions of this policy. Refusal to do so shall be grounds for removal of the speaker from the meeting.





# *The* Town *of* Davidson

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# Presentation Overview

- Consider change to funding solid waste collection service
- Impact on Homeowners
- Pros and Cons
- Next Steps





# Impact On Homeowners

<b>Effect of Eliminating the Davidson Solid Waste Fee and Increasing Ad Valorem Taxes to \$.39</b>					
<b>Town of Davidson</b>					
Current Ad Valorem Tax Rate	0.35 Per \$100 of assessed value				
Current Home Valuation	\$ 150,000	\$ 300,000	\$ 500,000	\$ 750,000	\$ 1,000,000
Current Ad Valorem Taxes @ \$.35 per \$100	\$ 525	\$ 1,050	\$ 1,750	\$ 2,625	\$ 3,500
Solid Waste Fee Paid	\$ 201	\$ 201	\$ 201	\$ 201	\$ 201
Total Davidson Property Tax Bill	\$ 726	\$ 1,251	\$ 1,951	\$ 2,826	\$ 3,701
Davidson Tax Rate increased to \$.39 per \$100	\$ 585	\$ 1,170	\$ 1,950	\$ 2,925	\$ 3,900
Net Decrease (Increase) in property tax bill	\$ 141	\$ 81	\$ 1	\$ (99)	\$ (199)
Notes:					
This model assumes a \$201 Solid Waste Fee; Residents paying \$60 per year would see an increase to their total tax bill if their homes are valued above \$150,000					
A tax rate increase will also increase ad valorem taxes on vehicles, personal property and business property					



# Pros

- Eliminate Regressive Tax
  - Decrease in net taxes for homes under \$500,000
- Moves revenue back to General Fund bucket
  - Mecklenburg Sales Taxes allocated based on Ad Valorem Levy resulting in higher percentage of sales and use tax allocated to Davidson
- True reflection of tax rate
- Income tax deduction increase on Federal income taxes
- Less administrative time spent administering fees and proprietary fund





# Cons

- Likely higher tax rate as compared to other municipalities in county
- Increase in net taxes for homes valued over \$500,000
- Residents receiving a Homestead exemption (reduces valuation by 50%) are currently exempt from the fee. Therefore, their taxes will increase as they will pay \$.04 per \$100 of net valuation more in Ad Valorem taxes on their adjusted valuation.
- Businesses that pay for their own trash collection and will now double pay for the service
  - Potential Economic Development negative impact
- Not actual relief from annual Continuum contribution at this time
- De-link actual cost of service provided to amount paid by homeowner.



# Next Steps

- Identify impact on business property
- Send correspondence to homeowners with value over \$500,000
- Solicit public input
- Evaluate cost of services under new contract
- Finalize actual tax rate impact
- Board decision: Make necessary budget ordinance changes
- Inform Mecklenburg and Iredell county of tax rate and fee changes





# Discussion

## CHAPTER 17: Watershed Protection Overlay District - Update (March 22, 2018)

[Insert map showing critical watershed area]

### **17.1 Authority and Enactment**

The Legislature of the State of North Carolina has, in Chapter 160A, Article 8, Section 174, General Ordinance Authority; and in Chapter 143, Article 21, Watershed Protection Rules, delegated the responsibility or directed local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. The Davidson Board of Commissioners does hereby ordain and enact into law the text contained herein to satisfy said statutory requirements.

### **17.2 Jurisdiction**

The provisions of this section shall apply only within areas designated as Water Supply Watersheds by the NC Environmental Management Commission and shall be depicted on the Town of Davidson's Watershed map. Where there is a conflict between the regulations contained in this section and any other portion of the Planning Ordinance, the provision of this section shall apply to properties located within a designated Water Supply Watershed area.

### **17.3 Definitions**

For the purpose of interpreting this section, certain words or terms are herein defined. Except as defined herein, or in Section 16 - Definitions, all other words shall have their everyday dictionary definition. Where a term is defined in this section and in Section 16 Definitions, the definition in this section shall apply to this section only.

**Agricultural Use:** The use of waters for stock watering, irrigation, and other farm purposes.

**Animal Unit:** A unit of measurement developed by the US Environmental Protection Agency that is used to compare different types of animal operations.

**Buffer, Vegetative:** An area of natural or planted vegetation through which stormwater runoff flows in a diffused manner so that the runoff does not become channelized and which provides for infiltration of the runoff and filtering of pollutants. The buffer is measured landward from the normal pool elevation of Lake Norman and from the top of the bank on each side of streams.

**Built-Upon Area:** Built-upon areas shall include that portion of a development project that is covered by impervious or partially impervious cover including buildings, pavement, gravel roads, recreation facilities (e.g. tennis courts), etc. (Note: Wooden slatted decks and the water area of a swimming pool are considered pervious.) Built upon areas shall be determined on a project-by-project basis.

**Cluster Development:** ...

**Composting Facility:** A facility in which only stumps, limbs, leaves, grass and untreated wood collected from land clearing or landscaping operations is deposited.

**Commented [LL1]:** Remove definition—Cluster Developments aren't an allowed development type in Davidson.



**Critical Area:** The area adjacent to a water supply intake or reservoir where risk associated with pollution is greater than from the remaining portions of the watershed. The critical area is defined as extending either one-half mile from the normal pool elevation of the reservoir in which the intake is located or to the ridge line of the watershed (whichever comes first); or one-half mile upstream from the intake located directly in the stream or river (run-of-the-river), or the ridge line of the watershed (whichever comes first). Major landmarks such as highways or property lines may be used to delineate the outer boundary of the critical area if these landmarks are immediately adjacent to the appropriate outer boundary of one-half mile.

**Development:** Any land disturbing activity which adds to or changes the amount of impervious cover on a land area or which otherwise decreases the infiltration of precipitation into the soil.

**Discharging Landfill:** A facility with liner, monitoring equipment and other measures to detect and/or prevent leachate from entering the environment and in which the leachate is treated on site and discharged to a receiving stream.

**Expansion:** Any walled and roofed extension of or increase in the floor area or height of an existing building connected by a load-bearing wall; and/or, an increase in the built-upon area to site components such as parking, improvements, or other structures.

**Existing Development:** Projects that are built or projects that have established a vested right under North Carolina zoning law as of the effective date of this ordinance (October 1, 1993) based on at least one of the following criteria:

- (a) Having an approved site specific or phased development plan; or
- (b) Having an outstanding valid building permit; or
- (c) Substantial expenditures of resources (time, labor, money) based on a good faith reliance upon having received a valid local government approval to proceed with the project.

**Existing Lot of Record:** A lot which is part of a subdivision, a plat of which has been recorded in the Office of the Register of Deeds prior to October 1, 1993 of this ordinance, or a lot described by metes and bounds, the description of which has been recorded prior to October 1, 1993. (Note: This definition containing the October 1, 1993 stipulation shall be applicable only to Section 17 of this ordinance.)

**Hazardous Material:** Any substance listed as such in: SARA Section 302, Extremely Hazardous Substances, CERCLA Hazardous Substances, or Section 311 or CWA (oil and hazardous substances).

**High Density Option:** Any development which exceeds 24 percent built-upon area (BUA), requiring engineered stormwater control devices approved by the Town of Davidson as prescribed by the Environmental Management Commission's adopted Water Supply Watershed Protection rules.

**Industrial Development:** Any non-residential development that requires an NPDES permit for an industrial discharge and/or requires the use or storage of any hazardous material for the purpose of manufacturing, assembling, finishing, cleaning, or developing any product or commodity.

**Landfill:** A facility for the disposal of solid waste on land in a sanitary manner in accordance with Chapter 130A, Article 9 of the N.C. General Statutes. For the purpose of Section 17, this term does not include compost facilities.

**Commented [LL2]:** This definition was added to help distinguish between what constitutes an expansion and a demolition.

**Commented [LL3]:** A definition for Existing Development was added per Meck. County recommendation. This was not previously defined in Section 17 of the ordinance, but the term is referenced several times in this section.

**Commented [LL4]:** NCDEQ suggested this revision— In the current ordinance, the definitions of high/low density are based on whether or not a development contains engineered stormwater. In practice, however, a development is determined to be high or low density based on the proposed built-upon area (BUA). If a development is over 24% BUA it's high density. Then because it is high density, engineered stormwater is required. The revisions clarify the criteria are based on BUA and not engineered stormwater.

**Low Density Option:** Any development which does not exceed 24 percent built-upon area (BUA).

**Plat:** A map or plan of a parcel of land which is to be, or has been subdivided.

**Protected Area:** The area adjoining and upstream of the critical area in a WS-IV water supply in which protection measures are required. The boundaries of the protected areas are defined as extending five miles upstream and draining to water supply reservoirs (measured from the normal pool elevation) or to the ridge line of the watershed (whichever comes first); or ten miles upstream and draining to the intake located directly in the stream or river (run-of-the-river), or to the ridge line of the watershed (whichever comes first). Major landmarks such as highways or property lines may be used to delineate the outer boundary of the protected area if these landmarks are immediately adjacent to the appropriate outer boundary of five or ten miles. In some cases the protected area will encompass the entire watershed.

**Redevelopment:** Rebuilding activities, including demolition, on land containing built upon area as of the effective date of this ordinance (October 1, 1993).

**Residential Development:** Buildings for residence such as attached and detached single-family dwellings, apartment complexes, condominiums, townhouses, cottages, etc. and their associated outbuildings such as garages, storage buildings, gazebos, etc. and customary home occupations.

**Toxic Substance:** Any substance or combination of substances (including disease causing agents), which after discharge and upon exposure, ingestion, inhalation, or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains, has the potential to cause death, disease, behavioral abnormalities, cancer, genetic mutations, physiological malfunctions (including malfunctions or suppression in reproduction or growth) or physical deformities in such organisms or their offspring or other adverse health effects.

**Variance, Major:** A variance from the minimum **Town's** watershed protection rules that results in any one or more of the following:

1. The relaxation by a factor greater than five percent of any buffer, density or built-upon area requirement under the high density option;
2. Any variation in the design, maintenance, or operation requirements of approved stormwater management systems;
3. The relaxation by a factor greater than 10 percent of **any buffer, density or built-upon area** requirement under the low density option.

**Variance, Minor:** A variance from the minimum **Town's** watershed protection rules that results in any one or more of the following:

1. The relaxation by a factor of up to, and including, five percent of any buffer, density or built-upon area requirement under the high density option;
2. The relaxation by a factor up to, and including, 10 percent of **any buffer, density or built-upon area** requirement under the low density option.

**Watershed:** The entire land area contributing surface drainage to a specific point (e.g. the water supply intake).

**Commented [LL5]:** NCDEQ suggested this revision—see comment for High Density Option definition.

**Commented [LL6]:** Definition added per Meck. County recommendation. Redevelopment is not defined in the current version of Section 17.

**Commented [LL7]:** NCDEQ suggested this revision—The definition for Variance, Major was revised to match the Environmental Management Commission's (EMC) definition. The EMC would not issue a decision on a variation that is not a major variance as they define in 15A NCAC 2B .0202(42):

Major variance means a variance from the minimum statewide watershed protection rules that results in the relaxation, by a factor greater than five percent of any buffer, density or BUA requirements under the high density option; any variation in the design, maintenance or operation requirements of a wet detention pond or other approved stormwater management system; or relaxation by a factor greater than 10 percent of any management requirement under the low density option.

**Commented [LL8]:** This was added to clarify that the variance is from a town standard, which are often more stringent than state standards. This change also applies to the Variance, Minor definition.

**Commented [LL9]:** NCDEQ suggested this revision to match the EMC's definition in 15A NCAC 2B .0202(43):

Minor variance means a variance from the minimum statewide watershed protection rules that results in a relaxation, by a factor of up to five percent of any buffer, density or BUA requirement under the high density option; or that results in a relaxation by a factor up to 10 percent of any management requirement under the low density option.

Example: Under the current Section 17, a request to increase BUA by less than 10 percent under the low density option would be considered a major variance to the Town but a minor variance by the EMC's rule

**Commented [LL10]:** This language was added to be consistent with Item 1. in each definition, Variance Major/Minor. The previous language was inconsistent and not clear ("...land management requirement...").



## **17.4 Effective Date and Adoption Date**

Section 17 shall take effect and be in force on October 1, 1993. The Davidson Board of Commissioners adopted it on September 14, 1993.

## **17.5 Rules Governing the Interpretation of Watershed District Boundaries**

Where uncertainty exists as to the boundaries of the watershed areas, as shown on the Davidson Watershed Map, the following rules shall apply:

1. Where watershed district boundaries are indicated as approximately following either street, alley, railroad or highway lines or center lines thereof, such lines shall be construed to be the watershed district boundaries.
2. Where watershed district boundaries are indicated as approximately following lot lines, such lot lines shall be construed to be the watershed district boundary. However, a surveyed plat prepared by a registered land surveyor may be submitted to the Planning Director as evidence that one or more properties along these boundaries do not lie within the watershed area.
3. Where the watershed district boundary lies at a scaled distance of more than 25 feet from an adjoining lot line, the location of the watershed district boundary shall be determined by use of the scale appearing on the map.
4. Where the watershed district boundaries lie at a scaled distance of twenty-five (25) feet or less from any parallel lot line, the location of watershed area boundaries shall be construed to be the lot line.
5. Where other uncertainty exists, the Planning Director shall interpret the Davidson Watershed Map to determine the location of such boundaries. This decision may be appealed to the Board of Adjustment.

**Commented [LL11]:** Added per Meck. County recommendation to clarify the procedure for when the watershed boundary lies 25 feet or less from any parallel lot line.

**Commented [LL12]:** Added per Meck. County recommendation to clarify the procedure for when other uncertainty exists.

## **17.6 Exceptions to Applicability**

Nothing contained herein shall repeal, modify, or amend any Federal or State law or regulation, or any ordinance or regulation pertaining thereto except any ordinance which these regulations specifically replace; nor restrict any provisions of the Davidson Planning Ordinance; however, the adoption of the Watershed Protection Ordinance shall and does amend any and all ordinances, resolutions, and regulations in effect within the planning jurisdiction of the Town of Davidson (as depicted in the Davidson Planning Areas map) at the time of the adoption of the ordinance that may be construed to impair or reduce the effectiveness of this ordinance or to conflict with any of its provisions.

It is not intended that these regulations interfere with any easement, covenant or other agreements between parties. However, if the provisions of these regulations impose greater restrictions or higher standards for the use of a building or land, then the provisions of these regulations shall control.

Nonconformities shall follow the requirements of Section 12 of the Davidson Planning Ordinance.

**Commented [LL13]:** This statement was moved to the start of 17.6 since it applies to the entire section rather than just 17.6.1-2.

**Commented [LL14]:** Section revised per Meck. County recommendation. Under the current Section 17, "Expansions to structures classified as existing development on any lot other than a lot containing a single-family residence as the principle use must meet the requirements of this ordinance..."

The suggested revision removes the exemption for expansions to existing single-family residential development.

**Commented [LL15]:** The words "Expansions to" were added to clarify what the following standards address.

### **17.6.1 Expansions to Existing Development**

Existing development, as defined in this ordinance, is not subject to the requirements of this section. Expansions to structures classified as existing development must meet the requirements of this section, however the built-upon area of existing development is not required to be included in the impervious

calculations. If structures classified as existing development are removed, the parcel's built-upon-area must comply with the standards of this ordinance.

For expansions to existing development that do not qualify as high-density, enhanced stormwater practices shall be used to treat stormwater runoff. Practices must be approved by the Planning Director, in consultation with Charlotte-Mecklenburg Stormwater Services. These practices shall be appropriately scaled and tailored to each site, and include but are not limited to: Installation of a rain garden, bioswale, vegetated swale, infiltration trench/drain (i.e. French drain), or downspout modification (i.e. distribution to a garden, trench, or rain barrel).

**Commented [LL16]:** This text was added so that expansions, that will result in more than 24% BUA on a site, are required to provide some level of low-cost, targeted stormwater treatment to help compensate for the additional BUA on a lot.

### **17.6.2 Existing Lot of Record**

A.

1. An existing, undeveloped lot of record, as defined in this ordinance, regardless of whether a vested right has been established, may be developed or used for a single family detached house subject only to the buffer requirements and not subject to the other provisions of this ordinance. However, this exemption shall not be applicable to an existing lot of record on which a structure has been demolished, or multiple contiguous lots under single ownership developed collectively as part of the same development process.
2. An existing lot (lot of record) as defined in this ordinance, owned by the same person or immediate family member of that person prior to the effective date of these regulations, regardless of whether or not a vested right has been established, may be developed or redeveloped for single family residential purposes subject only to the buffer requirements and not subject to the other provisions of this ordinance. However, this exemption shall not be applicable to multiple contiguous lots under single ownership developed collectively as part of the same development process.

**Commented [LL17]:** In order to treat residential lots equally, the text has been revised to remove these exemptions. Exemption 1 is believed to affect less than 30 lots and Exemption 2 is not legal (i.e. case law prohibits treating land owners differently based on tenure).

### **17.6.3 Nonconforming Situations**

### **17.6.4 Existing Development**

**Commented [LL18]:** Remove per Meck. County recommendation as this section is not applicable and conflicts with DPO Section 12 Nonconformities

### **17.6.3 Redevelopment**

- A. Redevelopment, as defined in this ordinance, shall comply with the Davidson Planning Ordinance subject to item B. below.
- B. Redevelopment, as defined in this ordinance, is not subject to the requirements of this ordinance if located in the following planning areas and meeting the specified conditions:
  1. Area A:
    - a. Location: Village Commerce or Village Center parcels within the block bounded by Depot, Main, and Jackson Streets.
    - b. Conditions:
      1. The redevelopment will not result in a net increase in built upon area from the previous development and will provide greater or equal storm water control than the previous development; or
      2. The redevelopment will result in the disturbance of less than one acre.
  2. Area B:
    - a. Location: Village Center parcels along the north side of Depot Street and Village Commerce parcels west of Jackson Street.
    - b. Conditions:

**Commented [LL19]:** Remove—this section is a repeat of Section 17.6.1

**Commented [LL20]:** Section added based on feedback from Meck. County and land owners in the Village Center/Village Commerce Planning Areas. Allows for flexibility in the redevelopment of properties in downtown within the minimum statewide watershed protection rules.



1. The redevelopment will not result in a net increase in built upon area from the previous development and will provide engineered stormwater controls if the built-upon area exceeds 24%; or
2. The redevelopment will result in the disturbance of less than one acre.

### **17.7 Watershed Subareas Established**

The purpose of this section is to list and describe the various watershed subareas herein created. The following subareas shall be in place and are depicted on the Davidson Watershed Map:

- a) Critical Area: The Critical Area is defined as the land area which begins at the normal pool elevation of Lake Norman and extends one-half mile inland or to the ridgeline, whichever is closest, as shown more specifically on the Town of Davidson watershed map.
- b) Protected Area: There is no Lake Norman Protected Area located within the jurisdiction of the Town of Davidson.

**Commented [LL21]:** Revised per Meck. County recommendation to clarify that there is no Protected Area within the town (FYI: Protected Areas are geographically determined and because all Davidson's land is so close to the lake it's all considered Critical Area).

#### **17.7.1 Critical Area (CA)**

The intent of these regulations is to require higher standards in the Critical Area of the Lake Norman Watershed because of the greater risk of degradation of the drinking water supply from pollution. All uses permitted in the Critical Area are subject to the standards of the both the watershed subarea and underlying zoning district. In every case the more restrictive standard controls.

**Commented [LL22]:** Revised per Meck. County recommendation to clarify the intent of the watershed regulations.

##### **17.7.1.1 Allowed Uses (Only if Permitted in the Underlying Planning Area)**

- A. Agriculture subject to the provisions of the Food Security Act of 1985 and the Food, Agriculture, Conservation and Trade Act of 1990. Agricultural activities conducted after January 1, 1993 shall maintain a minimum ten foot vegetative buffer, or equivalent control as determined by the Soil and Water Conservation Commission, along all perennial waters indicated on the most recent versions of U.S.G.S. 1:24,000 (7.5 minute) scale topographic maps. Animal operations with greater than 100 animal units shall employ Best Management Practices by July 1, 1994 as recommended by the Soil and Water Conservation Commission. (Note: The Soil and Water Conservation Commission is the designated management agency responsible for implementing the provisions of Section 16 relating to agricultural activities.)
- B. Silviculture, subject to the provisions of the Forest Practices Guidelines Related to Water Quality (15 NCAC 11.6101-0209).
- C. Residential development.
- D. Non-residential development (i.e. commercial, institutional, or industrial development) excluding: (i) the storage of toxic and hazardous materials unless a spill containment plan is implemented; (ii) landfills; and (iii) sites for land application of sludge/residuals or petroleum contaminated soils.

**Commented [LL23]:** Remove superfluous language in existing Section 17

**Commented [LL24]:** Revised per Meck. County recommendation.

Language referencing a maximum of two dwelling units per acre for residential development was removed. We do not differentiate residential development from other development types in regards to maximum BUA requirements.

Meck. County suggested adding a Reserve Built-Up-On Area requirement for residential development to allow for homeowners to add additional BUA in the future and still be within the maximum 24% BUA (i.e. patios).

##### **17.7.1.2 Built-Up-On Area Limits**

All development must comply with the built-upon area limits of either the Low Density or High Density Option as described below. When calculating the built-upon area, total project area shall include total contiguous acreage in of the adjacent or adjoining tract(s) on which the project is to be developed.

**Commented [LL25]:** Including this word means that only the actual project site is used to determine BUA limits. This prevents projects with multiple, non-contiguous parcels from using the BUA from nearby but undeveloped parcels to build more on the project site parcel.

Note: For the purposes of the watershed ordinance, the terms Low and High Density describe a site's built-upon area (i.e. land coverage); they do not describe units per acre.

- A. **Low Density Option:** Development shall not exceed a built-upon area of 24 percent on a project by project basis.
- B. **High Density Option:** Development shall not exceed a built-upon area of 50 percent on a project-by-project basis. Note: Control structures must be used to treat storm water as explained in Section 17.7.3.
- C. **Reserve Built-Upon Area:** Development or redevelopment of a Detached House, Attached House, or Townhome approved after (effective date of ordinance revision) shall reserve, at minimum, 1% of the lot area but not less than 150 sq. ft. impervious area per lot to allow for addition of future impervious areas by homeowner/occupant. Such reserve built-upon area shall be treated as part of the built-upon area for the purposes of calculating the 24 percent and 50 percent maximum BUA set forth in A. and B. of this Section 17.1.1.2.

**Commented [LL26]:** This sentence clarifies that these terms refer to the amount of hardscape on a site (i.e. land coverage) and not units/acre.

#### 17.7.2 Cluster Development

**Commented [LL27]:** Remove per Meck. County recommendation. Cluster Developments have not been applied in Davidson.

#### 17.7.3 High Density Option

##### A. General Requirements

The Planning Director may approve a project using the high-density option consistent with the following standards:

- 1. **Critical Area:** Engineered storm water controls shall be used to control runoff from the first inch of rainfall for development which contains a built-upon area of greater than 24 percent to 50 percent on a project-by-project basis. Individual single-family detached houses are not eligible to utilize engineered stormwater controls to meet this section's requirements.
- 2. **Protected Area:** There is no Lake Norman Protected Area located within the jurisdiction of the Town of Davidson.

**Commented [LL28]:** Revised per Meck. County recommendation. Clarifies that Davidson has no Protected Area within our jurisdiction. See comment for 17.7 for further explanation.

**Commented [LL29]:** Meck. County does not allow these property types to install stormwater facilities for credit towards the requirements because they would require legal agreements with Meck. County for their design, operations, inspections and maintenance.

##### B. Inspection Fees

The Town reserves the right to conduct inspections in accordance with this ordinance. A fee in accordance with the fee schedule approved by the Planning Director shall be required to be paid by the owning entity prior to each inspection being conducted.

##### C. Operation and Maintenance Plan

- 1. Any stormwater control structure approved by the Planning Director shall be prepared by a North Carolina registered professional engineer or landscape architect (to the extent that the General Statutes allow) and predicated on the developer and the Town entering into a binding operation and maintenance plan. The plan shall require the owning entity of the structure(s) to maintain, repair, and, if necessary, reconstruct said structure(s) in accordance with the operation and maintenance plan provided by the developer to the Town. The plan must be approved by the Planning Director prior to, or in conjunction with, approval of the high density option for said project.
- 2. A separate plan must be provided by the developer for each stormwater control structure, containing, at a minimum, what operation and maintenance actions are needed and will be undertaken, what specific quantitative criteria will be used for determining when those



actions are to be taken, and who is responsible for such actions. The Plan shall clearly indicate what steps will be taken for restoring a stormwater control structure to design specifications if a failure occurs.

3. Amendments to the plan and/or specifications of the stormwater control structure(s) may only be approved by the Planning Director. Proposed changes shall be prepared by a North Carolina registered professional engineer or landscape architect, (to the extent that the General Statutes allow) and submitted to the Planning Director for approval. Such amendments shall be accompanied by all information and fees prescribed by this ordinance.
4. If the Planning Director finds that the plan, once approved, is inadequate for any reason, the Planning Director shall notify the owning entity of any changes mandated by the Town and a time-frame in which changes to the plan shall be made.

#### **D. Post of Financial Securities**

All new stormwater control structures approved employing the high density option shall be conditioned on the posting of adequate financial assurances for the purpose of constructing, maintaining, repairing or reconstructing said devices.

1. A surety bond or equivalent security shall be posted in accordance with Davidson Planning Ordinance requirements (6.11 Improvement Guarantees). ~~the amount not less than 1.25 times the cost of constructing required stormwater control structures.~~
2. Once the stormwater control structure(s) has been constructed and inspected in the manner provided for in this ordinance, and approved by the Planning Director, the Planning Director may authorize the release of up to 75 percent of the surety bond or other equivalent security outlined above. The remaining portion of the surety bond or equivalent security may be released to the owning entity in accordance with this ordinance.
3. Prior to said release, the applicant shall be required to deposit with the Town either cash or a similar instrument approved by the Planning Director in an amount equal to 15 percent of the total construction cost or 100 percent of the cost of maintaining, repairing, or reconstructing said structure(s) over a 20-year period, whichever is greater. The estimated cost of maintaining the stormwater control structure(s) shall be consistent with the approved Operation and Maintenance Plan provided by the applicant as outlined in this section.

**Commented [LL30]:** This text was added to reference existing Town of Davidson requirements, ensuring that the bond fees paid are consistent with established processes.

#### **E. Default**

1. Upon default of the applicant to complete the stormwater control structure(s) as detailed in the surety bond or other equivalent security, the Planning Director may obtain and use all or any portion of the funds necessary to complete the improvements based on actual construction costs. The Planning Director shall return any funds not spent in completing the improvements to the owning entity.
2. Upon default of the owning entity to maintain, repair and, if necessary, reconstruct the stormwater control structure in accordance with the approved Operations and Maintenance Plan, the Planning Director shall obtain and use any portion of the cash security outlined in Section 17.7.3.E to make necessary improvements based on an engineering estimate provided by the Town.

**F. Vegetation and Grounds Management**

1. Landscaping and grounds management shall be the responsibility of the owning entity of said structure(s). Vegetation shall not be established or allowed to mature to the extent that the integrity of the structure(s) is in any way threatened or diminished, or to the extent of interfering with any easement or access to the structure.
2. Except for routine landscaping and grounds maintenance, the owning entity shall notify the Planning Director prior to any repair or reconstruction of the structure. All improvements shall be consistent with the approved plan and specifications for that structure. After notification by the owning entity, the Town shall inspect the completed improvements and inform the owning entity of any required additions, changes, or modifications needed to complete said improvements. A fee, in accordance with a fee schedule adopted by the Planning Director shall be charged to the owning entity for any inspections (and re-inspections). A time period for making such changes shall also be stipulated by the Town.

**G. Inspections**

**1. Inspections of Newly Constructed Stormwater Structures**

All new stormwater control structures shall be inspected by the Planning Director or his/her designee after the owning entity notifies the Planning Director that all construction has been completed. At this inspection the owning entity shall provide:

- a. The signed deed, related easements, and survey plat for the structure in a manner suitable for filing with the Register of Deeds, if ownership of the stormwater control structure(s) is to be transferred to another person, firm or entity. (This requirement will be waived for any repair work when such deed has previously been filed.)
- b. A certification by a professional engineer or landscape architect (to the extent allowable by the North Carolina General Statutes) stating that the stormwater control structure is complete and consistent with the approved plan and all specifications previously stipulated by the Town.
- c. The Planning Director shall review the materials submitted by the owning entity along with the Town's inspection for approval. If the Planning Director approves the inspection report and accepts the certification, deed, and easements, the Planning Director shall file said deed and easements with the Register of Deeds. Release of up to 75 percent of the surety bond or other equivalent security called for in Section 17.7.3.C shall be made in a manner as prescribed in this ordinance.
- d. If deficiencies are found as a result of the inspection, the Planning Director shall direct the owning entity to make necessary improvements. Re-inspections will be made thereafter. No release of any funds shall be made by the Town until all deficiencies are properly addressed to the Town's satisfaction.
- e. No sooner than one year after approval of the stormwater control structure(s) by the Town, the owning entity may petition the Planning Director to release the remaining value of the surety bond or equivalent security called for in Section 17.7.3.C. Upon receipt of said petition, the Town shall inspect the stormwater



control structure(s) to determine whether the structure(s) is performing as designed and intended. Once the inspection is made, the Planning Director shall present the inspection report and recommendations to the Board of Commissioners.

- f. An occupancy permit shall not be issued for any building within the permitted development until the Planning Director has approved the stormwater control structure(s) in a manner as herein prescribed.

## **2. Annual Inspection of Stormwater Structures**

a. All stormwater control structures shall be inspected by the Town or their designated agents on an annual basis to determine whether the structures are performing as designed and intended. Records of inspection shall be maintained as approved by the Planning Director. Annual inspections shall begin one year after approval of the stormwater control structure(s) by the Planning Director. A fee, in accordance with a fee schedule adopted by the Planning Director, may be charged to the owning entity for annual inspections (and re-inspections). A copy of each inspection report shall be filed with the Planning Director.

b. In the event the Town's report indicates the need for corrective action or improvements, the Planning Director shall notify the owning entity of the needed improvements and the date by which such improvements are to be completed. All improvements shall be consistent with the adopted Operation and Maintenance plan and specifications. Once such improvements are made, the owning entity shall forthwith contact the Planning Director and ask that an inspection be made.

## **H. Stormwater Control Structure Specification**

1. All stormwater control structures shall be designed by either a North Carolina registered professional engineer or a landscape architect (to the extent that the General Statutes allow).
2. Stormwater control structures shall treat the runoff generated from the first inch of rainfall.
3. Stormwater control structures used to meet these requirements shall be designed to have a minimum of 85% average annual removal for Total Suspended Solids.
4. Stormwater control structures shall be installed to control the volume leaving the project site at post-development for the 1-year, 24-hour storm. Runoff volume drawdown time shall be a minimum of 24 hours, but not more than 120 hours.
5. Stormwater control structures shall be designed in accordance with the Charlotte-Mecklenburg BMP Design Manual.
6. In addition to the required vegetative filters, all land areas outside of the pond shall be provided with a ground cover sufficient to restrain erosion within 30 days after any land disturbance. Upon completion of the stormwater control structure, a permanent ground cover shall be established and maintained as part of the Operation and Maintenance plan described in this ordinance.

**Commented [LL31]:** Section revised based on Meck. County stormwater control requirements (Charlotte-Mecklenburg BMP Design Manual).

7. A description of the area containing the stormwater control structure(s) shall be prepared and recorded as a separate deed with the Register of Deeds along with any easements necessary for general access to the stormwater control structure(s) should ownership (and maintenance) of the stormwater control structure(s) be transferred to another person, firm or entity. The deeded area shall include the detention pond, vegetative filters, all pipes and water control structures, berms, dikes, etc., and sufficient area to perform inspections, maintenance, repairs, and reconstruction.

**I. Planning Director Approval Process on High Density Application**

The Planning Director shall either approve an application for the high density option, approve the application with fair and reasonable conditions, or disapprove such an application based upon the applicable criteria contained in this Ordinance.

1. If the Planning Director approves the application, such approval shall be predicated on: a) the owning entity and the Town entering into a binding Operation and Maintenance plan as indicated in Section 17.7.3.B and b) the posting of a surety bond or other equivalent security as provided in Section 17.7.3.C. Such approval shall be indicated on the application and on both copies of the plans submitted with the application. A copy of the approved application and one copy of the plans shall be returned to the applicant.
2. If the Planning Director disapproves the application, the reasons for such action shall be sent by first class mail [Remove unless state statute requires first class mail] by the Planning Director to the applicant within five working days of the disapproval. The applicant may make revisions or changes and submit a revised plan. The application fee may be waived if the Planning Director determines the changes are not substantial.

**17.7.4 Buffer Areas Required**

**A. Vegetative Buffers**

Developments must place or maintain undisturbed vegetative buffers, except as specifically provided in this section, along the shoreline of Lake Norman measured horizontally by a licensed land surveyor from the full pond elevation (760' contour) and along each side of all perennial streams (as indicated on the most up-to-date version of a U.S.G.S. 1:24,000-7.5 minute map or as otherwise determined by local government studies) measured from the top of the bank on each side on the stream. Minimum buffer widths are 40 feet if the low density option is used or 100 feet if the high density option is used.

The following actions may not be undertaken without Planning Director approval:

- Restoration: Desirable artificial stream bank or shoreline stabilization.
- Removal: The removal of dead or diseased trees. Removal of underbrush is not permitted in the buffer except at approved pathways and locations.
- Tree Limbing: At approved locations, trees may be limbed up to half the distance of their height, not to exceed 15 feet above grade.

**B. Development in the Buffer**

No new development is allowed in the vegetative buffer area except for public projects such as road crossings and greenways, where no practical alternative exists. These activities should minimize built-

**Commented [LL32]:** Revised per Meck. County recommendation to clarify how buffers are measured and what actions may be undertaken within buffer areas with Planning Director approval.



upon surface area, direct runoff away from the surface waters and maximize the utilization of stormwater Best Management Practices.

#### **17.7.5 Public Health Regulations**

No activity, situation, structure or land use shall be allowed within a WS district which poses a threat to water quality and the public health, safety, and welfare. Such conditions may arise from inadequate on-site sewage systems which utilize ground absorption; inadequate sedimentation and erosion control measures; the improper storage or disposal of junk, trash, or other refuse within a buffer area; the absence or improper implementation of a spill containment plan for toxic and hazardous materials; the improper management of stormwater runoff; or any other situation found to pose a threat to water quality.

The Planning Director shall monitor land use activities within all WS districts to identify situations that may pose a threat to water quality. The Planning Director shall report all findings to the proper agency to handle the threat and/or the Board of Commissioners. The Planning Director may consult with any public agency or official and request recommendations. Where the Planning Director finds a threat to water quality and the public health, safety, and welfare, the Planning Director shall institute any appropriate action or proceeding to restrain, correct or abate the condition and/or violation as herein authorized.

#### **17.7.6 Amendments to Regulations Pertaining to a WS District**

Under no circumstances shall the Board of Commissioners adopt any amendment, addition, or deletion that would cause these regulations to violate the watershed protection rules as adopted by the NC Environmental Management Commission. Any amendment to the boundaries of any particular Water Supply Watershed District shall be referred to the NC Division of Environmental Management, NC Division of Environmental Health, and the NC Division of Community Assistance for their review prior to adoption. Otherwise, amendments to the regulations contained in Section 17 shall follow procedures prescribed in Section 14.

#### **17.7.7 Variances**

The following sub-sections describe the process for pursuing a variance within the Lake Norman Critical Watershed:

**A. Minor Variance:** ~~See 17.3 for a description of what constitutes a minor variance.~~

- 1. Approval Required:** A minor variance as defined in this ordinance and subject to the regulations contained herein may only be granted upon a 4/5 affirmative vote of the Board of Adjustment.
- 2. Application Form & Fee:** An application for a minor variance shall be on a form prescribed by the Town and shall be accompanied by a fee, the amount of which is in accordance with a fee schedule established by the Town. An application will not be considered complete unless it contains all information required and is accompanied by said fee. The application shall be accompanied by a map clearly identifying the subject property and all contiguous pieces of properties (including all properties traversed and/or separated by a road, stream, right-of-way or any similar natural or man-made configuration). In addition, a list of names and

addresses of the owners of said properties, from the most recent official tax records, shall be provided by the applicant. All applications shall be submitted to the Planning Director.

3. Application Completeness Determined: Once having received an application, the Planning Director shall have five working days to determine its completeness. If he determines that the application is not complete, he shall serve a written notice on the petitioner specifying the application's deficiencies. The Planning Director shall take no further action on the application until the deficiencies are remedied. If the Planning Director fails to so notify the petitioner, the application shall be deemed complete. **Once the application is deemed complete**, the Board of Adjustment shall hold a public hearing on the application.
4. Scheduling the Board of Adjustment Meeting: The Planning Director, having determined that an application is complete, shall place the application on the agenda of the next Board of Adjustment regular or special meeting occurring at least fifteen days thereafter.
5. Public Hearing Notification: Notification of said Board of Adjustment public hearing shall be as follows:
  - a. Preparation/Content: **Notices shall include** a description of the minor variance request; indicate the nature of the public hearing; and, list and the date, time, and place at which the hearing is to occur. Notices shall **be prepared by the applicant using text provided by the Town.**
  - b. Recipients: Notices shall be sent by first class mail to the following:
    - i. Local Governments: The Clerk of all municipal and county governments having jurisdiction within the same watershed; and
    - ii. Major Water Consumers: Any major consumer of water whose point of intake lies within the same watershed.
  - c. Mailing/Date: Notices shall be sent by the Town by first class mail at least **10** days prior to the public hearing.
  - d. Comments Received: Any comments received from notified local governments or major water consumers regarding a minor variance request shall become part of the record of proceedings.
6. Public Hearing: The Board of Adjustment shall conduct the public hearing in a quasi-judicial manner. All persons giving evidence shall be sworn in by the **board** Chairman. In all matters coming before the Board of Adjustment, the applicant shall have the burden of providing clear, competent and material evidence in support of the application. The Board of Adjustment shall base their recommendation on the testimony given at the public hearing and on any comments received from notified local governments or major water consumers regarding the major variance request. The testimony, comments and evidence shall become part of the record of proceedings.
7. Board of Adjustment Recommendation: The Board of Adjustment shall make a recommendation on a minor variance involving property located within a Water Supply Watershed Overlay District no later than 30 days from the close of the public hearing. The Board of Adjustment may recommend a variance only after each of the findings found in Section 14 of the Planning Ordinance are found in the affirmative. Recommendations shall be in one of the following forms:

**Commented [LL33]:** 10 is consistent with state notification statutes.



- a. Recommend approval of the variance if the findings of fact in Section 14 are found in the affirmative; or
- b. Recommend approval of the variance with fair and reasonable conditions attached if the findings of fact in Section 14 are found in the affirmative; or
- c. Recommend denial of the variance if at least one finding of fact in Section 14 is found in the negative.

The **concurrent?** [ASK CINDY] vote of four-fifths (4/5) of the voting members of the Board of Adjustment shall be necessary to make a recommendation for approval of a minor variance application involving property located within a **Water Supply** Watershed Overlay District.

8. **Record of Decision:** If the Board of Adjustment makes a favorable recommendation on a major variance application (with or without additional conditions or safeguard) or fails to make any recommendation on the major variance application within the specified time period, the Planning Director shall prepare a record of the public hearing which shall include the following:

- a. The variance application;
- b. Evidence that proper notification of the **Board of Adjustment** public hearing has been made;
- c. A summary of evidence presented, including comments submitted from other local governments or major water consumers within the same watershed jurisdiction;
- d. Proposed findings and exceptions;
- e. The Board of Adjustment's recommendation, if one is submitted within the 30 day time period, including all conditions proposed to be added to the permit.

**A copy of the record of decision shall be filed with the Board of Adjustment case materials and one copy presented to the applicant.** The approval, with any additional conditions or safeguards, shall become part of any zoning permit issued by the Planning Director.

**B. Major Variance:** See 17.3 for a description of what constitutes a minor variance.

1. **Approval Required:** A major variance as defined in this ordinance and subject to the regulations contained herein **MAY ONLY BE GRANTED UPON APPROVAL** a 4/5 affirmative vote of the Board of Adjustment. [Should this be in 17.7.7 preamble and discuss both minor/major variances?]
2. **Application Form & Fee:** An application for a major variance shall be on a form prescribed by the Town and shall be accompanied by a fee, the amount of which is in accordance with a fee schedule established by the Town. An application will not be considered complete unless it contains all information required and is accompanied by said fee. The application shall be accompanied by a map clearly identifying the subject property and all contiguous pieces of properties (including all properties traversed and/or separated by a road, stream, right-of-way or any similar natural or man-made configuration). In addition, a list of names and addresses of the owners of said properties, from the most recent official tax records, shall be provided by the applicant. All applications shall be submitted to the Planning Director.
3. **Application Completeness Determined:** Once having received an application, the Planning Director shall have five working days to determine its completeness. If he determines that the application is not complete, he shall serve a written notice on the petitioner specifying the application's deficiencies. The Planning Director shall take no further action on the

application until the deficiencies are remedied. If the Planning Director fails to so notify the petitioner, the application shall be deemed complete. **Once the application is deemed complete**, the Board of Adjustment shall hold a public hearing on the application.

4. **Scheduling the Board of Adjustment Meeting:** The Planning Director, having determined that an application is complete, shall place the application on the agenda of the next Board of Adjustment regular or special meeting occurring at least fifteen days thereafter.
5. **Public Hearing Notification:** Notification of said Board of Adjustment public hearing shall be as follows:
  - a. Preparation/Content: **Notices shall include** a description of the major variance request; indicate the nature of the public hearing; and, list and the date, time, and place at which the hearing is to occur. Notices shall **be prepared by the applicant using text provided by the Town.**
  - b. Recipients: Notices shall be sent by first class mail to the following:
    - i. **Nearby Property Owners:** All **adjacent and** abutting property owners. **[CONSIDER THAT HOA MUST BE CONTACTED]**
    - ii. Local Governments: The Clerk of all municipal and county governments having jurisdiction within the same watershed; and
    - iii. Major Water Consumers: Any major consumer of water whose point of intake lies within the same watershed.
  - c. Mailing/Date: Notices shall be sent by the Town by first class mail at least **10** days prior to the public hearing.
  - d. Comments Received: Any comments received from notified local governments or major water consumers regarding a minor variance request shall become part of the record of proceedings.
6. **Public Hearing:** The Board of Adjustment shall conduct the public hearing in a quasi-judicial manner. All persons giving evidence shall be sworn in by the **board Chairman**. In all matters coming before the Board of Adjustment, the applicant shall have the burden of providing clear, competent and material evidence in support of the application. The Board of Adjustment shall base their recommendation on the testimony given at the public hearing and on any comments received from notified local governments or major water consumers regarding the major variance request. The testimony, comments and evidence shall become part of the record of proceedings.
9. **Board of Adjustment Recommendation:** The Board of Adjustment shall make a recommendation on a major variance involving property located within a Water Supply Watershed Overlay District no later than 30 days from the close of the public hearing. The Board of Adjustment may recommend a variance only after each of the findings found in Section 14 of the Planning Ordinance are found in the affirmative. Recommendations shall be in one of the following forms:
  - a. Recommend approval of the variance if the findings of fact in Section 14 are found in the affirmative; or
  - b. Recommend approval of the variance with fair and reasonable conditions attached if the findings of fact in Section 14 are found in the affirmative; or

**Commented [LL34]:** 10 is consistent with state notification statutes.



- c. Recommend denial of the variance if at least one finding of fact in Section 14 is found in the negative.

The **concurrent?** vote of four-fifths (4/5) of the voting members of the Board of Adjustment shall be necessary to make a recommendation for approval of a minor variance application involving property located within a **Water Supply** Watershed Overlay District.

- 7. **Preliminary Record of Decision:** If the Board of Adjustment makes a favorable recommendation on a major variance application (with or without additional conditions or safeguard) or fails to make any recommendation on the major variance application within the specified time period, the Planning Director shall prepare a record of the public hearing which shall include the following:
  - a. The variance application;
  - b. Evidence that proper notification of the **Board of Adjustment** public hearing has been made;
  - c. A summary of evidence presented, including comments submitted from other local governments or major water consumers within the same watershed jurisdiction;
  - d. Proposed findings and exceptions;
  - e. The Board of Adjustment's recommendation, if one is submitted within the 30 day time period, including all conditions proposed to be added to the permit.

If the Board of Adjustment recommends that an application for a major variance involving property within a Water Supply Watershed Overlay District should be denied, then the application shall not be forwarded to the Environmental Management Commission, and shall be considered denied by the Board of Adjustment. The Planning Director shall send written notice of the denial **by first class mail** to the applicant within five working days of the Board's decision.

- 8. **Environmental Management Commission Decision:** The preliminary record shall be sent to the Environmental Management Commission for its review. If the Environmental Management Commission concludes from the preliminary record that the variance qualifies as a major variance, the Commission shall make a final decision on the request and mail it to the Planning Director.
  - a. **Approval:** **Upon receipt of the final decision,** If the Environmental Management Commission **upholds** the Board of Adjustment's recommendation for approval of a major variance, the Planning Director shall forward the Environmental Management Commission's decision to the applicant **by first class mail** within five working days of receipt of the decision from the ~~Environmental Management~~ Commission. The approval, with any additional conditions or safeguards, shall become part of any zoning permit issued by the Planning Director. **A copy of the record of decision shall be filed with the Board of Adjustment case materials.**
  - b. **Denial:** If the Environmental Management Commission overturns the Board of Adjustment's recommendation for approval of a major variance, the Planning Director shall send the decision **by first class mail** to the applicant within five working days of receipt of the decision from the Environmental Management Commission. **The materials must state** that the major variance request was denied and **list the reasons for such denial.** **A copy of the record of decision shall be filed with the Board of Adjustment case materials.**

#### **17.7.8 Enforcement**

- A. These regulations shall be enforced by the Planning Director. In addition to other duties, the Planning Director shall keep records regarding any expansions approved to structures classified as existing development, so that the maximum coverage of all new expansions do not exceed that allowed in this ordinance.
- B. The Planning Director shall maintain a file on all applications for minor and major variances. A copy of information pertinent to any minor variance application request (including minutes of the hearing, findings made by the Board of Adjustment, actions taken by the Board of Adjustment, names and addresses of all persons giving evidence at the public hearing) shall be submitted annually during the last week of December to the Division of Environmental Management, Supervisor of the Classification and Standards Group.
- C. The penalties and fines described in Section 14 and Section 15 are applicable to this section.

#### **17.8 BUILT-UPON AREA AVERAGING (DENSITY AVERAGING)**

Built-Upon Area (BUA) Averaging allows parcels located within the Lake Norman Critical Watershed to obtain additional development rights through an increase in a site's built-upon-area (BUA) by averaging the total BUA of the developing lot (i.e. "receiving lot") with the total BUA of an undeveloped/less developed lot within the same watershed and jurisdiction ("donating lot"). This is accomplished by transferring undeveloped area on a donating lot to a receiving lot via a BUA Averaging Certificate, which includes a non-revocable easement, metes and bounds description, and recorded plat of the area(s) to remain undisturbed. The BUA Averaging Certificate requires approval by the Watershed Review Board, a sub-set of the Board of Adjustment; for the purposes of this ordinance, the Board of Adjustment may act as the Watershed Review Board.

**Commented [LL35]:** This entire section was reworked/reorganized to clarify the purpose, eligibility, process, and documentation requirements for Density Averaging.

#### **17.8.1 PURPOSE & ELIGIBILITY, PROCESS, DOCUMENTATION**

- A. **Purpose:** The purpose of this provision is to preserve open space in the more sensitive areas of the watershed, and to ensure orderly and planned development throughout the watershed.
- B. **Uses:** The participating parcels may include or be developed for residential or non-residential purposes under the Individual Building and Master Plan processes. Individual parcels whose principal use is or will be single-family residential are not eligible to be considered receiving parcels if the total built-upon area (BUA) would exceed 24 percent; this includes uses within the Single-Family Detached House building type.
- C. **Requirements:** The following requirements must be met by all parcels:
  - 1. **Ownership:** Only the owner(s) of the participating parcels may submit a Density Averaging Certificate application. Areas subject to easements, covenants, and/or development restrictions not legally controlled by the owner may not be included as donated parcel area; this includes right-of-way area.



2. Pre-Existing Variance: No parcel for which a watershed variance has been granted, or would be required, may be included as a donating or receiving parcel.
3. Location: Participating parcels shall be located in the same water supply watershed and preferably in the same drainage area of the watershed. All parcels must be located within the Town of Davidson's planning jurisdiction.
4. Transferability: A property in a more restricted watershed area shall not acquire BUA from a property in a less restricted watershed area.
5. Overall Area: The cumulative BUA of all participating parcels shall not exceed the BUA that would be allowed if the parcels were developed separately.
6. Buffers: On all participating parcels buffers shall at least meet the applicable, minimum ordinance requirements for parcels located in water supply watersheds.
7. Preservation: The donated area shall remain in an undisturbed vegetated or natural state. Previously developed or graded lots may be used as donating parcels so long as the donated area of the lot is revegetated according to Davidson Planning Ordinance requirements. The donated area shall be irrevocable unless amended per the requirements of this ordinance prior to the undertaking of any development activity on the participating parcels.
8. Required Features: When the donated area of a parcel abuts street frontage or right-of-way, the preserved area shall feature park or public space amenities as determined by the Planning Director.
9. Stormwater Design: All participating parcels must meet the applicable buffer and engineered stormwater controls as outlined in the ordinance. Parcels shall be controlled by on-site facilities in accordance with the criteria specified in the Davidson Water Quality Design Manual and the Davidson Planning Ordinance for high-density development. Development permitted under BUA averaging and meeting applicable low density requirements shall transport stormwater runoff by vegetated conveyances to the maximum extent practicable.
10. Design: Built-upon areas shall be designed and located to minimize stormwater runoff impact to the receiving waters, minimize concentrated stormwater flow, maximize the use of sheet flow through vegetated areas, and maximize the flow length through vegetated areas.

#### **17.8.2 PROCESS**

A Built-Upon Area (BUA) Averaging Certificate shall be obtained from the Watershed Review Board (Board of Adjustment) to ensure that all participating parcels considered together meet the standards of the ordinance and that potential owners have a record of how the watershed regulations were applied to each parcel.

- A. Applicability:** All participating parcels may be processed under a single BUA Averaging Certificate, and will be considered as one development for the purpose of counting total built-upon-area. One BUA Averaging Certificate will be issued per application. Unless otherwise specified, the application shall follow the rules and procedures specified by the Board of Adjustment and Appeals & Variances sections of this ordinance.
- B. Process:** The following steps outline the typical process for obtaining a BUA Averaging Certificate. Note: Application preparation is considered an iterative process; an application must be deemed complete by the Planning Director and all revisions addressed in order for a Board of Adjustment hearing to be scheduled. Incomplete, improperly formatted, or documentation errors may require revision prior to acceptance by the Planning Director.
1. **Lot Identification:** The applicant shall identify participating lots, prepare draft plats, and complete a BUA Averaging Form.
  2. **Pre-Application Meeting:** The applicant must set up an appointment with the Planning Director. At the initial meeting the Planning Director will explain the BUA averaging process and review with the applicant the appropriate ordinances, documents, and plans relevant to the project. Additional meetings may be required prior to application submission, as deemed necessary by the Planning Director.
  3. **Submit Application & Fee:** The applicant must submit the following documents (see the Documentation section for further information):
    - Town of Davidson Application and Application Fee
    - Surveys of Existing Conditions
    - Existing Plats and Deeds
    - Metes & Bounds Description(s)
    - Final Plats (Drafts)
    - Existing Development Materials (as applicable)
    - Preliminary Sketch Plan (if required)
    - Public Notice Materials
  4. **Application Review:** Staff will review the application and determine whether the materials constitute a complete submittal. Application revisions, and additional meetings, may be required by the Planning Director prior to the application being deemed complete. Once the application is determined to satisfy the requirements, a Board of Adjustment hearing may be scheduled.
  5. **Board of Adjustment Hearing:** A hearing shall be scheduled no later than 45 days after a complete application has been accepted by the Planning Director.
  6. **Board of Adjustment Decision:** The Board of Adjustment shall issue a decision within 31 days of the close of the public hearing. The board shall make written findings supported by appropriate calculations and documentation that the participating parcels as a whole conform to the intent and requirements of this Article and Section, and that the proposed agreement assures protection of the **preserved area public interest**. The request must be consistent with **adopted plans and/or policies, approved development plans, or Davidson**

**Commented [LL36]:** This text clarifies the BoA's ability to deny a proposal based on adopted plans and policies.

Planning Ordinance requirements, and the Board of Adjustment's determination based on these resources that the proposal achieves an identified public interest.

7. Certificate Issued: If approved, the Town of Davidson will issue a BUA Averaging Certificate to the applicant. The BUA Averaging Certificate shall constitute the Board of Adjustment decision, staff approval letter, and application documentation.
8. EPM Submission: If approved by the Board of Adjustment, the applicant must submit the following documents to Mecklenburg County via the online EPM system:
  - Mecklenburg County Application
  - Deeds
  - Final Plats
9. Plat Approval/Signature: Once approved in EPM, the applicant must submit a mylar copy of each plat to the Town of Davidson, Mecklenburg County LUESA, and the Register of Deeds for signature. A digital copy of each plat included in the application and filed with the Register of Deeds must be provided to the Town of Davidson for filing.
10. NC Division of Water Quality Submission: Upon issuance of the BUA Averaging Certificate and signed plat, one copy must be sent to the NC Division of Water Quality (DWQ). Included with the BUA Averaging Certificate will be the following:
  - Site Plans;
  - Registered plats for both properties;
  - Description of both properties;
  - Documentation reflecting the development restrictions all participating parcels, including restrictions for all donated areas.
11. Amendment: If a certificate is approved by the Board of Adjustment, no change in the development proposal authorized for participating parcels shall be made unless the certificate is amended by the Board of Adjustment.

### **17.8.3 DOCUMENTATION REQUIREMENTS**

The following documentation shall be provided to constitute a complete built-upon area (BUA) averaging application:

#### **A. Administrative:**

1. Town of Davidson Application: A completed BUA Averaging Form, including:
  - a. Description: A description of all participating properties' and their existing conditions.
  - b. Chart: A chart summarizing the existing and proposed BUA for all participating properties.
2. Fee: A remitted fee of \$150 High-Density Residential; \$300 Commercial.

- #### **B. Surveys:**
- Surveys of all participating parcels showing current BUA and current maximum BUA allowances, along with easements and/or development restrictions. The surveys must be performed by a licensed surveyor.



- C. **Existing Plats & Deeds:** Copies of the existing, registered plats and deeds for all participating parcels.
- D. **Metes & Bounds Description (Donating Parcel):** A metes and bounds description of the undisturbed natural area intended for recordation. The description must specify any limits on use and shall be recorded on the plat, in homeowner covenants (if applicable), and on the donating parcel's individual deed and shall be irrevocable unless amended per the ordinance.
- E. **Final Plats (Draft):** Revised plats for all participating parcels. The plats must show all components as required in the ordinance, in a format approved by staff. Additionally, the plats must include:

- 1. **Purpose Statement:** Recommended text is as follows:

Donor Parcels: *The purpose of this plat is to allocate built-upon-area from this parcel to another parcel of land located within the same watershed. The remaining built-upon-area for this lot is XXXX. The donated [lot/area] is to remain in an undisturbed vegetated state in perpetuity.*

Receiving Parcels: *The purpose of this plat is to receive on this parcel built-upon-area from another parcel of land located within the same watershed. The resulting built-upon-area for this lot is XXXX.*

- 2. **Site Data:** Tax Parcel ID#s; Physical Addresses; Planning Area Designation (i.e. Zoning); Acreage.
- 3. **Metes/Bounds Description:** Metes/bounds description(s) of designated undisturbed natural area(s).
- 4. **Designation in Perpetuity:** A note that the natural area will remain undisturbed in perpetuity.
- 5. **BUA Values:** Existing and proposed maximum BUA allowances for all participating parcels.
- 6. **Watershed Designation:** The Watershed Overlay District for both parcels.
- 7. **Buffer Delineation:** Show any S.W.I.M., watershed, and post-construction buffers.
- 8. **Floodplain/Community Encroachment Area:** Show the line(s) associated with any base flood levels potentially affecting the site.
- 9. **BUA Averaging Certification:** In addition to certifications required by the ordinance, please include the following certifications on each plat:

*Density Averaging/Built-Upon-Area Transfer Plat*

*This plat represents a transfer of built-upon-area through preservation of a dedicated, undisturbed natural area for properties within the jurisdiction of the Town of Davidson. The resulting action may or may not create tracts of land that are compliant with the Davidson Planning Ordinance (DPO). This parcel is subject to the DPO built-upon area averaging standards: Any change to the development proposal affecting the approved built-upon-area allowance requires amendment to the existing Built-Upon Area Averaging Certificate and approval by the Davidson Board of Adjustment. The Planning Director reserves the right to make periodic site inspections to ensure compliance with these conditions.*

*Date*

*Planning Director, Town of Davidson*

- F. **Existing Development:** If a participating parcel(s) is part of an existing development, then the following documentation shall be provided:
  - 1. **Approved Stormwater Mitigation Plan:** A storm water mitigation plan approved by Mecklenburg County Storm Water Services, Water Quality Program, for the receiving parcel based on the pathway pursued:

- a. Buffer/Vegetative Conveyances: Must meet all applicable ordinance requirements for parcels located in water supply watersheds.
- b. Engineered Stormwater Controls: Must confirm the following:
  - The effected BMP(s) has been designed to handle the additional BUA.
  - All participating lots are in the same drainage basin.
  - Verified as-built information of the existing, approved BMP.
  - Sealed engineer calculations to prove existing and future compliance with the water quality requirements based on the proposed BUA to be transferred.
- 2. Homeowner's Covenant Agreements: A draft of revised covenant documents reflecting the additional BUA and other pertinent information for all affected parcels.
- G. **Preliminary Sketch Plan**: At the Planning Director's discretion, a Preliminary Sketch Plan of the donating and/or receiving parcel showing available details related to the parcel's conceptual development.
- H. **Public Notice Materials**: If application is accepted, then the following shall be provided:
  - 1. Address List and Envelopes/Letters (Postage Pre-paid): An address list as well as stamped envelopes and notice letters for all adjacent property owners. Draft copies of the letter can be obtained from the Planning Department.
  - 2. Noticing Fee: Reimbursement of fees incurred in fulfillment of statutory noticing requirements.

# DPO 17 UPDATE: WATERSHED ORDINANCE





# TEXT AMENDMENTS UPDATE – OVERVIEW

## TOPICS COVERED

1. **Purpose/Background**
2. **Substantive Changes Overview**
3. **Case Studies**
4. **What's Not Changing**
5. **Outcomes**



# SECTION 17 - TEXT AMENDMENTS

## PURPOSE

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- **Intent:** To keep drinking water clean, require higher standards for properties near Lake Norman (17.7.1).
- **Accomplished By:**
  1. Vegetated Buffers On-Site (near streams/lake)
  2. Limiting Amount of Built-Upon Area [BUA] on a Lot
    - BUA = Hardscape (i.e. driveways, building footprint; not fences, decks)
- **Addresses:** Runoff carrying pollutants into water.
- **Applies:** To properties within 0.5 mi. of Lake Norman (i.e. west of Main St.)



# SECTION 17 - TEXT AMENDMENTS

## BACKGROUND

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In March 2017, Charlotte-Mecklenburg Stormwater Services (CMSS) suggested that Davidson update our Watershed Ordinance to:

1. **Clarify Standards** (i.e. Single family residential development exemption)
2. **Address Inconsistencies** (i.e. Remove repeating “Existing Development” section)
3. **Remove Inapplicable Sections** (i.e. Cluster Developments)

Additionally, staff worked with CMSS to identify/resolve Davidson-specific issues, including:

- Expansions that exceeded the BUA criteria;
- Demolitions that avoided the BUA criteria; and,
- Tailoring standards to fit downtown.





# SECTION 17 - TEXT AMENDMENTS

## BACKGROUND

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### PUBLIC TOUCHPOINTS

- **Sept. 2017:** Discussed with BOC
- **Jan. 2018:** Discussed with BOC, Planning Board
- **Feb. 2018:** Discussed with BOC, Planning Board, Planning Board Ordinance Committee (2x)
- **March 2018:** BOC Public Hearing (Anticipated), Planning Board Ordinance Committee, Planning Board Review + Recommendation
- **April 2018:** BOC Review/Vote (Potential)



# SECTION 17 - TEXT AMENDMENTS

## BACKGROUND

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### SUMMARY OF PROPOSED SUBSTANTIVE CHANGES:

- **Section 17.3:** Definitions
  - Existing Development; Redevelopment; Variances
- **Section 17.6:** Exceptions to Applicability
  - Expansions; Existing Lots of Record; Redevelopment
- **Section 17.7:** Watershed Subareas Established
  - Reserve BUA
- **Section 17.8:** Density Averaging
  - Reorganization

*\*Note: The following highlight substantive changes to DPO Section 17. Additional changes are being proposed to clarify definitions, standards, and address inconsistencies; these are detailed in the 1/9/18 BOC and 1/29/18 PB presentations.*



# SECTION 17 - TEXT AMENDMENTS

## SECTION 17.3: DEFINITIONS

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- **“Existing Development” Definition:**
  - Not previously defined;
  - Includes projects built or with established vested right as of 10/1/1993;
  - Addresses confusion as to when development considered existing.
- **“Redevelopment” Definition:**
  - Not previously defined;
  - Includes removal/replacement of BUA on a lot after 10/1/1993;
  - Addresses confusion as to what constitutes redevelopment (i.e. demolitions).
- **“Variance, Major” & “Variance, Minor” Definitions:**
  - Revised to align with NCDENR’s definition;
  - Minor still requires BOA approval and Major requires BOA + state approval.
  - Addresses inconsistency with state statute; quantitatively clarifies each variance.



# SECTION 17 - TEXT AMENDMENTS

## SECTION 17.6: EXCEPTIONS TO APPLICABILITY

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### ■ 17.6.1 Existing Development:

- Update language to clarify standards for expansions to existing development;
- CMSS recommends SF development meet same rules as others;
- BUA expansion limited to 24% or 50%, BUA of existing structure not counted;
- Addresses loophole allowing builders to exceed BUA requirements on SF lots.

### ■ 17.6.2 Existing Lot (Lot of Record):

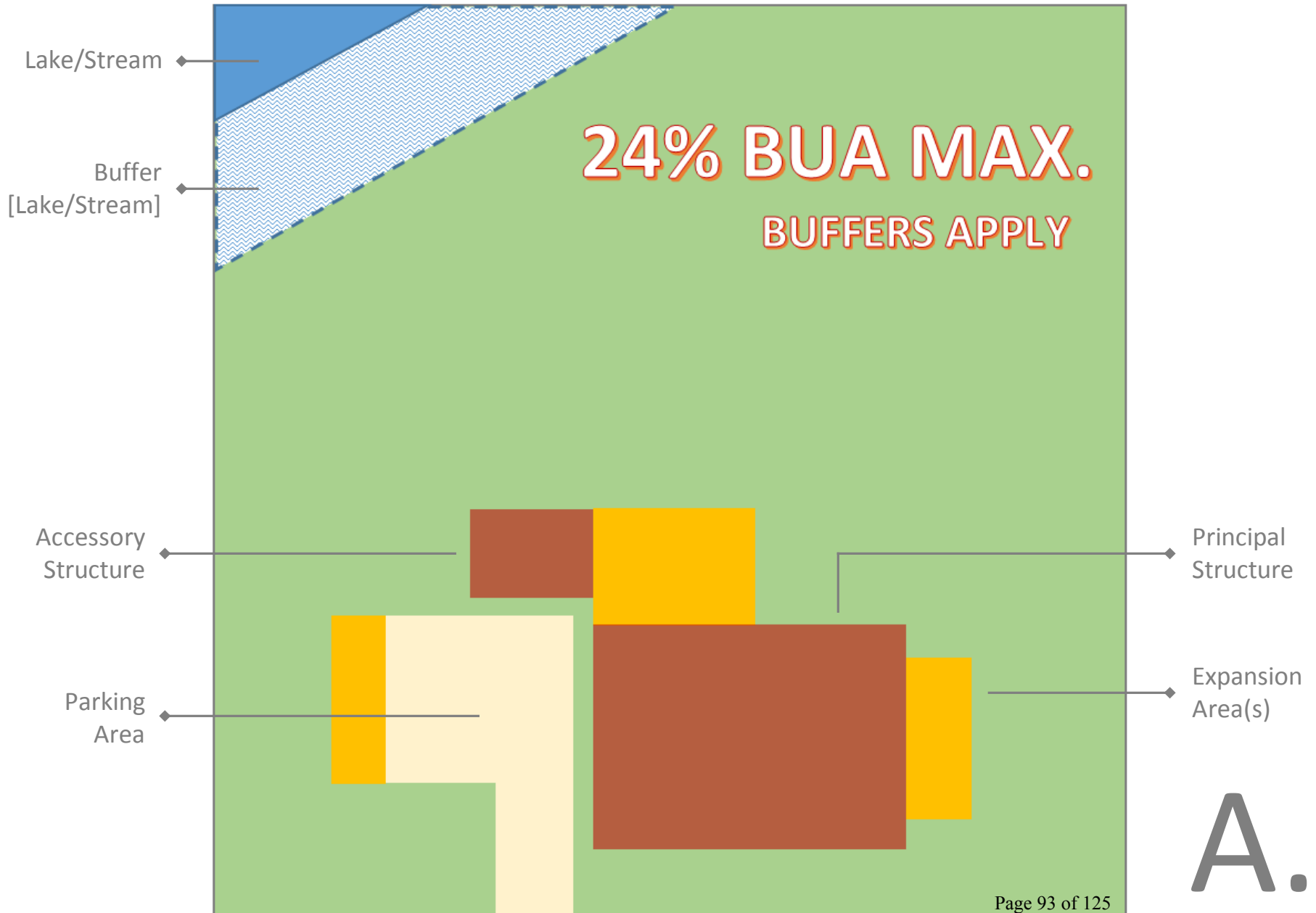
- Update language to clarify standards for exemptions on pre-1993 SF lots;
- Exemption 1: If lot has never been previously developed;
- Exemption 2: If lot has been developed but is in continuous family ownership;
- Addresses loophole allowing builders to demolish previous house without triggering any requirements, even if they recently purchased the lot.
- Maintains greater stability for single-family lots subject to development pressures by clarifying and affirming rights of long-standing landowners and their families.



# CASE STUDIES: EXISTING DEV. [i.e. EXPANSIONS]

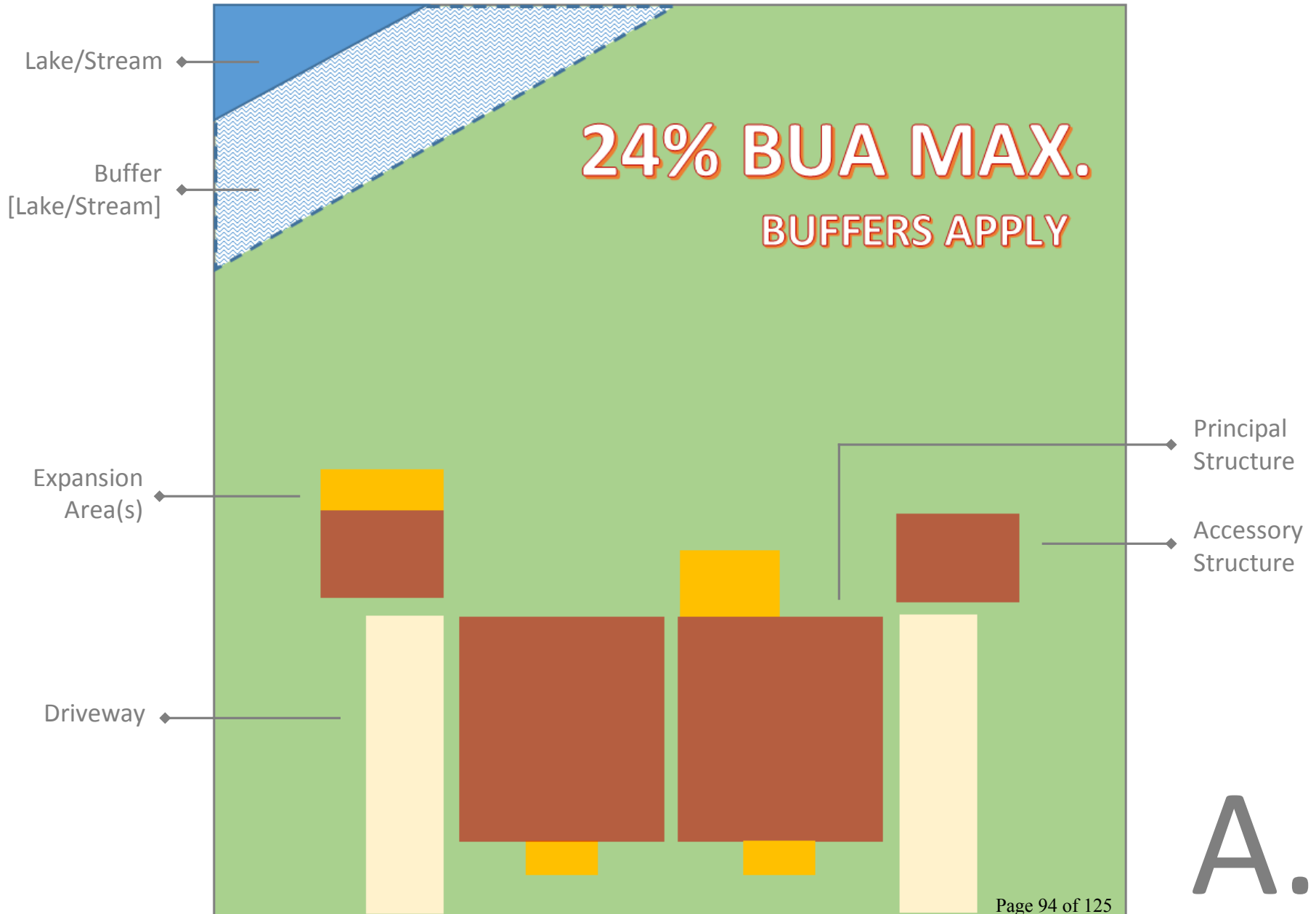


# EXISTING DEVELOPMENT – NON-SF EXPANSION 1





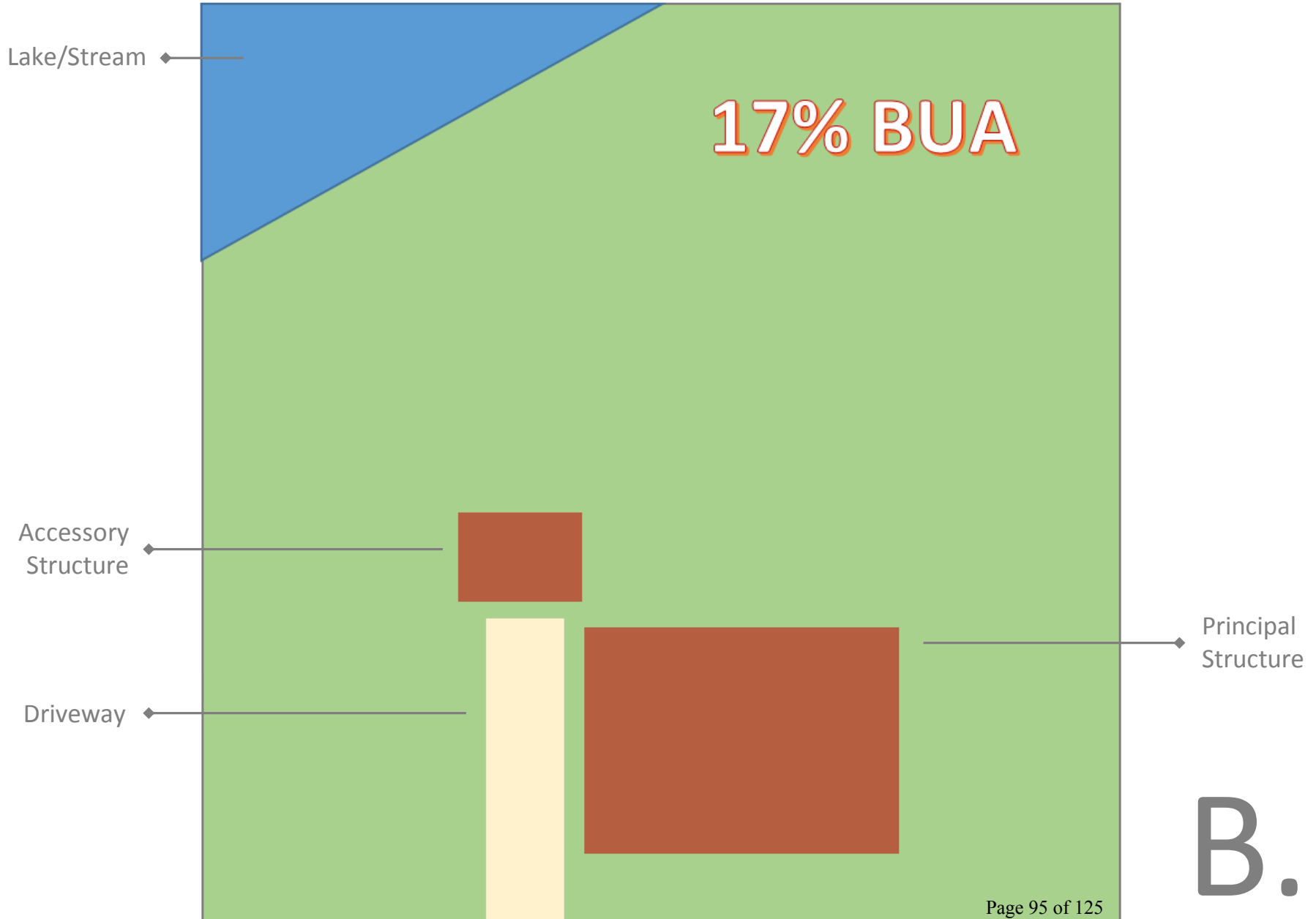
## EXISTING DEVELOPMENT – NON-SF EXPANSION 2



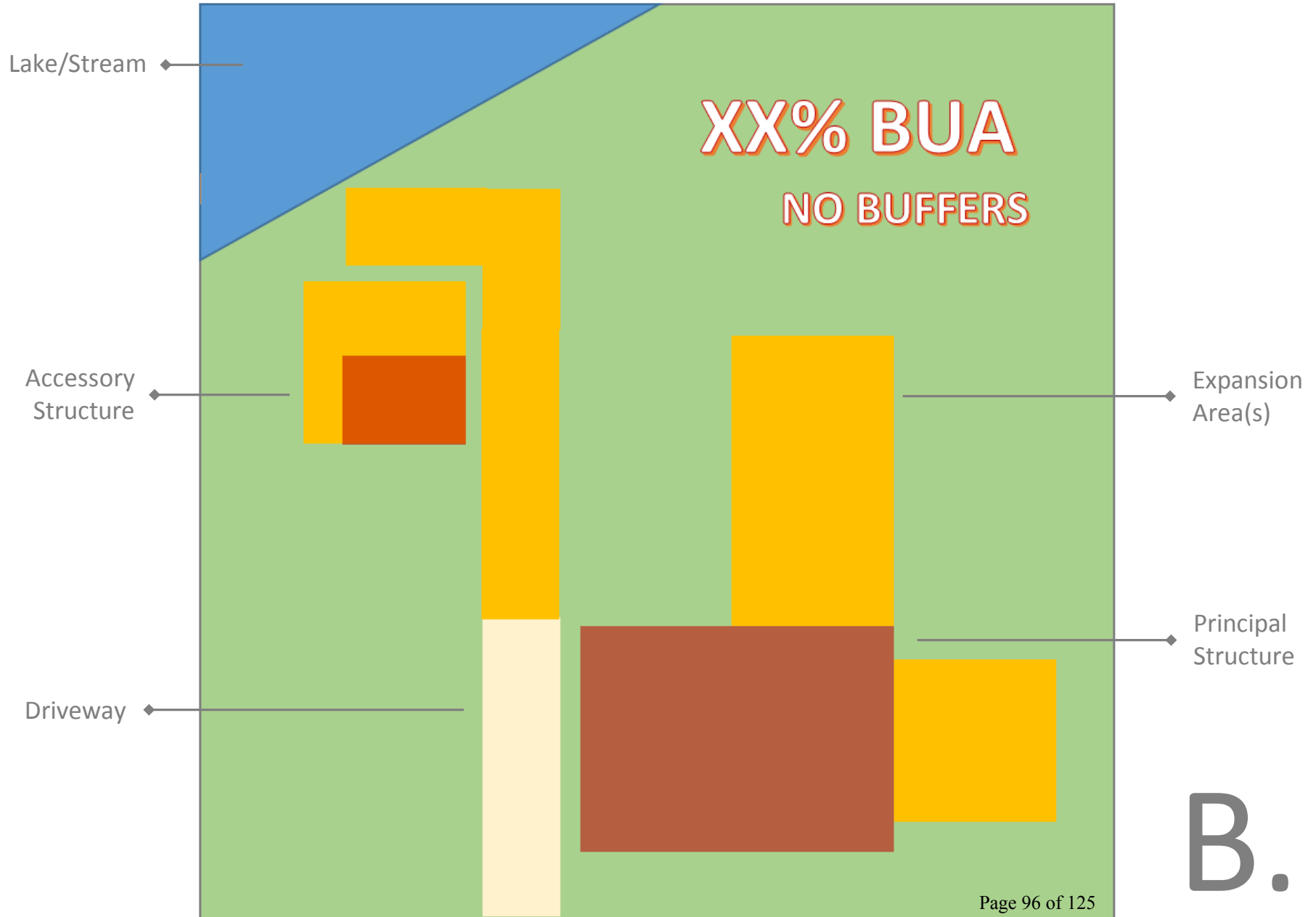
A.

*\*Note: These graphics are not to scale and are for illustrative purposes.*

# EXISTING DEVELOPMENT – EXISTING SF CONDITION



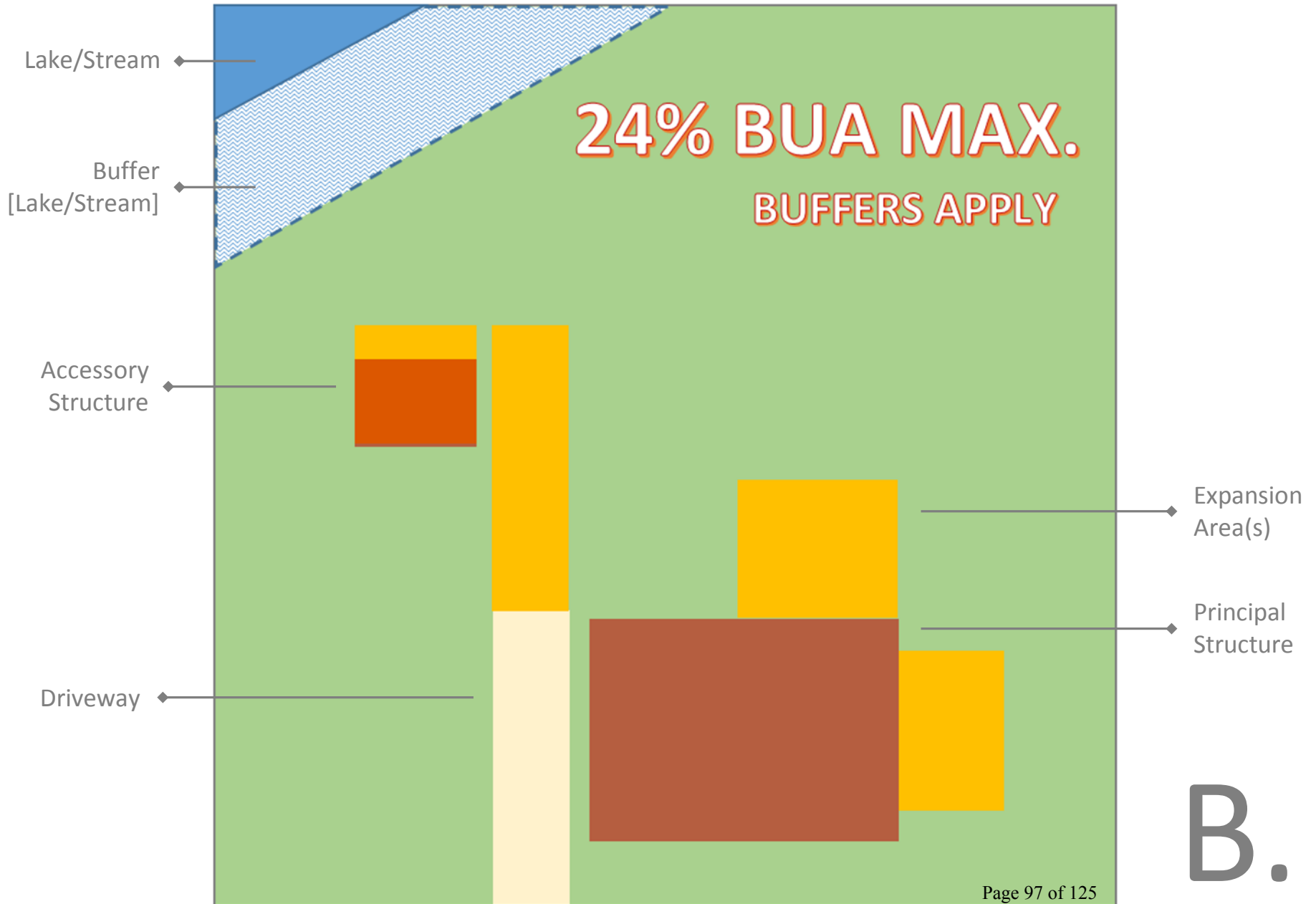
# EXISTING DEVELOPMENT – CURRENT SF EXPANSION



*\*Note: These graphics are not to scale and are for illustrative purposes.*

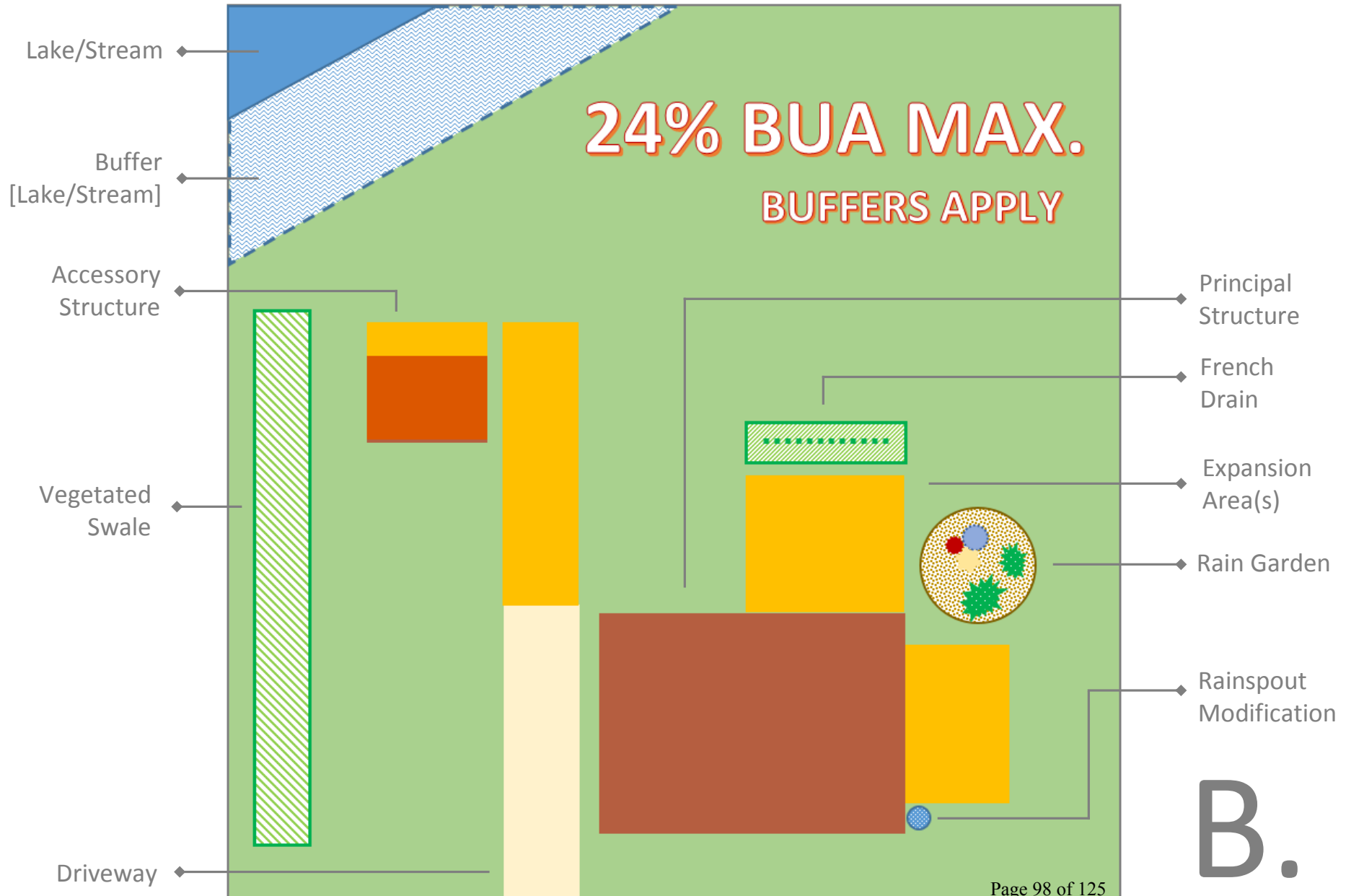


# EXISTING DEVELOPMENT – FUTURE SF EXPANSION



*\*Note: These graphics are not to scale and are for illustrative purposes.*

## EXISTING DEVELOPMENT – FUTURE SF EXPANSION



B.

Page 98 of 125

*\*Note: These graphics are not to scale and are for illustrative purposes.*

# EXPANSIONS - ENHANCED STORMWATER STRATEGIES



## ◆ Vegetated Swale

*Shallow ditch with plant cover; natural infiltration.*



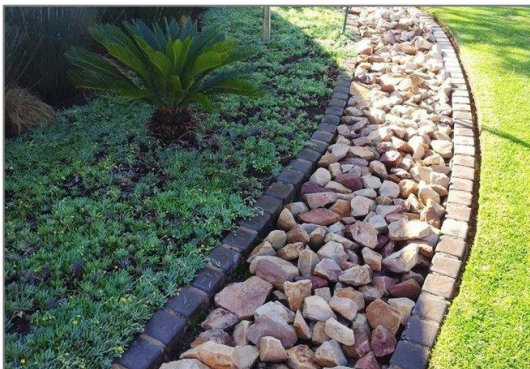
## ◆ Rain Barrel

*Container collecting rain from roof.*



## ◆ Rain Garden

*Depression with plant cover; natural infiltration.*



## ◆ Downspout Alteration

*Fixture distributes water to modified landscape; natural infiltration.*



## ◆ French Drain

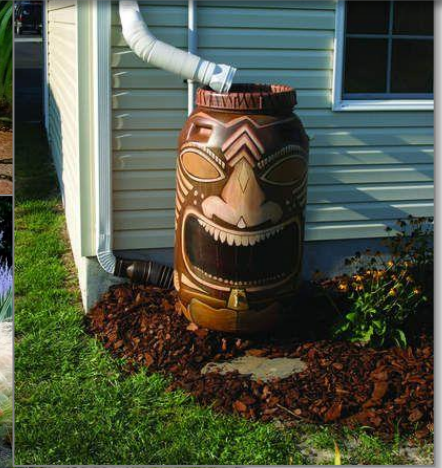
*Shallow ditch with perforated pipe; natural infiltration.*

*\*Note: These examples are for illustrative purposes.*



# ENHANCED STORMWATER STRATEGIES

## [CREATIVITY ENCOURAGED]



# SECTION 17 - TEXT AMENDMENTS

## SECTION 17.6: EXCEPTIONS TO APPLICABILITY

---

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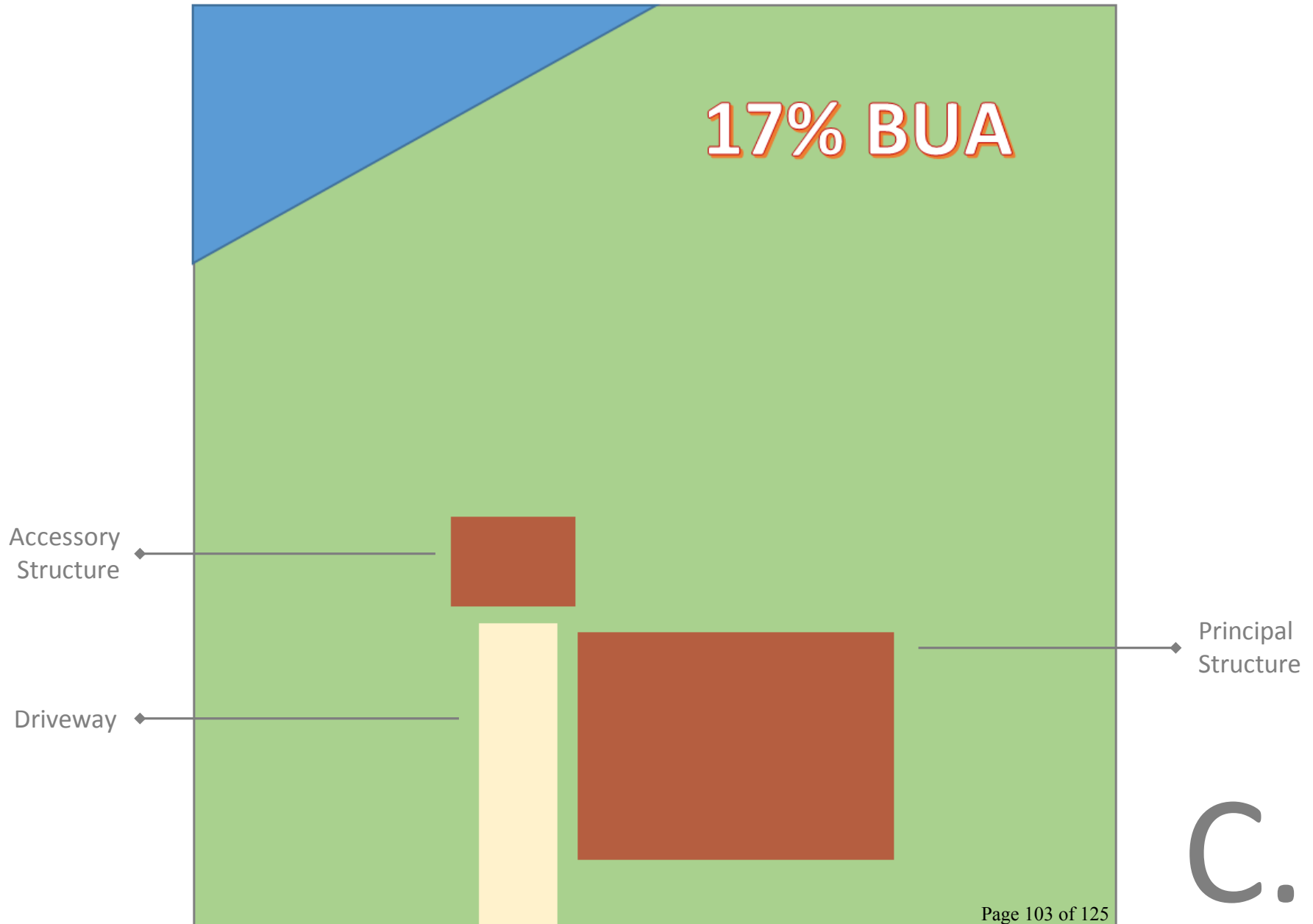


# CASE STUDIES: EXISTING LOTS OF RECORD



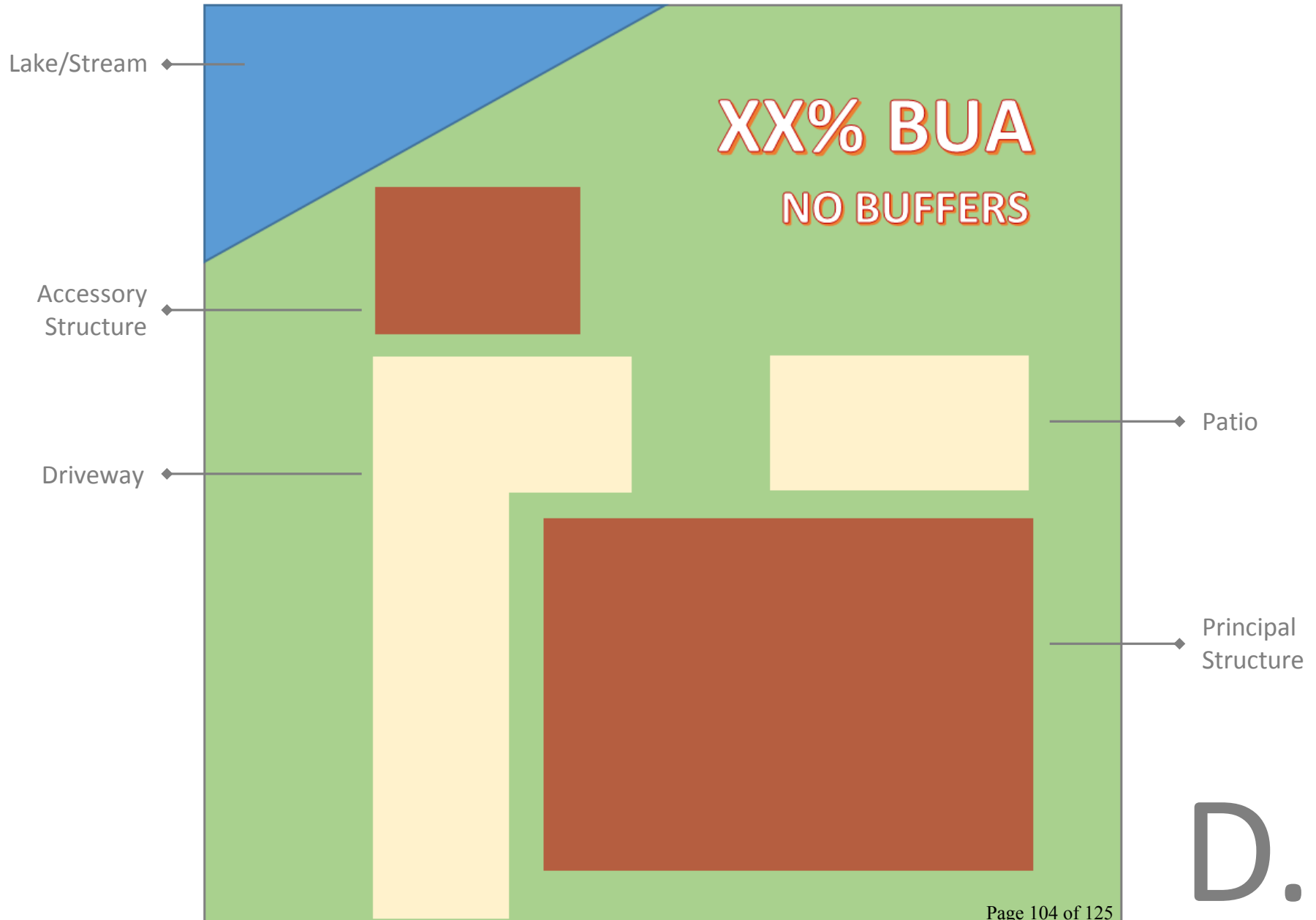


# EXISTING LOTS OF RECORD – EXISTING CONDITIONS

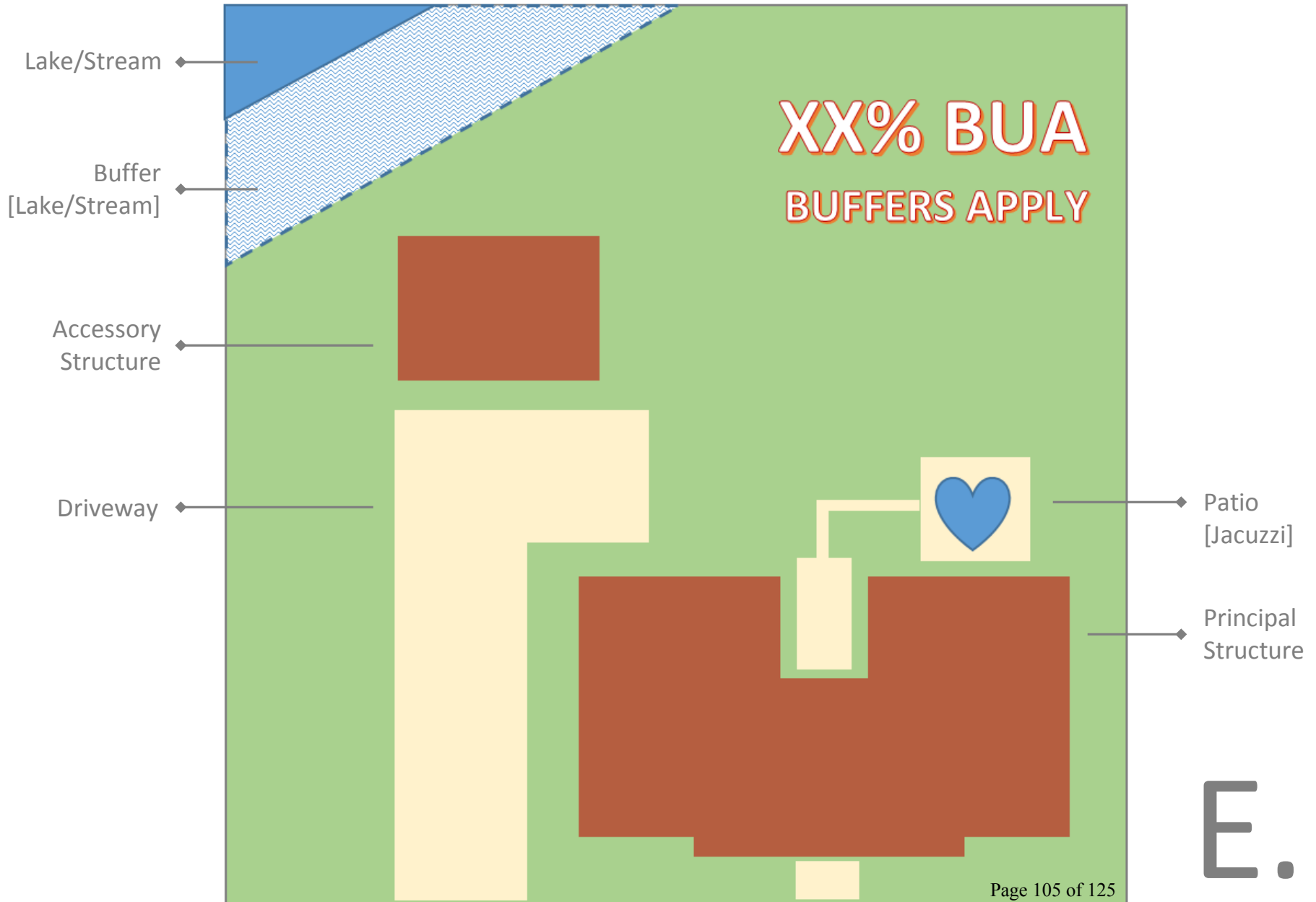


*\*Note: These graphics are not to scale and are for illustrative purposes.*

# EXISTING LOTS OF RECORD – CURRENT PRACTICE



# EXISTING LOTS OF RECORD – FUTURE/EXEMPTION 1-2

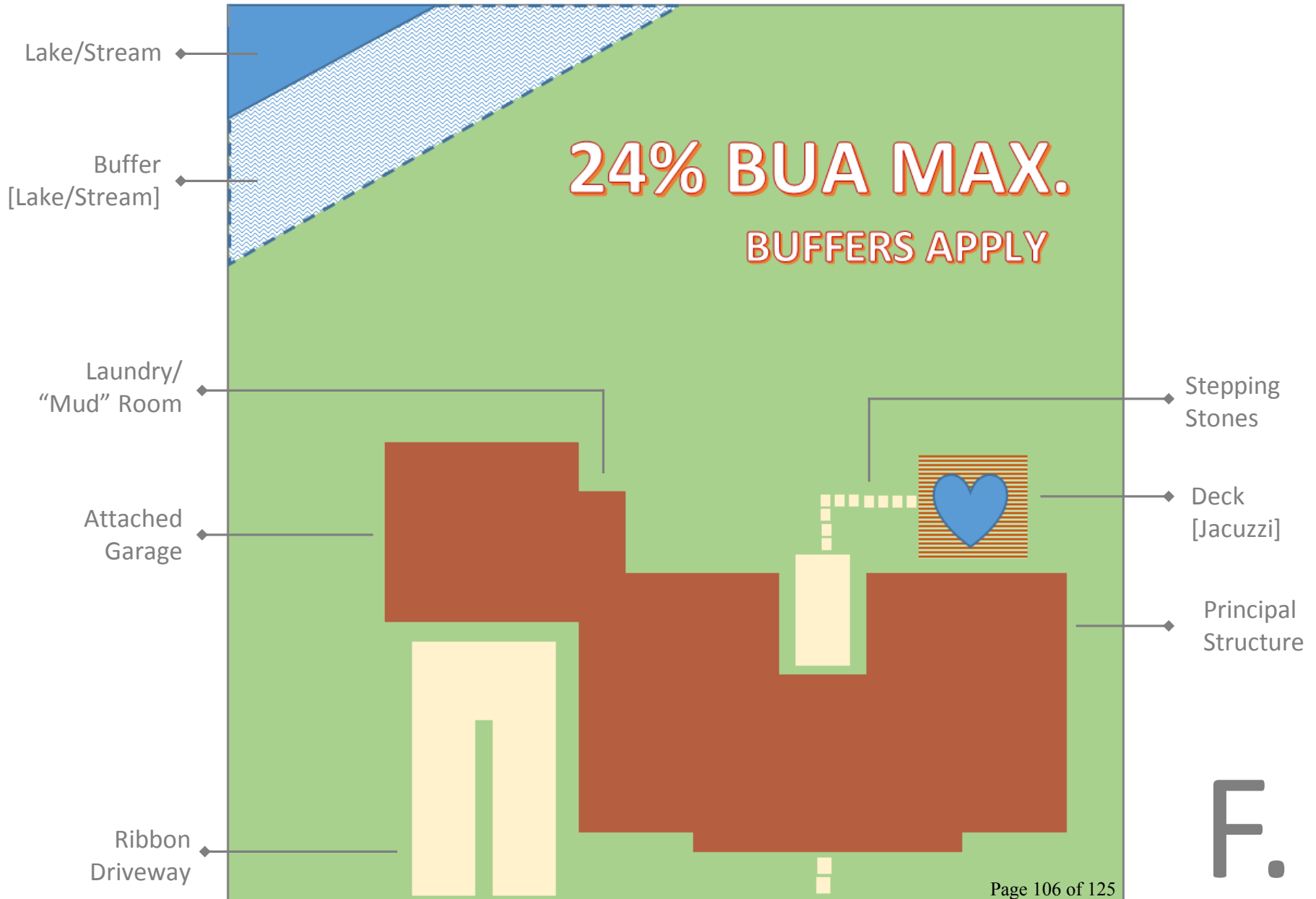


*\*Note: These graphics are not to scale and are for illustrative purposes.*

E.



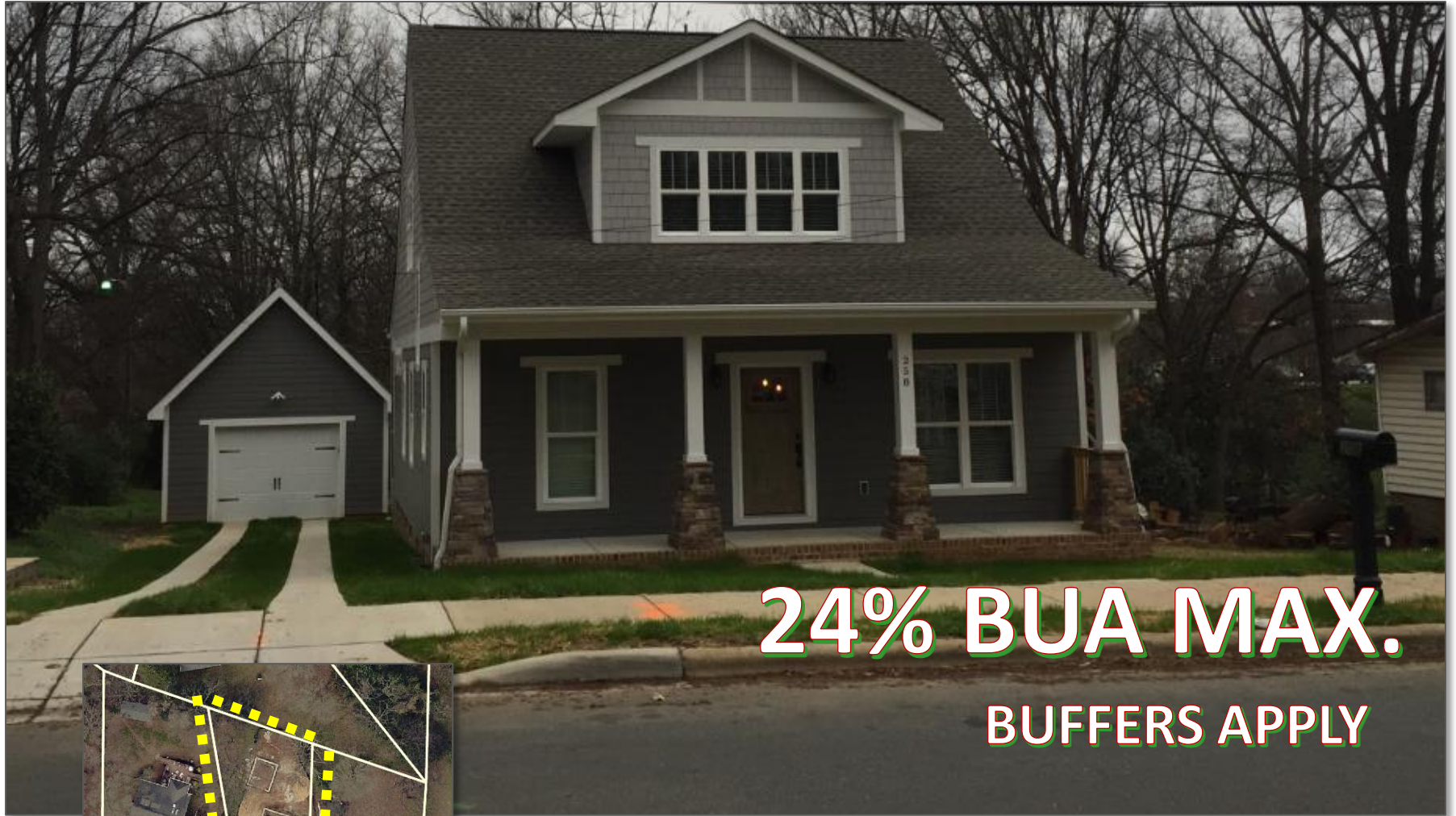
# NOT EXISTING LOT OF RECORD – FUTURE/NO EXEMPTION



*\*Note: These graphics are not to scale and are for illustrative purposes.*

F.

# NOT EXISTING LOT OF RECORD – FUTURE/NO EXEMPTION



*Jetton Street: Recent Construction/Not Exempt*

# SECTION 17 - TEXT AMENDMENTS

## SECTION 17.6: EXCEPTIONS TO APPLICABILITY

---

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# SECTION 17 - TEXT AMENDMENTS

## SECTION 17.6.3: REDEVELOPMENT

---

### ■ **Add New Section:**

- Along with new definition in 17.3, clarifies how redevelopment may proceed;
- Affords flexibility where needed – in/around small downtown properties;
- Addresses landowner concerns about site limitations of BUA requirements by permitting no net increase in BUA and requiring equal to or greater stormwater controls.

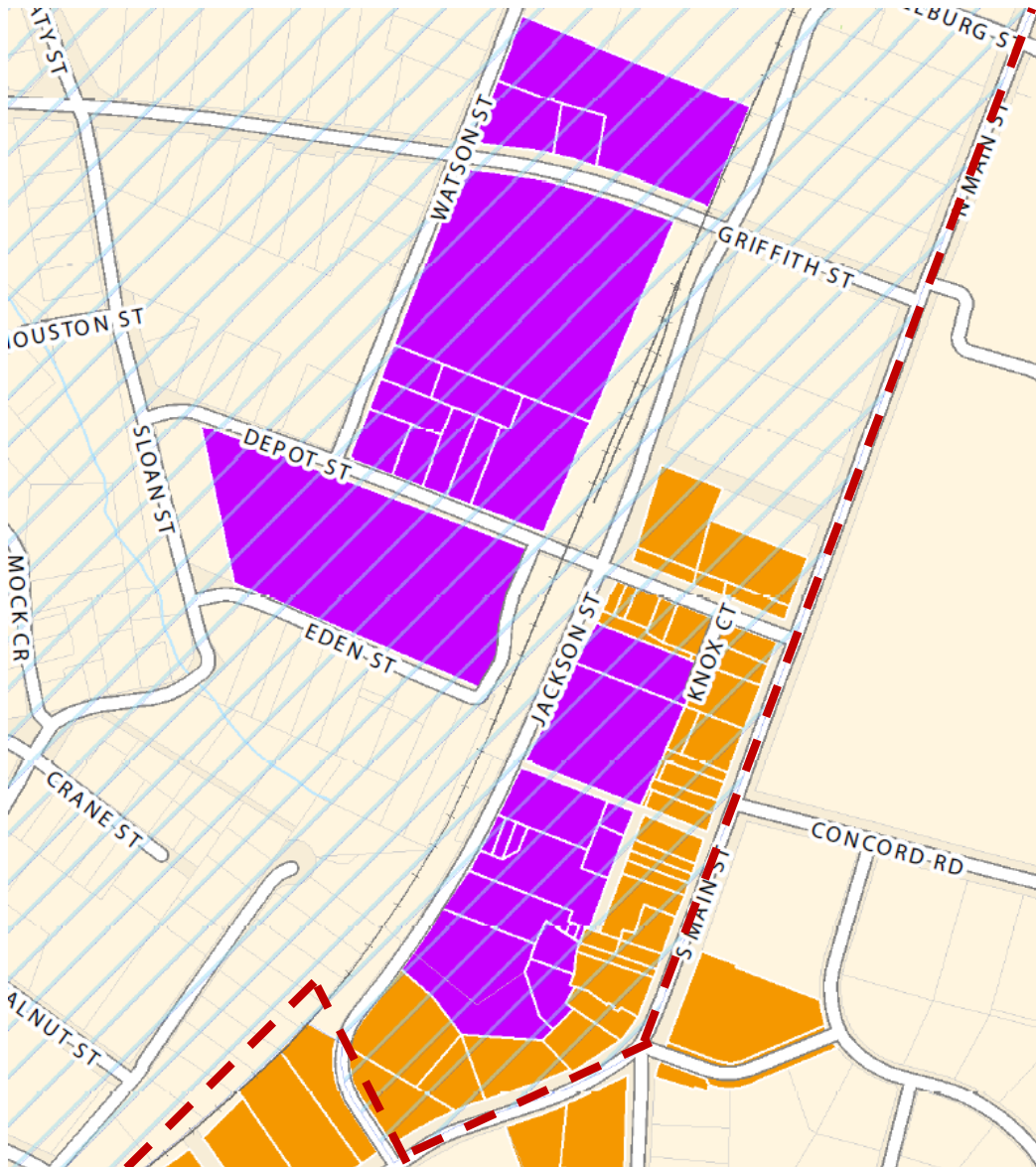
### ■ **Applicability:**

- Outside of Village Center/Commerce: Watershed rules apply.
- Inside Village Center/Commerce (for parcels larger than one acre):
  - » Downtown: No net BUA increase, equal or greater stormwater controls;
  - » Downtown Adjacent: No net BUA increase, mandatory stormwater controls if redevelopment exceeds 24% BUA.

*\*Recommended by CMSS + addresses citizen concerns about larger projects.*



Critical Area  
of the  
Watershed



College Town. Lake Town. *Your Town.*

Section 17 Watershed Protection Overlay District  
Planning Ordinance - Text Amendments

BOC Update  
April 3, 2018

# SECTION 17 - TEXT AMENDMENTS

## SECTION 17.6.3: REDEVELOPMENT

---

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### ■ Applicability:

- Outside of Village Center/Commerce: Watershed rules apply.
- Inside Village Center/Commerce (for parcels larger than one acre):
  - » Downtown: No net BUA increase, equal or greater stormwater controls;
  - » Downtown Adjacent: No net BUA increase, mandatory stormwater controls if redevelopment exceeds 24% BUA.

*\*Recommended by CMSS + addresses citizen concerns about larger projects.*





# SECTION 17 - TEXT AMENDMENTS

## SECTION 17.7 & 17.8: RESERVE BUA & DENSITY AVERAGING

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- **17.7.1.2 Reserve Built-Upon Area Limits:**
  - Not previously defined;
  - CMSS recommends SF development reserve 1% for future BUA (i.e. porch/patio);
  - Addresses loophole allowing [subsequent] homeowners to exceed BUA requirements on SF lots by installing site components that don't require a building permit (and therefore aren't reviewed for watershed compliance).
- **17.8 Density Averaging:**
  - Currently rules + document criteria = jumbled together;
  - Proposed text reorganizes and clarifies purpose, eligibility, process, doc. criteria;
  - Addresses confusing requirements and clarifies process for staff + applicants.

# SECTION 17 - TEXT AMENDMENTS

## WHAT'S NOT CHANGING

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- **Environmental Rigor:** Emphasis on Clean Drinking Water
- **Maximum BUA Limits:** Thresholds + Requirements = Same
  - Low-Density: 24% BUA + Buffer
  - High-Density: 50% BUA + Stormwater Controls + Buffer
- **Buffer Requirements:** Distance from Lake/Perennial Stream
  - Low-Density: 40'
  - High-Density: 100'

*\*Note: Terms such as low- and high-density are retained for consistency with Meck. County and state statute. The BUA density terms describe land coverage and stormwater controls; they do not describe units/acre.*



# SECTION 17 - TEXT AMENDMENTS

## PROS & CONS

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### PROS:

- **Environmental Regulations:** Up-to-Date, Effectively/Fairly Applied
- **Loopholes Closed:** Expansions & Demolitions Avoiding BUA Criteria
- **Measured Flexibility Downtown:** Village Center + Village Commerce
- **Increased Administrative Clarity:** Improve Consistency, Reduce Frustration
- **Maintain Landowner Stability:** Affirms Rights of Long-standing Owners/Families

### CONS:

- **Inaction:** Persistence of Loopholes for Decades
- **Thoughtful Design:** Post-1993 Lots Require Focused Design





# SECTION 17 - TEXT AMENDMENTS

## CURRENT STATUS & NEXT STEPS

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### ■ STATUS:

- Revised Draft: Sending to Mecklenburg County + NCDEQ for Review
- Planning Board Ordinance Committee (PBOC): Meetings On-Going
- Citizen Meetings: On-Going

### ■ NEXT STEPS:

- Further Refinement: PBOC, Citizen Input
- Final Draft: Review by Meck. County/NCDEQ
- BOC Public Hearing 3/13/18 (Anticipated)
- PBOC: Final Review 03/18
- Planning Board Review + Recommendation 3/26/18 (Anticipated)
- BOC Vote 4/10/18 (Potential)



# QUESTIONS

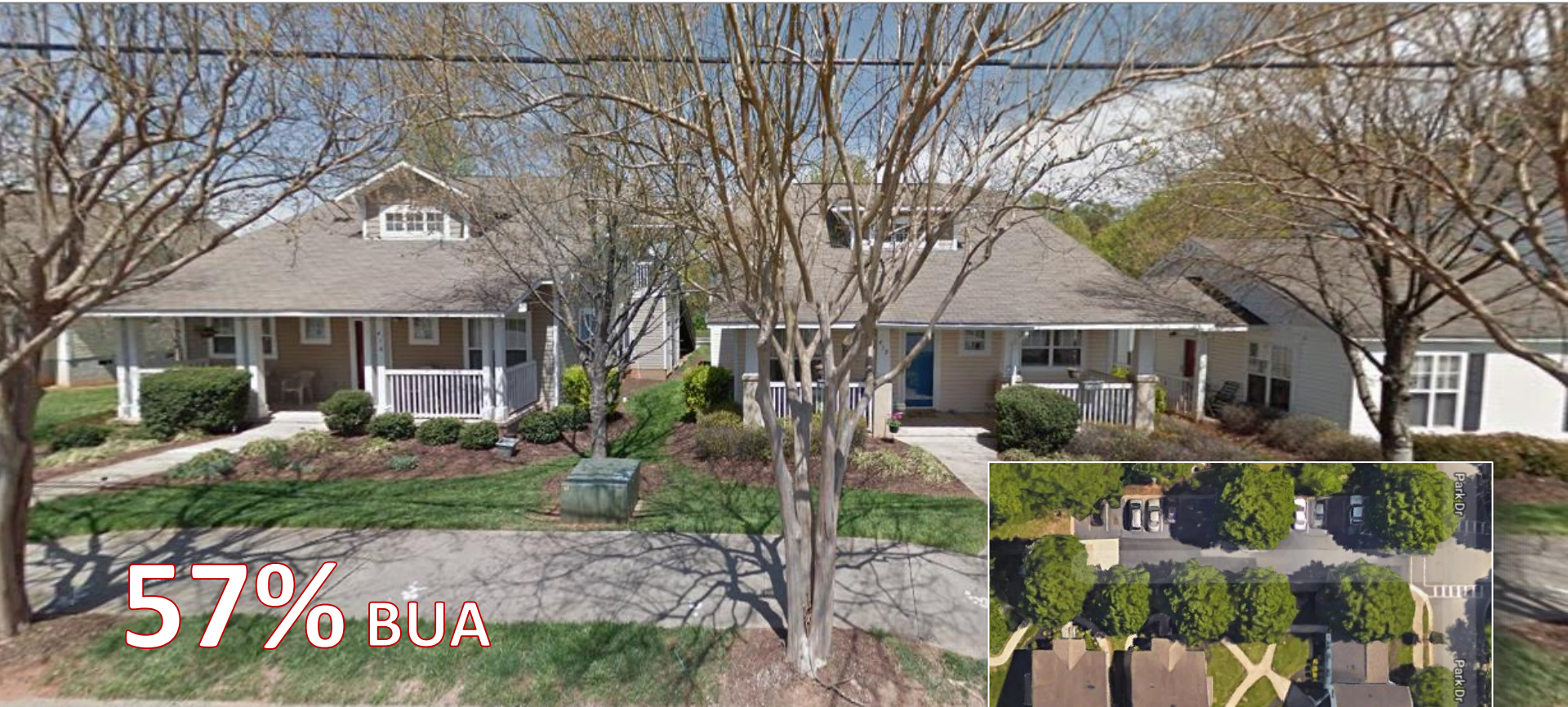


# BUA AVG. REFERENCE STUDIES





# BUNGALOWS





# CSD HIGH SCHOOL



81% BUA

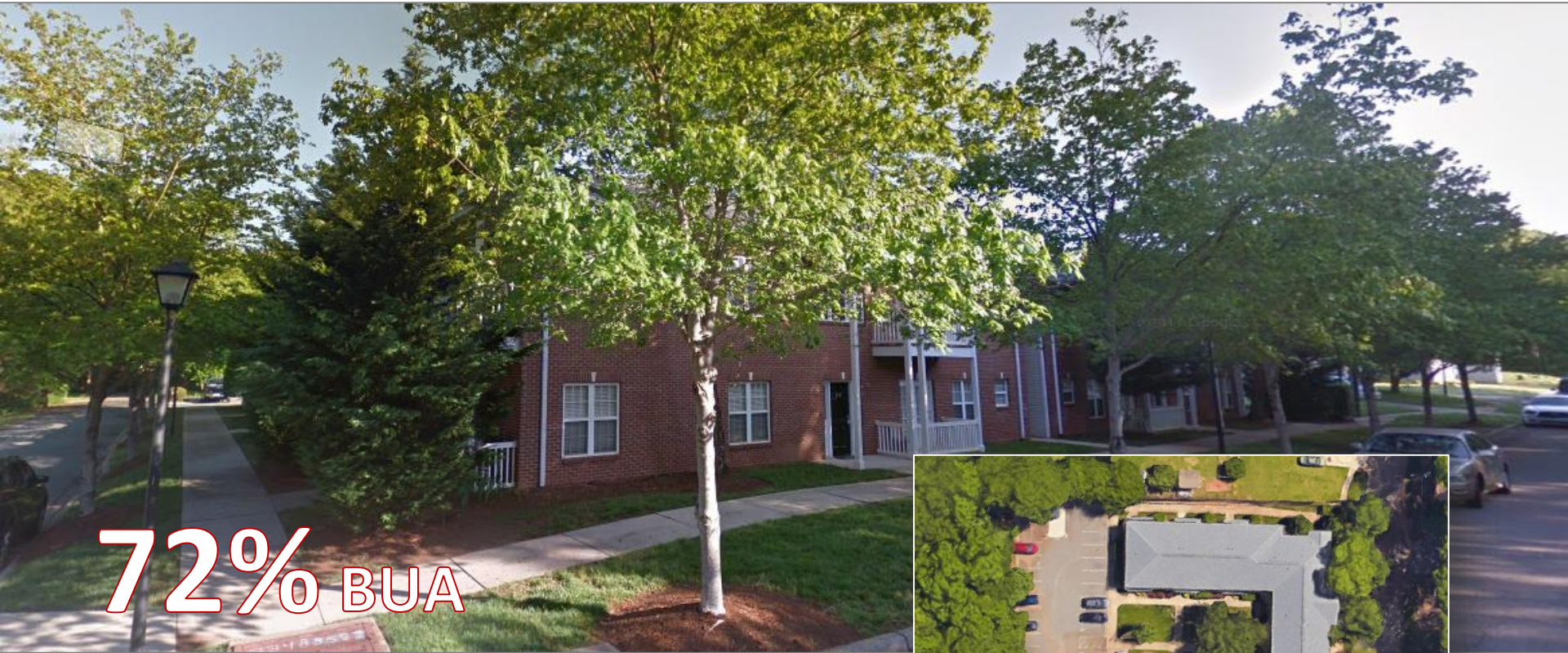


# CSD ELEMENTARY SCHOOL



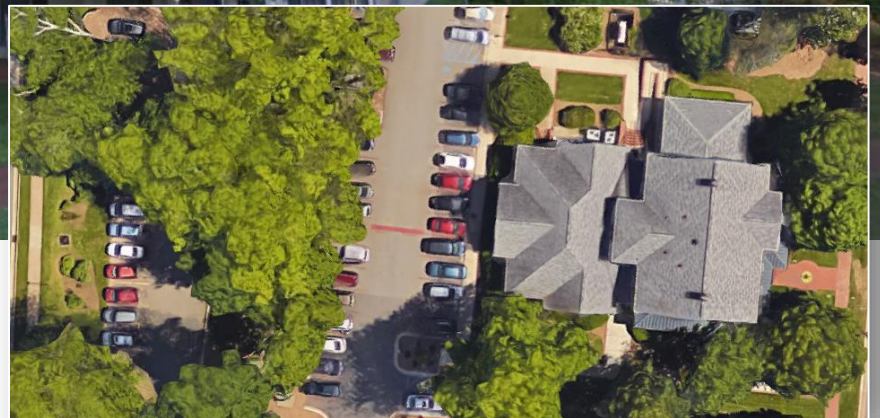


# SHEARER STREET





# WDAV RADIO





## WATERSHED ORDINANCE SUMMARY

Date: April 3, 2018  
To: Board of Commissioners  
From: Planning Board Ordinance Committee  
Re: DPO Section 17 (Watershed Ordinance) - Text Amendments

*Note: The following highlight discussion topics related to DPO Section 17 occurring since the Board of Commissioners last reviewed substantive changes on February 27, 2018.*

### 1. OVERVIEW

- **Purpose:** The standards, in place since 1993, maintain clean water in Lake Norman by requiring vegetative buffers and limiting the amount of "built-upon-area" (BUA) placed on a lot.
- **Background:** In March 2017 Mecklenburg Co., our partner in administering the ordinance (with oversight from NCDEQ), requested that Davidson: Update/clarify standards; address persistent issues and inconsistencies; and, remove inapplicable sections.
- **Equal Application of Standards:** The proposed amendments apply the standards more equally across all lot types, afford sufficient development rights for each lot type, and are guided by adopted plan and policy aims.
- **Scale/Character:** The proposed amendments reinforce the character of existing development.

### 2. OUTSTANDING TOPICS/RESOLUTION

#### SECTION 17.3: DEFINITIONS

- **Add "Expansion" Definition (not previously defined):** The definition is needed so that a building can't be taken down to all but its foundation or a single wall and then claimed as an expansion, which in some cases affords more BUA to be put on a site compared to a demolition.
- **Tweak "Variance" Definitions:** Made sure that same language is used in each and clarified that variances are from "Town" standards, which are stricter than state standards in some instances.

#### SECTION 17.6.1: EXPANSIONS TO EXISTING DEVELOPMENT

- **Shift Non-Conformities Statement:** This statement was moved to the start of 17.6 since it applies to the entire section rather than just 17.6.1-2.
- **Include Enhanced Stormwater Practices for Expansions:** Expansions result in the preservation of existing buildings, a supported policy aim. Their BUA is also treated differently – expansions get 24% BUA beyond the current pre-1993 structure, meaning they may put more than 24% BUA on a site. Currently, they don't have to treat any of the existing or extra BUA. So, to account for this extra BUA and achieve the ordinance's environmental aims, text requiring the inclusion of a



vegetated swale, french drain, etc. on site has been included. This will help treat stormwater runoff for low-density expansions where it's currently not required, while still fostering preservation.

#### SECTION 17.6.2: EXISTING LOTS OF RECORD

- **Remove Exemptions:** Currently, two exemptions from the BUA requirements are proposed: 1. If the lot existed before 1993 and has nothing on it; and, 2. If the lot has been owned by the same family since 1993. If adopted, these exemptions would allow unlimited BUA on a site. Comments received questioned the need for and fairness of any exemptions. As it turns out, Exemption 1 is believed to affect less than 30 lots and Exemption 2 is not legal (i.e. case law prohibits treating land owners differently based on tenure). The text has been revised to remove these exemptions. Note: This would treat these lots the same as others (Buffers, 24% BUA); and, like others, the owners could pursue a variance via the Board of Adjustment if an increased attention to site design still doesn't result in a satisfactory layout.

#### SECTION 17.7.1.2 BUILT-UPON AREA LIMITS

- **Address Contiguous Tracts:** Comments recommended that built-upon area be considered only for adjacent/adjoining and contiguous tracts – i.e. only the actual project site is used to determine the BUA limits. This prevents projects with multiple, non-contiguous parcels from using the BUA from nearby but undeveloped parcels to build more on the project site parcel.
- **Clarify “Low-Density” & “High-Density” Terms:** Comments suggested clarifying that these terms refer to the amount of hardscape on a site (i.e. land coverage) and not units/acre.

#### SECTION 17.7.3.A: CRITICAL AREA

- **Engineered Stormwater Clarification:** Comments recommended the text clarify that individual single-family detached houses are not eligible to utilize engineered stormwater controls to meet this section's requirements. This is because such facilities require legal agreements with Meck. County for their design, operations, inspections and maintenance.

#### SECTION 17.8.2.B.6: BUILT-UPON AREA AVERAGING/PROCESS

- **Board of Adjustment (BOA) Decision:** Comments requested that the changes consider shifting approval from the BOA to the Board of Commissioners (BOC). Draft text was drafted, reviewed, and withdrawn – the decision's quasi-judicial nature limits the BOC's ability to engage with citizens to discuss any case. However, to address concerns about incompatible development being approved, the amendments now include revised language clarifying the BOA's ability to deny a proposal based on adopted plans and policies. In sum: 1. The BOA would only review a BUA Averaging request/plan that had received approval through the requisite development process – complete with public input, staff review, and Planning Board comment; and, 2. Based on the proposed changes, even after that initial approval the BOA's discretion to deny the proposal has been expanded.

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*Note: In the past several weeks the Planning Board Ordinance Committee discussed other topics as part of the revision process. For various reasons, these items were not included in the draft text. Examples include: A sunset date to extend exemptions for a certain period of time; examples related to the exemptions (which are illustrated in presentations); what constitutes a family interest in a lot; and, the treatment of gravel or other similar surfaces on a lot.*

## Upcoming agenda items for April 2018

4-2-18 Draft\*

\*items subject to change

### April 10

Beaty park task force – approve resolution (charge & TF makeup)

Civics 101 participants recognition

Roundabout D-C Road/RW Drive – approve municipal agreement & \$30k

Reimbursement resolution Park at Bailey Springs, phase I

Audit contract (year 3 of 3)

Voluntary annexation 1301 Mayes Road – instruct clerk to investigate

Farmers Market 10-year celebration - exempt alcohol for Green

### April 24

Advisory Board Review - Livability Board

Advisory Board Review – Planning Board

Proposed budget presentation

Tree ordinance draft changes

Davidson East amendment to settlement agreement?

Approve changes to vision and CV5

Quarterly Department Head reports

GO projects comprehensive review

Planning process changes - Part I of II

Main/Concord intersection?

Public facilities status report

Solid waste collection contract