

SECTION 17 TEXT AMENDMENTS – OVERVIEW

TOPICS COVERED

1. **Water Supply Watershed Program History (NCDEQ)**
2. **Purpose Overview**
3. **Proposed Changes**
4. **Current Status & Next Steps**



SECTION 17 - TEXT AMENDMENTS

Water Supply Watershed Program History (NCDEQ)

- 1986 – Voluntary Program
- 1989 – Ratification of HB 156: Water Supply Watershed Protection Act (WSWP)
- 1990 – NCDEQ Public Meetings
- 1992 – Reclassification and Rules
- 1993 – Local Government Ordinances Due
- 1996 – N.C. Court of Appeals rules WSWP Act unconstitutional
- 1997 – N.C. Supreme Court overturns N.C. Court of Appeals ruling



SECTION 17 - TEXT AMENDMENTS

PURPOSE

In March 2017, Charlotte-Mecklenburg Stormwater Services 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)

- **Summary of Proposed Changes:**

- Section 17.3: Definitions
- Section 17.5: Rules Governing the Interpretation of Watershed Boundaries
- Section 17.6: Exceptions to Applicability
- Section 17.7: Watershed Subareas Established
- Section 17.8: Density Averaging



SECTION 17 - TEXT AMENDMENTS

HIGHLIGHTS

■ SECTION 17.3: DEFINITIONS

- Add definitions for “Existing Development” and “Redevelopment”
- Remove definition for “Cluster Development”
- Revise definitions for “High Density Option” and “Low Density Option”
- Revise definitions for “Variance, Major” and “Variance, Minor”

■ SECTION 17.5: RULES GOVERNING THE INTERPRETATION OF WATERSHED DISTRICT BOUNDARIES

- Add subheadings 4 and 5 to clarify the interpretation of Watershed District Boundaries, per Mecklenburg County recommendation



SECTION 17 - TEXT AMENDMENTS

HIGHLIGHTS

▪ SECTION 17.6: EXCEPTIONS TO APPLICABILITY

- 17.6.1 Existing Development: Update language to clarify standards, consistent with state statute 15A NCAC 02B .0104(q)
 - Example
- 17.6.2 Existing Lot (Lot of Record): Update language to clarify standards, consistent with state statute 15A NCAC 02B .0104(q); Clarify single-family exemption on lot of record
 - Example
- 17.6.3 Nonconforming Situations: Remove this section
- 17.6.4 Existing Development: Remove this section



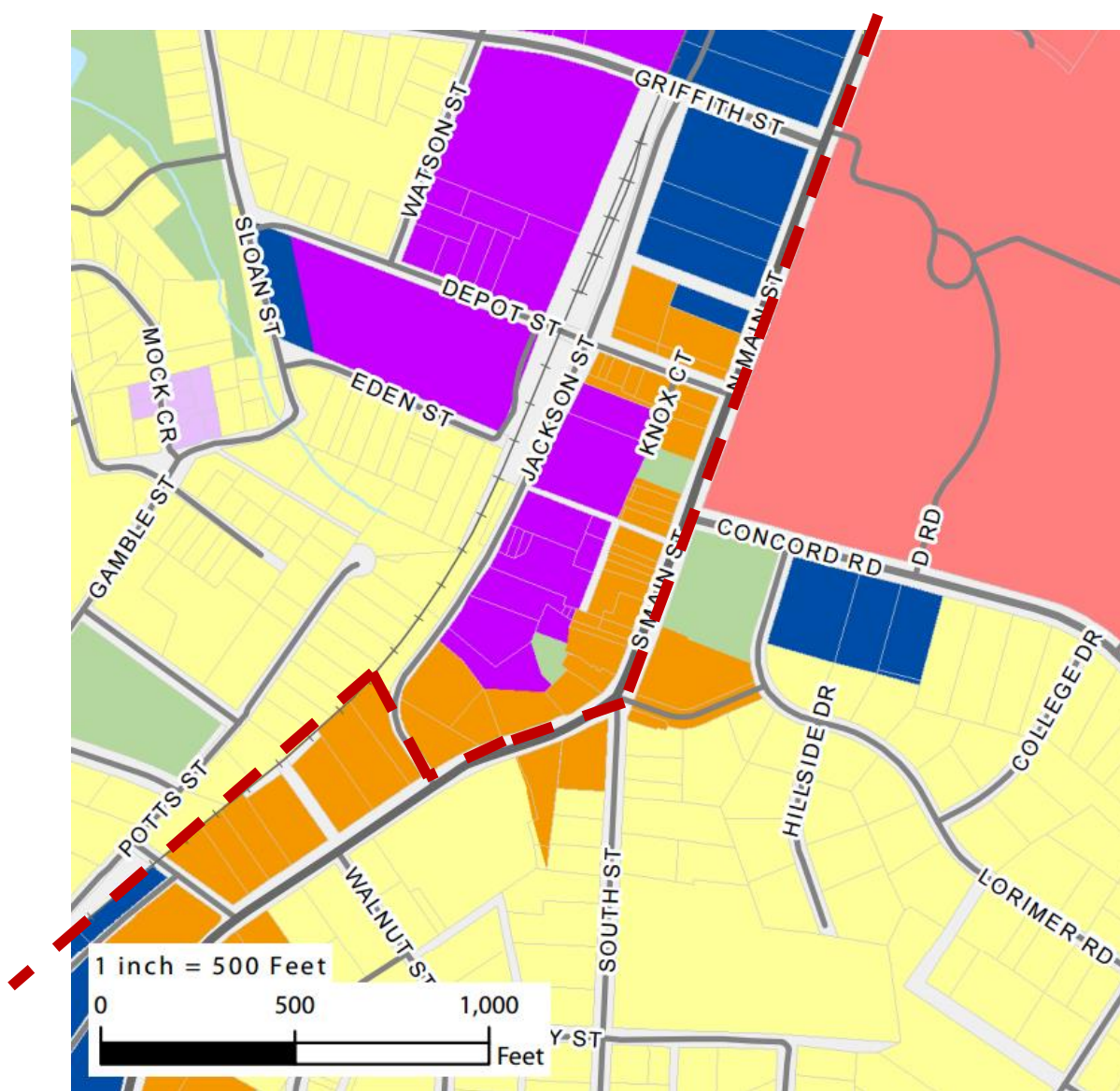
SECTION 17 - TEXT AMENDMENTS

HIGHLIGHTS

- **SECTION 17.6: EXCEPTIONS TO APPLICABILITY (Continued)**
 - Add 17.6.3 Redevelopment: New section to allow for flexibility in redevelopment in Village Center & Village Commerce Planning Areas if:
 - Redevelopment will not result in net increase in BUA from previous development; AND will provide greater or equal stormwater control
 - OR, the redevelopment will result in a disturbance of less than one acre



Critical Area
of the
Watershed



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Section 17 Watershed Protection Overlay District
Planning Ordinance - Text Amendments
FYI Presentation
January 29, 2018

SECTION 17 - TEXT AMENDMENTS

HIGHLIGHTS

▪ **SECTION 17.7: WATERSHED SUBAREAS ESTABLISHED**

- 17.7: Update language to clarify that there is no Lake Norman Protected Area in Davidson
- 17.7.1 Critical Area (CA): Update language to clarify intent of Section 17
- 17.7.1.1 Allowed Uses, Subsection C: Remove “(Single-family, manufactured homes, manufactured home parks, two-family, multi-family and cluster developments)”
- 17.7.1.2 Built-Upon Area Limits: Update language to clarify standards
- 17.7.2 Cluster Development: Remove this section
- 17.7.3 High Density Option: Update language to clarify general requirements
- 17.7.4 Buffer Areas Required, Subsection A: Update language to clarify standards
- 17.7.9 Variances: Remove note under subsection A

▪ **SECTION 17.8: DENSITY AVERAGING**

- Rework entire section to clarify purpose, eligibility, process, documentation and requirements for Density Averaging
- Remove references to “Lake Norman Protected Area” of the watershed



SECTION 17 - TEXT AMENDMENTS

CURRENT STATUS & NEXT STEPS

- **STATUS:**

- Draft sent to Mecklenburg County for final review
- Draft sent to NC Department of Environmental Quality (NCDEQ) for review

- **NEXT STEPS:**

- Begin text amendment process per DPO



QUESTIONS



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