



MEMO: JOINT WORK SESSION: WATERSHED ORDINANCE TEXT AMENDMENTS

Date: June 5, 2018
To: Board of Commissioners
From: Jason Burdette, Planning Director
Re: DPO Section 17 (Watershed Ordinance) - Text Amendments

1. OVERVIEW

BACKGROUND

- **Purpose:** The watershed 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.

ATTACHMENTS

- **Staff Analysis:** Provides an overview and brief discussion of the proposed changes.
- **Frequently Asked Questions:** A summary of questions and topics discussed. This document has been updated since the public hearing.
- **Supporting Graphics:** Illustrate existing conditions, outcomes of proposed standards, and alternative site designs for lots subject to the standards.
- **Annotated Watershed Ordinance:** A draft ordinance highlighting/explaining proposed changes.
- **Planning Board Recommendation:** The Planning Board provided a recommendation and consistency statement from their May 21 meeting.

2. UPDATES SINCE 5/8/18

The Planning Board Ordinance Committee has been working on a revised set of standards since the 5/8/2018 public hearing. The proposed revisions are summarized below:

17.6.1 EXPANSIONS TO EXISTING DEVELOPMENT

- **Phased Transition, Single-Family Expansions:** Lots where a pre-1993 single-family residence is the principal use shall not be required to meet the built-upon area expansion requirements until July 1, 2025; however, these expansions must meet the applicable buffer and enhanced stormwater requirements – as will all other lot types exceeding 24% built-upon area.

17.6.2 EXPANSIONS TO EXISTING DEVELOPMENT

- **Phased Transition, Pre-1993 Single-Family Lots:** Until July 1, 2025 a lot of record may be developed or used for single-family residential purposes subject to applicable buffer requirements, the enhanced stormwater strategies described in 17.6.1, and a maximum built-upon area of 34 percent. This allocates these properties an additional 10% built-upon area – the equivalent of a minor variance. The transition period allows landowners time to plan and make decisions about their property without the immediacy of a sunset date closing in soon.

3. RELATED TOWN GOALS

The primary goal is to protect water quality. This is a stated goal in the town’s core values and in the comprehensive plan. Ancillary impacts of adopting the watershed text amendments touch on a number of items identified in the strategic plan.

STRATEGIC PLAN ALIGNMENT

- **Land Use Strategy:** The proposed standards will help align land use policies to manage residential growth, reduce the scale of future development, and enhance downtown.
- **Community Engagement Strategy:** Since January 2018 the amendments have been discussed monthly/bi-monthly at Planning Board and Board of Commissioners meetings, with the Planning Board Ordinance Committee hosting additional meetings – including an open house – to meet with citizens directly. Multiple digital and print notifications have also been provided.
- **Historic Preservation Strategy:** The standards allow for the preservation of existing homes through expansion incentives, which are balanced with rainwater management strategies.
- **Affordable Housing Strategy:** The standards allow for projects meeting an identified housing need (i.e. less than 120% Area Median Income) to pursue special approval for additional land coverage, if needed. All rainwater management requirements must still be met. Additionally, the standards allow an array of rainwater management tools rather than a one-size-fits-all approach, which has complicated recent affordable housing efforts.
- **Economic Development Strategy:** The standards afford flexibility in areas prioritized by the Comprehensive Plan for investment (discussed in the Comprehensive Plan sub-section below).
- **Partnerships:** The formation of the Planning Board Ordinance Committee (PBOC) has been critical to these amendment’s development. Additionally, staff repeatedly engaged Mecklenburg County and the NC Dept. of Environmental Quality to provide insight into and feedback concerning the standards.

CORE VALUES

- **Open Communication:** The PBOC has played an instrumental role in reviewing/revising standards and engaging citizens. In fact, most changes made since January 2018 are a result of citizen feedback. Feedback has been solicited through consistent, direct engagement with the Board of Commissioners, Planning Board, county/state agencies, and citizens. A variety of means, meeting formats, and engagement strategies ranging from digital/print announcements, public meetings, meetings with citizens/landowners, and an open house have been used to engage landowners in the watershed.
- **Historic Mix of People:** The expansion provisions for single-family lots give long-standing owners a viable option to remain in their house and modify it if desired.
- **Economic Health:** The standards afford flexibility in areas cited by the Comprehensive Plan as important locations for new business opportunities – both downtown and elsewhere.

- **Healthy Environment:** The standards help to protect the Lake Norman watershed by limiting the amount of built-upon-area (BUA) on a site and maintaining buffers around the lake and streams. The proposed changes ensure these standards are applied consistently throughout the watershed.
- **Interjurisdictional Cooperation:** The proposed amendments are the result of collaboration amongst town, county, and state officials and are in accordance with federal laws intended to protect drinking water supplies (i.e. the Safe Drinking Water Act, as amended).

COMPREHENSIVE PLAN

- **Enable Faithful Stewardship, Goal 3 - Sustain/Enhance Air & Water Quality:** This goal recommends working with Mecklenburg County on regulations for water quality/conservation measures. It also states that residents could positively impact the environment by adapting their properties to implement water saving practices, such as those included in the proposed amendments (i.e. rain gardens, rain barrels/downspout modification, French drains). It lists the following as on-going initiatives to pursue: Protect ground/surface water; encourage rainwater capture/reuse in all new development; and, mitigate sources of groundwater contamination.
- **Maintain Quality Design/Sound Planning Goal 1 - Prioritize Infill/Mixed Use Development Within or Near Already Developed Areas:** This goal recommends facilitating reinvestment in the Village Center Planning Area (i.e. downtown). The proposed standards allow flexibility on the downtown block bounded by Main, Jackson, and Depot Streets and appropriately accommodate redevelopment on adjacent blocks (i.e. the Depot building and Sadler Square) by requiring engineered stormwater controls if these blocks redevelop beyond 24% BUA.

CONSTITUENTS SERVED

- **All Citizens:** Residents across town are impacted by the water quality of Lake Norman, which serves as a drinking water supply for the region. This applies to businesses, too, that depend on clean water for their operations.
- **Non-Residential Landowners/Businesses:** The proposed standards treat their expansion options consistently with other lots types and also remove barriers to investment in areas identified by the Comprehensive Plan.
- **Residential Landowners:** The proposed standards treat residential lots more consistently compared to the current standards, which exempt select lots based on their pre-1993 existence while holding newer lots or older lots that were subdivided to different standards. The standards also afford expansion options for long-standing owners that desire to remain in their house. Generally, the proposed standards give the expansion/preservation option greater viability compared to redevelopment (i.e. demolition) when compared to the current standards.
- **Administration/Government:** The proposed amendments increase administrative clarity, including application of standards and processes, compared to the current standards. This benefits landowners, too, who will have a better idea of steps needed to obtain approval.

4. OPTIONS/PROS & CONS

OPTIONS

The PBOC reviewed various options for several of the major amendments topics, two of which are summarized in the Staff Analysis (17.6.2 Existing Lots of Record/Exemptions; 17.8 Built-Upon Area Averaging). In each case the PBOC was able to reach a consensus about the best way forward. Overall, the proposed amendments as listed in the draft ordinance reflect the PBOC's recommendations for the Watershed Ordinance revisions.

PROS & CONS

PROS:

- **Environmental Regulations:** Up-to-Date, Effectively/Fairly Applied
 - » The amendments will bring the watershed ordinance up to date, significant portions of which haven't changed since the 1990s.
 - » The amendments will treat landowners more consistently across and within lots types (i.e. residential, non-residential).
- **Exemptions Removed:** Expansions & Demolitions Avoiding BUA Criteria
 - » The amendments address a long-standing disparity in the current standards that allows some older properties to exceed 24% BUA while holding new lots and older lots that have been subdivided to the 24% BUA limit. The standards propose holding all residential lots to 24%.
- **Measured Flexibility Downtown:** Village Center + Village Commerce
 - » The standards afford flexibility in areas prioritized by the Comprehensive Plan for investment.
- **Increased Administrative Clarity:** Improve Consistency, Reduce Landowner Frustration
 - » The reorganization of sections and clarifications of process will lead to clearer criteria and more consistent treatment of properties.
- **Maintains Landowner Stability/Existing Character:** Affirms/Clarifies Options of Long-standing Owners and Supports Existing Development's Character
 - » The proposed standards give the expansion/preservation option greater viability compared to redevelopment (i.e. demolition) when compared to the current standards.
 - » The proposed amendments indirectly reinforce the scale and character of existing streets throughout the watershed, which the current standards/exemptions do not.

CONS:

- **Inaction:** Persistence of Exemptions/Regulatory Disparity for Decades
 - » With recent development pressures and the conversion of entire sections of streets into new housing, the enduring disparity in treatment of older vs. newer lots has become more pronounced. That these disparities would continue if adequate measures are not adopted is important to consider.
- **Additional Design:** Post-1993 Lots Require Focused Design
 - » The proposed amendments will treat lots more consistently. For currently unrestricted older residential lots, this means being held to the same standards as newer lots or older lots that subdivide (i.e. 24%). In these cases, thorough site design becomes especially important as site features included in conventional building (driveway, walkway, house, patio, etc.) may need to be carefully evaluated and designed to meet the buffer and BUA standards. The supporting illustrations of case studies show viable, realistic scenarios in which comparable levels of site and housing design can be achieved.

5. FYI/RECOMMENDED ACTION

Provide feedback on proposed watershed text amendments.

6. NEXT STEPS

- **June 5, 2018:** Joint work session with Board of Commissioners and PBOC.
- **June 12, 2018:** The Commissioners will hear/review the Planning Board's recommendation and may take action on the proposed amendments.