

TOWN OF DAVIDSON PLANNING BOARD

CONSISTENCY STATEMENT

PROPOSAL

Davidson Planning Ordinance Section 17 Update – Watershed Text Amendments

SUMMARY OF ACTION TAKEN BY BOARD

Vote: 9-0

Description of Action: The Planning Board finds the proposed amendments to Section 17 of the Davidson Planning Ordinance (“DPO”), as set forth in the proposed amended and restated DPO Section 17 attached hereto as Exhibit A, consistent with adopted plans and policies of the Town of Davidson. The Planning Board attaches the following conditions to this approval: A clarifying statement must be added to Section 17.6.1 stating the requirements for an expansion to existing development after the 2025 deadline; A minor revision to the definition for “existing development” should be made requiring a valid local government written approval; The January 1, 2025 deadline should be extended to July 1, 2025.

PROPOSAL / REQUEST

The proposed text amendments update/clarify standards; address persistent issues and inconsistencies; and remove inapplicable sections.

SUMMARY OF PETITION / PROPOSAL

In March 2017, Mecklenburg County, our partner in administering the watershed ordinance – with oversight from the North Carolina Department of Environmental Quality (“NCDEQ”) – requested that the Town of Davidson: update/clarify standards; address persistent issues and inconsistencies; and remove inapplicable sections. The standards, in place since 1993, are designed to maintain clean water in Lake Norman by requiring vegetative buffers and limiting the amount of “built-upon-area” (“BUA”) placed on a lot.

The proposed amendments cover many topics; among the more prominent are:

- The addition of new definitions related to existing development, redevelopment, and the modification of the variance definitions to be clearer and aligned with relevant state law and regulations;
- The phasing-out (in 2025) of the current exemption for expansions to single-family homes that existed prior to 1993;
- The modification and phasing-out of the current exemption for existing lots of record, such that pre-1993 lots – both undeveloped and developed – may be used for single-family residential purposes with a maximum BUA limit of 34 percent until 2025, and 24 percent thereafter;
- The inclusion of rainwater management strategies for expansions to both residential and non-residential structures existing prior to 1993;
- The modification of standards in the downtown area to allow properties in these areas to redevelop up to certain BUA limits, depending on their location;
- The clarification that property must be contiguous, adjoining, or adjacent to be included in

- calculation of a project area's BUA;
- The modification of the BUA averaging (formerly known as "Density Averaging") program to (a) increase and clarify the Board of Adjustment's discretion in deciding cases, and (b) express a preference for the types of proposals appropriate for this program.

Balancing a range of interests, the proposed amendments strive to apply the standards more equally across all lot types, afford sufficient development rights for each lot type, reinforce the character of existing development, and are guided by adopted plan and policy aims.

CONSISTENCY STATEMENT

The Planning Board finds that the proposed watershed text amendments are consistent with the Davidson Comprehensive Plan, as adopted by the Board of Commissioners and amended from time to time. The areas in which watershed text amendments are consistent with the Davidson Comprehensive Plan and all other officially adopted plans are as follows:

Consistent with the Davidson Comprehensive Plan (August 2010):

- a. ***Encourage Committed Civic Involvement & Responsibility, Goal 2 - Sustain and Promote More Resident Volunteerism and Involvement:*** This goal notes the importance of local advisory boards being more engaged and influential concerning short-term and long-term decisions. The proposed amendments are the product of extensive involvement on the part of the Planning Board Ordinance Committee, which collaborated with staff in reviewing/revising the amendments beginning early in the process, and met with citizens individually and collectively (including hosting an open house) to solicit and incorporate their feedback. The proposed amendments thus reflect significant and meaningful citizen input.
- b. ***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. The proposed amendments are the result of close collaboration with Mecklenburg County and further the initiatives listed above through a mix of land coverage and site design criteria.
- c. ***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.

Adopted this 21st day of May, 2018.

