



## MEMO

Date: January 9, 2018  
To: Board of Commissioners  
From: Jason Burdette, Planning Director  
Re: DPO Section 17 (Watershed Ordinance) - Text Amendments

---

### 1. INTRODUCTION

This memorandum summarizes why updates to DPO Section 17 are being undertaken, provides an overview of proposed changes, and discusses the status of the update and next steps in the process.

#### PURPOSE

In March of 2017, Charlotte-Mecklenburg Stormwater Services suggested that Davidson update DPO Section 17 to clarify standards, address inconsistencies, and remove inapplicable sections in the Davidson Watershed Ordinance. Mecklenburg County provided a preliminary list of recommended changes to Davidson's Watershed Ordinance on March 10, 2017. Staff worked to incorporate these suggested changes, as well as additional changes to Section 17 to further clarify standards and remove confusing/conflicting language.

### 2. OVERVIEW OF PROPOSED CHANGES

Proposed changes to DPO Section 17 include the following:

- **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," consistent with definitions used in 15A NCAC 02B .0202.
- **Section 17.6: Exceptions to Applicability**
  - Update language under 17.6.1 Existing Development to clarify standards, consistent with state statute 15A NCAC 02B .0104(q).
  - Update language under 17.6.2 Existing Lot (Lot of Record) to clarify standards, consistent with state statute 15A NCAC 02B .0104(q). Remove the exemption for single-family residential development on lots of record, per Mecklenburg County's recommendation.
  - Remove 17.6.3 Nonconforming Situations, as this section is unnecessary and inconsistent with DPO Section 12.

- Remove 17.6.4 Existing Development, as this is a repeat of Section 17.6.1
- Add a new Section 17.6.3 entitled “Redevelopment” to allow for flexibility in the redevelopment of parcels located in the Village Center and Village Commerce Planning Areas, not subject to the requirements of the watershed ordinance if the following conditions are satisfied:
  - 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
  - The redevelopment will result in the disturbance of less than one acre
- **Section 17.7: Watershed Subareas Established**
  - Update language under 17.7 to clarify that there is no Lake Norman Protected Area located within the jurisdiction of the Town of Davidson
  - Update language under 17.7.1 Critical Area (CA) to clarify the intent of the Watershed Ordinance standards
  - Under 17.7.1.1 Allowed Uses, subsection C, remove “(Single-family, manufactured homes, manufactured home parks, two-family, multi-family and cluster developments)”
  - Update language under 17.7.1.2 Built-Upon Area Limits to clarify standards, remove maximum of two dwelling units per acre rule and add a requirement for reserve built-upon area
  - Remove 17.7.2 Cluster Development, as the Town no longer allows this development type
  - Update language under 17.7.3 High Density Option to clarify general requirements
  - Update/remove incorrect ordinance references throughout 17.7.3 High Density Option
  - Update language under 17.7.4 Buffer Areas Required, subsection A to clarify standards
- **Section 17.7.9 Variances**
  - Under 17.7.9.A, remove the note “Any request to vary maximum density or built-upon areas shall be deemed a major variance request,” as this is inconsistent with 15A NCAC 02B .0202.
- **Section 17.8: Density Averaging**
  - Rework entire section to clarify the purpose, eligibility, process, documentation and requirements for Density Averaging.
  - Remove references to the “Lake Norman Protected Area” of the watershed.

### 3. STATUS OF REVIEW/NEXT STEPS

#### STATUS & NEXT STEPS

A draft of DPO Section 17 with proposed changes has been approved by both Mecklenburg County and the NC State Department of Environmental Quality (NCDEQ). Section 17 text amendments will follow the process under DPO Section 14.19 for Changes and Amendments to the Planning Ordinance.