

TA 17-07 Water Quality Amendment

**PART 1: DESCRIPTION**

TA17-07 is a request by the Town of Huntersville Planning Department offering additional options to meet Huntersville's Water Quality Ordinance for development and redevelopment projects.

**PART 2: BACKGROUND**

The purpose for additional mitigation sections to Huntersville's Water Quality Ordinance is to create additional opportunities for:

- 1) Development or redevelopment of smaller lots less than one acre in size where the installation of water quality treatment devices is more challenging, and;
- 2) Redevelopment in the Town Center zoning district to promote downtown development.

Protection of surface water quality has been a high priority of Huntersville and Mecklenburg County since the adoption of water quality standards in 2003 and installation of 12 Best Management Practices (BMP's) in the McDowell Creek Watershed. Water quality monitoring between 2006 and 2015 has shown total suspended solids decreased by 50% and nutrient levels decreased by 25% even as the watershed continues to see unprecedented growth. As a result of these efforts, Charlotte-Mecklenburg Storm Water Services and the Town of Huntersville were awarded the Surface Water Implementation, Source Water Protection Award for 2017 from the North Carolina Source Water Collaborative (NCSWC).

Since protecting surface water quality continues to be a priority, it is essential that any relaxation of water quality treatment requirements be done without significantly diminishing the effectiveness of the ordinance in protecting water quality. The text amendment was prepared by Rusty Rozzelle, Charlotte-Mecklenburg Storm Water Services Program Manager working with the Huntersville Ordinances Advisory Board and Huntersville Planning Department. It is modeled on an ordinance adopted by the City of Charlotte that was prepared by staff and representatives of the development community.

The Huntersville Ordinances Advisory Board (HOAB) considered the text amendment at their July 13, 2017 meeting and unanimously recommended its approval.

**PART 3: RELEVANT SECTIONS OF THE HUNTERSVILLE 2030 COMMUNITY PLAN AND APPLICABLE LONG RANGE PLANS**

The following are examples of relevant plans and policies from the 2030 Huntersville Community Plan that may be incorporated into the Board's statement of consistency for approval or denial of the request.

- Policy H-1: Development Pattern. Continue to follow existing residential development pattern as reflected in "Map of Zoning Districts," focusing higher intensity development generally within two miles of the I-77/NC-115 corridor and lower intensity development from the east and west of this corridor extending to the Town boundaries.

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- Policy H-10: Redevelopment Areas. Support redevelopment of older established residential areas, consistent with adopted plans, Zoning Ordinance and Subdivision regulations.
- Policy E-1: Preservation and Enhancement. Support the preservation and enhancement of the natural environment, along with its scenic and cultural assets.
- Policy E-3: Environmental Regulations. Support and enhance environmental regulations pertaining to tree preservation, buffer yards, open space, water quality, wetland and stream protection.
- Policy ED-1: Diversify Tax Base. Continue to look for ways to expand and diversify the employment base in Huntersville.
- Policy DT-3: Capital Investments. Install roads, sidewalks, bikeways, greenways and utility infrastructure necessary to support development and redevelopment within the downtown, consistent with the future land use plan for the downtown.

### PART 4: STAFF RECOMMENDATION

Staff recommends approval of TA 17-07. In considering the proposed amendment TA 17-07, Water Quality, the Planning Staff finds it consistent with Policy H-1, H-10, E-1, E-3, ED-1 and DT-3 of the 2030 Community Plan and recommends approval.

It is reasonable and in the public interest to amend the Zoning Ordinance because it allows additional options to meet Huntersville's Water Quality Ordinance for development of smaller lots and redevelopment projects in the TC Zone without significantly diminishing the effectiveness of the ordinance in protecting water quality.

### PART 5: PUBLIC HEARING

The Public Hearing was held on September 5, 2017. Comments included:

- Put mitigation fee in ordinance and not in the Water Quality Design Manual to make it easier for customers to find (change made to ordinance in .15(f)(3)).
- Ordinance needs to spell-out who determines the mitigation project (change made to ordinance in .15(f)(3)-Town determines project).
- Should the term "built-upon" or "impervious" be used? Response: Use "built-upon", it is currently defined in ordinance (see bottom of attached ordinance).
- An example of how the mitigation fee would apply would be helpful (see Attachment D).

### PART 6: PLANNING BOARD RECOMMENDATION

The Planning Board unanimously recommended approval on September 26, 2017 with the last sentence changed as follows:

An exception to the location of the mitigation project can be made if the Storm Water Administrator determines there are no viable mitigation projects in that watershed provided mitigation is done in the Town of Huntersville zoning jurisdiction.

### PART 7: ATTACHMENTS AND ENCLOSURES

**Attachment A: Text Amendment Application**

Attachment B: Proposed Ordinance from Staff

Attachment C: Source Water Protection Award Letter and Support Material

Attachment D: Summary of Proposed Mitigation Sections for Addition

**PART 8: STATEMENT OF CONSISTENCY – TA17-07**

Planning Department	Planning Board	Board of Commissioners
<p><b>APPROVAL:</b> In considering the proposed amendment TA 17-07, Water Quality, the Planning Staff finds it consistent with Policy H-1, H-10, E-1, E-3, ED-1 and DT-3 of the 2030 Community Plan and recommends approval.</p> <p>It is reasonable and in the public interest to amend the Zoning Ordinance because it allows additional options to meet Huntersville's Water Quality Ordinance for development of smaller lots and redevelopment projects in the TC zone without significantly diminishing the effectiveness of the ordinance in protecting water quality.</p>	<p><b>APPROVAL:</b> In considering the proposed amendment TA 17-07, Water Quality, the Planning Board recommends approval based on the amendment being consistent with <u>(insert applicable plan reference)</u></p> <p>It is reasonable and in the public interest to amend the Zoning Ordinance because it allows additional options to meet Huntersville's Water Quality Ordinance for development of smaller lots and redevelopment projects in the TC zone without significantly diminishing the effectiveness of the ordinance in protecting water quality.</p>	<p><b>APPROVAL:</b> In considering the proposed amendment TA 17-07, Water Quality, the Town Board grants approval based on the amendment being consistent with <u>(insert applicable plan reference)</u></p> <p>It is reasonable and in the public interest to amend the Zoning Ordinance because...<i>(Explain)</i></p>
<p><b>DENIAL: N/A</b></p>	<p><b>DENIAL:</b> In considering the proposed amendment TA 17-07 Water Quality, the Planning Board recommends denial based on the amendment being <u>(consistent OR inconsistent)</u> with <u>(insert applicable plan reference)</u>.</p> <p>It is not reasonable and in the public interest to amend the Zoning Ordinance because....<i>(Explain)</i></p>	<p><b>DENIAL:</b> In considering the proposed amendment TA 17-07, Water Quality, the Town Board denies based on the amendment being <u>(consistent OR inconsistent)</u> with <u>(insert applicable plan reference)</u>.</p> <p>It is not reasonable and in the public interest to amend the Zoning Ordinance because....<i>(Explain)</i></p>