



Proposed Mitigation Sections for Addition to Huntersville's Water Quality Ordinance

Purpose:

The purpose for the addition of the following mitigation sections to Huntersville's Water Quality Ordinance is to create additional opportunities for development and redevelopment in the Town, particularly in the Town Center, without significantly diminishing the effectiveness of the ordinance at protecting water quality.

Section 8.17.15: Mitigation Options

- d) **Mitigation for Development and Redevelopment on Lots Less Than One Acre. Development and redevelopment on a lot less than one (1) acre in size are allowed by right to forego meeting the requirements of this article, provided the following criteria are met:**
 - 1. **The lot has been described by metes and bounds in a recorded deed or shown on a recorded plat prior to July 1, 2007;**
 - 2. **Development and redevelopment on the lot are not part of a larger common plan of development or sale, even though multiple, separate or distinct activities take place at different times on different schedules;**
 - 3. **Stream Buffer requirements are fulfilled as described in Section 8.25 of this ordinance; and**
 - 4. **Mitigation is provided by fulfilling at least one (1) of the three (3) criteria described in Subsection f) below.**

- e) **Mitigation for Redevelopment in the Town Center Zoning District. Redevelopment projects in the Town Center Zoning District for the Town of Huntersville are allowed by right to forego meeting the requirements of this article, provided the following criteria are met:**
 - 1. **Stream Buffer requirements are fulfilled as described in Section 8.25 of this ordinance;**
 - 2. **Mitigation is provided by fulfilling at least one (1) of the three (3) criteria described in Subsection f) below; and**
 - 3. **If there is no net increase in existing built-upon area, including built-upon area that is removed as part of the redevelopment, and there is no decrease in existing storm water controls, then there is no limit on the amount of disturbed area, or**
 - 4. **If there is a net increase in existing built-upon area, including built-upon area that is removed as part of the redevelopment, or there is a decrease in existing storm water controls, then the amount of total disturbed area on the site must be less than one (1) acre.**

- f) **Criteria for Development and Redevelopment Mitigation. One (1) of the following three (3) criteria must be fulfilled to satisfy the mitigation requirement for development and redevelopment projects described in Subsection d) and e) above:**
1. **Storm Water Quality Treatment requirements are met on site as described in Section 8.17.12(b)(3), (4) and (5) of this ordinance with LID or Conventional BMPs allowed;**
 2. **Storm Water Volume and Peak Control requirements are met on site as described in Section 8.17.12(b)(6) and (7) of this ordinance; or**
 3. **The Town is paid a mitigation fee prorated at \$60,000 per acre for all projects except single-family residential that will be prorated at \$45,000 per acre for the untreated post-project built-upon-area. This fee shall be used to cover the cost for installation by the Town or its designee of a mitigation project(s) capable of achieving a net mass removal of pollutants greater than or equal to the pollutant removal that would have been achieved by BMPs installed at the development site in full compliance with ordinance requirements. The mitigation project(s), as determined by the Town, must be located in the same named lake or stream watershed that is receiving storm water discharge from the development site, including Lake Norman, Mountain Island Lake, McDowell Creek, Gar Creek, Ramah Creek, and Clarke Creek. 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.**

Example:

The following are examples of how the above ordinance revisions might be applied.

Location: 101 Huntersville-Concord Road (Huntersville Town Hall) at 0.403 acres.

Ordinance Requirements: Sections 8.17.15(d), 8.17.15(e) and 8.17.15(f) could apply.

Options for Compliance:

1. Since the lot is less than 1 acre and is located in the Town Center Zoning District, it could be redeveloped and an increase in BUA would be allowed under 8.17.15(d) and 8.17.15(e) above.
2. If a mitigation fee were paid to the Town as described in 8.17.15(f), then the Water Quality requirements would not have to be met. If the site were redeveloped to 80% built-upon area, the mitigation fee would be calculated as follows: $0.8 \times 0.403 = 0.3224$ x \$60,000 = \$19,334.

ATTACHMENT 1
Huntersville's Town Center (TC) Zoning District (in red below)
(± 127 acres)

