

AN ORDINANCE TO AMEND ARTICLE 3.2.1 AND ARTICLE 9.61 OF THE ZONING ORDINANCE

Section 1. Be it ordained by the Board of Commissioners of the Town of Huntersville that Article 3.3.2-A(g)(9) of **Zoning Ordinance** is hereby amended as follows:

- i. All structural BMPs must be inspected and certified annually for compliance with design criteria by a ~~licensed N.C. engineer~~ a **qualified professional** in accordance with the Huntersville Water Quality Ordinance. Inspection reports must be submitted to Mecklenburg County for approval.
- j. Any deficiencies detected to the BMP or any other mitigation measure must be corrected ~~within 30 days~~ **in a timely manner** of detection at the sole expense of the property owner. Failure to do so will be in violation of the Huntersville Water Quality Ordinance and could result in the assessment of penalties.

Section 2. Be it ordained by the Board of Commissioners of the Town of Huntersville that Article 3.3.2-B(h) of **Zoning Ordinance** is hereby amended as follows:

- (1) The High Density Option allows for greater development density provided engineered controls (structural BMPs) are used to manage storm water runoff. Structural BMPs are required under the High Density Option. The HIGH DENSITY OPTION is permitted in the PA1 and PA2 subareas. ~~It shall be permitted only for such time as an interlocal agreement remains in force between the Town of Huntersville and Mecklenburg County, whereby Mecklenburg County assumes responsibility for review and approval of High Density Development Permits, initial inspection and approval, annual inspection and reporting, and maintenance of structural BMPs within the jurisdiction of the Town of Huntersville, as set forth in a Storm Water Management Interlocal agreement between the County of Mecklenburg and the Town of Huntersville.~~ In addition to meeting basic zoning and subdivision standards of the Town of Huntersville, high density development shall meet the requirements of this section, the Land Development Standards Manual, other published standards of the Town Engineering Department, ~~and Section 10.509 paragraph 3 of the Mecklenburg County Zoning Ordinance as may be amended from time to time.~~
- (2) Posting of Financial Security Required.
 - (a) When Structural BMP's are required under the High Density Option, the approval of the High Density Development Permit will be subject to developer compliance with **Section 8.400 of the Huntersville Subdivision Ordinance**, ~~Section 10.509 paragraph 3 of the Mecklenburg County Zoning Ordinance, the provisions of which, including subsequent amendments, are incorporated herein.~~

Section 3. Be it ordained by the Board of Commissioners of the Town of Huntersville that Article 3.3.2-B(i) of **Zoning Ordinance** is hereby amended as follows:

- 9) Stormwater runoff from paired parcel averaged density-averaged development which meets the low-density option development requirements shall be controlled by vegetative conveyances to the maximum extent practicable and shall be approved by **the Town of Huntersville, Mecklenburg County Storm Water Services', Water Quality Program.**

Section 4. Be it ordained by the Board of Commissioners of the Town of Huntersville that Article 3.3.3-A of **Zoning Ordinance** is hereby amended as follows:

Intent: The intent of these regulations is to require higher standards in the Critical Area of the Lake Norman Watershed because of the greater risk of water quality degradation from pollution. All uses permitted in the Critical

Area for which erosion/sedimentation control plans are required under ~~Mecklenburg County~~ **Town of Huntersville** regulations are subject to the standards of both the overlay district and the underlying zoning district. In every case the more restrictive standard controls.

Section 5. Be it ordained by the Board of Commissioners of the Town of Huntersville that Article 3.3.3-A(h) of **Zoning Ordinance** is hereby amended as follows:

- 1) The High Density Option allows for greater development density provided engineered controls (structural BMPs) are used to manage storm water runoff. Structural BMPs are required under the High Density Option. The HIGH DENSITY OPTION is permitted in the CA subarea. ~~It shall be permitted only for such time as an interlocal agreement remains in force between the Town of Huntersville and Mecklenburg County, whereby Mecklenburg County assumes responsibility for review and approval of High Density Development Permits, initial inspection and approval, annual inspection and reporting, and maintenance of structural BMPs within the jurisdiction of the Town of Huntersville, as set forth in a Storm Water Management interlocal agreement between the County of Mecklenburg and the Town of Huntersville.~~ In addition to meeting basic zoning and subdivision standards of the Town of Huntersville, high density development shall meet the requirements of this section, the Land Development Standards Manual, other published standards of the Town Engineering Department., and Section 10.509 paragraph 3 of the ~~Mecklenburg County Zoning Ordinance (?) as may be amended from time to time.~~
- 4) Posting of Financial Security Required.
 - (a) When Structural BMPs are required under the High Density Option, the approval of the High Density Development Permit will be subject to developer compliance **Section 8.400 of the Huntersville Subdivision Ordinance.** ~~with Section 10.509 paragraph 3 of the Mecklenburg County Zoning Ordinance, the provisions of which, including subsequent amendments, are incorporated herein.~~

Section 6. Be it ordained by the Board of Commissioners of the Town of Huntersville that Article 3.3.3-A(i) of **Zoning Ordinance** is hereby amended as follows:

- 9) Stormwater runoff from paired parcel averaged density-averaged development which meets the low-density option development requirements shall be controlled by vegetative conveyances to the maximum extent practicable and shall be approved by **the Town of Huntersville** ~~Mecklenburg County Stormwater Services', Water Quality Program.~~

Section 7. Be it ordained by the Board of Commissioners of the Town of Huntersville that Article 7.8(2) of **Zoning Ordinance** is hereby amended as follows:

- .2 Maintenance Surety Required.

Developers shall enter into a maintenance surety agreement ~~with Mecklenburg County~~ **Town of Huntersville** guaranteeing the viability of street trees and trees and shrubs planted in buffer yards for a period of 1 year following planting. The amount of the surety shall be equal to 50% of the value of the new trees or landscape material and their installation. The maintenance surety shall be provided when all of the required trees and shrubs have been planted.

Section 8. Be it ordained by the Board of Commissioners of the Town of Huntersville that Article 8.17(21) of **Zoning Ordinance** is hereby amended as follows:

- .21 Posting of Financial Security. Approval of a Storm Water Management Permit Application shall be subject to the owner filing a surety bond or letter of credit or making other financial arrangements in favor of ~~Mecklenburg County as agent for the Town of Huntersville acceptable to the Mecklenburg County Land Use and Environmental Services Agency~~ guaranteeing the installation and maintenance of required BMPs until the issuance of certificates of occupancy for seventy-five percent (75%) of all construction which might reasonably be anticipated to be built within the area which drains into the BMP, allowing credit for improvements completed prior to the submission of the final plat. At such time that this level of occupancy is achieved, written notice thereof shall be submitted by the owner to the **Town of Huntersville** ~~Mecklenburg County Land Use and Environmental Services Agency~~. The owner shall verify the adequacy of the Maintenance Covenant for the BMPs including the necessary financing to support the proposed maintenance practices. The owner shall also provide professional engineer certification that the BMP is designed and constructed in accordance with approved plans and specifications. The **Town of Huntersville** ~~Mecklenburg County Land Use and Environmental Services Agency~~ will inspect the structural BMP and verify the effectiveness of the Maintenance Covenant and, if both are found to be satisfactory, the **Town of Huntersville** ~~Mecklenburg County Land Use and Environmental Services Agency~~ will notify the owner in writing within 30 days of the date of notice regarding approval of the BMP. Following the issuance of this written approval, the owner can request the release of the surety bond, letter of credit or other financial arrangements at which time the maintenance responsibilities for the BMPs shall revert to the Homeowners Association, property owner or other party responsible for long term maintenance as specified in the Maintenance Covenant. It shall be expressly stated within the restrictive covenants or Property Owners Association documents that it will be the responsibility of the owner or assigns to maintain BMPs until such time as maintenance responsibilities have been transferred to the Homeowners Association Board of Directors, property owner or other party responsible for long-term maintenance of the BMPs. It shall be the sole responsibility of the owner or assigns to correct any deficiencies prior to said transfer of maintenance responsibilities.

Section 9. Be it ordained by the Board of Commissioners of the Town of Huntersville that Article 8.25.11(b)(1) of **Zoning Ordinance** is hereby amended as follows:

- (1) Installation of Structural BMPs. The installation of an on-site structural BMP designed to achieve specified pollutant removal targets will allow for all proposed stream buffer impact on the specific site. The BMP must remain outside of the Stream Side Zone and Manage Use Zone. A detailed BMP design plan must be submitted to the **Town of Huntersville** ~~Mecklenburg County Land Use and Environmental Services Agency~~ for approval based on specifications contained in the Charlotte-Mecklenburg BMP Design Manual. This plan must also include a long-term maintenance strategy for the BMP, complete with the establishment of adequate financing to support the proposed maintenance practices.

Section 10. Be it ordained by the Board of Commissioners of the Town of Huntersville that Article 8.25.12 of **Zoning Ordinance** is hereby amended as follows:

- .12 Posting of financial security required. When structural BMPs (wet detention ponds and other BMPs) are approved for mitigation of a buffer disturbance, the approval will be subject to the owner filing a surety bond or letter of credit or making other financial arrangements which are acceptable to the **Town of Huntersville** ~~Mecklenburg County Land Use and Environmental Services Agency~~, in a form which is satisfactory to the ~~Town County~~ **Town** Attorney, guaranteeing the installation and maintenance of the required structural BMPs until the issuance of certificates of occupancy for seventy-five percent (75%) of all construction which might reasonably be anticipated to be built within the area which drains into the BMPs, allowing credit for improvements completed prior to the submission of the final plat. At such time that this level of occupancy is achieved, written notice thereof must be submitted by the owner to the **Town of Huntersville** ~~Mecklenburg County Land Use and Environmental Services Agency~~. The owner must also verify the adequacy of the maintenance plan for

the BMPs including the necessary financing to support the proposed maintenance practices. The **Town of Huntersville** ~~Mecklenburg County Land Use and Environmental Services Agency~~ will inspect the structural BMPs and verify the effectiveness of the maintenance plan; if both are found to be satisfactory, the department will notify the owner in writing within 30 days of the date of notice.

Section 11. Be it ordained by the Board of Commissioners of the Town of Huntersville that Article 12.2.3 Watershed Definitions of **Zoning Ordinance** is hereby amended as follows:

Best Management Practices (BMPs). A structural or non-structural management-based practice used singularly or in combination to reduce non-point source input to receiving waters in order to achieve water quality protection goals.

Non-structural BMPs. Non-engineered methods to control the amount of non-point source pollution. These may include land-use controls and vegetated buffers.

Structural BMPs. Engineered structures that are designed to reduce the delivery of pollutants from their source or to divert contaminants away from the water supply. Structural BMPs allowed for use under the High Density Option are those which have been approved by the North Carolina Division of Water Quality and **the Town of Huntersville** ~~Mecklenburg County~~. These are wet detention ponds, extended dry detention ponds, and grass swales.

Section 12. Be it ordained by the Board of Commissioners of the Town of Huntersville that Article 6.400(18) of **Subdivision Ordinance** is hereby amended as follows:

18. Storm Water Permit Application. A Storm Water Permit Application shall be submitted along with preliminary plans for each proposed development. The permit application shall demonstrate compliance with Section 8.17.6, Performance Criteria of the Huntersville Zoning Ordinance, unless otherwise exempted. The storm water permit application shall contain computations, drawings, soil analyses, calculations for each BMP, and overall site hydrology calculations as well as other information sufficient to describe the manner, location, and type of measures for managing storm water from the development in compliance with Section 8.17.6. In addition, the permit application shall specify those parties responsible for long-term maintenance of all BMPs. The **Town of Huntersville** ~~Mecklenburg County Land Use and Environmental Services Agency~~ shall review the permit application to determine compliance with the approved Performance Criteria. Approval of the storm water permit application by the **Town of Huntersville** ~~Mecklenburg County Land Use and Environmental Services Agency~~ is required prior to the initiation of land disturbing activities and said storm water permit application shall serve as the basis for all subsequent construction.

Section 13. Be it ordained by the Board of Commissioners of the Town of Huntersville that Article 7.290(4) of **Subdivision Ordinance** is hereby amended as follows:

4. PROTECTED AREA DEVELOPMENT STANDARDS

Only development activities that require an erosion/sedimentation control plan under **Town of Huntersville** ~~Mecklenburg County~~ regulations, as may be amended from time to time, are required to meet the development standards of Section 7.290.4 of this ordinance.

High density option is permitted in subareas PA1 and PA2, ~~and shall be permitted only for such time as an interlocal agreement remains in force between the Town of Huntersville and Mecklenburg County, whereby Mecklenburg County assumes responsibility for plan review, initial inspection and approval, annual inspection and reporting, and maintenance of wet detention ponds within the jurisdiction of the Town of Huntersville, as set forth in a Storm Water Management Interlocal Agreement between the County of Mecklenburg and the Town of Huntersville.~~

Section 14. Be it ordained by the Board of Commissioners of the Town of Huntersville that Article 7.290(5) of **Subdivision Ordinance** is hereby amended as follows:

5. POSTING OF FINANCIAL SECURITY REQUIRED

When Structural BMP's (wet detention ponds and all other BMP's) are required under the High Density Option, the approval of the High Density Development Permit will be subject to developer compliance with Section **8.400 of the Huntersville Subdivision Ordinance**, ~~7.200.10 subparagraph 3. of the Mecklenburg County Subdivision Ordinance, the provisions of which, including subsequent amendments, are incorporated herein.~~

Section 15. Be it ordained by the Board of Commissioners of the Town of Huntersville that Article 7.295(3) of **Subdivision Ordinance** is hereby amended as follows:

3. LAKE NORMAN CRITICAL AREA DEVELOPMENT STANDARDS

Only development activities that require an erosion/sedimentation control plan under **Town of Huntersville Mecklenburg County** regulations, as may be amended from time to time, are required to meet the development standards of Section 7.295.3 of this ordinance.

For individual buildings or for development projects within the Lake Norman Watershed Critical Area, the following impervious area limitations are established on a building or project basis, respectively:

CA, low density option	24% B.U. ¹
CA, high density option	50% B.U. with Structural BMP ¹

¹ **Residential subdivisions approved after 2/17/03 shall reserve, at minimum, 1% of the lot area but not less than 150 sq. ft. impervious area per lot to allow for addition of future impervious areas by homeowner/occupant**

Vegetative buffers are required along the shoreline of Lake Norman measured from the normal pool elevation and along each side of all perennial streams measured from the top of stream bank. Minimum buffer widths are:

CA, low density option	50 feet
CA, high density option	100 feet

No permanent structures, impervious covers, septic tank systems or any other disturbance of existing vegetation shall be allowed within the buffer except as follows:

- a. No trees larger than 2 inch caliper are to be removed except for dead or diseased trees. Undergrowth and trees less than 2 inch caliper may be removed to be replaced by an effective stabilization and filtering ground cover based upon Mecklenburg County **Land Use and Environmental Services Agency** ~~Protection Department~~ guidelines and as approved on a plan submitted to the Mecklenburg County **Land Use and Environmental Services Agency**, ~~Protection Department~~.
- b. Stream bank or shoreline stabilization is allowed as approved on a plan submitted to the Mecklenburg County Engineering Department and the Mecklenburg County **Land Use and Environmental Services Agency**, ~~Protection Department~~.
- c. Water dependent structures and public projects such as road crossings and greenway paths are allowed where no practical alternatives exist. These activities should minimize built-upon area, direct runoff away from surface waters, and maximize the utilization of nonstructural BMP's and pervious materials.

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- d. The Town can require enhancement of the existing vegetation in the buffer if necessary so that the buffer can effectively perform its filtering and absorption functions based on Mecklenburg County Land Use and Environmental Services Agency ~~Protection Department~~ guidelines.
- e. Non-impervious recreational development and non-impervious pedestrian trails are allowed in the required buffer if located a minimum of 30 feet from the stream bank.

Cluster development is allowed within the Lake Norman Critical Area.

High density option is permitted in the Lake Norman Critical Area. ~~and shall be permitted only for such time as an interlocal agreement remains in force between the Town of Huntersville and Mecklenburg County, whereby Mecklenburg County assumes responsibility for plan review, initial inspection and approval, annual inspection and reporting, and maintenance of wet detention ponds within the jurisdiction of the Town of Huntersville, as set forth in a Storm Water Management Interlocal Agreement between the County of Mecklenburg and the Town of Huntersville.~~

Section 16. Be it ordained by the Board of Commissioners of the Town of Huntersville that Article 7.295(4) of Subdivision Ordinance is hereby amended as follows:

4. POSTING OF FINANCIAL SECURITY REQUIRED

When Structural BMPs (wet detention ponds and all other BMPs) are required under the High Density Option, the approval of the High Density Development permit will be subject to developer compliance with Section 8.400 of the Huntersville Subdivision Ordinance. ~~7.200.10 subparagraph 3 of the Mecklenburg County Subdivision Ordinance, the provisions of which, including subsequent amendments, are incorporated herein.~~

Section 17. Be it ordained by the Board of Commissioners of the Town of Huntersville that Article 7.300(11)(b)(1) of Subdivision Ordinance is hereby amended as follows:

- (1) Installation of Structural BMPs. The installation of an on-site structural BMP designed to achieve specified pollutant removal targets will allow for all proposed stream buffer impact on the specific site. The BMP must remain outside of the Stream Side Zone and Managed Use Zone. A detailed BMP design plan must be submitted to the Town of Huntersville ~~Mecklenburg County Land Use and Environmental Services Agency~~ for approval based on specifications contained in the Charlotte-Mecklenburg Buffer Implementation Guidelines. This plan must also include a long-term maintenance strategy for the BMP, complete with the establishment of adequate financing to support the proposed maintenance practices.

Section 18. Be it ordained by the Board of Commissioners of the Town of Huntersville that Article 7.300(12) of Subdivision Ordinance is hereby amended as follows:

12. POSTING OF FINANCIAL SECURITY REQUIRED.

When structural BMPs (set detention ponds and other BMPs) are approved for mitigation of a buffer disturbance, the approval will be subject to the owner filing a surety bond or letter of credit or making other financial arrangements which are acceptable to the Town of Huntersville ~~Mecklenburg County Land Use and Environmental Services Agency~~, in a form which is satisfactory to the Town County Attorney, guaranteeing the installation and maintenance of the required structural BMPs until the issuance of certificates of occupancy for seventy-five percent (75%) of all construction which might reasonably be anticipated to be built within the area which drains into the BMPs, allowing credit for improvements completed prior to the submission of the final plat. At such time that this level of occupancy is achieved, written notice thereof must be submitted by the owner to the Mecklenburg County Land Use and Environmental Services Agency. The owner must also verify the adequacy of the maintenance plan for the BMPs, including the necessary financing to support the proposed maintenance practices. The Mecklenburg

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County Land Use and Environmental Services Agency will inspect the structural BMPs and verify the effectiveness of the maintenance plan; if both are found to be satisfactory, the department will notify the owner within 30 days of the date of notice.

Section 19. Be it ordained by the Board of Commissioners of the Town of Huntersville that Article 10.000 of **Subdivision Ordinance** is hereby amended as follows:

Fees for the submittal of preliminary and/or final subdivision plats shall be established, and from time to time revised, by the Board of Commissioners of the Town of Huntersville and shall be collected when a subdivision application is submitted. Fees shall be collected by the Town Manager, employees under his or her direction, or an Administrative Agent designated by the Board of Commissioners to administer the subdivision ordinance- ~~Mecklenburg County Department of Engineering fees for processing applications to determine compliance with engineering standards are established independently by the Mecklenburg County Board of Commissioners.~~

Section 20. That this ordinance shall become effective July 1, 2019.

HUNTERSVILLE ORDINANCE ADVISORY BOARD: Unanimously recommended approval on May 2, 2019

PUBLIC HEARING DATE: To be held on May 20, 2019

PLANNING BOARD MEETING: To be held on May 28, 2019

TOWN BOARD DECISION: To be held June 3, 2019