

TA #19-09 S.W.I.M Buffer BMP's

PART 1: DESCRIPTION

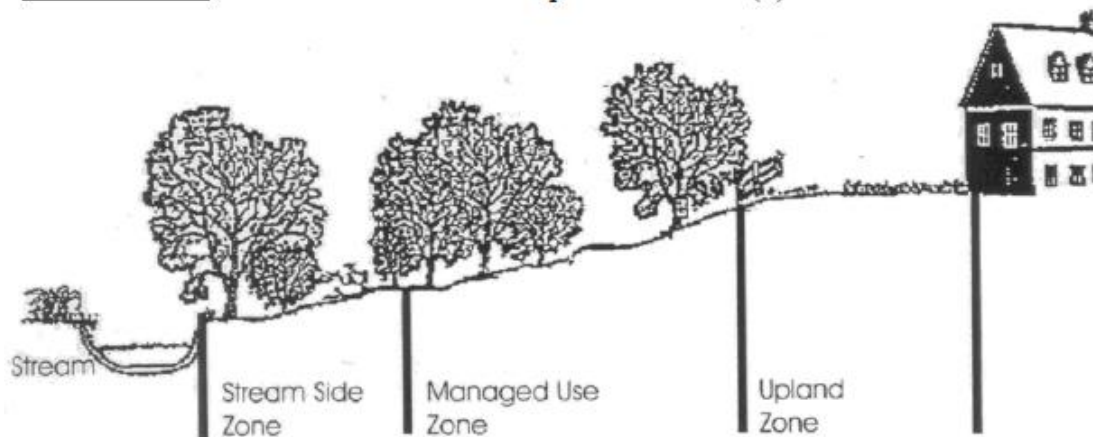
TA19-09 is a request by the Huntersville Engineering Department to amend Article 8.25.6 to allow stormwater best management practices (BMP's) in the Upland Zone of S.W.I.M. buffers in order to become more consistent with ordinances in other local municipalities and allow more flexibility in meeting water quality, stormwater detention and floodplain requirements. The proposed amendment reduces potential hardships to landowners that must provide stormwater quality and quantity treatment.

PART 2: BACKGROUND

In other local ordinances, stormwater control measures known as best management practices (bmp's) are allowed in the Upland and Managed Use Zones but not in the Stream Side Zone.

- The Stream Side Zone is the zone closest to the creek and is intended to be undisturbed to provide integrity of the ecosystems.
- The Managed Use Zone acts as a natural filter and is the section between the Stream Side Zone and the Upland Zone. Bike paths and greenway trails are typically the only uses in this zone running parallel to a stream.
- The Upland Zone is the zone farthest from the creek, and it adds the first line of defense by preventing impervious encroachment and filtering runoff.

. Buffer Zones: The stream buffer is comprised of three (3) zones as shown below.



The Town of Huntersville's ordinance prevents BMP's from being placed in any of these three zones, unless there is a variance approved for the encroachment by the Zoning Board of Adjustment. The wording in the Town of Matthews' ordinance matches the intent of Huntersville's current wording. Mecklenburg County, the City of Charlotte, the Town of Davidson, the Town of Mint Hill and the Town of Pineville allow BMP's in the Managed Use and the Upland Zones.

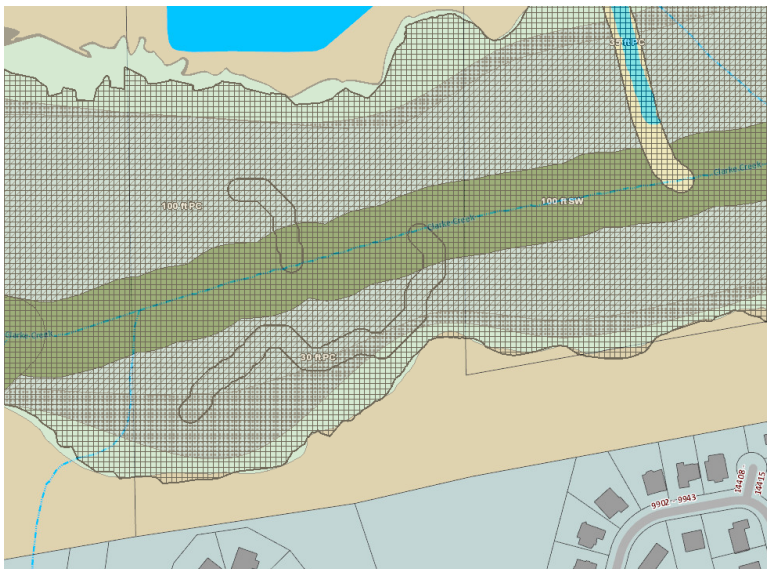
In floodplains, the difference in Huntersville's Ordinance and most of the other local ordinances is even more pronounced because the Upland Zone for floodplains includes the entire floodplain which can add a significant amount of buffer width that cannot be used for stormwater controls.

Below is an extreme example where there is a considerable difference in where a BMP may be placed with the text amendment and without the text amendment.

In the snip below with the text amendment, a bmp could be built in the last 25 feet of the 100 ft SW buffer shown (75 feet from the top of the creek).



In the snip below without the text amendment, a BMP could be restricted from being built hundreds of feet from the top of the creek (the square hatching).



The Huntersville Ordinances Advisory Board reviewed the proposed amendment at their September 5, 2019 meeting and recommended unanimous approval of the proposed language.

PART 3: RELEVANT HUNTERSVILLE 2030 COMMUNITY PLAN AND APPLICABLE LONG RANGE PLAN SECTIONS

The following are examples of relevant polices 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 ED-14: Development Review Process – Support efforts to improve efficiency and responsiveness of development review process for development proposals.

STAFF COMMENT: This text amendment would allow more flexibility regarding water quality and would help the Town of Huntersville become more consistent with other municipalities within the County.

PART 4: STAFF RECOMMENDATION

Staff recommends approval of the request as presented.

PART 5: PUBLIC HEARING

The Public Hearing was held on October 21, 2019.

PART 6: PLANNING BOARD RECOMMENDATION

The Planning Board is scheduled to hear this text amendment on October 22, 2019.

PART 7: ATTACHMENTS

Attachment A: Text Amendment Application

Attachment B: Proposed Ordinance

PART 8: STATEMENT OF CONSISTENCY – TA19-09

Planning Department: Approve (Consistent w/ Plans)

In considering the proposed amendment, TA19-09 to amend Article 8.25.6 to be more consistent with the requirements in other local jurisdictions and to allow a more systematic approach to stormwater management, the Engineering Department and Planning Staff recommend the revision to 8.25.6. It is important to note that all other S.W.I.M., Water Supply Watershed Protection and Post-Construction buffer regulations and all other floodplain regulations would still be required with this proposed change. The Engineering Staff and Planning Staff find the amendment consistent with Policy ED-14 of the Huntersville 2030 Community Plan.

It is reasonable and in the public interest to amend the Zoning Ordinance because allowing BMPs in the Upland Zones of S.W.I.M. buffers is consistent with other ordinances in the County and these areas will continue to have other limitations for development.

Planning Board:

Approve (Consistent w/ Plans)	Approve (Inconsistent w/ Plans and Plans Change___?)	Deny (Inconsistent w/ Plans)
<p>In considering the proposed amendment, TA 19-09 to amend Article 8.25.6 to allow stormwater best management practices in the Upland Zone of S.W.I.M. buffers, the Planning Board recommends approval based on the amendment being consistent with <u>[insert applicable plan reference(s)]</u></p> <p>It is reasonable and in the public interest to amend the Zoning Ordinance because...<u>[Explain]</u></p>	<p>In considering the proposed amendment, TA 19-09 to amend Article 8.25.6 to allow stormwater best management practices in the Upland Zone of S.W.I.M. buffers,, the Planning Board recommends approval of the amendment but finds the request inconsistent with <u>[insert applicable plan reference(s)]</u>, therefore amends <u>[insert plan reference(s)] AND detail the ways the policy or reference is to be amended</u>.</p> <p>The Planning Board took into account the following change in conditions in recommending approval to meet the development needs in Huntersville: <u>[List and explain the change in conditions]</u></p> <p>It is reasonable and in the public interest to amend the Zoning Ordinance because...<u>[Explain]</u></p>	<p>In considering the proposed amendment, TA 19-09 to amend Article 8.25.6 to allow stormwater best management practices in the Upland Zone of S.W.I.M. buffers,, the Planning Board recommends denial based on the amendment being <u>[consistent OR inconsistent]</u> with <u>[insert applicable plan reference(s)]</u>.</p> <p>It is not reasonable and in the public interest to amend the Zoning Ordinance because...<u>[Explain]</u></p>