

**ZONING ORDINANCE
TEXT AMENDMENT APPLICATION**

CITY OF CHARLOTTE

Petition#: 2001-63
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Section #: New Chapter 10 Part 7 Lower Lake Wylie Watershed Overlay District
(Title)

Purpose of Change:

The purpose of the proposed Lower Lake Wylie Watershed text ammendment is to support the protection of Lake Wylie's water quality and to provide protection to public water supplies from Mecklenburg County's contribution to surface water degradation through the application of land use requirements for the control of non-point source pollution.

NO COMMENT
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DRAFT 2/22/2001

Petition #: 2001-63

Petitioner: Mecklenburg County Department of Environmental Protection

ORDINANCE NO. _____

AN ORDINANCE AMENDING APPENDIX A OF THE CITY CODE - ZONING ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE:

Section 1. Appendix A, "Zoning" of the Code of the City of Charlotte is hereby amended as follows:

1. Amend CHAPTER 10: OVERLAY DISTRICTS, Part 7 (Reserved)

(a) By deleting existing PART 7 (Reserved) and replacing it with new Part 7 as follows:

PART 7: LOWER LAKE WYLIE WATERSHED OVERLAY

Section 10.701. Purpose.

The purpose of the Lower Lake Wylie Watershed Overlay District is to support the protection of Lake Wylie's water quality and to provide protection to public water supplies from Mecklenburg County's contribution to surface water degradation through the application of land use requirements for the control of non-point source pollution.

The Lower Lake Wylie Watershed Overlay District is that area within Mecklenburg County which contributes surface drainage into that portion of the Catawba River known as Lake Wylie and its tributaries from the Paw Creek watershed southward. The Lower Lake Wylie Watershed Overlay District subareas are specifically defined on the Mecklenburg County Zoning Maps.

Section 10.702 General Definitions.

For the purposes of Chapter 10 Part 7, the following words and phrases shall be defined as specified below.

Agricultural Use. The use of waters for stock watering, irrigation, and other farm purposes.

Best Management Practices (BMP's). A structural or nonstructural 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 BMP's. Non-engineered methods to control the amount of non-point source pollution. These may include land-use controls and vegetated buffers.

Structural BMP's. Engineered structures that are designed to reduce the delivery of pollutants from their source or to divert contaminants away from the water supply. Structural BMP's allowed for use under the High Density Option are those which have been approved by the North

Carolina Division of Water Quality and City of Charlotte. These include wet detention ponds, extended dry detention ponds, and grass swales.

Buffer. A natural or vegetated area through which stormwater runoff flows in a diffuse manner so that the runoff does not become channelized and which provides for infiltration of the runoff and filtering of pollutants. The buffer is measured landward from the normal pool elevation of impounded structures and from the top of the bank of each side of streams or rivers.

Built-upon area (B.U.). Built-upon areas shall include that portion of a development project and/or lots that are covered by impervious or partially impervious cover including buildings, pavement, gravel roads, recreation facilities (e.g. tennis courts), etc. (Note: wooden slatted decks and the water area of a swimming pool are considered pervious.)

Critical Area. The area adjacent to a water supply intake or reservoir where risk associated with pollution is greater than from the remaining portions of the watershed.

Discharge. The addition of any man induced waste effluent either directly or indirectly to N.C. surface waters.

Hazardous Material. Any substance listed as such in: SARA section 302, Extremely Hazardous Substances, CERCLA Hazardous Substances, or Section 311 of CWA (oil and hazardous substances).

Industrial Discharge. The discharge of industrial process treated wastewater or wastewater other than sewage and includes:

1. wastewater resulting from any process of industry or manufacture, or from the development of any natural resource;
2. wastewater resulting from processes of trade or business, including wastewater from Laundromats and car washes, but not wastewater from restaurants;
3. stormwater will not be considered to be an industrial wastewater unless it is contaminated with industrial wastewater; or
4. wastewater discharged from a municipal wastewater treatment plant requiring a pretreatment program.

Nonresidential Development. All development other than residential development, agriculture and silviculture.

Normal Pool Elevation. The Lower Lake Wylie normal pool elevation as determined by the United States Geological Survey (U.S.G.S.) Datum.

Perennial Stream. A stream or creek containing a continuous natural flow of water throughout the year except possibly under exceptionally dry conditions. Such streams are identified on the United States Geological Survey Quadrangle Maps.

Protected Area. The area adjoining and upstream of the Critical Area of water supply watersheds where risk of water quality degradation from pollution while still greater than non watershed designated areas, is less than in Critical Area.

Septic Tank System. A ground absorption sewage disposal system consisting of a holding or settling tank and a ground absorption field.

State Standard. A quality standard for an applicable WS classification as established by the North Carolina Environmental Management Commission.

Subdivider. Any person, firm or corporation who subdivides or develops any land deemed to be a subdivision as herein defined.

Subdivision. A subdivision will include all divisions of a tract or parcel of land into two or more lots, building sites, or other divisions for the purpose, whether immediate or future, of sale, or building development of any type, including both residential and nonresidential multiple building site and multi-site projects even if there is no division of the underlying land into separate parcels which is to be recorded with the Register of Deeds and also includes all divisions of land involving the dedication of a new street or a new street right-of-way or a change in existing streets; provided, however, that the following will not be included within this definition nor be subject to the requirements of this ordinance:

1. The combination or recombination of portions of parcels created and recorded prior to January 1, 1988, or portions of lots platted in compliance with this ordinance after January 1, 1988, where the total number of parcels or lots is not increased and the resultant parcels are equal to the standards of this ordinance.
2. The division of land into parcels greater than 5 acres where no street right-of-way dedication is involved.
3. The creation of strips of land for the widening or opening of streets or the location of public utility rights-of-way.
4. The division of a tract in single ownership whose entire area is no greater than two acres into not more than three lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of the appropriate zoning classification.
5. The division of land plots or lots for use as a cemetery.
6. Creation of a separate lot or building site by a less than fee simple instrument, such as a ground lease, when the property interest created is divided from the original parcel for ten years or less, including options to renew.
7. The lease of space or other area within a building owned by the landlord.

8. Easements for the purposes of utilities, driveways, parking, footpaths, trails or other similar purposes.
9. The division of a tract or parcel into separate tracts or parcels, or the creation of interests in lots or parcels, by means of (a) a deed of trust, mortgage, or similar security interest solely for the purpose of securing any bona fide obligation (including transfers of such parcels or tracts pursuant to foreclosure or deeds in lieu of foreclosure) and (b) releases from the liens and operation of such deeds of trust, mortgages, or similar security interests.
10. Proceedings to partition interests in lots or parcels pursuant to Chapter 46 of the North Carolina General Statutes (or any successor statute) resulting in the division of a lot or parcel into two or more lots or parcels except where the partition proceeding is brought to circumvent the provisions of this Ordinance.
11. Transfers of tracts or parcels by inheritance or bona fide gift.
12. Condemnation or deed in lieu of condemnation, by either a public or private condemnor; provided, however, that the condemnor must comply with the requirements of this ordinance as the property acquired, either prior to the commencement of any development of the property acquired, or prior to the issuance of any building permit on the property acquired, or within six months following the date of acquisition, whichever date first occurs.

Variance, Local Watershed. A variance from the requirements of this part which would not result in the relaxation of any State Standard.

Variance, Major Watershed. A variance from the requirements of this part that would result in the relaxation of any State Standard and any one or more of the following:

1. The relaxation, by a factor greater than ten (10%) percent, of any management requirement under the low density option.
2. The relaxation, by a factor greater than five (5%) percent, of any buffer, density, or built-upon area requirement under the high density option.
3. Any variation in the design, maintenance, or operation requirements of a wet detention pond or other approved stormwater management system.

Variance, Minor Watershed. A variance from the minimum statewide watershed protection rules that results in a relaxation, by a factor of up to and including five (5) percent, of any buffer, density, or built-upon area requirement under the high density option; or that results in a relaxation, by a factor of up to and including ten (10) percent, of any management requirement under the low density option.

Water Dependent Structures. Those structures for which the use requires access or proximity to or siting within surface waters to fulfill its basic purpose, such as boat ramps, boat houses, docks, piers, bulkheads and similar structures. Ancillary facilities such as restaurants, outlet for boat supplies, parking lots, and commercial boat storage areas are not water dependent structures.

Watershed. The entire land area contributing surface drainage into a stream, creek, lake or other body of water.

Section 10.703. Exceptions to Applicability.

1. Existing Development, as defined herein, is not subject to the requirements of this part. Expansion to structures classified as existing development must meet the requirements of this part, however, the built upon area of the existing development is not required to be included in the impervious area calculations.

Existing Development. Existing Development means projects that are built or projects that at a minimum have established a vested right under North Carolina zoning law as of the effective date of the amendment incorporating these regulations into the zoning ordinance based on at least one of the following criteria:

- Substantial expenditures of resources (time, labor, money) based on a good faith reliance upon having received a valid local government approval to proceed with the project; or
- Having an outstanding valid building permit; or
- Having an approved site specific or phased development plan.

2. An Existing Lot, as defined herein, and for which vested rights have been established, may be developed for single family residential purposes, subject only to the buffer requirements of this part; however, this exemption is not applicable to multiple contiguous lots under single ownership.

Existing Lot. A lot which is part of a subdivision, a plat of which has been recorded in the Office of the Register of Deeds prior to the adoption of this ordinance, or a lot described by metes and bounds, the description of which has been so recorded prior to the adoption of this ordinance.

3. Existing public utilities may expand without being subject to the restrictions of this part provided that:
 - a. Such expansion complies with all applicable laws and regulations of the State of North Carolina and the United States of America, including the minimum statewide water supply watershed management requirements adopted by the North Carolina Environmental Management Commission ("EMC"); and
 - b. POTW's located within the critical area or the protected area may expand provided that:
 - An evaluation of alternatives is completed by the Utility that considers non-discharge options, conjunctive reuse of reclaimed effluent, alternative discharge locations, and regionalization and/or consolidation of existing and/or future discharges;

- The NPDES permit limits for the discharge from the expanded plant are established to prevent violations of water quality standards established for the receiving water body;
- Where practical, increases in the hydraulic discharge from the POTW should be offset by proportional reductions in the NPDES Permit effluent characteristics concentrations and/or by the establishment of limits for additional effluent characteristics. However, in no case should the new, permitted effluent characteristics exceed those determined to be necessary to protect the receiving water body to the water quality standards applicable.
- A public notice and comment period is included as part of the expansion process.

Section 10.704. Lower Lake Wylie Watershed Overlay District Subareas established.

1. Critical Area. The Critical Area extends one-half mile (1/2) inland from the normal pool elevation of 569' above sea level of Lower Lake Wylie from the upstream side of the Paw Creek Arm ("Paw Creek Cove"), to the State line as shown more specifically on the Mecklenburg County Zoning Maps.
2. Protected Area. The Protected Area extends from the outer boundaries of the Critical Area to the extent of the watershed and approximately five (5) miles from the Lake upstream in the Paw Creek drainage basin as shown more specifically on the Mecklenburg County Zoning Maps.

Section 10.705. Uses and Standards established.

Unless otherwise provided below, all uses, standards, minimums and maximums established by the underlying zoning district shall apply.

1. Critical Area: The intent is to require higher standards in the Critical Area because of the greater risk of water quality degradation from pollution. The following uses and standards apply to the Critical Area and shall be permitted if they meet the standards of this Part and all other requirements of this ordinance.
 - a. Uses Permitted Under Prescribed Conditions
 1. Storage of Hazardous Materials, subject to the filing and approval of a spill/failure containment plan with the Mecklenburg County Fire Marshall.
 2. Structural BMP's, where allowed under the Low Density or High Density Option
 3. Irrigation with tertiary treated domestic wastewater effluent
 4. Publicly controlled wastewater treatment plants requiring an NPDES permit.
 - b. Prohibited Uses
 1. Landfills: sanitary, construction & demolition, land clearing & inert debris

2. Petroleum Contaminated Soils, Treatment or Disposal
 3. Sludge Applications
 4. Wastewater Treatment Plants, new privately owned or operated for domestic or industrial waste requiring NPDES permit.
 5. Land application for treatment and disposal of domestic or industrial waste
2. Protected Area: The intent is to allow development with fewer restrictions in the Protected Area because the risk of water quality degradation from pollution is less than in a Critical Area because of the distance from the water body. These uses and standards shall apply to the protected area and shall be permitted if they meet the standards of this Part and all other requirements of this ordinance.
- a. Uses Permitted Under Prescribed Conditions
 1. Storage of Hazardous Materials, subject to the filing and approval of a spill/failure containment plan with the Mecklenburg County Fire Marshall.
 2. Structural BMP's, where allowed under the Low Density or High Density Option
 3. Irrigation with tertiary treated domestic wastewater effluent
 4. Publicly controlled wastewater treatment plants requiring an NPDES permit.
 5. Land clearing & inert debris landfills requiring a State permit
 - b. Prohibited Uses
 1. Landfills: sanitary, construction & demolition
 2. Petroleum Contaminated Soils, Treatment or Disposal
 3. Sludge Applications
 4. Wastewater Treatment Plants and associated discharges, new privately owned or operated for domestic or industrial waste requiring NPDES permit.
 5. Land application for treatment and disposal of domestic or industrial waste

Section 10.706. Development Standards for the Lower Lake Wylie Watershed Overlay.

Unless otherwise provided below all uses, standards, minimums and maximums established by the underlying zoning district shall apply. All uses permitted in the Lower Lake Wylie Watershed Overlay shall meet the applicable development standards established in this section.

1. Critical Area: Maximum Allowable Built Upon Area (%B.U.)⁽²⁾
 - a. Residential

1. low density option	-	20%
2. high density option ⁽¹⁾	-	50%
 - b. Non-Residential

1. low density option	-	20%
2. high density option ⁽¹⁾	-	50%

2. Protected Area: Maximum Allowable Built Upon Area (%B.U.)⁽²⁾

a. Residential

- | | | |
|---------------------------------------|---|-----|
| 1. low density option | - | 24% |
| 2. high density option ⁽¹⁾ | - | 70% |

b. Non-Residential

- | | | |
|---------------------------------------|---|-----|
| 1. low density option | - | 24% |
| 2. high density option ⁽¹⁾ | - | 70% |

Footnotes to Chart 10.706.1 and 10.706.2

(1) High Density Option – See Section 10.709

(2) Percentages apply on an individual lot basis for lots of record established before the effective date of these regulations. Lots of record established thereafter will be subject to these percentages unless otherwise specified on a recorded plat or on a subdivision plan approved by the Charlotte Mecklenburg Planning Commission.

Section 10.707. Cluster Development.

Cluster Development, as defined in Section 2.201 of the City of Charlotte Zoning Ordinance is permitted in the Critical and Protected Areas in accordance with the following regulations:

1. Subject to all the cluster requirements of the underlying zoning district.
2. Percent (%) Built Upon shall not exceed the allowed percent (%) Built Upon for the watershed area.
3. The remainder of the tract shall remain in a vegetated or natural state as common open space except that non-impervious recreational uses are permitted provided that they are located a minimum of 30 feet from the stream bank. Impervious recreational uses are permitted if they are located outside of any required buffer and do not exceed the allowable percentage built upon for the project.
4. Subject to the buffer area requirements of Section 10.708

Section 10.708. Buffer areas required.

Vegetative buffers are required along the shoreline of the Lower Lake Wylie measured from the normal pool elevation and along each side of all perennial streams measured from the top of bank.

1. Critical Area. In the critical area the minimum buffer areas are as follows:
 - a. Low density option - 50'

b. High density option - 100'

2. Protected Area. In the protected area the minimum buffer are as follows:

a. Low density option - 40'
b. High density option - 100'

3. Additional buffer requirements:

No permanent structures, built upon areas, septic tanks 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. Trees less than 2 inch caliper and undergrowth may be removed to be replaced by an effective stabilization and filtering ground cover based upon the Watershed Buffer Guidelines for Mecklenburg County contained in Appendix 5 and as approved by the County Environmental Protection Department.
- b. Streambank or shoreline stabilization is allowed as approved on a plan submitted to the applicable Engineering Department and the County Environmental Protection Department.
- c. Water dependent structures and public projects such as road crossings, sewer lines and greenway paths are allowed where no practical alternative exists. These activities should minimize built-upon surface area, direct run off away from surface waters, and maximize the utilization of nonstructural BMP's and pervious materials.
- d. During new development or the expansion of existing development the City 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 the Watershed Buffer Guidelines for Mecklenburg County contained in Appendix 5.
- e. Non-impervious recreational development and non-impervious pedestrian trails may be allowed in the required buffer if located a minimum of 30 feet from the stream bank.
- f. Buffer width shall be increased 50% for lots with an average slope greater than or equal to 25% or alternately BMPs shall be applied that would achieve an equivalent water quality benefit as approved by the County Environmental Protection Department.

4. Mitigation of Disturbed Buffers Required:

Should existing vegetation within the buffer be disturbed (except as allowed by this Ordinance), or should vegetation which was added to a buffer pursuant to the requirement that existing vegetation in the buffer be enhanced be disturbed (except as allowed by this Ordinance), the Zoning Administrator shall require that any vegetation remaining in the buffer be enhanced in accordance with the Watershed Buffer Guidelines for Mecklenburg

County contained in Appendix 5 so that the buffer can effectively perform its filtering and absorption functions.

5. If a building permit is required for property improvement which will result in an increase in impervious area, streambank or shoreline stabilization is required as needed and allowed and as approved on a plan submitted to the applicable Engineering Department and the County Environmental Protection Department.

Section 10.709. High Density Option.

The High Density Option allows for a greater development density provided engineered controls (Structural BMP's) are used to manage stormwater runoff. Structural BMP's are required under the High Density Option. High density development shall meet the requirements of this section, the Charlotte-Mecklenburg Land Development Standards Manual and other published standards of the City Engineering Department.

1. High Density Permit Application.

A. A High Density Development Permit shall be required for new development exceeding the requirements of the low density option.

B. Application for a High Density Development Permit shall be submitted as follows:

1. Development plans subject to the Subdivision Ordinance and the Sediment and Erosion Control Ordinance and reviewed through the Charlotte-Mecklenburg Planning Commission will submit the High Density Development Permit to the Subdivision Administrator as part of the subdivision review application process.

2. Development plans not subject to the Subdivision Ordinance will submit the High Density Development Permit to the City Engineer as part of the Sediment and Erosion Control requirements of the building permit application process.

3. Applications for the High Density Option shall be made on the proper form and shall include the following information:

- a. A completed High Density Development Permit Application signed by the owner of the property. The signature of the consulting engineer or other agent will be accepted on the application only if accompanied by a letter of authorization.

- b. Required number of development plans and specifications of the stormwater control structure.

- c. Submittal of a sediment and erosion control plan to the appropriate agency.

- d. Permit application fees.

2. Structural BMP's

- A. All Structural BMP's shall be designed and stamped by either a North Carolina registered professional engineer or landscape architect.
- B. Structural BMP's shall be designed for specific pollutant removal according to modeling techniques approved by the North Carolina Division of Water Quality. Specific requirements for these systems shall be in accordance with the design criteria and standards contained in the Charlotte-Mecklenburg Land Development Standards Manual.
- C. Qualifying areas of the Structural BMP's may be considered pervious when computing total built-upon area. However, if the structure is used to compute the percentage built-upon area for one site, it shall not be used to compute the built-upon area for any other site or area.
- D. The design of the Structural BMP's shall include the appropriate easements for ingress and egress necessary to perform inspections, maintenance, repairs and reconstruction.

3. Installation of Structural BMP's

A. SUBDIVISIONS – Posting of Financial Security Required

1. When Structural BMP's (Structural BMP's) are required under the High Density Option for subdivisions, the approval of the High Density Development Permit will be subject to the owner filing a surety bond or letter of credit or making other financial arrangements which are acceptable to the City Engineering Department in an amount to be determined by the City Engineering Department in consultation with other agencies, such as the Environmental Protection Department, in a form which is satisfactory to the City Attorney, guaranteeing the installation and maintenance of the required Structural BMP's until 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 Structural BMP's, allowing credit for improvements completed prior to the submission of the final plat. Upon issuance of certificates of occupancy for seventy-five percent (75%) of all anticipated construction relative to the required Structural BMP's, written notice thereof must be given by the owner to the City Engineering Department. The City Engineering Department will arrange for an inspection of the Structural BMP's and if found satisfactory, will within 30 days of the date of notice notify the owner in writing.

B. Property Other Than SUBDIVISIONS – Civil Penalties

1. Any person who fails to install or maintain the required structural BMP in accordance with this chapter, shall be subject to a civil penalty of not more than \$500. No penalties shall be assessed until the person alleged to be in violation has been notified of the violation by registered or certified mail, return receipt requested, or other means which are reasonably calculated to give actual notice. The notice shall describe the violation with reasonable particularity, specify a reasonable time period within which the violation

must be corrected, and warn that failure to correct the violation within the time period will result in the assessment of a civil penalty or other enforcement action. Each day that the violation continues shall constitute a separate violation.

4. Maintenance Responsibility of Structural BMP's

- A. For single family developments, the owner may petition the City Council for acceptance of maintenance responsibilities of the Structural BMP's. The City will accept maintenance responsibilities if the Structural BMP's have been built according to standards contained in the Land Development Standards Manual or other published standard of the City Engineer and are functioning as designed, provided, however, that the City Council may attach reasonable conditions to its acceptance of maintenance responsibilities including requiring the granting of appropriate easements for ingress and egress.
- B. Maintenance of Structural BMP's other than those in single family developments which have been accepted by the City shall be the responsibility of the property owner. The property owner may apply for a credit to the property's storm water fee according to the policies of Charlotte-Mecklenburg Storm Water Services to compensate for this responsibility. The property owner will be responsible for the on-going maintenance of the Structural BMP's. If at any time the BMP's are not properly maintained, the credit will be suspended.

5. Additional Requirements

- A. An Occupancy Permit shall not be issued for any building within the permitted development until the City Engineering Department has approved the stormwater control structure, as provided in Section 101.608.3(A).

Section 10.710. Appeals and Variances.

- A. Any appeal to reverse or modify the order, decision, determination, or interpretation of the Zoning Administrator shall be subject to Chapter 5, Appeals and Variances, of these regulations.
- B. A petition for a local watershed variance, as defined in this part, shall comply with all the procedures and standards of Chapter 5, Appeals and Variances, of these regulations. The Board of Adjustment shall have the authority to grant or to deny a local watershed variance based upon § 5.108, "Standards for granting a variance". Any appeal for the Board's decision shall be pursuant to Chapter 5 and G.S. § 160A-388(e).
- C. A petition for a minor watershed variance or a major watershed variance, as defined in this part, shall comply with all the procedures and standards of Chapter 5, Appeals and Variances, of these regulations, with the following additions:
 - 1. In addition to the notification requirement of Chapter 5, the Zoning Administrator shall mail a written notice to each local government having jurisdiction in the watershed where the subject property is located and/or any entity utilizing the receiving waters of the

watershed as a water supply at least ten (10) working days prior to the public hearing. The applicant for the variance shall provide a list of those local governments and/or entities that must be notified. The notice shall include a description of the variance being requested. Recipients of the notice of the variance request may submit comments at least three (3) working days prior to the scheduled hearing date by the Board of Adjustment. Such comments, properly filed, shall become part of the record of proceedings.

2. The Board of Adjustment shall have the authority to grant or deny a minor watershed variance based upon § 5.108 "Standards for granting a variance". Any appeal of the Board's decision shall be pursuant to Chapter 5 and G.S. § 160A-388(e).
3. The Board of Adjustment shall make a recommendation to grant or a decision to deny a major watershed variance based upon § 5.108, "Standards for granting a variance" of these regulations and the standard provided for in 15A NCAC 2B.0104(r) which states that a major watershed variance is to be determined on a case-by-case basis, when necessary to accommodate important social and economic development.
 - a. If the Board of Adjustment recommends that the major variance be granted, the Zoning Administrator shall within thirty (30) working days forward a preliminary record of the Board's hearing to the North Carolina Environmental Management Commission ("EMC") for final decision in accordance with the State's rules and regulations. The preliminary record of the hearing shall include:
 - (a) The variance application;
 - (b) The hearing notices;
 - (c) The evidence presented;
 - (d) Motions, offers of proof, objections to evidence, and rulings on them;
 - (e) Proposed findings and exceptions;
 - (f) The proposed decision, including all conditions proposed to be added to the permit.

1. When the EMC approves or denies the variance, the EMC will prepare an EMC decision and send it to the Board. The Board shall then prepare a final decision granting or denying the proposed variance. If the EMC approves the variance with condition and stipulations, the Board shall prepare a final decision, including such conditions and stipulations, granting the proposed variance.

The EMC decision shall constitute the final decision on the major variance request and the applicant shall be notified of the decision by the Zoning Administrator.

2. Any further appeal of the EMC's decision of a major watershed variance shall be pursuant to the authority and enabling legislation of the EMC.
 - b. If the Board of Adjustment makes a decision to deny the major variance, then the record of the Board's hearing, findings, and conclusions shall not be forwarded to the North Carolina Environmental Management Commission. Any appeal of the Board's

denial of a major watershed variance shall be pursuant to Chapter 5 and G.S. § 160A-288(e).

- c. The Zoning Administrator shall keep a record, including a description of each project receiving a variance and any reasons stated for granting the variance, of all approved major and minor watershed variances. If applicable, the Zoning Administrator shall submit a record of the variances granted during the previous calendar year to the North Carolina Division of Environmental Management on or before January 1 of the following year. This record shall provide a description of each project receiving a variance and the reasons for granting the variance.

Section 2. That this ordinance shall become effective upon its adoption

Approved as to form:

City Attorney

I, _____ City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the _____ day of _____, 19____, the reference having been made in Minute Book _____, and recorded in full in Ordinance Book _____, Pages(s) _____.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the _____ day of _____, 19____.
