

§ 5.15 WATERSHED OVERLAY DISTRICT.

(F) Density Averaging.

1. Legal Authority: NC GS 143-214.5 d2 permits density averaging in the State.
2. Definition & Applicability: Density averaging is the transfer of impervious development rights from one property to another, and involves two noncontiguous parcels in the same water supply watershed. A local government implementing a water supply watershed program shall allow an applicant to average development density on up to two noncontiguous properties for purposes of achieving compliance with the water supply watershed development standards if all of the following circumstances exist:
 - (1) The properties are within the same water supply watershed. If one of the properties is located in the critical area of the watershed, the critical area property shall not be developed beyond the applicable density requirements for its classification.
 - (2) Overall project density meets applicable density or stormwater control requirements under 15A NCAC 2B .0200.
 - (3) Vegetated buffers on both properties meet the minimum statewide water supply watershed protection requirements.
 - (4) Built upon areas are designed and located to minimize stormwater runoff impact to the receiving waters, minimize concentrated stormwater flow, maximize the use of sheet flow through vegetated areas, and maximize the flow length through vegetated areas.
 - (5) Areas of concentrated density development are located in upland areas and, to the maximum extent practicable, away from surface waters and drainageways.
 - (6) The property or portions of the donor properties that are not being developed will remain in a vegetated or natural state and will be managed by a homeowners' association as common area, conveyed to a local government as a park or greenway, or placed under a permanent conservation or farmland preservation easement unless it can be demonstrated that the local government can ensure long-term compliance through deed restrictions and an electronic permitting mechanism. A metes and bounds description of the areas to remain vegetated and limits on use shall be recorded on the subdivision plat, in homeowners' covenants, and on individual deed and shall be irrevocable.
 - (7) Development permitted under density averaging and meeting applicable low-density requirements shall transport stormwater runoff by vegetated conveyances to the maximum extent practicable.
 - (8) A special use permit or other such permit or certificate shall be obtained from the local Watershed Review Board or Board of Adjustment to ensure that both properties considered together meet the standards of the watershed ordinance and that potential owners have record of how the watershed regulations were applied to the properties.
 - (9) All parcels must be located within the Planning & Zoning jurisdiction of the City of Mount Holly, and located within the Lake Wylie Watershed Critical Overlay District or in the Lake Wylie Watershed Protected Area Overlay District.

3. Process.

1. A pre-application meeting is required to go over the application materials and any questions about the process.

2. A City of Mount Holly Watershed Density Averaging application must be submitted with the following:

a. Surveys of both properties showing the current existing impervious amount and maximum impervious amount.

b. Draft of revised property deeds.

c. Stormwater mitigation plan.

d. Draft of revised plats for the revised impervious allowances.

e. Draft of homeowner covenants (if applicable).

f. Board of Adjustment fee.

3. Once all submittal requirements are met, the request will be heard by the Board of Adjustment (as the Watershed Review Board) at the next available hearing.

4. The Board of Adjustment must make written findings that the proposed project meets the requirements set forth in Section 12.12 of this Ordinance.

5. If approved, the applicant shall submit two (2) mylar maps for recording and one (1) paper copy of each plat for filing with the Planning Department for final review.

6. Once approved, the mylars and the deeds for each parcel must be recorded at the Gaston County Register of Deeds Office.

7. The Planning Department will issue a Density Averaging Certificate to the applicant at which time the applicant can submit plans for zoning and building permits.

8. A copy of the Density Averaging Certificate including surveys, recorded plat(s) deeds/ property descriptions, and any documentation reflecting the restrictions to the parcel that will remain undeveloped will be forwarded to the North Carolina Division of Water Quality.

9. No change in the development proposal can be made unless the certificate is amended by the Board of Adjustment.

(Ord. passed 5-13-1996)

(Amended 9-12-2022)