



CONSIDER PURSUING A TEXT AMENDMENT PROCESS FOR CHANGES TO THE BLUE HILL FORM-BASED CODE IN RESPONSE TO NEW STATE STORMWATER LEGISLATION

STAFF REPORT

TOWN OF CHAPEL HILL PLANNING DEPARTMENT
 Ben Hitchings, Director
 Judy Johnson, Operations Manager
 Corey Liles, Principal Planner

<p>PROPERTY ADDRESS Blue Hill Form District</p>	<p>MEETING DATE March 13, 2019</p>
<p>STAFF’S RECOMMENDATION That the Council receive the staff’s report and offer direction on a potential text amendment process.</p>	
<p>ITEM OVERVIEW & BACKGROUND In December of 2018, the North Carolina General Assembly enacted new legislation affecting local government authority over stormwater treatment requirements. This was done as part of a Technical Corrections bill, SL 2018-145 (see attached). The revised statute now states that for a redevelopment project in any community (“regardless of the source of their regulatory authority”), stormwater controls shall only be required to treat the net increase in impervious area. The area of Chapel Hill that this revised statute most immediately affects is the Blue Hill District. The District’s Stormwater Management Standards (see attached) currently require 50% treatment of total post-construction impervious area. SL 2018-145 impacts the Town’s ability to enforce this requirement and creates a conflict between State statute and the Form-Based Code. For purposes of maintaining the stormwater benefits offered by redevelopment in the Blue Hill District, the Planning staff formulated possible modifications to the Form-Based Code. The modifications introduce alternative paths for reviewing projects in the District, with an incentive path available to applicants that provide treatment for 50% of impervious area. See the attached Technical Report for further details.</p>	
<p>FISCAL IMPACT/RESOURCES No financial impacts for conducting this text amendment process are known at this time. Staff will update Council if there is a need to engage any services (eg. consultants) to support the process.</p>	<p>DECISION POINTS</p> <ul style="list-style-type: none"> • Is a text amendment warranted as a response? • Are the potential modifications a good approach – creating a framework with multiple paths for application review, with an incentive for enhanced stormwater treatment? • Is the potential process a good approach?
<p>ATTACHMENTS</p>	<ol style="list-style-type: none"> 1. Technical Report 2. Excerpt from SL 2018-145 3. Blue Hill Stormwater Management Standards – existing (LUMO 3.11.4.3)