



New State Stormwater Legislation

And Potential
Changes for Blue Hill
Form-Based Code

Council Introduction
March 13, 2019

Background

- **May 12, 2014: Blue Hill Code adopted**
 - **Stormwater requirement:** Treat 50% of post-construction total impervious area
- **December 27, 2018: Session Law 2018-145 enacted** (technical corrections bill)
 - Local governments may only require stormwater treatment for the net increase in impervious area
 - Blue Hill stormwater requirement is no longer enforceable

Staff Recommendation

- Receive the staff presentation
- Offer direction on a potential text amendment
- Questions and comments

Where is this item?

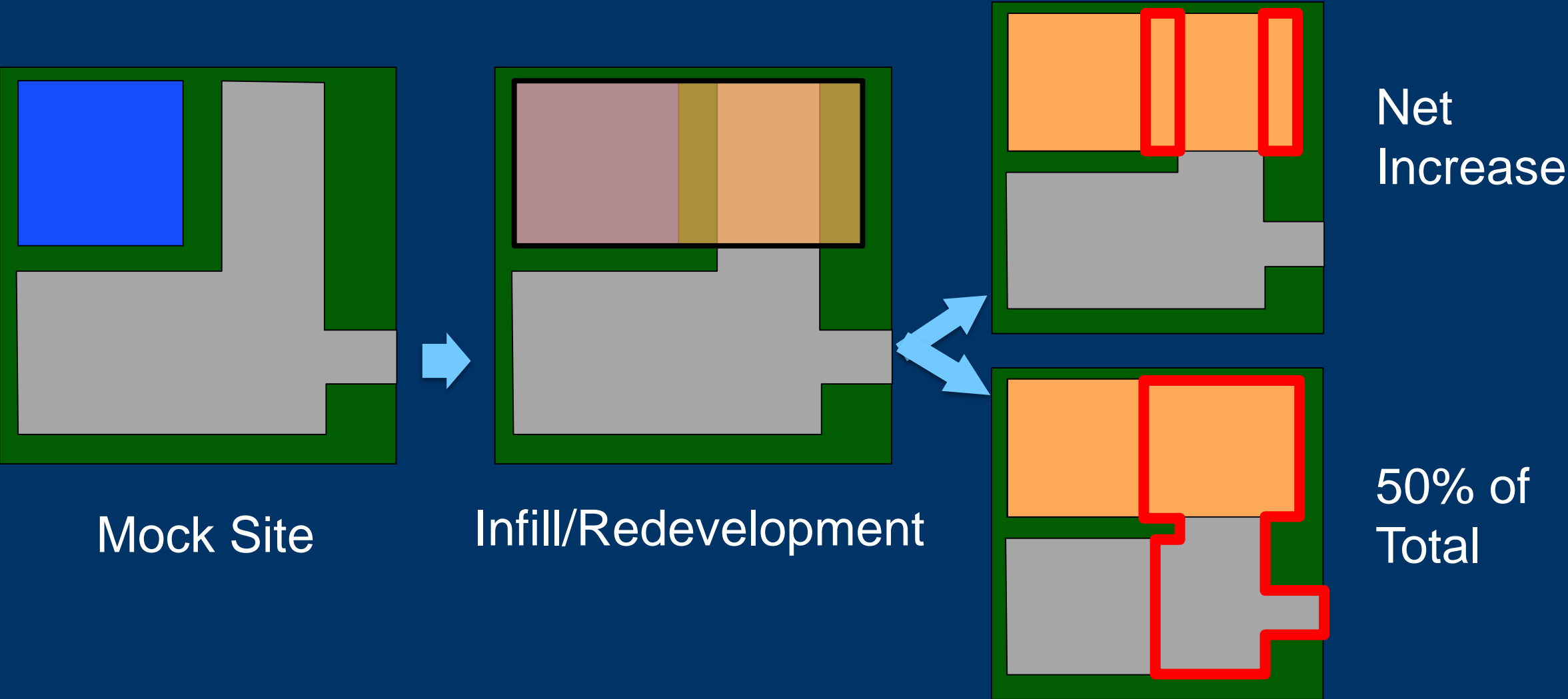


Issue Created by New Legislation

- Stormwater treatment is a key community interest
- Blue Hill Form-Based Code structured with various tradeoffs
 - More density allowed, no Resource Conservation Districts (RCDs) required
 - Stormwater controls added to developed areas that were previously untreated



Net Increase vs 50% of Total Post-Construction



Potential Text Amendment

Restructure Blue Hill Code to offer applicants 3 paths for project review

1. Conventional (similar to Community Commercial, with SUP review)**
2. Enhanced Stormwater (current Blue Hill standards, with administrative review)
3. Conditional Rezoning (negotiation of standards, Council approval)

** Path 1. allows treatment of net increase in impervious only, to satisfy State statute

Objectives for Text Amendment

- Restore the ability to improve stormwater treatment through Blue Hill development
- Keep changes simple where possible, to allow a quicker path to adoption

1. Conventional

STORMWATER REQUIREMENTS:

Treatment of net increase only

USE AND DIMENSIONAL STANDARDS:

Modeled closely after the CC
(Community Commercial) district

Permitted Uses:

Most Commercial and Residential uses
allowed

Max Density:

15.0 units/acre

Max Floor Area

Ratio (FAR): 0.429

Max Height:

34 ft at setback
line, up to 60 ft
interior to site

RCDs:

Required

1. Conventional

OTHER DEVELOPMENT STANDARDS:

As currently required in the Blue Hill District

- Block Length limits, Outdoor Amenity Space, Building Form standards, etc

REVIEW PROCESS:

Council review of Special Use Permit
(for any project over 20,000 sq ft of
building / 40,000 sq ft of land disturbance)



2. Enhanced Stormwater

Voluntary, Incentivized Path

STORMWATER REQUIREMENTS:

Treatment of 50% total post-construction impervious

USE AND DIMENSIONAL STANDARDS:

Current Blue Hill District standards (WX- and WR- Subdistricts)

Permitted Uses: Most Commercial and Residential uses allowed (no Single-Family)	
Max Density: indirectly limited by Height, Setbacks, Open Space	Max Floor Area Ratio (FAR): indirectly limited by Height, Setbacks, Open Space
Max Height: Up to 90 ft / 7 stories	RCDs: Not required

2. Enhanced Stormwater

OTHER DEVELOPMENT STANDARDS:

As currently required in the Blue Hill District

- Block Length limits, Outdoor Amenity Space, Building Form standards, etc

REVIEW PROCESS:

Staff review of Form District Permit

CDC review for Certificate of Appropriateness



3. Conditional Rezoning

Voluntary Path, Tailored to Site

Applicant pursues a rezoning of site to add a –CZ designation

STORMWATER REQUIREMENTS:

As negotiated through rezoning;
Treatment of net increase as a starting point

USE AND DIMENSIONAL STANDARDS:

As negotiated through rezoning;

Permitted Uses: As negotiated through rezoning	
Max Density: As negotiated through rezoning	Max Floor Area Ratio (FAR): As negotiated through rezoning
Max Height: As negotiated through rezoning	RCDs: As negotiated through rezoning

3. Conditional Rezoning

OTHER DEVELOPMENT STANDARDS:

As negotiated through rezoning; Current Blue Hill District standards as a starting point

REVIEW PROCESS:

Council review of Rezoning, with discussion of community benefits

Staff review of Form District Permit

CDC review for Certificate of Appropriateness



Potential Process

March-April 2019

Write text amendment

April 3, 2019

Council Work Session

April 2019

Public Information Meeting

May 2019

ESAB review

May 2019

Planning Commission review

May 2019

Council Public Hearing

June 2019

Consider Action on Text Amendment

Decision Points

- Initiate a text amendment?
- Text Amendment potential approach
 - Creating a framework with 3 paths for application review, incentivizing enhanced stormwater treatment
- Text Amendment process

Staff Recommendation

- Receive the staff presentation
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Three Potential Paths for Blue Hill Review:

1. Conventional (similar to Community Commercial, with SUP review)
2. Enhanced Stormwater
(current Blue Hill standards, with administrative review)
3. Conditional Rezoning (negotiation of standards, Council approval)