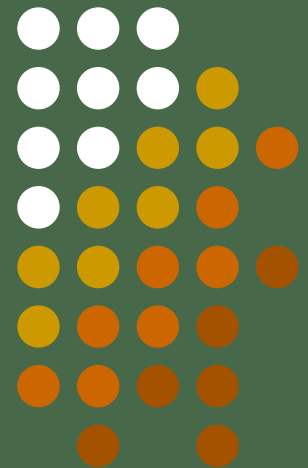




**Lake Wylie/Catawba River
Buffer Workshop
July 23rd, 2008**



Where we've been



- Previous Workshops held on 9/25/07, 12/12/07, and 4/23/08.
- 9/25 workshop included an overview of the buffer ordinance and a timeline of the ordinance's development
- 9/25 Workshop included public input between citizens and York County Council regarding their concerns with the current buffer ordinance
- 12/12 Workshop included an overview of the permit process for permitted activities within the buffer and which activities could be done without a permit
- 12/12 workshop included public input session to discuss concerns with the ordinance with York County Staff
- 4/23 workshop was held to address main concern of how we were handling existing structures in regards to additions, expansions, rebuilding, etc.

Where we're headed tonight



- Overview of where the concepts we discussed on 4/23 are located in the draft ordinance
- Discuss our goals as a group reviewing this draft ordinance
- Next Steps
- Wrap Up



Proposed Ordinance Changes



Proposed Exceptions (Revisions to 155.324(B)(1))

Items DO NOT require a LW/Catawba River or Perennial Stream Buffer Compliance



Simple repairs and maintenance such as residing, painting, interior renovations, as long as the footprint or outside dimensions are not changing as a result

Located in section 155.324(B)(1)(d) *Limited Work to Nonconforming structures that does not require a Lake Wylie, Catawba River or Perennial Stream Buffer Compliance.*

Proposed Exceptions (Revisions to 155.324(B)(2))

Items DO require a LW/Catawba River or Perennial Stream Buffer Compliance



Structure replacement where the original footprint is used and is not expanded;

Located in section 155.324(B)(2)(d) *Work to Conforming and Nonconforming structures that requires the submission, approval and issuance of a Lake Wylie, Catawba River or Perennial Stream Buffer Compliance.*

Proposed Exceptions (Revisions to 155.324(B)(2))

Items DO require a LW/Catawba River or Perennial Stream Buffer Compliance



Deck or open porch addition to a CONFORMING structure where the deck or open porch does not extend more than 10' into the buffer (Area cannot be insulated, heated, or contain any windows)

Located in section 155.324(B)(2)(d) *Work to Conforming and Nonconforming structures that requires the submission, approval and issuance of a Lake Wylie, Catawba River or Perennial Stream Buffer Compliance.*

Proposed Minor Waiver Process (Creation of new Section 155.325 *Waiver process*)

Items require a review and approval by the Zoning Administrator based on the application meeting certain criteria



Changes to the footprint or outside dimensions through teardowns and rebuilding of structures.

NOTE: Projects that involve complete removal of existing non-conforming structures that could support conforming structures are NOT eligible for a waiver

Located in section 155.325(A)(1)(a) *Minor Waiver*

Proposed Minor Waiver Process (Creation of new Section 155.325 *Waiver process*)

Items require a review and approval by the Zoning Administrator based on the application meeting certain criteria



Additions to non-conforming primary structures where the addition does not expand the degree of the non-conformity (this includes decks and porches)

Located in section 155.325(A)(1)(a) *Minor Waiver*

Proposed Minor Waiver Process (Creation of new Section 155.325 *Waiver process*)

Items require a review and approval by the Zoning Administrator based on the application meeting certain criteria



Landscaping Plans utilizing Best Management Practices (BMP's) where it can be shown that water quality and runoff control measures remain the same or are enhanced as a result of the project.

Located in section 155.325(A)(1)(a) *Minor Waiver*

Proposed Minor Waiver Process (Creation of new Section 155.325 *Waiver process*)

Factors Used to Determine Granting a Minor Waiver



Changes to the structure or property must provide at least the same degree of protection to the water body and should make property “more nearly conforming”

Located in section 155.325(A)(1)(b) *Minor Waiver*

Proposed Minor Waiver Process (Creation of new Section 155.325 *Waiver process*)

Factors Used to Determine Granting a Minor Waiver



“More Nearly Conforming” means a proposal for significant changes to the location or size of existing structures that bring the structures to greater conformity

Located in section 155.325(A)(1)(b) *Minor Waiver*

Proposed Minor Waiver Process (Creation of new Section 155.325 *Waiver process*)

Factors Used to Determine Granting a Minor Waiver



More Nearly Conforming can also be related to a proposal for changes to other aspects of the lot characteristics such as, topography changes, stormwater management, addition of vegetative buffers or wildlife habitat.

Located in section 155.325(A)(1)(b) *Minor Waiver*

Proposed Minor Waiver Process (Creation of new Section 155.325 *Waiver process*)

Factors Used to Determine Granting a Minor Waiver



Structure and lot characteristic such as topography, addition or removal of vegetation, accessory structures, water dependent structures, utilization of Stormwater Pollution Prevention Plans, utilization of an enhanced landscape plan submitted in accordance with the requirements of §155.325(A)(a)(3), and impervious surfaces are considered as a package to determine whether the property is more nearly conforming.

Located in section 155.325(A)(1)(b) *Minor Waiver*

Proposed Minor Waiver Process (Creation of new Section 155.325 *Waiver process*)

Factors Used to Determine Granting a Minor Waiver



If the addition to the structure requires an upgrade to your septic system, you may not use the septic system upgrade to satisfy the “more nearly conforming” requirement in your request

Located in section 155.325(A)(1)(b) *Minor Waiver*

Proposed Minor Waiver Process (Creation of new Section 155.325 *Waiver process*)

Factors Used to Determine Granting a Minor Waiver



The authority given to the zoning administrator to grant such waivers shall be construed to be permissive and not mandatory and the zoning administrator may decline to make such waiver. In the event this occurs, the applicant shall have the right to request a special exception permit from the zoning board of appeals granting a major waiver to these requirements

Located in section
155.325(A)(1)(e) *Minor Waiver*

Proposed Major Waiver Process (Creation of new Section 155.325 *Waiver process*)



The York County Zoning Board of Appeals (ZBA) is authorized to grant a major waiver from the standards of §155.320 through the issuance of a special exception permit.

Creation of section
155.325(A)(2) *Major Waiver*



- **Proposed Major Waiver Process
(Creation of new Section 155.325
Waiver process)**
 - Beneficial to property owners since a clear hardship may not be evident which would make the approval of a variance difficult.
 - Will be based on different findings and criteria than a variance.

Proposed Variance Procedures (Creation of new Section 155.330 *Variance Procedures*)



Clearly indicates the criteria and findings the ZBA must conclude prior to issuance of a variance. Clear hardships must be found to grant variances.

Creation of section 155.330
Variance Procedures



● **Requests Requiring ZBA Discretion**

- Existing structure additions where the degree of non-conformity is increased (this includes decks, porches and other structures)
- Additions to a CONFORMING structure that encroaches into the buffer (including decks, porches and other structures beyond the 10' allowance)
- Projects that could support a conforming structure, but a structure that is non-conforming is being proposed
- Additions that would encroach into other setbacks on the property (side and rear setbacks)
- Other requests determined to require ZBA discretion by the Zoning Administrator

Next Steps



- Obtain public input on the draft ordinance presented this evening
- Incorporate input from public and staff where practicable
- Legal Review
- Have final workshop at the end of August or first week of September

Next Steps



- Finalize draft ordinance language and take to Planning Commission at the end of September
- Present draft ordinance for public hearing process in October



Questions/Discussion





***Thanks for your
Participation!!***

