



# Stormwater Ordinance Proposed Text Amendments Sec 23-24 & Sec 23-41

*September 27, 2021*

## 23-24 Exemptions from Requirements

(seek consensus to exempt redevelopment totaling less than 20,000 cumulative square foot of impervious surface.)



- 2013 – Amendment to increase impervious threshold for redevelopment from 2,000 sf to 5,000 sf before requiring onsite Stormwater Control Measures.
- The City's current Ordinance considers development with any type of existing impervious surface as redevelopment and as such, must provide stormwater control measures when new impervious areas exceed 5,000 square feet. For sites that are undeveloped (no existing impervious surfaces), stormwater control measures are not required until impervious areas exceed 20,000 square feet.
- Through further examination, there is a 'gap' that has been identified within the current Ordinance where the proposed redevelopment of a site could add more than 5,000 square feet of impervious surface but be cumulatively under 20,000 square feet of impervious surface. In this scenario, under the current Ordinance, the site would be required to construct on-site stormwater control measures. However, if the site were considered new development it would not meet the threshold for such requirement



## Example 1 - New Development

- Parcel Size = 43,560 sf
- *Existing Impervious = 0 sf*
- Proposed Development = 19,464 sf
- Net Increase = less than 20,000 sf
- Stormwater = **Not Required**

## Example 2 - Redevelopment

- Parcel Size = 43,560 sf
- *Existing Impervious = 15,000 sf*
- Proposed Development = 19,464 sf
- Net Increase = less than 5,000 sf
- Stormwater = **Not Required**

## Example 3 - Redevelopment

- Parcel Size = 43,560 sf
- *Existing Impervious = 5,880 sf*
- Proposed Development = 19,464 sf
- Net Increase = greater than 5,000 sf
- Stormwater = **Required**

The following development activities are exempt from the provisions of this article and the requirements of providing stormwater management measures. Even if exempt from this article, the following as well as all development activity is not allowed to divert water to adjacent property to cause a nuisance and/or property damage and should comply with the intent of this article.

- 2. New developments that do not include more than 20,000 square feet of impervious area in total and that cumulatively disturb less than one acre. (Current Ordinance)
- 2. New developments, redevelopment, or new construction to existing development that does not include more than 20,000 square feet of impervious area in total and that cumulatively disturb less than one acre. (Proposed amendment).



Peer	SCM Triggers	Quantity Comparison	Quality comparison
<b>Durham</b>	<b>Residential development:</b> 0.5 acre imp <b>Commercial development:</b> 12,000sf disturbed	More Stringent	More Stringent as required by the State
<b>Greensboro</b>	<b>New/Re-development:</b> 400sf increase net impervious or that result in a change to the pre-development drainage pattern	More Stringent	More Stringent
<b>Winston-Salem</b>	<b>New/Re-development:</b> 20,000 sf impervious	More Stringent	Comparable
<b>Greenville</b>	<b>New/Re-development:</b> peak flows must not exceed the pre-development conditions (10% tolerance)	More Stringent	More Stringent as required by the State
<b>Raleigh</b>	<b>New / Re-development:</b> peak flows must not exceed the pre-development conditions (10% tolerance) <b>Individual single family:</b> less than 0.5 ac - peak fows must not exceed pre-development flows; greater than 0.5 ac - required peak flow attenuation	More Stringent	More Stringent
<b>Fayetteville (former)</b>	<b>New development:</b> 20,000 sf impervious <b>Redevelopment:</b> 2,000 sf of increased imp	More stringent threshold than current ordinance	Quality standards required by State
<b>Fayetteville (current)</b>	<b>New development:</b> 20,000 sf impervious. <b>Re-development:</b> 5,000 sf of increased imp.	Less stringent threshold than former ordinance	Quality standards required by State
<b>Fayetteville (proposed)</b>	<b>New development:</b> 20,000 sf impervious. <b>Re-development:</b> 5,000 sf of increased imp. or 20,000 sf impervious in total	Less stringent on redevelopment threshold than current ordinance	Quality standards required by State

- Staff recommends drafting a text amendment for a legislative hearing such that new development, redevelopment, or new construction to existing development that does not include more than 20,000 square feet of impervious area in total and that cumulatively disturb less than one acre be exempt from the provisions of the stormwater development ordinance and the requirements of providing stormwater management measures
- Above recommendation was heard at August 2, 2021 Council Work Session and approved to move forward to consent agenda at a regular meeting.



# Performance Securities

(seek consensus to raise bond amounts to 125%)





- 2009 performance securities were 150% of estimated construction cost
- 2012 performance securities were reduced to 75% of estimated construction cost
- 2013 performance securities for residential subdivisions were changed to 100% of the estimated conversion cost.



- **Sec. 23-41 (a) Commercial Developments**
  - *Propose increase of Performance Guarantee from 75% to 125% of the total estimated construction cost of SCM.*
- **Sec. 23-41 (b) Single-family residential subdivisions**
  - *Propose increase of Performance Guarantee from 100% to 125% of the total estimated construction cost of converting the erosion control measure to a SCM.*
- Above recommendation was heard at August 26, 2021 Stormwater Committee Meeting and approved to move forward to consent agenda at a regular meeting.





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