

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE  
AMENDING CHAPTER 23 STORMWATER MANAGEMENT, OF THE CODE OF  
ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA**

BE IT ORDAINED, by the City Council of the City of Fayetteville, North Carolina, that:

Section 1. Section 23-24, Exemptions from Requirements, is amended by deleting the same  
in its entirety and substituting the following therefore:

**Sec. 23-24. Exemptions from Requirements.**

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.

1. Construction or improvement of a single-family residence (single-family residence - separately built) or their accessory buildings that is separately built and not part of multiple construction or a subdivision development approved under this article and that cumulatively disturbs less than one acre. If included in a subdivision plan, all development activities must follow the stormwater management plan that has been approved for the subdivision.
2. 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.
3. Redevelopment or new construction to existing development that does not include more than 5,000 square feet of new impervious area and that cumulatively disturbs less than one acre.
4. Land disturbing activities for agricultural uses.
5. Land disturbing activities undertaken on forest land for the production and harvesting of timber and timber products where all of the following occur:
  - a. The growing of trees;
  - b. The harvesting of timber, leaves, or seeds;
  - c. The regeneration of either timely replanting of trees or natural generation;
  - d. The application of applicable "best management practices", including the N.C. Department of Environment and Natural Resources "Forest Practice Guidelines Related to Water Quality"—Title 15A North Carolina Administrative Code subchapter 11, sections 1.010—.0209 and all successor documents; and
  - e. A forest management plan is prepared or approved either by a professional forester registered in the State of North Carolina or by the Division of North Carolina Forest Resources. Copies of the forest management plan shall be provided to the city upon request.

6. Land disturbing activities for which a permit is required under the Mining Act of 1972; [G.S. Ch. 74, Article 7](#)
7. Projects which commenced prior to the application of this article, such as:
  - a. Approved subdivisions and site plans. However, if the approved subdivision or site plan is modified or changed after the effective date of this article, the proposed development would have to comply with all requirements of this article in its entirety.
  - b. Projects which have an outstanding unexpired valid building permit in compliance with either [G.S. 160D-1115](#) or have an outstanding unexpired valid soil erosion permit in compliance with [G.S. 160D-922](#); provided that, upon application of any impervious surfaces, the exemption based on a valid soil erosion permit shall not apply.
  - c. Projects which have obtained a state permit, such as landfills and land application of residuals.
  - d. Projects which have continuing vested rights in compliance with [G.S. 160D-108.1](#).

Phased developments do not constitute separate developments and the total area of all phases will be used to determine exemption requirements.

Section 2. It is the intention of the City Council, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Code or Ordinances, City of Fayetteville, North Carolina, and the section of this ordinance may be renumbered to accomplish such intention.

ADOPTED this the \_\_\_\_\_ day of \_\_\_\_\_, 2021.

CITY OF FAYETTEVILLE

---

MITCH COLVIN, Mayor

ATTEST:

---

PAMELA J. MEGILL, City Clerk