

**AN ORDINANCE AMENDING CITY CODE CHAPTER 18 – STORMWATER,
ARTICLE IV – POST-CONSTRUCTION STORMWATER ORDINANCE**

ORDINANCE NO. 7062

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE:

Chapter 18, Article IV "Post-Construction Stormwater" of the Code of the City of Charlotte is hereby amended as follows:

A. DIVISION 4: DEVELOPMENT AND REDEVELOPMENT MITIGATION

1. SECTION 18-161: MITIGATION PAYMENT

- a. Amend Section 18-161, MITIGATION PAYMENT, Subsection (c) *Redevelopment not within transit station areas or distressed business districts* as shown below. The revised text shall read as follows:

Sec. 18-161. Mitigation payment.

(a) *Lots less than one acre.* Development and redevelopment on a lot less than one acre in size are allowed to forego meeting the requirements of this article, except for required stream buffers, provided the city is paid a mitigation fee according to rates set forth in the administrative manual and provided such development and redevelopment are not part of a larger common plan of development or sale, even though multiple, separate or distinct activities take place at different times on different schedules.

(b) *Transit station areas and distressed business districts.* Development and redevelopment projects within transit station areas designated by the planning director based on corridor record of decisions, council adopted station area plan or distressed business districts designated by the economic development director are allowed by right to forego meeting the requirements of this article, except for required stream buffers and peak control and downstream analysis requirements on the increased impervious area of the project site, provided one of the following three measures are implemented on the site:

- (1) Provide 85 percent TSS removal from first inch of rainfall for entire project;
- (2) Provide one-year, 24-hour volume control and ten-year, six-hour peak control for entire project; or
- (3) Pay the city a mitigation fee according to rates set forth in the administrative manual for the pre-project built upon area and any

additional impervious area not to exceed five acres. New impervious area in excess of five acres must comply with this article.

(c) Redevelopment not within transit station areas or distressed business districts. ~~For a period of time beginning with approval of this Ordinance amendment and ending April 30, 2014, projects involving redevelopment of existing built-upon area and the cumulative addition of less than 20,000 square feet of new built-upon area, are allowed by right to forego meeting the requirements of this article, except for required stream buffers and phosphorous requirements, provided one of the following measures is implemented on the site:~~

- ~~(1) If an analysis of the downstream storm water conveyance system confirms that volume and peak control facilities may be waived by the Storm Water Administrator, provide 85 percent TSS removal from first inch of rainfall for entire project and pay the city a mitigation fee according to rates set forth in the administrative manual for the pre-project built-upon area and any additional impervious area; or~~
- ~~(2) If an analysis of the downstream storm water conveyance system confirms that volume and peak control facilities may be waived by the Storm Water Administrator, pay the city a mitigation fee according to rates set forth in the administrative manual for the pre-project built-upon area and any additional impervious area; or~~
- ~~(3) Provide one year, 24-hour volume control and ten-year, six-hour peak control for entire project and pay the city a mitigation fee according to rates set forth in the administrative manual for the pre-project built-upon area and any additional impervious area.~~

Projects involving redevelopment of existing built-upon-area and the cumulative addition of less than 20,000 square feet of new built-upon-area are allowed by right to forego meeting the requirements of this article, except for required stream buffers and phosphorous requirements, provided the city is paid a mitigation fee according to rates set forth in the administrative manual for the post-project built-upon-area and, if required, onsite controls are installed for stormwater quality, and detention (i.e. volume and peak control) as well as quality stream protection in accordance with the provisions of the administrative manual.

