

BOARD OF ALDERMEN

ITEM NO. D(1)

AGENDA ITEM ABSTRACT

MEETING DATE: Tuesday, January 21, 2003

TITLE: Public Hearing: Land Use Ordinance Text Amendment to Revise Appendix I

DEPARTMENT: Planning	PUBLIC HEARING: Yes
ATTACHMENTS: A. Draft Ordinance B. LUO Section 15-263 and Appendix I C. Recommendations	FOR INFORMATION CONTACT: Patricia McGuire – 918-7327

PURPOSE

References to stormwater management are currently found in Section 15-263 and Appendix I of the Land Use Ordinance. Staff has determined that a revision to Appendix I is necessary in order for stormwater management requirements to be consistent and a draft ordinance has been prepared. A public hearing must be held to receive public comment prior to any action. The Administration recommends that the Board of Alderman adopt the revised ordinance with additional clarifying language proposed by staff.

INFORMATION

The Town of Carrboro Land Use Ordinance (LUO) includes provisions that regulate the stormwater impacts of development activities. Such provisions were included in the LUO at the time of its adoption in 1980 and have been expanded over the years to further limit impacts to these natural features. Currently, the LUO sections pertaining to drainage ways include those listed below.

1. Section 15-261 - Natural Drainage System Utilized to the Extent Feasible
2. Section 15-262 - Development Must Drain Properly
3. Section 15-263 – Storm Water Management
4. Appendix I, Storm Drainage Design Manual

It has been determined that language in Section 15-263(a) specifying the “maximum design storm” for downstream properties does not correspond with a similar reference in Appendix I. Copies of both sections are attached (*Attachment B*). In order to ensure that the Town’s stormwater requirements are consistently implemented, an amendment to Appendix I clarifying the design storm requirements is recommended.

Draft Land Use Ordinance

A draft ordinance has been prepared. The ordinance (*Attachment A*) revises Section 6 of the Storm Drainage Design Manual so that a 25-year pre- and post-development storm is the standard for stormwater detention, consistent with the requirements of Section 15-263.

Staff review of the draft ordinance has continued since the draft ordinance was submitted to the Board of Aldermen and the need for additional clarification of these requirements has been noted.

The following language is proposed in substitution for that included in Section 1 of the draft ordinance:

Detention of stormwater shall be provided in each development so that the peak flow up to and including the post development 25-year storm leaving the site does not exceed those storms up to and including the pre-development 25-year storm peak.

These proposed modifications are shown in italic text in the attached draft ordinance.

The draft ordinance was referred to the Planning Board, Environmental Advisory Board and Orange County for review. Recommendations are attached (*Attachment C*).

ADMINISTRATION'S RECOMMENDATION

The Administration recommends that the Planning Board review the information provided and provide a recommendation for the Board of Aldermen for consideration at the January 21, 2003 public hearing.

ATTACHMENT A

AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE TO CLARIFY THE 25-YEAR DESIGN STORM REQUIREMENT FOR DETENTION OF STORMWATER

THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO ORDAINS:

Section 1. The first sentence of Section 6 of Appendix I (“Town of Carrboro Storm Drainage Design Manual” of the Carrboro Land Use Ordinance is amended to read as follows:

Detention of stormwater shall be provided in each development so that the peak flow ~~is~~ *up to and including* the post development 25-year storm leaving the site does not exceed *those storms up to and including* the pre-development 25-year storm peak.

Section 2. All provisions of any town ordinance in conflict with this ordinance are repealed.

Section 3. This ordinance shall become effective upon adoption.

Section 15-263 Storm Water Management.

(a) All developments shall be constructed and maintained so that they do not cause stormwater-related damage to upstream or downstream properties as provided in the remaining provisions of this section. Compliance with this standard shall be determined in reference to storm events up to the 100-year storm for upstream properties and up to the twenty-five year storm for downstream properties. Effects on downstream drainage facilities within street rights-of-way shall also be evaluated for storm events up to the twenty-five year storm.

- (1) To achieve this objective, the potential impacts on surface water quantity and quality from all proposed developments requiring special use or conditional use permits shall be identified and evaluated by the developer and reviewed by the town engineer, staff and the environmental advisory board. The developer shall implement mitigation measures as are determined to be necessary by the town, based upon the results of this evaluation, to prevent the predicted impacts. Potential impacts to be evaluated may include, but are not limited to, backwater effects on upstream properties, increased volumes or rates of stormwater flow, offsite sedimentation, erosion and/or ground-cover loss downstream, increased scouring of any downstream streambed, lowered quality of water due to the pollutants carried in runoff, or any damage that materially injures the value of adjoining or abutting property. The area of study is *not* limited to the property being developed.
- (2) Prior to consideration by the permit issuing board, the developer shall, through a qualified professional, submit a statement specifically identifying and quantifying any potential negative stormwater effects the proposed development may have on upstream or downstream properties or water quality. The permit issuing authority may require modifications to the stormwater control plans to achieve compliance with the objectives of this section. If and to the extent that the Board does not require changes to the stormwater control system to eliminate any potential negative effects, then such negative effects shall not thereafter be regarded as “damage” for purposes of subsequent enforcement of this section.
- (3) Except as provided in subdivision (2) above, approval by the town of a developer’s stormwater control plans, and construction by the developer of the facilities as shown in such plans, shall not relieve the developer of the responsibility of satisfying the “no damage” standard set forth above. If at any time prior to two years following the issuance of a certificate of occupancy (for an unsubdivided development) or the approval of a final plat (for a subdivision) the town determines that the stormwater facilities planned to be installed or actually installed to meet the requirements of this section are inadequate, the town may require the submission of revised plans and the installation of new, altered, or additional facilities to bring the development into compliance. Prior to issuance of a certificate of occupancy or approval

of a final plat, the town may require the developer to post a performance bond or other sufficient surety to guarantee compliance with this section.

- (4) Except as set forth in subdivision (3) above, this section shall impose no obligation on a developer (or any successor to the developer) to modify or alter stormwater facilities installed in accordance with approved plans or to construct new or additional facilities. However, stormwater facilities shall be properly maintained so that they continue to perform as they were designed to perform. All developments shall be constructed and maintained so that they do not cause damage to other properties with their surface waters.
(AMENDED 11/19/96; 05/25/99)

(b) The presumption established by this section is that, to comply with the standards set forth herein, the developer shall design and construct all storm water drainage facilities in accordance with the guidelines set forth in the Town of Carrboro Storm Drainage Design Manual (Appendix I to this chapter). However, the permit issuing authority may establish different requirements when it concludes, based upon (i) the information it receives in the consideration of a specific development proposal, and (ii) the recommendations of the Public Works Director or the Town Engineer, that such deviations from the presumptive guidelines are necessary to satisfy the standards set forth in this section, or that the standards can still be met with such deviations and the deviations are otherwise warranted. (AMENDED 11/19/96)

STORM DRAINAGE DESIGN MANUAL

GENERAL DESIGN STANDARDS AND POLICIES

6. DETENTION

Detention of stormwater shall be provided in each development so that the peak flow in the post development 10-year storm leaving the site does not exceed the pre-development 10-year storm peak. This requirement may be varied by the Town Engineer based on existing conditions downstream and the impact which increased flow in the receiving watercourse could have on flooding levels. It is recommended that the a pre-design meeting with the Town Engineer and the Town Planning Director be held to discuss detention requirements.