

**REVISED ORDINANCE A
(Enacting the Land Use Management Ordinance Text Amendment Proposal)**

AN ORDINANCE AMENDING SUBSECTION 5.4.6 OF THE CHAPEL HILL LAND USE MANAGEMENT ORDINANCE REGARDING GENERAL PERFORMANCE CRITERIA FOR STORMWATER MANAGEMENT. (2024-05-01/O-1)

WHEREAS, at the June 9, 2021 Council meeting, several Council members presented a petition to the Town Council requesting a comprehensive review of the Town’s stormwater management regulations; and

WHEREAS, there is concern that the stormwater management regulations adopted in 2003 do not address the increased precipitation frequency and intensity being experienced as a result of climate change; and

WHEREAS, the Town contracted with the team of Skidmore, Owings & Merrill and SRF Consulting Group (SRF) to conduct a review of the Town’s stormwater management regulations, including the areas of review listed in the Council petition; and

WHEREAS, the SRF report recommended adding the 100-year, 24-hour storm event to the peak runoff rate control design storms, and also recommended clarifying the runoff volume that is to be treated to the 85% TSS removal requirement; and

WHEREAS, the Booker Creek Working Group recommended adoption of the 100-year design storm to the peak flow rate requirements; and

WHEREAS, at the November 29, 2023 meeting, several Council members presented a petition to the Town Council requesting that the addition of the 100-year storm be added to the regulations as soon as possible; and

WHEREAS, the Planning Commission reviewed the text amendments to the Land Use Management Ordinance Subsection 5.4.6 on February 20, 2024, and recommended that the Council enact the text amendments; and

WHEREAS, on January 24, 2024, the Council called a Legislative Hearing to amend Subsection 5.4.6 of the Land Use Management Ordinance as it relates to General Performance Criteria for Stormwater Management for the Council’s March 20, 2024, meeting; and

WHEREAS, the Council of the Town of Chapel Hill has considered the proposed text amendment to the Land Use Management Ordinance (LUMO) Subsection 5.4.6; and

WHEREAS, upon consideration the Council finds that the amendment is reasonable and in the public’s interest and is warranted to achieve the purposes of the Comprehensive Plan as explained by, but not limited to, the following goals of the Chapel Hill 2020 Comprehensive Plan:

- Maintain and improve air quality and water quality, and manage stormwater to heal local waterways and conserve biological ecosystems within the town boundaries and the Extra Territorial Jurisdiction (*Nurturing Our Community.2*)

- Protect neighborhoods from the impact of development such as stormwater runoff, light and noise pollution, and traffic (*Nurturing Our Community*.8)

NOW, THEREFORE, BE IT ORDAINED by the Council of the Town of Chapel Hill that the Town Code of Ordinances, Appendix A. Land Use Management Ordinance shall be amended as follows:

Section 1. Article 5. DESIGN AND DEVELOPMENT STANDARDS, Section 5.4 Stormwater management, Subsection 5.4.6 General Performance Criteria for Stormwater Management is revised to read as follows:

“The following are required stormwater management performance criteria for new development and redevelopment that increase impervious surface:

- (a) Stormwater quality treatment shall be designed to achieve ~~average annual~~ eighty-five percent (85%) percent average annual total suspended solids (TSS) removal ~~and must apply to the volume of post-development runoff resulting for runoff generated~~ from the first ~~one~~-inch of precipitation. Alternative treatment methods to achieve eighty-five (85) percent average annual TSS removal may be acceptable. ~~The eighty-five (85) percent requirement applies to eighty-five (85) percent of the additional suspended solids that are the result of the new development.~~
- (b) The stormwater runoff volume leaving the site post-development shall not exceed the stormwater runoff volume leaving the site pre-development (existing conditions) for the local 2-year frequency, 24-hour duration storm event for all development except single-family and two-family dwellings on lots existing as of January 27, 2003, or on lots pursuant to a preliminary plat that was approved by the town council prior to January 27, 2003. This may be achieved by hydrologic abstraction, recycling and/or reuse, or any other accepted scientific method.
- (c) For new Conditional Zoning and major Special Use Permit applications, Thethe stormwater runoff rate leaving the site post-development shall not exceed the stormwater runoff rate leaving the site pre-development (existing conditions) for the local 1-year, 2-year, ~~and 25-year, and 100-year~~ 24-hour storm events.
- (c1) For all other development permit applications, the stormwater runoff rate leaving the site post-development shall not exceed the stormwater runoff rate leaving the site pre-development (existing conditions) for the local 1-year, 2-year, and 25-year 24-hour storm events.
- (d) Land disturbance within the stream channel of any ephemeral stream shall be minimized, and prohibited unless explicitly authorized by issuance of a zoning compliance permit after demonstration of the necessity for the disturbance.”

Section 2. This ordinance is effective upon adoption.

This the 1st day of May, 2024.