

ITEM#: 17
DATE: 02-26-19

COUNCIL ACTION FORM

SUBJECT: POST-CONSTRUCTION STORMWATER MANAGEMENT ORDINANCE

BACKGROUND:

City Council directed that amendments be made to the Post-Construction Stormwater Management Ordinance (Chapter 5B - Municipal Code) during the February 12, 2019 meeting. **The revisions include revising the timing of the financial security to be prior to Final Occupancy, clarifying the verbiage of the financial security section, revising the definition of redevelopment, and relaxing the impervious threshold for initiating the ordinance requirements for redevelopment activity to one acre (see attached revised ordinance).**

Several development/re-development plans are said to be on hold until this amended ordinance is adopted, therefore a request to do all three readings in one City Council meeting has been included in the alternatives, shown below.

ALTERNATIVES:

- 1a. Approve first passage of the Post-Construction Stormwater Management Ordinance, as amended.
- b. Waive second and third passages and adopt the Post-Construction Stormwater Management Ordinance, as amended.
2. Approve first passage of the Post-Construction Stormwater Management Ordinance, as amended (holding second and third passage at future meetings).

MANAGER'S RECOMMENDED ACTION:

Information regarding the City's Post-Construction Stormwater Management Ordinance (Chapter 5B) was presented at a number of City Council meetings and workshops. Stakeholder input was solicited by staff and also received by City Council through communications sent to Council and public input at the Council meetings. City Council then directed that these changes be made to the ordinance.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1 a and b, as noted above.

ORDINANCE NO.

AN ORDINANCE TO AMEND THE MUNICIPAL CODE OF THE CITY OF AMES, IOWA, BY REPEALING SECTIONS 5B.1(8), 5B.2(1) (“Redevelopment”), AND 5B.5(1) AND ENACTING NEW SECTIONS 5B.1(8), 5B.2(1) (“Redevelopment”), AND 5B.5(1) THEREOF, FOR THE PURPOSE OF SUPPORTING ECONOMIC REDEVELOPMENT; REPEALING ANY AND ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT TO THE EXTENT OF SUCH CONFLICT; PROVIDING A PENALTY; AND ESTABLISHING AN EFFECTIVE DATE.

BE IT ENACTED, by the City Council for the City of Ames, Iowa, that:

Section One. The Municipal Code of the City of Ames, Iowa shall be and the same is hereby amended by repealing Sections 5B.1(8)(a), 5B.2(1) (“Redevelopment”), and 5B.5(1)(a) and enacting new Sections 5B.1(8), 5B. 2 (“Redevelopment”), and 5B.5(1) as follows:

**“CHAPTER 5B
POST CONSTRUCTION STORMWATER MANAGEMENT**

...

Sec 5B.1. GENERAL PROVISIONS

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(8) This ordinance shall be applicable to all development and redevelopment applications meeting the minimum square foot applicability criteria of 5B.1(8)(a) and 5B.1(8)(b), unless eligible for an exemption or granted a waiver by City under Section 5B.4 of this ordinance. The ordinance also applies to land disturbance activities that are smaller than the minimum square foot applicability criteria specified in 5B.1(8)(a) and 5B.1(8)(b) if such activities are part of a larger common plan of development or redevelopment that meets the minimum square foot applicability criteria of 5B.1(8)(a) and 5B.1(8)(b), even though multiple separate and distinct land development activities may take place at different times on different schedules:

(a) City stormwater requirements must be met for a development application to be approved. City stormwater requirements apply to any new development disturbing one (1) acre or more of land or to any development disturbing less than said acreage of land if the amount of impervious cover created exceeds 10,000 square feet. New development includes any new residential, commercial, or industrial subdivision or individual site improvement requiring a site development plan. The following activities are exempt from this ordinance:

- (i) Any agricultural activity.
- (ii) Additions or modifications to an existing single family property.
- (iii) Storm Water Management Design standards do not apply to any area within a 1,000-foot distance from any City of Ames drinking water well located in the Southeast Well Field and Youth Sports Complex Well Field. In these specific areas, developments will need to meet requirements for storm water quality-based treatment or a combination of quantity- and quality-based treatment, as approved by both the Director of Public Works and the Director of Water and Pollution Control.

(b) City stormwater requirements must be met for a redevelopment application to be approved. City stormwater requirements apply to redevelopment creating one (1) acre or more of impervious cover.

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Sec 5B.2. Definitions

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“**Redevelopment**” means land disturbance activity in areas where existing land use is commercial, industrial, institutional, or residential.

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Sec 5B.5. FINANCIAL SECURITY AND PERFORMANCE BOND

(1) City shall require the submittal of an installation financial security or bond prior to issuance of final Certificate of Occupancy in order to insure that the stormwater BMPs are installed as required by the approved stormwater management final plan:

(a) The amount of the installation financial security or bond shall be the remaining estimated construction cost of the stormwater BMPs approved in the stormwater management plan. The installation financial security or bond shall contain forfeiture provisions for failure to complete work specified in the stormwater management plan.

(b) The installation financial security or bond shall be released in full only upon submission of "as built plans" of all stormwater BMPs specified in the stormwater management plan and written certification by a Licensed Professional Engineer or Professional Landscape Architect or person credentialed in a manner suitable to the city that the stormwater BMPs have been installed in accordance with the approved stormwater management final plan and other applicable provisions of this ordinance. City will make a final inspection of stormwater BMPs to ensure compliance with the approved stormwater management plan and the provisions of this ordinance. Provisions for a partial pro-rata release of the installation financial security or bond based on the completion of various development stages can be made at the discretion of the Municipal Engineer.

... "

Section Two. Violation of the provisions of this ordinance shall be enforced under the penalties provided in Ames Municipal Code section 5B.8.

Section Three. All ordinances, or parts of ordinances, in conflict herewith are hereby repealed to the extent of such conflict, if any.

Section Four. This ordinance shall be in full force and effect from and after its passage and publication as required by law.

Passed this _____ day of _____, _____.

Diane R. Voss, City Clerk

John A. Haila, Mayor