COUNCIL ACTION FORM

SUBJECT: **POST-CONSTRUCTION STORMWATER MANAGEMENT ORDINANCE**

BACKGROUND:

During a Special Meeting of the Ames City Council held on November 20, 2018, City Council directed that two amendments be made to the Post-Construction Stormwater Management Ordinance (Chapter 5B - Municipal Code). **The two revisions include revising the timing of the financial security to be prior to Final Occupancy and relaxing the impervious threshold for initiating the ordinance requirements 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 two 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)(a), 5B.5(1), AND 5B.5(1)(a) AND ENACTING NEW
SECTIONS 5B.1(8)(a), 5B.5(1), AND 5B.5(1)(a) 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.5(1), and 5B.5(1)(a) and enacting new Sections 5B.1(8)(a), 5B.5(1), and 5B.5(1)(a) as follows:

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

. . .
Sec 5B.1. GENERAL PROVISIONS

. . .

(8)

. . .

      (a)   For any new development or any redevelopment creating one (1) acre or more of impervious cover, City stormwater requirements must be met for the new development or redevelopment to be approved. "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:

. . .

Sec 5B.5. FINANCIAL SECURITY AND PERFORMANCE BOND

(1)   The City shall require the submittal of an installation performance security or bond prior to issuance of the 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 forefeiture provisions for failure to complete work specified in the stormwater management plan. . . ."

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