

**Post Construction Stormwater
Ordinance Implementation
Policy for Transportation
Projects within Charlotte City
Limits and ETJ**



CHARLOTTESM

(December 2018)

1.0 Program Purpose and Background

The purpose of the Post Construction Stormwater Ordinance Implementation Policy for Transportation Projects within the City of Charlotte and ETJ is to ensure that these projects meet all federal, state, and local requirements. Specifically, this policy is written for public transportation projects that involve roadway construction not associated with a subdivision or development. Please note that this policy document does not apply to:

- Roadway projects associated with development – These projects (such as road widening or turn lane addition) are treated as part of the development and the right-of-way area and built-upon area should be included in storm water calculations for the development.
- Roadway projects constructed by the North Carolina Department of Transportation (NCDOT) or within NCDOT ROW - These projects are subject to NCDOT's Post-Construction program; therefore, these projects are not subject to local Post-Construction ordinances. These projects should follow the NCDOT Post-Construction Stormwater Program guidance found at this [link](#).

The North Carolina Division of Environmental Quality (NCDEQ) suggests that regulated public entities use Stormwater Control Measures (SCMs) in the North Carolina Department of Transportation's (NCDOT's) "[Best Management Practices Toolbox](#)" developed for linear systems, which has been approved by NCDWQ to meet post-construction requirements for linear roadway systems. The practices within the "Best Management Practices Toolbox" may be used when the Charlotte-Mecklenburg BMP Design Manual does not cover a specific issue.

2.0 Applicability

Public roadway projects in the City of Charlotte and ETJ are subject to the applicability criteria of the Charlotte Post Construction Stormwater Ordinance (PCSO). For the purposes of PCSO, public roadway projects will be considered commercial/industrial development or redevelopment. The post-construction applicability criteria are found in Section 18-105 of the PCSO. The grandfathering (or exemption) of public projects is consistent with the rights given to private developers under applicability and exceptions provisions of the PCSO. Some common exemptions and grandfathering justifications may include:

- Project process began prior to July 1, 2008
 - This could include projects that are funded or otherwise initiated (including IPDES, planning documents approved through City Council or other committee, etc.)
- Project is ONLY adding bike lanes that were shown on an approved bike improvement plan prior to July 1, 2008
- Project is adding sidewalk to an existing roadway
 - As a point of clarification, proposed sidewalk that replaces an existing sidewalk will count as new BUA.

- Additionally, projects proposing a multi-use path where no sidewalk currently exists will be required to count the width beyond six feet as New BUA.
- Project ONLY creates (or removes and replaces) less than 20,000 ft² of BUA

In the event that PCSO requirements apply to a public roadway project, the responsible public entity shall work with the staff of Storm Water Services' Water Quality Program to ensure compliance.

3.0 Mitigation

Mitigation options in section 18-161 of the PCSO are available to public linear projects. These options include:

- a) Pay the mitigation fee for lots less than one acre ("lot" size will equate to project area or disturbed area for the project) and comply with stream buffer requirements.
- b) Projects within Transit Station Areas or Business Corridor Revitalization Geography must provide peak control and downstream analysis on increased BUA, protect stream buffers, and choose one of the options below:
 - 1) Provide 85% TSS removal from the 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
 - 3) Pay the mitigation fee for existing BUA and up to five acres of additional BUA. New BUA in excess of five acres must comply on-site.
- c) *Redevelopment not within the Transit Station Areas or Business Corridor Revitalization Geography and increasing BUA by less than 20,000ft² can choose from one of the following options (in addition to stream buffer requirements and phosphorous requirements):
 - 1) If analysis of the downstream stormwater conveyance system confirms that volume and peak control facilities may be waived by the Stormwater Administrator, the project can opt to provide 85% TSS removal from the first inch of rainfall for the entire project and pay the mitigation fee for the total amount of new BUA (including removed and replaced).
 - 2) If analysis of the downstream stormwater conveyance system confirms that volume and peak control facilities may be waived by the Stormwater Administrator, the project can opt to pay the mitigation fee for the total amount of new BUA (including removed and replaced).
 - 3) Provide one-year, 24-hour volume control and ten-year, six-hour peak control for entire project and pay the mitigation fee for the total amount of new BUA (including removed and replaced).
- d) ** Redevelopment not within transit station areas or business corridor revitalization geography. 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 described in section 9.3(C) of the PCSO Administrative Manual.

**Use this criteria (c) for projects initiated prior to July 1, 2016*

***Use this criteria (d) for projects initiated after on or after July 1, 2016*

The current mitigation fees for use within the above mitigation options are included in the PCSO Administrative Manual.

4.0 SCMs for Public Linear Roadway Projects

The designs in the Charlotte-Mecklenburg BMP Design Manual are to be used where practicable. Practicability of SCMs will be determined through coordination with the Stormwater Administrator (exceptions through practicability will typically be based on physical feasibility and not based on costs). In addition, when public linear roadway projects use bridges over surface waters, bridge drainage systems that eliminate or minimize direct discharge to surface waters are required. More information on bridge drainage systems can be found in Chapter 9 of NCDOT's BMP Toolbox. A copy of NCDOT's BMP Toolbox can be found at the following website: http://www.ncdot.org/programs/environment/stormwater/npdes_permit/.

5.0 SCM Maintenance

Perpetual maintenance is required on all City owned SCMs. Each SCM shall be recorded in the Storm Water Services – Water Quality Program SCM database and will be subject to annual compliance inspections and periodic maintenance (see section 6.0 for details of this process). The inspection and maintenance of these SCMs is the responsibility of the City. Inspection services for annual compliance will be provided by Storm Water Services staff.

The only exception to this is when roadway projects are constructed to NCDOT standards that are to be turned over for maintenance to NCDOT following construction. These SCMs shall be maintained in accordance with NCDOT requirements and shall not be subject to the local post-construction ordinance maintenance requirements.

6.0 Project Closeout Process

Once construction of SCMs associated with a City project is complete, the process below will be followed to ensure compliance with PCSO.

1. Verify all necessary easements are recorded.
2. Provide asbuilt survey per section 12 of the PCSO Administrative Manual. This asbuilt should be reviewed and approved by the Stormwater Administrator through coordination with the Project Manager.
3. Water Quality reviewer submits inventory collection request via The Loop.

Appendix A
PCSO Qualifying Form for Public Transportation Projects