

ORDINANCE TO CLARIFY SECTIONS 70-740 AND 70-441 OF THE ORDINANCE
PERTAINING TO STORMWATER PERFORMANCE STANDARDS FOR DEVELOPMENT

WHEREAS, Article X of the Chapter 70 City Code, Stormwater Performance Standards for Development, uses the terms “load” and “loading rate” interchangeably. However, they are not synonymous. Loads are calculated from the loading rates. Making this and other clarifying changes to the ordinance will help ensure that they are applied as intended;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF DURHAM ORDAINS:

SEC. 1. City Code sections 70-740(a) – (c) and section 70-741(a) are revised to read:

Sec. 70-740. Required reductions for nutrients and TSS; alternatives; calculations

(a) *Nutrient loading rate limits.* Development not exempt under subsection 70-739 shall construct and implement SCMs so as to limit the post construction loading rate of nitrogen and phosphorus from the project area to the limits set forth in Table 2 below, or shall comply with an allowed alternative as set forth in subsections (b) through (d) below. A portion of the reduction requirements for nitrogen and phosphorus may be met through off site measures or payments as set forth in section 70-741.

Table 2
Nutrient Export Loading Rate Limits

<i>Project Location</i>	<i>Export Limit lbs/acre/year</i>	
	<i>Nitrogen</i>	<i>Phosphorus</i>
Jordan Basin	2.2	0.82
Falls Basin	2.2	0.33
Lower Neuse Basin	3.6	not required

(b) *Alternative percentage reduction option for Redevelopment that increases impervious area.* As an alternative to meeting the loading rate reductions described in subsection (a) above, Redevelopment not exempt under section 70-739 that increases impervious area may reduce the pre-development nutrient loading rate from the entire project site for nitrogen and phosphorus by the percentage loading rate reduction shown in Table 3 below. The pre-development nutrient loading rate is calculated as of the Applicable Baseline Date, ~~and load~~ Load reductions already achieved shall be credited.

Table 3
Percentage Reduction Option for Redevelopment

<i>Project Location</i>	<i>Percent Loading Rate Reduction from Pre-Dev Loading Rate</i>	
	<i>N</i>	<i>P</i>
Jordan	35%	5%
Falls	40%	77%
Lower Neuse	30%	N/A

(c) *Alternative percentage reduction option for Redevelopment that does not increase impervious area.* Redevelopment not exempt under section 70-739 that is outside the Downtown Area and that does not increase impervious area shall reduce the-pre-development nutrient loading rate, calculated as of the

Applicable Baseline Date, by ~~ten percent~~ 10% if reductions are achieved entirely onsite, and by ~~15 percent~~ 15% if reductions cannot be entirely achieved onsite. Table 4 is not applicable to this alternative.

Sec. 70-741. On-site treatment requirements; offsite purchase and credit options; bacteria control.

(a) On site nutrient treatment requirements. Nitrogen and phosphorus reduction requirements may be met, in part, through offsite management measures or the purchase of nutrient credits. At a minimum, however, in the Jordan and Falls Basins a percentage of the required nitrogen and phosphorus reductions must be achieved through onsite treatment, in the amount shown in Table 4 below. In addition to meeting the percentage reductions below, in the Jordan and Lower Neuse Basins, nitrogen export loading rates from the site must not exceed six pounds per acre per year for limited residential, and ten pounds per acre per year for multifamily and other (Note: offsite credit purchases do not meet TSS removal requirements which must be met onsite).

SEC. 2. In this ordinance, the struck-through material is deleted from the existing text, and the underlined material is added to the existing text.

SEC. 3. This ordinance is effective when adopted.