

ORDINANCE NO. 22-07

AN ORDINANCE AMENDING SECTION 5-7(b)(5) OF
THE NEW HOPE CITY CODE RELATED TO DRAINAGE DEVELOPMENT
STANDARDS FOR LINEAR PROJECTS

THE CITY COUNCIL OF THE CITY OF NEW HOPE ORDAINS:

Section 1. Section 5-7(b) Drainage - *Development standards* – Linear redevelopment projects is hereby amended to repeal the stricken text and add the underlined text as follows:

- (5) Linear ~~redevelopment~~ projects that create or reconstruct one acre or more of impervious surface. A net reduction from pre-project conditions (on an annual average basis) of: stormwater discharge volume, total suspended solids, and total phosphorus. The water quality volume must be calculated as the larger of one (1) inch times the new impervious surface or one-half (0.5) inch times the sum of the new and fully reconstructed impervious surface.
- a. Where the entire water quality volume cannot be treated within the existing right-of-way and the lack of right-of-way precludes the installation of volume control practices that meet the conditions for post-stormwater management in Part III.D.5a(2) Permit Item 20.8 of the city's MS4 permit, the permittee shall ensure that a reasonable attempt be made to obtain right-of-way during the project planning process. If additional right-of-way, easements, or other permission cannot be obtained, owners of construction activity must maximize the treatment of the water quality volume prior to discharge to downstream waterbodies.
 - b. For linear projects that can meet the water quality volume requirement, the applicant does not need to provide any further volume control or water quality analysis.
 - c. For linear projects that are unable to meet the water quality volume requirement, the applicant must provide the following:
 - (i). Show that a reasonable attempt was made to meet the water quality requirement by providing:
 - (a) A summary of additional easements that could be acquired if space and right-of-way is limiting the feasibility of constructing BMPs.
 - (b) A detailed summary of alternatives that were considered.
 - (ii). Maximize the treatment of the water quality volume.
 - (a) At a minimum, the project needs to provide BMPs that provide rate control and limit TSS/TP Loads to existing conditions.
 - ~~bd.~~ Exceptions for stormwater discharge water quality volume will be made only if under the following circumstances:
 - ~~1.~~ The owner and/or operator of a construction activity is precluded from infiltrating stormwater through a designed system due to any of the infiltration related limitations described in subsection (b)(2) in this code.

~~2. The owner and/or operator of the construction activity implements, to the MEP, volume reduction techniques, other than infiltration on the site of the original construction activity that reduces stormwater discharge volume, but may not meet the conditions for post-construction stormwater management in the MS4 permit.~~

Section 2. Effective Date. This ordinance shall be effective upon passage and publication.

APPROVED by the New Hope City Council this 12th day of September, 2022.

Kathi Hemken, Mayor

ATTEST:

Valerie Leone, City Clerk