

1 construction of new stormwater management facilities and systems provided
2 that such replacement, repair, reconstruction, modification, and/or
3 construction:

4 (a) Does not increase the off-site rate of discharge in the stormwater
5 facility or system beyond its current rate (on-site increases that do not
6 cause adverse flooding are acceptable);

7 (b) Does not cause adverse flooding to on-site or off-site property;

8 (c) Does not increase pollutant loading beyond current levels; or

9 (d) Does not change the points of discharge in a manner that would
10 adversely affect downstream surface waters.

11 (3) City Stormwater Retrofit Projects shall comply with the following
12 provisions of this chapter:

13 (a) Section 5-54. Natural features inventory;

14 (b) Section 5-55. Environmental impact analysis;

15 (c) Section 5-81. Conservation and preservation area development
16 standards; and

17 (d) Section 5-83. Tree protection and removal standards, except that
18 **City Stormwater** Retrofit Projects shall be exempt from the following
19 subsections of Section 5-83: (f) *Reforestation requirements*, (j) *Tree*
20 *replanting requirements*, and (o) *Tree debits and credits in proposed*
21 *residential subdivisions*.

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1 **Sec. 5-116. Other stipulations.**

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3 **Secs. 5-117 - 5-125. Reserved.**

4 **Section 3.** Conflicts. All ordinances and parts of ordinances of the
5 Tallahassee Land Development Code in conflict with the provisions of this
6 ordinance are hereby repealed to the extent of such conflict.

7 **Section 4.** Severability. If any provision or portion of this ordinance is
8 declared by any court of competent jurisdiction to be void, unconstitutional, or
9 unenforceable, then all remaining provisions and portions of this ordinance
10 shall remain in full force and effect.

11 **Section 5.** Effective Date. This ordinance shall be effective immediately
12 upon adoption.

13 INTRODUCED in the City Commission on the ___ day of _____, 2009.

14 PASSED by the City Commission on the ___ day of _____, 2009.

15 CITY OF TALLAHASSEE

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17
18 By: _____
19 John R. Marks, III
20 Mayor
21

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23 ATTEST:

APPROVED AS TO FORM:

24
25
26 By: _____
27 Gary Herndon
28 Treasurer-Clerk

By: _____
James R. English
City Attorney