

10/27 Item 45 - Water Quality  
CM Vela Amendment 2 - V1  
Green Stormwater Infrastructure setback requirements

**25-2-1062 - HEIGHT LIMITATIONS AND SETBACKS FOR SMALL SITES. Section B**

(B) In this section, the term "structure" excludes a rain garden using no concrete that is designed in accordance with the Environmental Criteria Manual. If a site has a street frontage of 50 feet or less, a person may not construct a structure 15 feet or less from property:

- (1) in an urban family residence (SF-5) or more restrictive zoning district; or
- (2) on which a use permitted in an SF-5 or more restrictive zoning district is located.

**Is amended to read as follows**

(B) In this section, the term "structure" excludes ~~a rain garden using no concrete that is designed in accordance with the Environmental Criteria Manual~~ a water quality control that is designed in accordance with the Environmental Criteria Manual as a green stormwater control. If a site has a street frontage of 50 feet or less, a person may not construct a structure 15 feet or less from property:

- (1) in an urban family residence (SF-5) or more restrictive zoning district; or
- (2) on which a use permitted in an SF-5 or more restrictive zoning district is located.

**25-2-1063 - HEIGHT LIMITATIONS AND SETBACKS FOR LARGE SITES. Section B**

(B) In this section, the term "structure" excludes a rain garden using no concrete that is designed in accordance with the Environmental Criteria Manual. A person may not construct a structure 25 feet or less from property:

- (1) in an urban family residence (SF-5) or more restrictive zoning district; or
- (2) on which a use permitted in an SF-5 or more restrictive zoning district is located.

**Is amended to read as follows:**

(B) In this section, the term "structure" excludes ~~a rain garden using no concrete that is designed in accordance with the Environmental Criteria Manual~~ a water quality control that is designed in accordance with the Environmental Criteria Manual as a green stormwater control. A person may not construct a structure 25 feet or less from property:

- (1) in an urban family residence (SF-5) or more restrictive zoning district; or
- (2) on which a use permitted in an SF-5 or more restrictive zoning district is located.

### **Additional staff direction**

Staff is encouraged to look into the drainage criteria manual to identify and eliminate setbacks and other limitations to green stormwater infrastructure that may be appropriate for traditional sedimentation/filtration ponds, but are unnecessary for rain gardens, biofiltration ponds, and other types of green stormwater infrastructure.

### **Reasoning**

This amendment expands the exemption from compatibility for rain gardens to all green stormwater infrastructure controls.

The residential compatibility restriction for structures includes conventional sediment filtration ponds. This may be appropriate for large concrete ponds, and the restriction was written when conventional sediment/filtration ponds were the norm.

We should not apply the same restrictions on location that we apply to large concrete sediment filtration ponds to green stormwater infrastructure controls such as rain gardens and biofiltration ponds. An advantage of green stormwater infrastructure controls is they create a better natural environment. We should acknowledge the friendlier impact they have on the surrounding environment by being more flexible on where they are allowed.

Allowing green stormwater infrastructure controls in setbacks where other structures aren't allowed is an easy way to offset the extra costs with green stormwater controls, increase buildable area for projects, and incentivize the use of green stormwater infrastructure.