

ORDINANCE NO. 2091

AN ORDINANCE AMENDING ARTICLE III OF THE CITY CODE TO REDUCE ADVERSE STORMWATER IMPACTS IN THE CITY OF MOUNTAIN BROOK

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City as follows:

Section 1. Section 113-224 of the City Code is hereby amended as follows:

“Sec. 113-224. - Scope of the article and definitions.

(c) Definitions:

- (1) **Maximum Building Area** – The largest portion of the lot or parcel that can be occupied by the main building, including porches, carports, accessory buildings, and other structures as permitted for the use in question by the zoning ordinance.
- (2) **Maximum Impervious Area** – The maximum building area permitted for the use in question by the zoning ordinance, plus an additional five percent of the parcel on which the project is to be constructed. The term "impervious area" means the developed area of the lot, including house and accessory structures, as well as surfaces that do not allow the free passage of water through the material into the ground. The term "impervious area" includes sidewalks, driveways, parking areas, decks, and patios, unless such surfaces are constructed of materials that allow passage of water into the ground at a rate equal to the predeveloped condition.”

Section 2. Section 113-226 of the City Code is hereby amended as follows:

“Sec. 113-226. - General stormwater detention and design objectives and criteria.

- (b) The goal of stormwater management design shall be to mimic the pre-development hydrology of the site. Post-development stormwater peak flows for two-year through 100-year, 24-hour storms shall be less than or equal to pre-development values. The engineering analysis shall assume that land is fully developed in accordance with the city's comprehensive land use plan. Engineering data supporting differential runoff and detention volume calculations, as well as the adequacy of detention, discharge, and control structures, shall be submitted to the city for review. A description of the method to be used in maintaining components of the stormwater management system shall also be submitted.”

Section 3. Section 113-227 of the City Code is hereby amended as follows:

“Sec. 113-227. - Sec. 113-227. - Detention facilities.

- j. Verification that the site runoff will not contribute to erosion and scour of downstream receiving channel for the 2-year, 24-hour storm event. This includes a detailed description of erosion prevention measures, such as energy dissipation and velocity control devices to be implemented and velocity calculations at each site outfall for the 2-year, 24-hour design storm.”

Section 4. Section 113-228 of the City Code is hereby amended as follows:

"Sec. 113-228. - Requirements applicable to particular types of development and detention methods.

- (e) Single lot development. Development of single lots shall be in accord with applicable provisions of the zoning ordinance, provided that the maximum impervious area shall be limited to the maximum building area permitted for the use in question by the zoning ordinance, plus an additional five percent of the parcel on which the project is to be constructed. For purposes of this article, the term "impervious area" means the developed area of the lot, including house and appurtenant structures, as well as surfaces that do not allow the free passage of water through the material into the ground. The term "impervious area" shall include, without limitation, sidewalks, driveways, parking areas, decks, and patios, unless such surfaces are constructed of materials that allow passage of water into the ground at a rate equal to the predeveloped condition. The percentage of building and impervious areas shall not exceed that allowed by this article unless an approved method of stormwater detention or low impact development (LID)/green infrastructure (GI) practices are used to mitigate increases in stormwater runoff. If stormwater detention is used, the design shall comply with the minimum requirements set forth in this article. The LID or GI measure design shall comply with the design standards in the "Low Impact Development Handbook for the State of Alabama", Alabama Department of Environmental Management et al. and comply with the minimum requirements set forth in this ordinance. Design of LID or GI measures shall be performed by a registered architect, landscape architect, or engineer, and shall include plans, details, and calculations demonstrating compliance with the requirements of this article. Developments on steep lots (slopes 15% or greater in the development or re-development area) are required to provide a stormwater management design to mitigate the increased stormwater runoff. The design shall be supported by a written engineering analysis verifying the adequacy of the stormwater management design for the property. The design shall comply with the minimum requirements set forth in this ordinance. In addition, the stormwater management design shall ensure that the site runoff will not contribute to erosion and scour of the downstream receiving water for the 2-year, 24-hour storm event. For existing properties that exceed the maximum impervious area (maximum building area plus an additional five (5) percent of the parcel area), making improvements to the property that would further increase the impervious area, excluding minor alterations, will require a stormwater management design to mitigate the increased stormwater runoff. The maximum building area plus an additional five (5) percent of the parcel area in accordance with the zoning ordinance will be the basis for quantifying the stormwater runoff to mitigate in the design. The design shall be supported by a written engineering analysis verifying the adequacy of the stormwater management design for the property. The design shall comply with the minimum requirements set forth in this ordinance. Any new development or re-development shall submit to the city a phased site development plan with a vegetated buffer or Engineered surfaces equal to (10%) or greater of the disturbed area. The vegetated buffer or surface shall prevent soil erosion and filter surface run off prior to leaving the site. The vegetated buffer is to be located, where practical, outside of the perimeter of erosion and sediment control best management practices for the site. The turbidity of the site stormwater discharges shall not cause or contribute to a substantial visible contrast with the natural appearance of the receiving water.

Section 5. Section 113-229 of the City Code is hereby amended as follows:

"Sec. 113-229. - Application and appeal process.

- (c) Predesign conference.


- (1) The applicant and the consulting engineer are required to contact the city for a predesign conference at the conceptual stage of a project in order to clarify the application of this article to the development, address any questions, and minimize cost, delay, and inconvenience to the developer.
- (d) Review fees. Each application for a stormwater detention permit shall include a nonrefundable fee as set forth in chapter 14. Should the actual, reasonable cost to the city for engineering or other technical review of the application exceed the amount set forth in chapter 14, the additional cost shall be paid by the applicant prior to issuance of the detention permit. Any site with a stormwater management design that utilizes LID/GIPs to capture and manage the runoff from ninety five (95) percent or greater of the proposed impervious area will receive a reduced permit fee allowance of fifty (50) percent. The stormwater management design must still comply with the minimum requirements set forth in this ordinance.

Section 6. This ordinance is cumulative in nature and is in addition to any power and authority which the City of Mountain Brook may have under any other ordinance or law.

Section 7. If any part, section or subdivision of this ordinance shall be held unconstitutional or invalid for any reason, such holding shall not be construed to invalidate or impair the remainder of this ordinance, which shall continue in full force and effect, notwithstanding such holding.

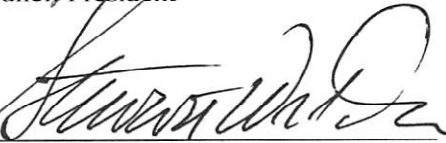
Section 8. This ordinance shall become effective immediately upon adoption and publication as approved by law.

ADOPTED: This 9th day of November, 2020.



Council President

APPROVED: This 9th day of November, 2020.




Mayor

CERTIFICATION

I, Steven Boone, City Clerk of the City of Mountain Brook, Alabama, hereby certify the above to be a true and correct copy of an ordinance adopted by the City Council of the City of Mountain Brook, Alabama, as its meeting held on November 9, 2020, as same appears in the minutes of record of said meeting, and published by posting copies thereof on November 10, 2020, at the following public places, which copies remained posted for five (5) days as required by law.

City Hall, 56 Church Street
Gilchrist Pharmacy, 2850 Cahaba Road

Overton Park, 3020 Overton Road
Cahaba River Walk, 3503 Overton Road



City Clerk