

ORDINANCE # 06 - 20

AN ORDINANCE OF THE CITY OF BERE, KENTUCKY, PROVIDING THAT THE CODE OF ORDINANCES OF THE CITY OF BERE, KENTUCKY, BE AMENDED BY REVISING SECTION 34.206 TO MAKE GRAMMATICAL CHANGES, REVISING SECTION 34.301 TO DELETE CERTAIN REQUIREMENTS FOR DESIGN AND MAINTENANCE AND REMOVE THE FEE IN LIEU SYSTEM FOR DEVELOPERS, AND REVISING SECTION 34.302 TO CLARIFY THE REQUIREMENTS FOR LAND DISTURBANCE PERMITS WHICH ARE PART OF A COMMON PLAN OF DEVELOPMENT.

BE IT ORDAINED by the City Council of the City of Berea, Kentucky as follows:

SECTION I

That the Code of Ordinances of the City of Berea, Kentucky, be amended by revising Sections 34.206, 34.301, and 34.302, so that such sections shall read as follows.

§ 34.206 PLAN REQUIREMENTS

(A) Erosion protection and sediment control for construction projects requires continual planning, observation and action for all components of the overall plan. The process will be documented through requirements established by the Kentucky Division of Water, and implemented in their KYR10 permit. While stormwater management plans typically contain permanent treatment practices (PTPs) instead of temporary practices, the initial plan submittal must address permanent stormwater management including water quality. A general description of each type of plan follows.

(B) Stormwater Pollution Prevention Plan. A Stormwater Pollution Prevention Plan (SWPPP) is a living document that is first submitted for approval to the city and to the KDOW. It will be updated, as necessary, as development continues. It includes site map(s), an identification of construction/contractor activities that could cause pollutant discharges into stormwater and a description of measures or practices to control these pollutants. The SWPPP is required by KYR10. It includes the EPSC Plan and Stormwater Management Plan. Once the development plan has been approved, a copy of the SWPPP must be maintained onsite and should include copies of all permits issued for the site. Inspection documentation and plan revisions must also be documented in the SWPPP once site development has begun.

(C) Construction EPSC Plan. Once the erosion prevention and sediment control (EPSC) plan has been approved, it becomes a component of the SWPPP. The EPSC Plan is a set of plans prepared by or under the direction of a licensed professional engineer detailing the specific measures and sequencing to be used to control sediment and erosion on a development site during and after construction. It includes supporting calculations, a construction schedule, and schematics and cross-sections for clarification, as well as any other material in support of the EPSC Plan. As the project progresses, revisions and modifications should be tracked in the SWPPP, with major modifications requiring prior approval by the city before implementation.

(D) Post-construction Stormwater Quality Management Plan. The post-construction stormwater quality management plan (P-SWQMP) contains permanent water quality treatment devices, such

as detention structures, outlet protection, stormwater conveyance devices, and bioretention areas. Once approved, the P-SWQMP becomes a component of the SWPPP. Some of these components will not be installed during initial construction activities. However, knowing the proposed locations during early construction activities can be beneficial so areas can be appropriately staged. For example, permanent detention structures can first function as sediment basins. Once permanent controls have been installed, they should be protected from sediment laden runoff, as many permanent water quality treatment devices rely on infiltration for treatment and can easily be overwhelmed.

(E) Sites where land disturbance activities are proposed will require a complete Stormwater Pollution Prevention Plan (SWPPP) approved by the Issuing Authority of the City of Berea.

(1) The SWPP plan shall be prepared by a licensed engineer. The engineer shall be required to visit the site, in person, to evaluate the existing conditions before preparation of the SWPPP. The engineer shall notify the City of Berea at least five (5) days prior to the visit. The city may choose to visit the site with the engineer. The engineer shall prepare the report, including all of the maps and sketches required.

(2) The report shall be bound, on 8-1/2" x 11" paper. All plan drawings shall be folded and inserted (the size and scale of the plans may vary depending on the nature of the project; some critical areas might require an enlargement, or "blow-up sheet"). The report may be placed in a folder, binder or 3-ring binder, depending on the scope and size of the report. If the report is in a folder or binder, the outside of the folder/binder shall include as a minimum: Stormwater Pollution Prevention Plan, the name and address of the project, any additional documentation to identify the project per City of Berea requirements, the owner of the project, the consultant's name and contact information and date of submission.

(3) The SWPPP and EPSC plans shall be readily available at the construction site from the date of project initiation (NOI) to the date of Notice of Termination (NOT).

(4) Format and contents of the SWPPP will follow the outline presented as referenced in the Stormwater Manual.

(Ord. No. 24-14, § 1, 12-16-14)

§ 34.301 GENERAL REQUIREMENTS

Post-construction stormwater management in areas undergoing new development or redevelopment is necessary because runoff from these areas has been shown to significantly affect receiving water bodies. Post-construction pollutant loadings will be controlled through the six (6) minimum control measures under the KPDES stormwater permit.

(A) Redevelopment projects are required to meet twenty percent (20%) of the local water quality standard.

(B) The design of structural BMPs shall be by a professional engineer licensed to practice in the field civil engineering.

(C) The property owner shall be responsible for all maintenance and record keeping and reporting as detailed in the Maintenance Agreement.

(D) The City of Berea and its agents shall have right of entry to inspect, observe, test or perform any other activity related to the operation, maintenance and function of the stormwater infrastructure.

(E) General requirements for post-construction stormwater control requirements for design, maintenance and a menu of BMPs are located in the post-construction section of the City of Berea's Stormwater Manual. These regulations in the manual shall be the standard practice for

post-construction compliance in the City of Berea.

(F) Stream corridor protection BMPs shall be utilized to protect designated streams and waterways through conservation methods. These methods may include buffer strips, greenways, vegetated channels, stream bank stabilization and restoration.

(G) Impervious area runoff controls shall be utilized to address high levels of runoff quantity and reduced quality associated with high-density developments. These controls may include preservation of open space, minimizing impervious surfaces, porous pavement, utilization of grass swales instead of curb and gutter, reduced pavement widths and similar measures.

(H) Discharge control BMPs shall be utilized to provide flow attenuation for post-development runoff. These BMPs may include detention facilities, extended detention basins, retention facilities and artificial wetlands.

(I) If a new development or redevelopment project contributes runoff to downstream receiving waters that are impaired or infrastructure that does not have sufficient capacity, the city may, at its discretion, require stormwater management controls greater than the minimum required by this section. Drainage calculations shall be provided by the developer's engineer to demonstrate the integration with the downstream hydraulic system.

(J) All facilities must be designed to require minimal maintenance to ensure that the facilities do not become nuisances or health hazards. Maintenance expectations shall be clearly stated in the maintenance agreement.

(K) The Approving Agency of the City of Berea, at its discretion, may require the developer of a new development or redevelopment project to provide off-site mitigation of stormwater BMP improvements in priority areas within the development watershed, when water quality treatment standards cannot be met ~~pay a stormwater improvement fee in lieu of the installation of stormwater BMP improvements.~~

(L) The requirements set forth in this section are intended to:

(1) Develop and implement strategies which include a combination of structural and/or non-structural best management practices (BMPs) that prevent or minimize water quality impacts from developments in the City of Berea.

(2) Ensure adequate long-term operation and maintenance of BMPs.

(3) Minimize damage to public facilities and utilities.

(4) Encourage the preservation of floodplains, floodways and open spaces to protect and benefit the community's quality of life and natural resources.

(Ord. No. 24-14, § 1, 12-16-14)

§ 34.302 APPLICATION

(A) This section shall apply to any of the following:

(1) All land disturbance activity for development or redevelopment of land for residential, commercial, industrial, or institutional use, disturbing more than one (1) acre of land or less than one (1) acre but part of a larger common plan of development.

(2) Hotspot land uses as defined below:

(a) Automotive fueling facilities;

(b) Automotive maintenance and repair facilities;

(c) Restaurants with grease collection and disposal;

(d) Vehicle washing/steam cleaning facilities;

(e) Auto recycling facilities;

(f) Outdoor material storage areas;

(g) Loading and transfer areas;

- (h) Landfills;
- (i) Industrial sites;
- (j) Industrial rooftops; and
- (k) Other land uses as determined to have a high potential of pollutant discharge into the MS4 as determined by the city of Berea.

(3) The city reserves the right to develop or adopt other guidance documents to serve as design and implementation standards.

(B) This section does not apply to agricultural land management practices; however, exemption of agricultural land management practices does not apply to illicit discharges.

(Ord. No. 24-14, § 1, 12-16-14)

SECTION III

All ordinances or parts of ordinances in conflict herewith are repealed. This ordinance shall be published according to law.

FIRST READING: February 18, 2020.

SECOND READING AND ENACTMENT: March 3, 2020.

APPROVED BY:



Bruce Fraley, Mayor

CITY OF BEREA, KENTUCKY

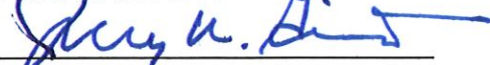
ATTEST:



Clerk of the City Council

Published this 4 day of March, 2020

PREPARED BY:



Corporate Counsel