

CITY OF FARMINGTON

BILL 75102013

ORDINANCE 4-38

AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY OF FARMINGTON, MISSOURI, BY AMENDING TITLE IV: LAND USE, CHAPTER 420: STORMWATER MANAGEMENT REGULATIONS, A LAND USE KNOWN AS "STORMWATER MANAGEMENT PLANS AND STORMWATER MANAGEMENT REGULATIONS" AND ENACTING CERTAIN REGULATIONS PERTAINING THERETO.

WHEREAS, there has been presented on this date an amendment to the Municipal Code of the City of Farmington related to definitions, purpose and permits, application and process, stormwater management plans, stormwater prevention plans, project classifications and fees, design requirements, enforcement and penalties, and inspections, completion, acceptance and maintenance of improvements; and

WHEREAS, the proposed amendment has been affirmatively recommended by the Planning and Zoning Commission of the City of Farmington; and

WHEREAS, a public hearing regarding the proposed amendment was held on October 10, 2013 wherein all citizens or parties in interest were given the opportunity to address the City Council regarding said amendment; now therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FARMINGTON, MISSOURI AS FOLLOWS.

SECTION 1: That Title IV: Land Use, Chapter 420: Stormwater Management Regulations is hereby amended by deleting and replacing SECTION 420.100: STORMWATER CONTROL DESIGN CRITERIA, Subsection 1:

SECTION 420.100: STORMWATER CONTROL DESIGN CRITERIA

1. Rainfall Frequency. All conduit facilities shall be designed to carry a twenty five (25)-year storm while maintaining a minimum of one (1) foot of freeboard between the hydraulic grade line and the gutter or other surcharge point. All channels shall be designed to carry a twenty five (25)-year storm while maintaining a minimum of one (1) foot of freeboard. All stormwater detention facilities shall be designed as required in Chapter 420. The Administrative Officer may require a different design storm if there are downstream flooding problems or in the opinion of the Administrative Officer, a public health or safety issue would exist otherwise. All systems shall be designed to allow for a one hundred (100)-year storm to pass through the development without destroying or damaging property or inundating dwellings. Sufficient design information shall be provided by the developer to verify that the requirements of this section have been met.

SECTION 2: That Title IV: Land Use, Chapter 420: Stormwater Management Regulations is hereby amended by deleting and replacing Section 420.110: Detention Storage Capacity, Subsection 1 with the following:

SECTION 420.110: DETENTION STORAGE CAPACITY

1. The peak rates (pre-developed and post-developed) of runoff shall be determined for the 2 (two)-, 10 (ten)-, 25 (twenty five)- and 100 (one hundred)-year rainfall frequencies. The minimum storm duration shall be twenty (20) minutes.

SECTION 3: That Title IV: Land Use, Chapter 420: Stormwater Management Regulations is hereby amended by deleting and replacing SECTION 420.120: Stormwater Management System Design Requirements Subsection 3a(1) with the following:

2. Detention Design Criteria. Detention in the overall system, including swales, lakes, canals, greenways, etc., shall be provided as follows:
 - a. General
 - (1) Storage volumes. The storage volume required shall be determined as outlined in Section 420.110 while maintaining a minimum of one (1) foot of free-board for the 100 (one hundred)-year storm.

SECTION 4: That Title IV: Land Use, Chapter 420: Stormwater Management Regulations is hereby amended by deleting and replacing SECTION 420.140: Stormwater Detention Payment In Lieu Of Construction, Subsection 1 with the following:

Whenever the stormwater analysis is presented by the registered design professional and accepted by the Administrative Officer, shows that detention of the 100 (one hundred)-year storm provides no significant benefit, the property owner or developer may apply for a buyout of the required detention volume. A buyout of the detention facility construction may not be allowed if the Administrative Officer has made a finding that there is a significant drainage problem below the property where the buyout is proposed to occur even though the detention facility is marginally efficient. The Administrative Officer may consider in making such determination that the discharge of any additional waters at an increased rate onto the properties down-stream is not desirable due to the significant drainage problems that exist on down-stream properties.

SECTION 5: Nonconforming Use. A nonconforming use of land existing lawfully at the time of the enactment of this section may be continued, but shall not be extended, expanded, or enlarged.

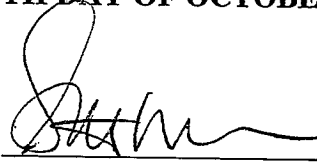
SECTION 6: Any ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION 7: That the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and if any phrase, clause, sentence, paragraph, or section shall be declared unconstitutional or otherwise invalid by valid judgment or decree of a court of competent

jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance.

SECTION 8: That this ordinance shall be in full force and effective upon passage by the City Council and approval of the Mayor.

DULY READ AND PASSED THIS 28TH DAY OF OCTOBER, 2013.



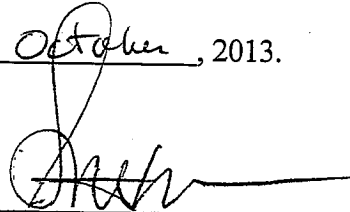
Stuart "Mit" Landrum, Mayor

ATTEST:



Paula Cartee, City Clerk

Approved this 28th Day of October, 2013.



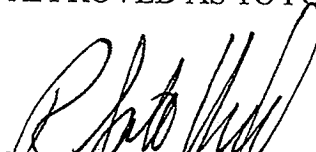
Stuart "Mit" Landrum, Mayor

ATTEST:

APPROVED AS TO FORM:



Paula Cartee, City Clerk



R. Scott Reid, City Counselor