

COUNCIL ACTION FORM

**SUBJECT: ZONING CODE AND SUBDIVISION CODE TEXT AMENDMENTS
REGARDING POST-CONSTRUCTION STORM WATER MANAGEMENT**

BACKGROUND:

As part of a separate agenda item, the City Council is being asked to adopt a Post-Construction Stormwater Management Ordinance as Chapter 5B of the Ames Municipal Code. This change requires corresponding amendments to the Zoning Code and Subdivision Code as cleanup amendments to maintain consistency in references. The new ordinance will include a new quality-based stormwater runoff standard as well as maintaining a quantity-based standard. Additionally, the new ordinance will include provisions for stream bank setbacks, flood protection standards near stormwater facilities, requirements for ongoing maintenance of facilities, best management practice (BMPs) treatment measures, and requirements for redevelopment of existing sites to mitigate stormwater runoff.

The Public Works Department will have responsibility for implementation of the new Chapter 5B. This new Chapter 5B includes all of the standards and requirements regarding stormwater management for site plan and subdivision review. Accordingly, a number of changes are also needed in Chapter 23 (Subdivision Regulations) and Chapter 29 (Zoning Ordinance). The proposed changes to Chapter 23 amend the requirements for storm water detention by deleting the quantity standards of Section 23.407 (2) and referring to the new Chapter 5B. A change is also made to reference Chapter 5A Construction Site Erosion and Sediment Control. The proposed changes are found in Attachment 1.

The proposed changes to Chapter 29 are similar to those in Chapter 23. The quantity standards of Section 29.406 (11) for parking lot design are deleted and a new Section 29.413 is proposed that refers to the new Chapter 5B. There are also two amendments made to Section 29.1502 (2) for application requirements for Site Plan reviews. The proposed changes are found in Attachment 2.

Planning and Zoning Commission Meeting:

On March 19, 2014, the Planning and Zoning Commission recommended approval of the proposed text amendments by a vote of 5 to 0. The Commission had no significant concerns. There was no additional public comment.

ALTERNATIVES:

1. The City Council can approve the proposed amendments to Chapter 23 and Chapter 29 to bring these chapters into conformance with the new Chapter 5B.

2. The City Council chose to not adopt these proposed text amendments.
3. The City Council can refer this issue back to staff for further information.

RECOMMENDED ACTION:

The proposed amendments are necessary to ensure consistency with the new Chapter 5B Post-Construction Storm Water Management Ordinance. The Public Works Department has been conducting public outreach over the past year with a working group of developers, engineering professionals, and conservation interests; public meetings; and two work sessions with the City Council.

The deletions and additions remove the regulatory standards found in the Subdivision and Zoning regulations and refers to the new Chapter 5B, allowing all storm water management regulations to be found in one place within the Municipal Code. The new Chapter 5B will include provisions for allowing projects that have submitted a complete development permit application to not be subject to the new regulations. However, new development applications submitted upon the effective date of the new ordinance, estimated as May 1, 2014, will be subject to all the development requirements.

The new standards will potentially affect the layout of new subdivisions, approach to landscape plans and requirements, building placement, and parking lot design. Follow up measures to adopting the new ordinance will included future landscaping and parking lot design standards to address potential competing design interests between implementing stormwater treatment measures and other landscape needs for screening and aesthetic variety.

It is the recommendation of the City Manager that the City Council accept Alternative 1, thereby approving the amendments to Chapter 23 and Chapter 29 to bring these Chapters into conformance with the new Chapter 5B.

Attachment 1: Proposed Amendments to Chapter 23

New language is indicated by underline. ~~Deletion is indicated by strikethrough.~~

Sec. 23.407. STORM WATER MANAGEMENT.

1. General:

- a. Any subdivision shall make adequate provision to control the rate of storm or flood water runoff including by storm water management measures necessary and appropriate for carrying away by pipe or surface channelization any spring or surface water that may exist at the time of subdivision or be reasonably expected to be created by development or use of the area to be subdivided.
- b. Any required storm sewers including foundation drain collector lines shall be separate from any required sanitary sewers and shall be installed at the subdivider's expense and subject to requirements of the City and shall be adequate to serve all lots or parcels of land within the area to be subdivided.
- c. The storm sewer system shall be designed with due regard to the present and reasonably foreseeable needs of the area to be subdivided and to the location and capacity of existing storm sewers and other storm water management measures available to serve existing and reasonably anticipated development or use of areas abutting the area to be subdivided.
- d. Any such storm sewers may become the property of the City, upon the City's inspection, approval, and acceptance of such sewers, after the subdivider pays to the City any costs associated with their installation including any reasonable charge for any supervisory or other services provided by the City.

2. Storm Water Management Design Standards: ~~Storm water management design shall include grading, facilities or improvements or some combination thereof, which results in no increase in the rate of runoff when compared to the undeveloped condition of the area to be subdivided. The rainfall frequencies that shall be incorporated in the design of the storm water management system shall include the five year, ten year, 50 year, and 100-year design storm events. In the case of major subdivisions, the calculations and design of the storm water management system shall be prepared by an engineer licensed to practice in Iowa.~~ Where applicable, the storm water management design shall incorporate the requirements of Chapter 5B Post Construction Stormwater Management Ordinance.

- a. ~~Exemption. Storm Water Management Design standards do not apply to any area within a 1,000 foot distance from any City of Ames drinking water well located in the Southeast Well Field and Youth Sports Complex Well Field. In these specific areas, developments will need to meet requirements for storm water quality based treatment or a combination of quantity and quality-based treatment, as approved by both the Director of Public Works and the Director of Water and Pollution Control.~~

3. Accommodating Upstream Drainage Areas: Any necessary and appropriate storm water management measure shall be designed to accommodate runoff from any upstream area potentially draining into or through the area to be subdivided, whether such area is inside or outside the area to be subdivided. Such design shall assume that the upstream area will be regulated such that storm water discharge shall be ~~equal to the runoff from the undeveloped condition for the various regulated design storm events as provided for in Section 23.407(2)~~ in conformance with the requirements of Chapter 5B Post Construction Stormwater Management Ordinance.
4. Protecting Downstream Drainage Areas: Any subdivision shall provide for mitigation of any overload condition reasonably anticipated on any existing downstream storm water management measure outside the area to be subdivided, provided that the development or use of the area to be subdivided creates or contributes to such condition.
5. Dedicating Drainage Easements: Any necessary and appropriate public storm water management measure shall be located in the right-of-way associated with a public way to the extent practical. Any such measures that cannot be so located shall be located in a perpetual unobstructed easement with satisfactory access to a public way and from a public way to a natural watercourse or to other storm water management measure. Any such easement shall be secured by the subdivider and dedicated to the City.

Amend Section 23.502(2)(j) and (k) to read:

(j) ~~a grading plan and a plan for soil erosion and sediment control~~ a sediment and erosion control plan meeting the requirements of Chapter 5A Construction Site Erosion and Sediment Control;

(k) ~~a plan for storm water management and run-off control~~ a storm water management plan meeting the requirements of this chapter and Chapter 5B Post Construction Stormwater Management Ordinance.

Attachment 2: Proposed Amendments to Chapter 29

New language is indicated by underline. Deletion is indicated by strikethrough.

Delete Section 29.406(11)(c) in its entirety.

~~(c) Storm Water Management Design Standards: Storm water management design shall include grading, facilities or improvements or some combination thereof which results in no increase in the rate of runoff when compared to the undeveloped condition of the area to be developed. The rainfall frequencies that shall be incorporated in the design of the storm water management system shall include the five year, ten year, 50 year and 100 year design storm events. The calculations and design of the storm water management system shall be prepared by an engineer licensed to practice in Iowa.~~

~~(i) Exemption. Storm Water Management Design standards do not apply to any area within a 1,000 foot distance from any City of Ames drinking water well located in the Southeast Well Field and Youth Sports Complex Well Field. In these specific areas, developments will need to meet requirements for stormwater quality based treatment or a combination of quantity and quality based treatment, as approved by both the Director of Public Works and the Director of Planning and Housing.~~

Create new Section 29.413. The new Section 29.413 will read:

Section 29.413 Storm Water Management Design Standards

(i) Where applicable, the storm water management design shall incorporate the requirements of Chapter 5B Post Construction Stormwater Management Ordinance.

Amend Section 29.1502(2)(o) and (p) to read:

~~(o) When an application for development involves .5 acres or more of cumulative disturbed area(s), a Sediment and Erosion Control Plan shall be submitted. However, such a Plan may be required for applications with disturbed area of less than .5 acres, if deemed necessary by the Planning Director. A sediment and erosion control plan meeting the requirements of Chapter 5A Construction Site Erosion and Sediment Control.~~

~~(p) Storm water management plan. A storm water management plan meeting the requirements of this chapter and Chapter 5B Post-Construction Stormwater Management Ordinance.~~

ORDINANCE NO.

AN ORDINANCE TO AMEND THE MUNICIPAL CODE OF THE CITY OF AMES, IOWA, BY REPEALING CHAPTER 23 SECTION 407 (2)(3) AND ENACTING A NEW CHAPTER 23 SECTION 407(2)(3) THEREOF ; REPEALING ANY AND ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT TO THE EXTENT OF SUCH CONFLICT; AND ESTABLISHING AN EFFECTIVE DATE.

BE IT ENACTED, by the City Council for the City of Ames, Iowa, that:

Section One. The Municipal Code of the City of Ames, Iowa shall be and the same is hereby repealing Chapter 23 Section 407(2)(3) and enacting a new Chapter 23 Section 407(2)(3) as follows:

“Sec. 23.407. STORM WATER MANAGEMENT.

* * *

2. Storm Water Management Design Standards: Where applicable, the storm water management design shall incorporate the requirements of Chapter 5B Post Construction Stormwater Management Ordinance.

3. Accommodating Upstream Drainage Areas: Any necessary and appropriate storm water management measure shall be designed to accommodate runoff from any upstream area potentially draining into or through the area to be subdivided, whether such area is inside or outside the area to be subdivided. Such design shall assume that the upstream area will be regulated such that storm water discharge shall be in conformance with the requirements of Chapter 5B Post Construction Stormwater Management Ordinance.”

* * *

Section Two. All ordinances, or parts of ordinances, in conflict herewith are hereby repealed to the extent of such conflict, if any.

Section Three. This ordinance shall be in full force and effect from and after its passage and publication as required by law.

Passed this _____ day of _____, _____.

Diane R. Voss, City Clerk

Ann H. Campbell, Mayor

ORDINANCE NO.

AN ORDINANCE TO AMEND THE MUNICIPAL CODE OF THE CITY OF AMES, IOWA, BY REPEALING CHAPTER 23 SECTION 502(2)(j)(k) AND ENACTING A NEW CHAPTER 23 SECTION 502(2)(j)(k) THEREOF; REPEALING ANY AND ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT TO THE EXTENT OF SUCH CONFLICT; AND ESTABLISHING AN EFFECTIVE DATE.

BE IT ENACTED, by the City Council for the City of Ames, Iowa, that:

Section One. The Municipal Code of the City of Ames, Iowa shall be and the same is hereby amended by repealing Chapter 23 Section 502(2)(j)(k) and enacting a new Chapter 23 Section 502(2)(j)(k) as follows:

“Sec. 23.502. PRELIMINARY PLAT (MAJOR SUBDIVISION).

(2) Features. In addition to all information provided with the Sketch Plan, the Preliminary Plat shall show the following information:

(j) a sediment and erosion control plan meeting the requirements of Chapter 5A Construction Site Erosion and Sediment Control;

(k) a storm water management plan meeting the requirements of this chapter and Chapter 5B Post Construction Stormwater Management Ordinance.”

Section Two. All ordinances, or parts of ordinances, in conflict herewith are hereby repealed to the extent of such conflict, if any.

Section Three. This ordinance shall be in full force and effect from and after its passage and publication as required by law.

Passed this _____ day of _____, _____.

Diane R. Voss, City Clerk

Ann H. Campbell, Mayor

ORDINANCE NO.

AN ORDINANCE TO AMEND THE MUNICIPAL CODE OF THE CITY OF AMES, IOWA, BY REPEALING CHAPTER 29 SECTION 406(11)(c)(i) AND ENACTING A NEW CHAPTER 29 SECTION 413 THEREOF, THAT REFERS TO THE NEW CHAPTER 5B REPEALING ANY AND ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT TO THE EXTENT OF SUCH CONFLICT; AND ESTABLISHING AN EFFECTIVE DATE.

BE IT ENACTED, by the City Council for the City of Ames, Iowa, that:

Section One. The Municipal Code of the City of Ames, Iowa shall be and the same is hereby amended by repealing Chapter 29 Section 406(11)(c)(i) and enacting a new Chapter 29 Section 413 as follows:

“Sec. 29.406. OFF-STREET PARKING.

* * *

(c) Storm Water Management Design Standards: Storm water management design shall include grading, facilities or improvements or some combination thereof which results in no increase in the rate of runoff when compared to the undeveloped condition of the area to be developed. The rainfall frequencies that shall be incorporated in the design of the storm water management system shall include the five year, ten year, 50 year and 100 year design storm events. The calculations and design of the storm water management system shall be prepared by an engineer licensed to practice in Iowa.

(Ord. No. 3591, 10-10-00)

(i) Exemption. Storm Water Management Design standards do not apply to any area within a 1,000-foot distance from any City of Ames drinking water well located in the Southeast Well Field and Youth Sports Complex Well Field. In these specific areas, developments will need to meet requirements for storm water quality-based treatment or a combination of quantity- and quality-based treatment, as approved by both the Director of Public Works and the Director of Water and Pollution Control.

(Ord. No. 4009, 09-22-09)

Sec. 29.413. STORM WATER MANAGEMENT DESIGN STANDARDS.

Where applicable, the storm water management design shall incorporate the requirements of Chapter 5B Post Construction Stormwater Management Ordinance.”

Section Two. All ordinances, or parts of ordinances, in conflict herewith are hereby repealed to the extent of such conflict, if any.

Section Three. This ordinance shall be in full force and effect from and after its passage and publication as required by law.

Passed this _____ day of _____, _____.

Diane R. Voss, City Clerk

Ann H. Campbell, Mayor

ORDINANCE NO.

AN ORDINANCE TO AMEND THE MUNICIPAL CODE OF THE CITY OF AMES, IOWA, BY REPEALING CHAPTER 29 SECTION 1502(2)(o)(p) AND ENACTING A NEW CHAPTER 29 SECTION 1502(2)(o)(p) THEREOF, REPEALING ANY AND ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT TO THE EXTENT OF SUCH CONFLICT; AND ESTABLISHING AN EFFECTIVE DATE.

BE IT ENACTED, by the City Council for the City of Ames, Iowa, that:

Section One. The Municipal Code of the City of Ames, Iowa shall be and the same is hereby amended by repealing Chapter 29 Section 1502(2)(o)(p) and enacting an new Chapter 29 Section 1502(2)(o)(p) as follows:

“Sec. 29.1502. SITE DEVELOPMENT PLAN REVIEW.

(2) General Requirements for Site Plan Review.

(o) A sediment and erosion control plan meeting the requirements of Chapter 5A Construction Site Erosion and Sediment Control.

(p) A storm water management plan meeting the requirements of this chapter and Chapter 5B Post-Construction Stormwater Management Ordinance.”

Section Two. All ordinances, or parts of ordinances, in conflict herewith are hereby repealed to the extent of such conflict, if any.

Section Three. This ordinance shall be in full force and effect from and after its passage and publication as required by law.

Passed this _____ day of _____, _____.

Diane R. Voss, City Clerk

Ann H. Campbell, Mayor