

Chapter 500 Buildings and Building Regulations

ARTICLE XVII. Infill Development Stormwater Management

Section 500.1700. Purpose

[R.O. ; Ord. No.]

The purpose of this article is to provide stormwater rules, regulations and standards to establish best management practices (BMPs) for infill development within the City of Brentwood, Missouri, in order to promote the public health, safety, convenience and general welfare of the municipality. This article provides standards, criteria, procedures, and controls necessary to minimize adverse effects and harmful physical and economic effects of flooding from stormwater by means of detention and controlled discharge of the differential runoff from a property (unless excepted from the regulation hereunder) as a result of proposed construction, erection, or alteration of a building or structure.

Section 500.1710. Definitions.

[R.O. ; Ord. No.]

For the purpose of this Article, the following terms shall have the meaning given herein:

BEST MANAGEMENT PRACTICE (BMP)

A structural device, measure, facility, or activity that helps to achieve stormwater management control objectives at a designated site.

IMPERVIOUS AREA (IA)

The portion of a parcel of property that is covered by any material, including without limitation roofs, streets, sidewalks and parking lots paved with asphalt, concrete, compacted sand, compacted gravel or clay, that substantially reduces or prevents the infiltration of stormwater. Impervious area shall not include natural undisturbed surface rock.

INFILL DEVELOPMENT STORMWATER GUIDANCE DOCUMENT

The latest edition of the manual “Best Management Practices for Stormwater Control, City of Brentwood”.

LOT

A tract, plot or portion of a subdivision or parcel of land intended as a unit for the purpose, whether immediate or future, for transfer of ownership or for building development.

MAINTENANCE AGREEMENT

An agreement between the current property owner and the City where the property owner agrees to maintain any installed BMPs on the property.

NET ADDITIONAL IMPERVIOUS AREA

The impervious area calculated by subtracting the present impervious area in the most currently available aerial photography data or current site survey from the proposed post-development impervious area and maintaining the original property boundary as the regulated project boundary, regardless of subdivision, replat, horizontal property regime, or any other modification of property boundaries by deed or plat.

PLAN

A document approved at the site design phase that outlines the measures and practices used to control stormwater runoff at a site.

REGULATED INFILL DEVELOPMENT

The creation of net additional impervious area of 200 square feet or greater of additional area of commercial, industrial, or residential real property through new development, redevelopment, or rehabilitation of existing lots. Lots consisting of residential real property are regulated by this ordinance if there is creation of net additional impervious area of 200 square feet and the change or improvement requires review by the Architectural Review Board in accordance with Section 400.920 of the City Code.

STORMWATER

Any surface flow, runoff and drainage consisting entirely of water from any form of natural precipitation and resulting from such precipitation.

VACANT LOT

Any lot containing no current permanent structure(s) and no permanent structures visible on the aerial photography dated 2001 maintained by the City.

Section 500.1720. Stormwater Infill Development Permit Required — Procedure.

[R.O. ; Ord. No.]

- A. Except as herein provided, no improvements shall commence on any site without obtaining a permit from the Director of Planning and Development, with approval from the Public Works Director. A separate permit shall be required for each site. An application for a Stormwater Infill Development Permit shall be in writing on a form provided by the Department of Planning and Development. The application shall be accompanied by duplicate copies of the following documents and information:

1. Contoured development map showing existing contours of the site and adjoining strips of non-site property and proposed contours at two (2) foot intervals after completion of the proposed grading and development, based on United State Geological Survey datum, with established elevations at building, walks, drives and streets; and information on necessary clearing and grubbing, removal of existing structures, excavating, filling, spreading and compacting. A drainage area map and stormwater runoff calculations shall be prepared and sealed by a licensed professional engineer or land surveyor and include the following.

- a. Name and address of owner(s).
- b. Site location.
- c. Existing site conditions.
- d. Proposed site improvements.
- e. Existing and Proposed impervious area calculations
- f. Existing and Proposed stormwater runoff calculations for 1.14 inches of rainfall.
- g. Detailed design of proposed stormwater BMPs.
- h. Soils conditions, as necessary.

B. A Stormwater Infill Development Permit shall not be issued until review and inspection fees provided for in Section **500.1740** and the deposit provided for in Section **500.1750** are paid.

C. No Stormwater Infill Development Permit shall be issued unless all owners of the property sign the application or unless the application is accompanied by a copy of a contract signed by all owners of the property authorizing the applicant to make application on their behalf and agreeing to be bound by the provisions of this Article.

Section 500.1730. Exceptions.

[R.O. ; Ord. No.]

- A. A Stormwater Infill Development permit shall not be required in the following instances:
 - 1. Site improvements where less than 200 square feet of impervious area is being created.
 - 2. Lots consisting of residential real property are excepted from the requirements of this ordinance if the change or improvements do NOT require review and approval from the City's Architectural Review Board.

Section 500.1740 Review and Inspection Fees.

[R.O. ; Ord. No.]

Fees for plan review for Stormwater Infill Development Permits and inspections of BMP improvements shall be paid to the General Fund of the City of Brentwood in accordance with the schedule for permits and inspections contained in Appendix A to Chapter 500 of the Municipal Code of the City of Brentwood.

- A. Review Fees shall be submitted to the City for each site as follows:
 - 1. Site improvements resulting in less than 500 square feet of increase in impervious area shall submit a review fee of five hundred dollars (\$500.00).
 - 2. Site improvements resulting in 500 square feet or more of increase in impervious area shall submit a review fee of one thousand dollars (\$1,000.00).

Section 500.1750 Deposit.

[R.O. ; Ord. No.]

- A. To ensure compliance with the provisions hereof, each applicant for a Stormwater Infill Development Permit shall deposit with the City a sum equal to the construction cost for BMP installations to control stormwater runoff:
 - 1. Pay the cost of plan review fees and inspections as outlined in Appendix A
 - 2. Pay the cost of removal of refuse, dirt, paper or other waste permitted to spread to other property, public or private, from the premises on which the work is being done, if not promptly removed by the permittee or its contractor.

3. Pay the cost of installing, restoring or repairing appropriate control measures, reseeding or completion or alteration of grading if abandoned or not appropriately performed by the permittee or its contractor.
- B. The City may reimburse itself for expenses incurred to ensure compliance with all applicable codes from funds deposited pursuant to this Article. Should the City so utilize such funds, the permittee and/or owner shall, within seven (7) days of being notified by the Building Official, be obligated to deposit a sum equal to the amount so used so as to maintain full funding of the required deposit. In the event that the permittee or owner does not restore the deposit to its original amount within the time specified herein, a stop work order may be issued immediately.
 - C. Any portion of the deposit not expended by the City shall be refunded when the grading activities are completed and soil conditions are stabilized to the satisfaction of the City.
 - D. The deposit required herein shall in no way be construed as a limitation of the liability of an applicant for damages caused as a result of his/her grading activities, nor as a limitation or restriction on the right of the City to enforce ordinances violated as a result of applicant's grading activities through criminal prosecution, injunctive relief or other means.

Section 500.1760. Regulated Infill Development - Requirements.

[R.O. ; Ord. No.]

- A. All regulated infill development shall not proceed without a Stormwater Infill Development Permit and shall meet the requirements of this section.
 1. All regulated infill development creating 200 square feet or more of net additional impervious area is required to treat, by means of capture, the first 1.14 inches of rainfall runoff, for impervious area equal to the net additional impervious area. Vacant lots shall be subject to this requirement.
 2. All regulated infill development required to provide stormwater quality or quantity control BMPs by the Metropolitan St. Louis Sewer District MSD shall be exempt from the requirements of items in Subsection (a)(1) of this section.
 3. All new development and redevelopment sites that disturb greater than or equal to one acre, including projects that are part of a larger common parcel

or project that is greater than one acre shall have development plans submitted to the Metropolitan St. Louis Sewer District (MSD) for review and approval prior to the issuance of any building permits.

4. All development proposed for commercial, industrial, or multifamily use regardless of disturbed area shall have development plans submitted to the Metropolitan St. Louis Sewer District (MSD) for review and approval prior to the issuance of any building permits.
5. All regulated infill development shall comply with all other applicable provisions of City Codes and Ordinances.
6. The owner/developer of a project qualifying as regulated infill development shall endeavor to treat the first 1.14 inches of rainfall runoff from the net added impervious area using methods from the infill development stormwater guidance document. If this treatment proves impractical, improving downstream drainage to mitigate a known flooding problem with assistance from a professional engineer may be considered for all or part of the 1.14-inch treatment requirement; final determination of allowable alternate method to be made by Public Works Director.

Section 500.1770. Sump Pumps and Downspouts.

[R.O. ; Ord. No.]

All projects which include the installation of sump pumps, existing sump pumps, or existing downspouts with discharges causing a nuisance per Chapter **220**, of this Code must discharge to one of the following BMPs per the Best Management Practices for Stormwater Control guidance document:

- A. Stormwater discharges from downspouts or sump pumps shall be located 10 feet from the property line whenever possible, and shall be located a minimum of 4 feet from the property line, discharging to a pervious surface or stormwater BMP.
- B. BMPs for sump pump discharges listed in this section may contribute to the required BMPs for regulated infill development per Section 500.1760.

Section 500.1780. Stormwater Control Guidance Document.

[R.O. ; Ord. No.]

The Planning and Development Department shall maintain the Best Management Practices for Stormwater Control, City of Brentwood guidance document as adopted by Resolution by the Board of Alderman.

Section 500.1790. BMP Maintenance and Inspection.

[R.O. ; Ord. No.]

- A. Prior to the issuance of any building permit for a development involving any regulated infill stormwater BMP, the owner(s) of the site must execute a maintenance agreement that shall be binding on all subsequent owners of land served by the stormwater BMP. The agreement shall provide for access to the BMP and the land it serves at reasonable times for periodic inspection by the City or the City's designee and for regular or special evaluations of property owners to ensure that the BMP is maintained in proper working condition to meet City stormwater requirements. The maintenance agreement shall be recorded with the St. Louis County Recorder of Deeds, and a recorded copy of the agreement shall be provided to the City by the owner prior to issuance of any building permit.
- B. The owner(s) of every regulated infill development site shall be responsible for maintaining stormwater BMPs in an effective state as determined in the sole judgment of the City after completion of construction.
- C. Occupancy permits shall not be granted until all stormwater BMPs have been inspected and approved by the City.

Section 500.1800. Correction of Violations.

[R.O. ; Ord. No.]

- A. If the violations set forth in the notice are not corrected within thirty (30) days after receipt of the notice by the property owner, the permittee or the contractor, the Director of Planning and Development may cause the same to be corrected. (The costs of correction may include, among actual costs of correction, a fee for the City's costs in administering this Article, which fee shall not exceed one hundred dollars (\$100.00). The Director of Planning and Development shall certify the cost of correction to the City Administrator or other officer in charge of finance who shall cause the certified cost to be included in a special tax bill or added to the annual

real estate tax bill, at the collecting official's option, and shall be collected in the same manner and procedure as for collecting real estate taxes.

- B. If a condition is created by the permit holder that threatens the public health or welfare, such condition shall, by its existence, be considered a public nuisance. Such public nuisance shall require immediate abatement by the permit holder. Should the permit holder fail to abate the nuisance within the time period prescribed by the Director of Planning and Development, the Director of Planning and Development shall have the responsibility of abating such public nuisance. The cost of abating such public nuisance shall be borne by the permit holder and collected by the City in a manner as provided for by law.

Section 500.1810. Violation of an Offense.

[R.O. ; Ord. No.]

An owner who fails to correct a violation as set forth in this Article within thirty (30) days of notice to the owner, the permittee or the contractor shall be guilty of an offense and may (at the option of the City) be charged in Municipal Court with the offense of "failure to correct stormwater BMP violation"