

ZONING ORDINANCE AMENDMENT 2011-075.09

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Bill English - Probate Judge
Lee County, AL

AN ORDINANCE OF THE CITY OF SMITHS STATION, ALABAMA, AMENDING ZONING ORDINANCE 2011-075, ARTICLE IV GENERAL REGULATIONS, ADDING SECTIONS 4.18 THROUGH 4.19

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF SMITHS STATION, ALABAMA, THAT ZONING ORDINANCE 2011-075, ARTICLE IV GENERAL REGULATIONS, ADDING SECTIONS 4.18 THROUGH 4.19 AND IS AMENDED AS FOLLOWS:

ARTICLE IV. GENERAL REGULATIONS

Section 4.18. Natural Resource Protection Standards.

The purpose of the regulations contained in this Article is to allow maximum utilization of land while ensuring against detrimental impacts on the environment, neighboring properties, and the public interest.

- A. All residential and nonresidential development shall be preceded by the identification of any environmental or natural feature described in Sections 4.19 and shall meet the specified standards of environmental protection.
- B. Site alterations, regrading, filling and clearing or planting vegetation prior to approval of the subdivision plats and/or site plans for development shall be a violation of this Ordinance.

Section 4.19 Stream Buffer

A. Purpose. The purpose of this Section is to establish minimal acceptable requirements for stream buffers to ensure that the stream and adjacent land will fulfill their natural functions; to reduce land development impacts on stream water quality and flows; and to provide for the environmentally sound use of Smiths Station's land resources.

B. Definitions. For the purpose of this section, the following words or phrases shall be defined as specified below.

-Perennial stream: A stream (channel) that has continuous flow in parts of its stream bed all year round during years of normal rainfall.

-Intermittent stream: A stream that flows at least six months out of a year but does not flow during part of the summer and may carry water during or after a rainstorm.

-Ephemeral stream: A stream channel or reach of stream channel that carries surface water runoff for short durations as a result of precipitation events. The channel bottom is always above the groundwater table.

-Best Management Practices (BMPs): Conservation practices or management measures that control soil loss and reduce water quality degradation caused by nutrients, animal wastes, toxins, sediment and runoff.

-Regulatory Floodway: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. Communities must regulate development in these floodways to ensure that there are no increases in upstream flood elevations.

C. Stream Determination. Perennial and intermittent streams are identified through site inspection by Planning staff and/or US Geological Survey (USGS) maps and the Mill Creek Watershed Boundary Map. Streams shall include first order streams.

D. Stream Buffer requirement, description and uses. Stream buffers shall be required on each side of all perennial and intermittent streams as defined in 4.19 B and 4.19 C. A minimum width of 25 feet on each side of the bank is required and shall remain an undisturbed, natural vegetative buffer. Buffers for braided channels shall be measured from the point of where vegetations is wrested from the outside channel of the braided system.

If an ephemeral stream remains after construction has been completed, and all or a portion of that stream falls within the stream buffer of an intermittent or perennial stream then that ephemeral stream shall be revegetated on both sides of the stream in accordance with the surrounding natural vegetation. Appropriate stream bank stabilization measures shall be designed if warranted by excessive velocities in the ephemeral stream. If the ephemeral stream remains after construction and falls outside of an intermittent/perennial stream buffer, then that ephemeral stream shall be grassed and/or revegetated in accordance with the surrounding vegetation at a width of 15 feet on each side of the ephemeral stream.

Where a regulatory floodway is present, the 25 foot stream buffer requirement will be measured from the outside boundary of the delineated floodway.

Uses. Very restricted-permitted uses limited to: flood control structures, utility easements, natural footpaths, crossings and approaches for paved roadways and pedestrian paths and bikeways as well as Storm water best management practices.

These measures are performed in order to preserve and protect water quality.

Approved and adopted this the 8th day of October 2013.

LaFaye Dellinger
LaFaye Dellinger, Mayor

ATTEST:

Jerry Bentley
Jerry Bentley, City Clerk



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