

ORDINANCE NO. _____ - 2016

AN ORDINANCE AMENDING CHAPTER 16 OF THE CODE OF ORDINANCES TO REFLECT ADOPTION OF THE REVISED STORMWATER MANUAL BY CREATING SUBSECTION 16-1(f)(70) OF THE CODE TO DEFINE ENGINEERING MANUALS FOR PURPOSES OF CHAPTER 16, ARTICLE X OF THE CODE, AMENDING SECTION 16-85 OF THE CODE TO ADOPT AND INCORPORATE THE STORMWATER MANUAL INTO THE CODE BY REFERENCE, AMENDING SUBSECTIONS 16-101(C), 16-101(G), AND 16-102(G) OF THE CODE TO PROVIDE THAT EROSION AND SEDIMENT CONTROL PLANS SHALL BE PREPARED IN ACCORDANCE WITH THE STORMWATER MANUAL AND ENGINEERING STANDARD DRAWINGS, AS REVISED, MODIFIED, OR AMENDED FROM TIME TO TIME, AMENDING SUBSECTIONS 16-101(H), 16-102(I) AND 16-103(B) TO PROVIDE THAT A FIFTY FOOT VEGETATED BUFFER SHALL BE MAINTAINED BETWEEN LAND DISTURBANCE ACTIVITIES AND THE EDGE OF ANY PERENNIAL OR INTERMITTENT STREAM, WETLAND, SINKHOLE, OR MUNICIPAL STORM SEWER INLET, CONSISTENT WITH THE REVISED STORMWATER MANUAL, AND AMENDING SUBSECTION 16-104(D)(2) OF THE CODE TO PROVIDE THAT STORMWATER POLLUTION PREVENTION PLANS SHALL BE CONSISTENT WITH THE STORMWATER MANUAL AND ENGINEERING STANDARD DRAWINGS, AS REVISED, MODIFIED, OR AMENDED FROM TIME TO TIME.

WHEREAS, the Urban County Council has previously adopted seven (7) engineering manuals, including an engineering manual known as the Stormwater Manual, to provide standards for the design, review, construction, repair, and inspection of infrastructure in Lexington-Fayette County; and

WHEREAS, the Stormwater Manual has been revised to incorporate new standards, and is effective as of October 1, 2016; and

WHEREAS, Chapter 16 of the Code of Ordinances of the Lexington-Fayette Urban County Government should be amended to reflect the adoption of the revised Stormwater Manual, as of October 1, 2016, and to facilitate the administration and enforcement of the revised Stormwater Manual.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT:

Section 1 – That subsection 16-1(f)(70) of the Code of Ordinances be and hereby is created to read as follows:

(70) *Engineering manuals* means that set of documents used to provide the standards for the design, review, construction, repair, and inspection of infrastructure in Lexington-Fayette County. These are also known as the engineering manuals or as the manuals. The engineering manuals consist of the procedures manual for infrastructure development (also known as the procedures manual), the construction inspection manual (also known as the inspection manual), the geotechnical manual, the roadway manual, the structures manual, the stormwater manual, and the sanitary sewer

and pumping station manual (also known as the sewer manual). These manuals, including the definitions therein, are hereby adopted and incorporated into this Code by reference. From time to time, the urban county government may revise, modify, or amend the manuals in conformance with the procedures established in the procedures manual.

Section 2 – That Section 16-85 of the Code of Ordinances be and hereby is amended to read as follows:

The urban county government stormwater manual, as revised, modified, or amended from time to time, is incorporated herein by reference provided that in the event of any conflict between the manual and this article the provisions of this article shall apply.

Section 3 – That subsection 16-101(c) of the Code of Ordinances be and hereby is amended to read as follows:

All erosion and sediment control plans shall be prepared in accordance with this article, the Engineering Stormwater Manual and Engineering Standard Drawings, as revised, modified, or amended from time to time, and shall contain erosion and sediment control best management practices that are reasonable and effective for minimizing impacts of stormwater runoff. Aspects of an erosion and sediment control plan that involve engineering design as defined in KRS 322.010 shall be prepared by a professional engineer licensed in Kentucky and shall be so identified and designated in the plan.

Section 4 – That subsection 16-101(g) of the Code of Ordinances be and hereby is amended to read as follows:

- (g) Erosion and sediment control plans shall conform to the requirements of the Engineering Stormwater Manual, as revised, modified, or amended from time to time, and shall include:
 - (1) A discussion of the land disturbing project including the purpose, location, and size of the area to be disturbed;
 - (2) A discussion of the topography, land cover conditions, soils, percent of impervious areas, and drainage patterns both before and after land disturbance;
 - (3) An identification of land use and cover conditions of adjacent property;
 - (4) A schedule of the work to be conducted including the projected beginning and completion dates of construction activities, and construction sequencing, including clearing, grading, and revegetation activities, as well as any winter shut-downs;
 - (5) A listing of erosion and sediment control best management practices, along with location, installation schedule, and the rationale for each use,

such as silt fences, diversion ditches, earthen berms, grass strips, or other methods installed in conformance with the Stormwater Manual, as revised, modified, or amended from time to time, to prevent, to the maximum extent practicable, sediment from washing into streets, catch basins, storm sewers, grassed open channels, or adjacent seeded or sodded lots;

- (6) A listing of stormwater pollution control and best management practices to minimize pollution during construction (other than erosion) that might result from construction activities;
- (7) A discussion of the permittee's inspection and maintenance activities for erosion and sediment control best management practices;
- (8) A site map showing:
 - I. Areas of disturbance;
 - II. Locations of proposed controls, utilities, paved areas, and construction entrances; and
 - III. All perennial or intermittent streams, wetlands, sinkholes, retention basins, retention ponds, culverts, and storm sewer inlets within one hundred (100) feet of the site.

Section 5 – That subsection 16-101(h) of the Code of Ordinances be and hereby is amended to read as follows:

- (h) A fifty foot vegetated buffer shall be maintained between the land disturbance activity and the edge of any perennial or intermittent stream, wetland, open throat sinkhole, or municipal storm sewer inlet. If a fifty foot vegetated buffer is not feasible due to the nature or purpose of the activity, a protective alternate erosion control shall be proposed and justified in the erosion and sediment control plan. In such cases, the permittee shall minimize disturbances in buffer zone areas.

Section 6 – That subsection 16-102(g) of the Code of Ordinances be and hereby is amended to read as follows:

- (g) All linear utility line erosion control plans shall be prepared in accordance with this article, the Engineering Stormwater Manual and Engineering Standard Drawings, as revised, modified, or amended from time to time, and shall contain erosion and sediment control best management practices that are reasonable and effective for minimizing impacts of stormwater runoff.

Section 7 – That subsection 16-102(i) of the Code of Ordinances be and hereby is amended to read as follows:

- (h) A fifty foot vegetated buffer shall be maintained between the land disturbance activities and the edge of any perennial or

intermittent stream, wetland, open throat sinkhole, or municipal storm sewer inlet. Where a fifty foot vegetated buffer is not feasible due to the nature or purpose of the activity, a protective alternate erosion control shall be used as described in the linear utility line erosion control plan. In such cases, the permittee shall minimize disturbances in buffer zone areas.

Section 8 – That subsection 16-103(b) of the Code of Ordinances be and hereby is amended to read as follows:

- (b) A fifty foot vegetated buffer shall be maintained between the land disturbance activities and the edge of any perennial or intermittent stream, wetland, sinkhole, or municipal storm sewer inlet. If a fifty foot vegetated buffer is not feasible due to the nature or purpose of the activity, a protective alternate erosion control or management practice shall be used.

Section 9 – That subsection 16-104(d)(2) of the Code of Ordinances be and hereby is amended to read as follows:

- (2) A SWPPP shall, in addition to satisfying the requirements of KYR10, contain best management practices ("BMPs") and erosion controls consistent with the urban county government's Engineering Stormwater Manual and Engineering Standard Drawings, as revised, modified, or amended from time to time.

Section 10 – That this Ordinance shall become effective on the date of its passage.

PASSED URBAN COUNTY COUNCIL:

MAYOR

ATTEST:

CLERK OF URBAN COUNTY COUNCIL

PUBLISHED: