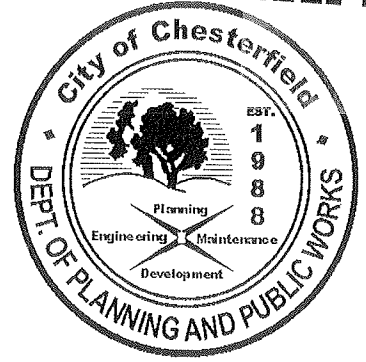


III. D.

MEMORANDUM



Date: January 31, 2008

To: Mike Herring, City Administrator

From: *BGM*
Brian McGownd, Public Works Director/City Engineer

Re: Grading Ordinance Amendment – Natural Watercourse Protection

As a result of the Phase II requirements of the Federal Water Pollution Control Act, the City previously adopted the St. Louis County Phase II Storm Water Management Plan and joined with the Metropolitan St. Louis Sewer District, St. Louis County and other area municipalities as a co-permittee in submitting a joint permit application to the Missouri Department of Natural Resources.

The permit, which was approved and issued on May 23, 2003, requires that each co-permittee adopt an ordinance which provides for the protection of natural watercourses. At this time, rather than adopting a specific ordinance to address this issue, Staff proposes to amend Chapter 12 of the City Code per the attached. This amendment will satisfy the permit requirements.

Therefore, I recommend that the Planning & Public Works Committee review the proposed amendment to Chapter 12, Grading, Erosion and Sediment Control, of the City Code regarding Natural Watercourse Protection and forward recommendation to City Council for approval.

If you have any questions, or need additional information regarding this matter, please advise.

cc: Mike Geisel, Director of Planning & Public Works

BGM
2/1/08

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE AMENDING ORDINANCES 1973, 1998 AND 2231 AS EMBODIED IN CHAPTER 12, GRADING, EROSION AND SEDIMENT CONTROL, OF THE CITY CODE BY ADDING REQUIREMENTS RELATIVE TO NATURAL WATERCOURSE PROTECTION.

WHEREAS, the United States Environmental Protection Agency requires all operators of municipal separate storm sewer systems to implement programs and practices to control polluted storm water runoff, and

WHEREAS, the United States Environmental Protection Agency considers any development and/or improvement activity that disturbs soil as a leading cause of polluted storm water, and

WHEREAS, natural vegetated buffers adjacent to watercourses provide numerous environmental and resource management benefits, including protecting stream stability, ecosystems and water quality, and

WHEREAS, as part of the St. Louis County Phase II Storm Water Management Plan the City of Chesterfield is required to implement policies and procedures that protects water quality;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHESTERFIELD, ST. LOUIS COUNTY, MISSOURI, AS FOLLOWS:

Section 1. Chapter 12 of the Code of the City of Chesterfield is hereby amended by amending Ordinances 1973, 1998 and 2231 as embodied in Chapter 12, Grading, Erosion and Sediment Control, as follows:

- 1) Section 12-29, Penalties for Violation, is hereby changed to Section 12-30. The remainder of the section shall remain unchanged.
- 2) A new Section 12-29, Natural Watercourse Protection, is hereby added as follows:

Section 12-29. Natural Watercourse Protection.

(a) No clearing, grading, excavation, construction or disturbance of any kind is permitted within fifty (50) feet of the top of bank of Bonhomme Creek, Caulks Creek or Creve Coeur Creek, or within twenty-five (25) feet of the top of bank of all other natural watercourse depicted on the most current United States Geological Survey (U.S.G.S) 7.5 Minute Series (Topographic) Maps for the City of Chesterfield, Missouri ("buffer areas"). Permanent vegetation and existing ground elevations and grades within the above mentioned buffer areas shall be left intact and undisturbed except as permitted in paragraph (b) of this Section. If no top of bank is apparent, the

10-year, 24-hour or 15-year, 20 minute water surface elevation will determine the top of bank. The top of bank and the buffer area shall be depicted on the grading plan.

(b) The following structures, practices and activities are permitted in the buffer areas:

(i) Roads, bridges, trails and utilities approved by the Director of Planning and Public Works are permitted within the buffer areas provided that an alternative analysis has clearly demonstrated that no other feasible alternative exists and that minimal disturbance will take place. Following any disturbance, the impacted area shall be restored.

(ii) Stream restoration projects are permitted within the buffer area.

(iii) Horticultural practices may be used to maintain the health of the natural vegetation. Individual trees may be removed which are dead, diseased and/or dying, are in danger of falling, causing damage to nearby structures, or causing the blockage of the watercourse.

Section 2. In all other respects, Chapter 12 of the City Code is in full force and effect.

Section 3. This ordinance shall be in full force and effect from and after its passage and approval.

Passed and approved this _____ day of _____, 2008.

Mayor

ATTEST:

City Clerk

[FIRST READING HELD: _____]