

ORDINANCE NO. 213

AN ORDINANCE AMENDING ORDINANCE NO. 169
(POST-CONSTRUCTION STORMWATER RUNOFF CONTROL)

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF UNIVERSITY HEIGHTS,
JOHNSON COUNTY, IOWA:

Section 1: AMENDMENTS:

University Heights Ordinance No. 169 is amended as follows
(with additions indicated by underline):

169.4 Applicability of Ordinance.

- A. This Post-Construction Stormwater Runoff Control Ordinance shall be applicable to all of the following:
1. ~~all~~All land disturbing activities ~~greater than~~ that disturb one-acre or more of land.
 2. All land disturbing activities that disturb less than one acre of land if such activities are ~~or~~ part of a larger common plan of development that is one acre or more in size, even if multiple separate and distinct land development activities may take place at different times on different schedules. In addition, this ordinance also applies to all applications for site plans or subdivisions that are less than one acre, but are commercial, industrial or multi-family residential uses as defined by the University Heights Zoning Code.
 3. All applications for site plans or subdivisions that are located in a business, commercial, industrial, multi-family residential, or multi-family commercial zone, as defined by the University Heights Zoning Code, regardless of the size of the land involved.
 4. All land disturbing activities (regardless of the size of the land so disturbed), if the amount of

impervious ground surface created or recreated by the activity exceeds 5,000 square feet, notwithstanding the exemption set forth in section 169.4(B)(2) below for additions or modifications to existing single family homes.

- B. The following activities are exempt from this ordinance:
1. Any logging or agricultural activity which is consistent with an approved soil conservation plan or a timber management plan approved by an appropriate agency.
 2. Additions or modifications to single family homes. However, this Ordinance shall be applicable whenever an addition or modification to an existing single family home results in the creation or recreation of more than 5,000 square feet of impervious ground surface.
 3. Repairs to any stormwater BMPs deemed necessary by the City.

169.5 Definitions. The following definitions shall apply in this ordinance. References to "Sections" shall hereafter mean references to sections in this ordinance unless otherwise specified. Defined terms shall remain defined terms whether capitalized or not capitalized.

M. Development means either:

1. ~~Land Disturbing Activity—1 acre or greater, or which is part of a larger common plan of development that disturbs one acre or more of land;~~ or
2. Land disturbing activities that disturb less than one acre of land if such activities are part of a larger common plan of development that is one acre or more in size, even if multiple separate and

distinct land development activities may take place at different times on different schedules; or

3. All land disturbing activities (regardless of the size of land so disturbed), if the amount of impervious ground surface created or recreated by the activity exceeds 5,000 square feet; or

2.4. Any land disturbing activity ~~for any~~ that takes place within any business, commercial, industrial, ~~or~~ multi-family residential use, or multi-family commercial zone, as defined by the University Heights Zoning Code, regardless of the size of the land involved.

169.11 **Compliance Required.** Each Development subject to the requirements of this ordinance shall comply with the City's mandate to improve stormwater quality and manage stormwater quantity within the City.

The property owner or applicant shall provide to the City an as-built plan detailing dimensions and elevations as well as certification that the approved facilities were installed and properly working. The as-built plan shall be completed by an Iowa licensed Professional Engineer and submitted to the City prior to the acceptance of any improvements or issuance of any Certificates of Occupancy.

The Developer is deemed to have complied with the City's mandate to improve stormwater quality and manage stormwater quantity if the development:

~~F. The property owner or applicant shall provide to the City an as built plan detailing dimensions and elevations as well as certification that the approved facilities were installed and properly working. The as-~~

~~built plan shall be completed by an Iowa licensed Professional Engineer and submitted to the City prior to the acceptance of any improvements or issuance of any Certificates of Occupancy.~~

Section 2: SAVING CLAUSE.

In the event any word, phrase, sentence, paragraph or section contained in this ordinance shall be held to be invalid, unlawful, or unconstitutional for any reason, then it is hereby declared that the remaining such portions and provisions of this ordinance would have been enacted and remain in full force and effect.

Section 3: EFFECTIVE DATE.

This ordinance shall become effective upon its passage and publication as provided by law.

Section 4: REPEALER.

All ordinances and parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Adopted by the University Heights City Council this 14th day of November, 2017, and approved this 10th day of November, 2017.

/s/
Louise From, Mayor

(SEAL)

ATTEST:

/s/
Christine M. Anderson, City Clerk