

ORDINANCE NO. 444

AN ORDINANCE BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF LONG BEACH, MISSISSIPPI, AMENDING ORDINANCE NO. 344 OF THE CITY, THE ZONING ORDINANCE OF THE CITY OF LONG BEACH, MISSISSIPPI, AS AMENDED, AMENDING ARTICLE V OF SAID ORDINANCE NO. 344, AS AMENDED, ENTITLED "APPLICATION OF DISTRICT REGULATIONS, TO PROVIDE FOR THE ADMINISTRATION AND PUBLIC PROTECTION FROM DEVELOPMENTS THAT WILL DISTURB NATURAL DRAINAGE, ADDRESSING DRAINAGE, EROSION CONTROL AND STROM WATER MANAGEMENT, AND FOR RELATED PURPOSES.

WHEREAS, the Mayor and Board of Aldermen of the City of Long Beach, Mississippi, having made due investigation therefore, do now find, determine, adjudicate and declare as follows:

(a) That pursuant to legal notice published and given for the time and in the manner provided by law, the Mayor and Board of Aldermen of the City of Long Beach, Mississippi, did meet at 6:30 o'clock p.m. on Tuesday, the 17th day of September, 1996, at the City Hall in said City, the time, place and date fixed in said legal notice, and did conduct a public hearing at which hearing all parties interested in or opposed to the proposed amendment to Ordinance No. 344, The Zoning Ordinance of the City of Long Beach, Mississippi, as amended, were given an opportunity to be heard and allowed to make oral and/or written comment to such proposed amendment to Ordinance No. 344, as amended, which proposed amendment was then and there on file and had been on file during the period of said notice in the office of the City Clerk at the City Hall in said City, available for public inspection and examination by any and all parties interested in or opposed to the proposed amendment, all as more particularly hereinafter set forth in this ordinance.

(b) That, as a result of the aforesaid public hearing and after consideration by the Mayor and Board of Aldermen of the testimony and evidence presented, and after due deliberation by the Mayor and Board of Aldermen, the Mayor and Board of Aldermen did then find, and do now find, determine, adjudicate and declare by clear and convincing evidence that the proposed amendment as set forth hereinafter is reasonable and in the best interest of

the City and in the best interest of the public health and welfare, particularly in view of the need to protect the public and property in the city from damage resulting from developments that will disturb natural drainage.

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF LONG BEACH, MISSISSIPPI, AS FOLLOWS:

SECTION 1. Amendment to Ordinance No. 344, Article III, of the Zoning Ordinance of the City of Long Beach Mississippi

ARTICLE V, of Ordinance No. 344, the Zoning Ordinance of the City of Long Beach, Mississippi, as amended, which article is entitled, "APPLICATION OF DISTRICT REGULATIONS", shall be and the same is hereby amended by adding the following:

SECTION 502. DISTRICT DEVELOPMENT REGULATIONS

This Section is intended to provide for the administration and public protection from developments that will disturb natural drainage. It will address drainage, erosion control, and storm water management.

502.1 Natural Drainage System Utilized to Extent Feasible

502.1.1 To the extent practicable, all development shall conform to the natural contours of the land and natural and preexisting man-made drainage ways shall remain undisturbed.

502.1.2 To the extent practicable, lot boundaries shall be made to coincide with natural and preexisting man-made drainage ways within subdivisions to avoid the creation of lots that can be built upon only by altering such drainage ways.

502.2 Developments Must Drain Properly

502.2.1 All developments shall be provided with a drainage system that is adequate to prevent the undue retention of surface water on the development site. Surface water shall not be regarded as unduly retained if:

- (a) The retention results from a technique, practice or device deliberately installed as part of an approved sedimentation or storm water runoff control plan; or
- (b) The retention is not substantially different in location or degree than that experienced by the development site in its pre-development stage, unless such retention presents a danger to health or safety.

502.2.2 No surface water may be channeled or directed into a sanitary sewer.

502.2.3 Whenever practicable, the drainage system of a development shall coordinate with and connect to the drainage systems or drainage ways on surrounding properties or streets.

502.2.4 Use of drainage swales rather than curb, gutter and storm sewers in subdivisions must be approved by the Planning Commission, after the City Engineer has provided the Planning Commission with a report and recommendation. Private roads and access ways within un-subdivided (commercial) developments shall utilize curb, gutter and storm drains to provide adequate drainage. Alternative drainage systems will be considered, only if proposed drainage system is equal to or better than the required curb, gutter and storm drains.

502.2.5 Construction plans and specifications for drainage swales, curbs, gutters and storm drains shall be approved by the City Engineer. Any drainage swales, storm drains, or other drainage features which carry runoff generated from off the development site shall be constructed within drainage easements, dedicated to the City of Long Beach. The minimum width for any such drainage easement shall be ten feet, unless a greater width is needed to contain and provide for the future maintenance of the facility.

502.3 Storm Water Management

- 502.3.1 All developments shall be constructed and maintained so that adjacent properties or properties downstream are not unreasonably burdened with surface waters as a result of such developments. More specifically:**
- (a) No development may be constructed or maintained so that such development unreasonably impedes the natural flow of water from higher adjacent properties across such development, thereby unreasonably causing substantial damage to such higher adjacent properties; and**
 - (b) No development may be constructed or maintained so that surface waters from such development are unreasonably collected and channeled onto lower adjacent properties at such locations or at such volumes as to cause substantial damage to such lower adjacent properties.**
 - (c) In the case of the above, the volume or rate of post development runoff shall not exceed the predevelopment runoff. The developer is free to choose the method to meet this standard, however, it must be approved by the City Engineer.**
 - (d) In addition, any development utilizing five (5) acres or more of land shall provide on-site detention. All private developments shall retain the responsibility of perpetual maintenance of all drainage detention facilities. In the case of residential subdivisions, where lots are to be sold, the developer shall dedicate the drainage improvements (including detention facilities) to the City of Long Beach. (Condominiums are considered private developments)**

502.4 Storm Water Runoff Control

- 502.4.1 The minimum design frequency for storm runoff shall be ten (10) years for storm sewer collection and twenty-five (25) years for cross drainage (i.e., drainage facilities crossing a street). However, an alternate standard of design may be considered, if the developer's engineer submits evidence that the preponderance of existing drainage facilities upstream**

and downstream of the development is sized to a lesser standard. If conditions exist, such as a known serious drainage area, the City can require a higher standard of design to satisfy storm runoff.

502.4.2 All storm drainage pipe shall be Class III concrete pipe under traffic areas, or smooth-interior, double wall polyethylene pipe in non-traffic areas. No pipe may be smaller than fifteen (15) inches in diameter.

502.4.3 Culvert outlet protection and swale erosion protection shall be designed based on a ten (10) year storm.

502.4.4 All storm drainage structures and pipes shall be designed and constructed in accordance with accepted engineering design and approved by the City Engineer.

502.5 Sedimentation and Erosion Control

502.5.1 No zoning variance or special use permit may be issued or final plat approval for subdivisions granted where evidence of a specific sediment or erosion problem exists or will exist after development. In this case, the City engineer may require additional documentation and corrective measures to satisfy any concerns.

502.5.2 Road shoulders, swales, back-of-curbs, and cut and fill banks shall be completely dressed up by the contractor and seeded as soon as possible.

SECTION 2. Headings, Captions and Catch Phrases.

Headings, captions and catch phrases at the beginning of each section of this Ordinance are intended for easy reading and reference research, and shall not affect the meaning or interpretation of the provisions thereof.

SECTION 3. Severability

If any section, subsection, sentence, clause or phrase of this Ordinance, or the application thereof, be held by any court of competent jurisdiction to be invalid or unconstitutional, such portion shall be deemed to be a separate and independent provision, and such holding of invalidity shall not affect the validity of the remaining portions of this Ordinance.

SECTION 4. Effective Date

This Ordinance shall take effect and be in force thirty (30) days after its adoption, publication and enrollment thereof as provided by law.

The above and foregoing Ordinance No. 444 was introduced in writing by Alderman Castiglia, who moved its adoption. Alderman Parker seconded the motion to adopt the Ordinance, and after discussion, no member of the Board of Aldermen having requested the Ordinance to be read by the City Clerk, and the question being put to a roll call vote, the result was as follows:

Alderman Barnett Ratcliff	voted	<u>Absent</u> , Not Voting
Alderman Frank Castiglia	voted	<u>Aye</u>
Alderman Miriam Graves	voted	<u>Aye</u>
Alderman Bernie Parker	voted	<u>Aye</u>
Alderman Tim Pierce	voted	<u>Aye</u>
Alderman Michael Rutledge	voted	<u>Present</u> , Not Voting
Alderman Wayne O'Neal	voted	<u>Aye</u>

The question having received the affirmative vote of _____
 all _____ the Aldermen present and voting, the
 Mayor declared the motion carried and said Ordinance 444 adopted
 and approved this 17th day of September, 1996.

APPROVED:



GLENN W. MITCHELL, MAYOR

ATTEST:


 REBECCA SCHRUFF, CITY CLERK

C E R T I F I C A T E

STATE OF MISSISSIPPI
 COUNTY OF HARRISON
 CITY OF LONG BEACH

I, the undersigned, Rebecca E. Schruff, City Clerk within and for the City of Long Beach, Mississippi, do hereby certify that the above and foregoing is a true and correct copy of that certain Ordinance Number 444 adopted by the Mayor and Board of Aldermen of the City of Long Beach at a regular meeting duly convened and held on Tuesday, September 17, 1996, as the same appears of record in my office at the City Hall in said City.

Given under my hand and the official seal of my office this the 23rd day of September, 1996.

(SEAL)


 Rebecca E. Schruff, City Clerk