



CITY HALL • 100 STATE STREET • BELOIT, WI 53511

**MEETING NOTICE AND AGENDA
Beloit City Plan Commission
Wednesday, March 23, 2016 at 7:00 PM
The Forum
Beloit City Hall, First Floor
100 State Street, Beloit**

1. **Call to Order and Roll Call**
2. **Approval of the Minutes of the March 9, 2016 Meeting**
3. **Zoning Ordinance Amendment – Erosion Control and Storm Water Management**
Public hearing, review and consideration of an Ordinance to Repeal and Recreate Sections 8-900 and 8-1000 of the Zoning Ordinance, Chapter 19, of the Code of General Ordinances of the City of Beloit pertaining to construction site erosion control and post-construction storm water management
4. **Zoning Ordinance Amendment – Detached Accessory Structure for Garbage & Recycling**
Public hearing, review and consideration of an Ordinance to Amend Section 6.3.4(d) of the Zoning Ordinance, Chapter 19 of the Code of General Ordinances of the City of Beloit Relating to Detached Accessory Buildings for Garbage and Recycling Storage
5. **Status Report on Prior Plan Commission Items**
6. **Adjournment**

If you are unable to attend this meeting, please contact Ashley Rosenbaum in the Planning and Building Services Office at 364-6700 **no later than 4:00 PM the day before the meeting.**

Notice Mailed: March 18, 2016

Approved: Julie Christensen, Community
Development Director

**Please note that, upon reasonable notice, at least 24 hours in advance, efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services. For additional information to request this service, please contact the City Clerk's Office at 364-6680, 100 State Street, Beloit, WI 53511



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MEETING MINUTES
Beloit City Plan Commission
Wednesday, March 9, 2016 at 7:00 PM
The Forum
Beloit City Hall, First Floor
100 State Street, Beloit

1. Call to Order and Roll Call

Chairperson Faragher called the meeting to order at 7:00. Commissioners Tinder, Finnegan, Ruster, Faragher, and Councilor Kincaid were present. Commissioner Johnson was absent. Commissioner Moore arrived at 7:04pm.

2. Approval of the Minutes of the February 17, 2016 Meeting

Commissioner Tinder moved to approve the minutes. Commissioner Ruster seconded the motion. The motion passed, voice vote.

3. Street Vacation – Portion of the 100 Block of West Grand Avenue

Public hearing, review and consideration of the vacation of a 120 square foot strip of right-of-way located adjacent to 108 West Grand Avenue

Ms. Julie Christensen, Director of Community Development, presented the staff report and recommendation.

Bill Henderson, the attorney representing the owners of Totally Tan, outlined the vacation request submitted by his clients.

Commissioner Tinder moved to approve the motion. Commissioner Finnegan seconded the motion. The motion passed, voice vote.

4. Status Report on Prior Plan Commission Items

The City Council approved the parking lot at Turtle Creek Park.

5. Adjournment

The meeting adjourned at 7:15pm.

Minutes respectfully submitted by Ashley Rosenbaum

CITY OF BELOIT

REPORT TO THE BELOIT CITY PLAN COMMISSION



Meeting Date: March 23, 2016

Agenda Item: 3

File Number: ZTA-2016-02

Request Overview/Background Information:

City staff has drafted the attached Ordinance to repeal and recreate Sections 8-900 and 8-1000 and to amend Section 2-803 of the Zoning Ordinance, Chapter 19 of the Code of General Ordinances pertaining to Construction Site Erosion Control and Post-Construction Storm Water Management.

Key Issues:

- The City of Beloit stormwater program is regulated by the Wisconsin DNR General Permit to Discharge. A requirement of the 2014 reissuance of the General Permit to Discharge requires the City to update Sections 8-900 and 8-1000 of the Zoning Ordinance in order to meet current DNR runoff management standards. The repeal and recreate of the subject Ordinance will ensure consistency with Chapter NR 151 (Runoff Management), of the Wisconsin Administrative Code. The DNR has set an implementation of May 1, 2016 for the updated ordinances.
 - 8-900 – Construction Site Erosion Control
 - The purpose is to prevent and control water pollution and soil erosion by limiting the amount of sediment and other pollutants carried by runoff.
 - Sets an explicit limit on amount of sediment that can be discharged from construction sites larger than one (1) acre.
 - An approved written Erosion Control Plan is required for each project in order to obtain an Erosion Control Permit.
 - City Staff enforces the Ordinance as part of regular inspections and frequently requires contractors to clean up project sites during construction.
 - 8-1000 – Post-Construction Stormwater Management
 - The purpose is to prevent and control the adverse effects of stormwater, soil erosion, and water pollution by establishing long-term, post-construction runoff management requirements.
 - Ordinance only applies after construction is complete.
 - Prior to project approval, developers are required to submit a written stormwater management plan and maintenance agreement.
 - Stormwater infrastructure must remove 80% of suspended solids on new construction and 40% of solids on redevelopment construction.
 - Standards set in the Ordinance vary by type of land use (i.e. residential vs. industrial)
 - Section 2-803 of the Zoning Ordinance relates to the issuance of Certificates of Occupancy. The proposed amendment to Section 2-803 would require a maintenance agreement (required under Section 8-1011) to be filed and recorded with the Rock County Register of Deeds prior to the issuance of a Temporary Certificate of Occupancy.
-

Consistency with Strategic Plan:

- Consideration of this request supports Strategic Goal #5.
-

Sustainability:

- **Reduce dependence upon fossil fuels** – N/A
 - **Reduce dependence on chemicals and other manufacturing substances that accumulate in nature** – N/A
 - **Reduce dependence on activities that harm life sustaining eco-systems** – The proposed Ordinance will protect Beloit's water quality.
 - **Meet the hierarchy of present and future human needs fairly and efficiently** – N/A
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Staff Recommendation:

The Planning & Building Services Division recommends approval of the attached Ordinance to repeal and recreate Sections 8-900 and 8-1000 and to amend Section 2-803 of the Zoning Ordinance, Chapter 19 of the Code of General Ordinances pertaining to Construction Site Erosion Control and Post-Construction Storm Water Management.

Fiscal Note/Budget Impact: N/A

Attachments: Proposed Ordinance and Public Notice.

ORDINANCE NO. _____

AN ORDINANCE TO REPEAL AND RECREATE 8-900 AND 8-1000 AND TO AMEND SECTION 2-803 OF THE ZONING ORDINANCE, CHAPTER 19 OF THE CODE OF GENERAL ORDINANCES OF THE CITY OF БЕЛОIT PERTAINING TO CONSTRUCTION SITE EROSION CONTROL AND POST CONSTRUCTION STORM WATER MANAGEMENT

The City Council of the City of Beloit, Rock County, Wisconsin do ordain as follows:

Section 1. Section 8-900 of the Zoning Ordinance, Chapter 19 of the Code of General Ordinances of the City of Beloit, is hereby repealed and recreated to read as follows:

“8-900 - CONSTRUCTION SITE EROSION CONTROL.

8-901 FINDINGS OF FACT AND STATEMENT OF INTENT. The City Council finds that runoff from land disturbing construction activity carries a significant amount of sediment and other pollutants to the waters of the state in the City. The intent of this ordinance is to require use of best management practices to reduce the amount of sediment and other pollutants resulting from land disturbing construction activities on sites that do not include the construction of a building and are otherwise regulated by the Wisconsin Department of Safety and Professional Services in SPS 321.125 or SPS 360, Wis. Adm. Code. Use of this ordinance will foster consistent, statewide application of the construction site performance standards for new development and redevelopment contained in subchapters III and IV of NR 151, Wis. Adm. Code.

8-902 AUTHORITY. This ordinance is adopted under the authority granted by §62.234, Wis. Stats. This ordinance supersedes all provisions of an ordinance previously enacted under §62.23, Wis. Stats. that relate to construction site erosion control. Except as otherwise specified in §62.234, Wis. Stats., §62.23, Wis. Stats. applies to this ordinance and to any amendments to this ordinance.

- (1) The provisions of this ordinance are deemed not to limit any other lawful regulatory powers of the City Council.
- (2) The City Council hereby designates the City Engineer to administer and enforce the provisions of this ordinance.
- (3) The requirements of this ordinance do not preempt more stringent erosion and sediment control requirements that may be imposed by any of the following:
 - (a) Wisconsin Department of Natural Resources administrative rules, permits or approvals including those authorized under §§281.16 and 283.33, Wis. Stats.
 - (b) Targeted nonagricultural performance standards promulgated in rules by the Wisconsin Department of Natural Resources under NR 151.004, Wis. Adm. Code.

8-903 PURPOSE. It is the purpose of this ordinance to further the maintenance of safe and healthful conditions; prevent and control water pollution; prevent and control soil erosion; protect spawning grounds, fish and aquatic life; control building sites, placement of structures and land

uses; preserve ground cover and scenic beauty; and promote sound economic growth, by minimizing the amount of sediment and other pollutants carried by runoff or discharged from land disturbing construction activity to waters of the state in the City of Beloit.

8-904 APPLICABILITY AND JURISDICTION.

(1) APPLICABILITY.

(a) Except as provided under paragraph (b), this ordinance applies to any construction site, as that term is defined in section 8-905, which has one or more acres of land disturbing construction activity.

(b) This ordinance does not apply to the following:

1. Transportation facilities, except transportation facility construction projects that are part of a larger common plan of development such as local roads within a residential or industrial development.
2. A construction project that is exempted by federal statutes or regulations from the requirement to have a national pollutant discharge elimination system permit issued under Chapter 40, Code of Federal Regulations, Part 122, for land disturbing construction activity.
3. Nonpoint discharges from agricultural facilities and practices.
4. Nonpoint discharges from silviculture activities.
5. Routine maintenance for project sites under 5 acres of land disturbance if performed to maintain the original line and grade, hydraulic capacity or original purpose of the facility.

(c) Notwithstanding the applicability requirements in paragraph (a), of this section, this ordinance applies to construction sites of any size that, in the opinion of the City Engineer are likely to result in runoff that exceeds the safe capacity of the existing drainage facilities or receiving body of water, that causes undue channel erosion, that increases water pollution by scouring or the transportation of particulate matter or that endangers property or public safety.

(2) JURISDICTION. This ordinance applies to land disturbing construction activity on construction sites located within the boundaries and jurisdiction of the City, as well as all lands located within the extraterritorial plat approval of the City, even if plat approval is not involved.

(3) EXCLUSIONS. This ordinance is not applicable to activities conducted by a state agency, as defined under §227.01(1), Wis. Stats.

8-905 DEFINITIONS. The following words, terms, phrases, when used in this section, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

Agricultural Facilities and Practices has the meaning in §281.16(1), Wis. Stats.

Average Annual Rainfall means a calendar year of precipitation, excluding snow, which is considered typical.

Best Management Practice or *BMP* means structural or non-structural measures, practices, techniques or devices employed to avoid or minimize soil, sediment or pollutants carried in runoff to waters of the state.

Business Day means a day the office of the City Engineer is routinely and customarily open for business.

Cease and Desist Order means a court-issued order to halt land disturbing construction activity that is being conducted without the required permit.

City Engineer means the City Engineer or a designated representative of the City Engineer.

Construction Site means an area upon which one or more land disturbing construction activities occur, including areas that are part of a larger common plan of development or sale where multiple separate and distinct land disturbing construction activities may be taking place at different times on different schedules but under one plan.

Design Storm means a hypothetical discrete rainstorm characterized by a specific duration, temporal distribution, rainfall intensity, return frequency and total depth of rainfall.

Division of Land means the division of a lot, tract or parcel of land into 2 or more lots, tracts, parcels or other divisions of land for sale, development or lease.

Erosion means the process by which the land's surface is worn away by the action of wind, water, ice or gravity.

Erosion and Sediment Control Plan means a comprehensive plan developed to address pollution caused by erosion and sedimentation of soil particles or rock fragments during construction.

Extraterritorial means the unincorporated area within 3 miles of the corporate limits of the City.

Final Stabilization means that all land disturbing construction activities at the construction site have been completed and that a uniform perennial vegetative cover has been established, with a density of at least 70 percent of the cover, for the unpaved areas and areas not covered by permanent structures, or that employ equivalent permanent stabilization measures.

Governing Body means the City Council.

Land Disturbing Construction Activity or *Disturbance* means any manmade alteration of the land surface resulting in a change in the topography or existing vegetative or non-vegetative soil cover, that may result in runoff and lead to an increase in soil erosion and movement of sediment into waters of the state. Land disturbing construction activity includes clearing and grubbing, demolition, excavating, pit trench dewatering, filling and grading activities, and soil stockpiling.

Landowner means any person holding fee title, an easement or other interest in property, which allows the person to undertake cropping, livestock management, and land disturbing construction activity or maintenance of storm water BMPs on the property.

Maximum Extent Practicable or *MEP* means a level of implementing best management practices in order to achieve a performance standard specified in this ordinance which takes into account the best available technology, cost effectiveness and other competing issues such as human safety and welfare, endangered and threatened resources, historic properties and geographic features. MEP allows flexibility in the way to meet the performance standards and may vary based on the performance standard and site conditions.

Performance Standard means a narrative or measurable number specifying the minimum acceptable outcome for a facility or practice.

Permit means a written authorization made by the City Engineer to the applicant to conduct land disturbing construction activity or to discharge post-construction runoff to waters of the state.

Pollutant has the meaning given in §283.01(13), Wis. Stats.

Pollution has the meaning given in §281.01(10), Wis. Stats.

Responsible Party means the landowner or any other entity performing services to meet the requirements of this ordinance through a contract or other agreement.

Runoff means stormwater or precipitation including rain, snow or ice melt or similar water that moves on the land surface via sheet or channelized flow.

Sediment means settleable solid material that is transported by runoff, suspended within runoff or deposited by runoff away from its original location.

Silviculture activity means activities including tree nursery operations, tree harvesting operations, reforestation, tree thinning, prescribed burning, and pest and fire control. Clearing and grubbing of an area of a construction site is not a silviculture activity.

Separate Storm Sewer means a conveyance or system of conveyances including roads with drainage systems, streets, catch basins, curbs, gutters, ditches, constructed channels or storm drains, which meets all of the following criteria:

- (1) Is designed or used for collecting water or conveying runoff.
- (2) Is not part of a combined sewer system.
- (3) Is not draining to a stormwater treatment device or system.
- (4) Discharges directly or indirectly to waters of the state.

Site means the entire area included in the legal description of the land on which the land disturbing construction activity is proposed in the permit application.

Stop Work Order means an order issued by the City Engineer which requires that all construction activity on the site be stopped.

Technical Standard means a document that specifies design, predicted performance and operation and maintenance specifications for a material, device or method.

Transportation facility means a highway, a railroad, a public mass transit facility, a public-use airport, a public trail or any other public work for transportation purposes such as harbor improvements under §85.095 (1)(b), Wis. Stats. "Transportation facility" does not include building sites for the construction of public buildings and buildings that are places of employment that are regulated by the Department of Natural Resources pursuant to §281.33, Wis. Stats.

Waters of the State includes those portions of Lake Michigan and Lake Superior within the boundaries of this state, and all lakes, bays, rivers, streams, springs, ponds, wells, impounding reservoirs, marshes, watercourses, drainage systems and other surface water or groundwater, natural or artificial, public or private, within this state or its jurisdiction.

- 8-906 **APPLICABILITY OF MAXIMUM EXTENT PRACTICABLE.** Maximum extent practicable applies when a person who is subject to a performance standard of this ordinance demonstrates to the City Engineer's satisfaction that a performance standard is not achievable and that a lower level of performance is appropriate. In making the assertion that a performance standard is not achievable and that a level of performance different from the performance standard is the maximum extent practicable, the responsible party shall take into account the best available technology, cost effectiveness, geographic features, and other competing interests such as protection of public safety and welfare, protection of endangered and threatened resources, and preservation of historic properties
- 8-907 **TECHNICAL STANDARDS.** All BMPs required to comply with this ordinance shall meet the design criteria, standards and specifications based on any of the following:
- (1) Design guidance and technical standards identified or developed by the Wisconsin Department of Natural Resources under Subch. V of NR 151, Wis. Adm. Code.
 - (2) Soil loss prediction tools (such as the Universal Soil Loss Equation (USLE)) when using an appropriate annual rainfall or runoff factor, also referred to as the R factor, or an appropriate design storm and precipitation distribution, and when considering the geographic location of the site and the period of disturbance.
 - (3) Technical standards not identified or developed in this section may be used provided that the methods have been approved by the City Engineer.
- 8-908 **PERFORMANCE STANDARDS.**
- (1) **RESPONSIBLE PARTY.** The responsible party shall implement an erosion and sediment control plan, developed in accordance with section 8-910 that incorporates the requirements of this section.

- (2) PLAN. A written erosion and sediment control plan shall be developed in accordance with section 8-910 and implemented for each construction site.
- (3) REQUIREMENTS. The erosion and sediment control plan shall meet the following minimum requirements to the maximum extent practicable:
- (a) Erosion and Sediment Control Practices. Erosion and sediment control practices at each site where land disturbing construction activity is to occur shall be used to prevent or reduce all of the following:
1. The deposition of soil from being tracked onto streets by vehicles.
 2. The discharge of sediment from disturbed areas into on-site storm water inlets.
 3. The discharge of sediment from disturbed areas into adjacent waters of the state.
 4. The discharge of sediment from drainage ways that flow off the site.
 5. The discharge of sediment by dewatering activities.
 6. The discharge of sediment eroding from soil stockpiles existing for more than 7 days.
 7. The discharge of sediment from erosive flows at outlets and in downstream channels.
 8. The transport by runoff into waters of the state of chemicals, cement, and other building compounds and materials on the construction site during the construction period. However, projects that require the placement of these materials in waters of the state, such as constructing bridge footings or BMP installations, are not prohibited by this subdivision.
 9. The transport by runoff into waters of the state of untreated wash water from vehicle and wheel washing.
- (b) Sediment Performance Standards. In addition to the erosion and sediment control practices under par. (a), the following erosion and sediment control practices shall be employed:
1. BMPs that, by design, discharge no more than 5 tons per acre per year, or to the maximum extent practicable, of the sediment load carried in runoff from initial grading to final stabilization.
 2. No person shall be required to employ more BMPs than are needed to meet a performance standard in order to comply with maximum extent practicable. Erosion and sediment control BMPs may be combined to meet the requirements of this paragraph. Credit may be given toward meeting the sediment performance standard of this paragraph for limiting the duration or area, or both, of land disturbing construction activity, or for other appropriate mechanisms.
 3. Notwithstanding subd. 1., if BMPs cannot be designed and implemented to meet the sediment performance standard, the erosion and sediment control plan shall include a written, site-specific explanation of why the sediment performance standard cannot be met and how the sediment load will be reduced to the maximum extent practicable.

- (c) Preventative Measures. The erosion and sediment control plan shall incorporate all of the following:
 - 1. Maintenance of existing vegetation, especially adjacent to surface waters whenever possible.
 - 2. Minimization of soil compaction and preservation of topsoil.
 - 3. Minimization of land disturbing construction activity on slopes of 20 percent or more.
 - 4. Development of spill prevention and response procedures.
 - (d) Location. The BMPs used to comply with this section shall be located prior to runoff entering waters of the state.
- (4) IMPLEMENTATION. The BMPs used to comply with this section shall be implemented as follows:
- (a) Erosion and sediment control practices shall be constructed or installed before land disturbing construction activities begin in accordance with the erosion and sediment control plan developed in subsection (2).
 - (b) Erosion and sediment control practices shall be maintained until final stabilization.
 - (c) Final stabilization activity shall commence when land disturbing activities cease and final grade has been reached on any portion of the site.
 - (d) Temporary stabilization activity shall commence when land disturbing activities have temporarily ceased and will not resume for a period exceeding 14 calendar days.
 - (e) BMPs that are no longer necessary for erosion and sediment control shall be removed by the responsible party.
- (5) ALTERNATE REQUIREMENTS. The City Engineer may establish requirements more stringent than those set forth in this section if the City Engineer determines that an added level of protection is needed for sensitive resources.

8-909 PERMITTING REQUIREMENTS, PROCEDURES AND FEES.

- (1) PERMIT REQUIRED. No person may commence a land disturbing construction activity subject to this ordinance without receiving prior written approval of an erosion and sediment control plan for the site and a permit from the City Engineer.
- (2) PERMIT APPLICATION AND FEES. At least one responsible party desiring to undertake a land disturbing construction activity subject to this ordinance shall submit an application for a permit and an erosion and sediment control plan that meets the requirements of Section 8-910 and shall pay to the City an application fee as established by City Council resolution. By submitting an application, the applicant is authorizing the City Engineer to enter the site to obtain information required for the review of the erosion and sediment control plan.
- (3) REVIEW AND APPROVAL OF PERMIT APPLICATION. The City Engineer shall review any permit application that is submitted with an erosion and sediment control plan, and the required fee. The following approval procedure shall be used:

- (a) Within 30 business days of the receipt of a complete permit application, as required by subsection (2) of this section, the City Engineer shall either issue or deny the permit based on the requirements of this ordinance.
 - (b) If the permit application and plan are approved, the City Engineer shall issue the permit in writing.
 - (c) If the permit application or plan is disapproved, the City Engineer shall state in writing the reasons for disapproval.
 - (d) The City Engineer may request additional information from the applicant. If additional information is submitted, the City Engineer shall have 30 business days from the date the additional information is received to either issue or deny the permit.
 - (e) Failure by the City Engineer to issue a decision within 30 business days of a required submittal shall be deemed to mean approval of the submittal and the applicant may proceed as if a permit had been issued.
- (4) SURETY BOND. As a condition of approval and issuance of the permit, the City Engineer, or his designee, may require the applicant to deposit a surety bond, cash escrow, or irrevocable letter of credit to guarantee a good faith execution of the approved erosion control plan and any permit conditions.
- (5) PERMIT REQUIREMENTS. All permits shall require the responsible party to:
- (a) Notify the City Engineer within 48 hours of commencing any land disturbing construction activity.
 - (b) Notify the City Engineer of completion of any BMPs within 10 business days after their installation.
 - (c) Obtain permission in writing from the City Engineer prior to any modification pursuant to 8-910(3) of the erosion and sediment control plan.
 - (d) Install all BMPs as identified in the approved erosion and sediment control plan.
 - (e) Maintain all road drainage systems, stormwater drainage systems, BMPs and other facilities identified in the erosion and sediment control plan.
 - (f) Repair any siltation or erosion damage to adjoining surfaces and drainage ways resulting from land disturbing construction activities and document repairs in weekly inspection reports.
 - (g) Inspect the BMPs within 24 hours after each rain of 0.5 inches or more which results in runoff during active construction periods, and at least once each week, make needed repairs and document the findings of the inspections in a site erosion control log with the date of inspection, the name of the person conducting the inspection, and a description of the present phase of the construction at the site.
 - (h) Allow the City Engineer to enter the site for the purpose of inspecting compliance with the erosion and sediment control plan or for performing any work necessary to bring the site into compliance with the control plan. Keep a copy of the erosion and sediment control plan, stormwater management plan, amendments, weekly inspection reports, and permit at the construction site until permit coverage is terminated.
 - (i) The permit applicant shall post the "Certificate of Permit Coverage" in a conspicuous location at the construction site.

- (6) PERMIT CONDITIONS. Permits issued under this section may include conditions established by the City Engineer in addition to the requirements set forth in (5) of this section where needed to assure compliance with the performance standards in section 8-908.
- (7) PERMIT DURATION. Permits issued under this section shall be valid for a period of 180 days, or the length of the building permit or other construction authorizations, whichever is longer, from the date of issuance. The City Engineer may extend the period one or more times for up to an additional 180 days, provided a written request is received and approved by the City Engineer. The City Engineer may require additional BMPs as a condition of the extension if they are necessary to meet the requirements of this ordinance.
- (8) MAINTENANCE. The responsible party throughout the duration of the construction activities shall maintain all BMPs necessary to meet the requirements of this ordinance until the site has undergone final stabilization.

8-910 EROSION AND SEDIMENT CONTROL PLAN, STATEMENT, AND AMENDMENTS.

- (1) EROSION AND SEDIMENT CONTROL PLAN STATEMENT. For each construction site identified under section 8-904 an erosion and sediment control plan statement shall be prepared. This statement shall be submitted to the City Engineer. The control plan statement shall briefly describe the site, including a site map. Further, it shall also include the best management practices that will be used to meet the requirements of the ordinance, including the site development schedule.
- (2) PLAN REQUIREMENTS.
 - (a) An erosion and sediment control plan shall be prepared and submitted to the City Engineer.
 - (b) The erosion and sediment control plan shall be designed to meet the performance standards in section 8-908 and other requirements of this ordinance.
 - (c) The erosion and sediment control plan shall address pollution caused by soil erosion and sedimentation during construction and up to final stabilization of the site. The erosion and sediment control plan shall include, at a minimum, the following items:
 - 1. Name(s), address(es), and telephone number(s) of the owner or developer of the site, and of any consulting firm retained by the applicant, together with the name of the applicant's principal contact at such firm. The application shall also include start and end dates for construction.
 - 2. Description of the site and the nature of the construction activity, including representation of the limits of land disturbance on a United States Geological Service 7.5 minute series topographic map.
 - 3. A sequence of construction of the development site, including stripping and clearing; rough grading; construction of utilities, infrastructure, and

buildings; and final grading and landscaping. Sequencing shall identify the expected date on which clearing will begin, the estimated duration of exposure of cleared areas, areas of clearing, installation of temporary erosion and sediment control measures, and establishment of permanent vegetation.

4. Estimates of the total area of the site and the total area of the site that is expected to be disturbed by construction activities.
5. Calculations to show the compliance with the performance standard in section 8-908(3)(b)1.
6. Existing data describing the surface soil as well as subsoils.
7. Depth to groundwater, as indicated by Natural Resources Conservation Service soil information where available.
8. Name of the immediate named receiving water from the United States Geological Service 7.5 minute series topographic map.

(d) The erosion and sediment control plan shall include a site map. The site map shall include the following items and shall be at a scale not greater than 100 feet per inch and at a contour interval not to exceed five feet.

1. Existing topography, vegetative cover, natural and engineered drainage systems, roads and surface waters. Lakes, streams, wetlands, channels, ditches and other watercourses on and immediately adjacent to the site shall be shown. Any identified 100-year flood plains, flood fringes and floodways shall also be shown.
2. Boundaries of the construction site.
3. Drainage patterns and approximate slopes anticipated after major grading activities.
4. Areas of soil disturbance.
5. Location of major structural and non-structural controls identified in the plan.
6. Location of areas where stabilization practices will be employed.
7. Areas which will be vegetated following construction.
8. Aerial extent of wetland acreage on the site and locations where stormwater is discharged to a surface water or wetland within one-quarter mile downstream of the construction site.
9. Area(s) used for infiltration of post-construction stormwater runoff.
10. An alphanumeric or equivalent grid overlying the entire construction site map.

(e) Each erosion and sediment control plan shall include a description of appropriate controls and measures that will be performed at the site to prevent pollutants from reaching waters of the state. The plan shall clearly describe the appropriate control measures for each major activity and the timing during the construction process that the measures will be implemented. The description of erosion controls shall include, when appropriate, the following minimum requirements:

1. Description of interim and permanent stabilization practices, including a practice implementation schedule. Site plans shall ensure that existing vegetation is preserved where attainable and that disturbed portions of the site are stabilized.

2. Description of structural practices to divert flow away from exposed soils, store flows or otherwise limit runoff and the discharge of pollutants from the site. Unless otherwise specifically approved in writing by the City Engineer, or his designee, structural measures shall be installed on upland soils.
 3. Management of overland flow at all sites, unless otherwise controlled by outfall controls.
 4. Trapping of sediment in channelized flow.
 5. Staging construction to limit bare areas subject to erosion.
 6. Protection of downslope drainage inlets where they occur.
 7. Minimization of tracking at all vehicle and equipment entry and exit locations of the construction site.
 8. Cleanup of off-site sediment deposits.
 9. Proper disposal of building and waste materials at all sites.
 10. Stabilization of drainage ways.
 11. Installation of permanent stabilization practices as soon as possible after final grading.
 12. Minimization of dust to the maximum extent practicable.
- (f) The erosion and sediment control plan shall require that the velocity dissipation devices be placed at discharge locations and along the length of any outfall channel, as necessary, to provide a non-erosive flow from the structure to a watercourse so that the natural physical and biological characteristics and functions are maintained and protected.

- (3) AMENDMENTS. The applicant shall amend the plan if any of the following occur:
- (a) There is a change in design, construction, operation or maintenance at the site which has the reasonable potential for the discharge of pollutants to waters of the state and which has not otherwise been addressed in the plan.
 - (b) The actions required by the plan fail to reduce the impacts of pollutants carried by construction site runoff.
 - (c) The City Engineer notifies the applicant of changes needed in the plan.
 - (d) A request for an amendment shall be submitted in a detailed written application within 30 days of occurrence of any event as set out in paragraph (a), (b) or (c) and shall require payment of an additional fee as established by city council resolution. The amended plan shall be subject to the same procedures, review, issuance and denial standards as set out in section 8-909(3).

8-911 FEE SCHEDULE. The fees referred to in other sections of this ordinance shall be established by City Council resolution. A schedule of fees shall be available for inspection at the office of the City Engineer.

8-912 INSPECTION. If it reasonably appears to the City of Beloit that land disturbing construction activities are being carried out without a permit required by this ordinance, the City Engineer, or his designee, may enter the land pursuant to the provisions of §66.0119, Wis. Stats.

8-913 ENFORCEMENT.

- (1) The City Engineer may post a stop work order if any of the following occurs:

- (a) Any land disturbing construction activity regulated under this ordinance is being undertaken without a permit.
 - (b) The erosion and sediment control plan is not being implemented in a good faith manner.
 - (c) The conditions of the permit are not being met.
 - (d) An amended plan has not been timely applied for and/or permitted.
- (2) If the responsible party does not cease activity as required in a stop work order posted under this section or fails to comply with the erosion and sediment control plan or permit conditions, the City Engineer may revoke the permit.
- (3) If the responsible party, where no permit has been issued, does not cease the activity after being notified by the City Engineer or if a responsible party violates a stop work order posted under subsection (1) the City Engineer may request the Beloit City Attorney to obtain a cease and desist order in any court with jurisdiction.
- (4) The Board of Appeals may retract a stop work order issued under subsection (1) or a permit revocation under subsection (2).
- (5) After posting a stop work order under subsection (1), the City Engineer may issue a notice of intent to the responsible party of its intent to perform work necessary to comply with this ordinance. The City Engineer may go on the land and commence the work after issuing the notice of intent. The costs of the work performed under this subsection by the City Engineer, plus interest at the rate authorized by City Council, shall be billed to the responsible party or recovered from the surety bond, cash escrow, or irrevocable letter of credit. In the event a responsible party fails to pay the amount due, it shall be imposed as a special charge against real property pursuant to §66.0627, Wis. Stats, to the extent authorized by law. If the special charge is not paid within the time specified in the notice to the property owner, the delinquent special charge shall be entered on the tax roll for collection and settlement under Ch. 74, Wis. Stats.
- (6) Any person violating any of the provisions of this ordinance shall be subject to a forfeiture as provided in §25.04(1) of this Code of General Ordinances of the City of Beloit. Each day a violation exists shall constitute a separate offense.
- (7) Compliance with the provisions of this ordinance may also be enforced by injunction in any court with jurisdiction. It shall not be necessary to prosecute for forfeiture or a cease and desist order before resorting to injunctive proceedings.

8-914 APPEALS.

- (1) BOARD OF APPEALS. The Board of Appeals created under §1.77 of the Code of General Ordinances of the City of Beloit pursuant to §62.23(7)(e), Wis. Stats.:
- (a) Shall hear and decide appeals where it is alleged that there is error in any order, decision or determination made by the City Engineer in administering this ordinance except for cease and desist orders obtained under section 8-913(3).
 - (b) Upon appeal, may authorize variances from the provisions of this ordinance pursuant to section 2-900 of this Chapter 19, Zoning Code which are not

contrary to the public interest and where owing to special conditions a literal enforcement of the provisions of the ordinance will result in unnecessary hardship; and

(c) Shall use the rules, procedures, duties and powers authorized by statute in hearing and deciding appeals and authorizing variances.

(2) WHO MAY APPEAL. Appeals to the Board of Appeals may be taken by any aggrieved person or by any office, department, or board of the City of Beloit affected by any decision of the City Engineer.

8-915 SEVERABILITY. If a court of competent jurisdiction judges any section, clause, provision or portion of this ordinance unconstitutional or invalid, the remainder of the ordinance shall remain in force and not be affected by such judgment.”

Section 2. Section 8-1000 of the Zoning Ordinance, Chapter 19 of the Code of General Ordinances of the City of Beloit, is hereby repealed and recreated to read as follows:

“8-1000 POST-CONSTRUCTION STORMWATER MANAGEMENT.

8-1001 FINDINGS OF FACT. The intent of this ordinance is to reduce the discharge of pollutants carried in stormwater runoff to waters of the state. The City Council finds that uncontrolled, post-construction runoff has a significant impact upon water resources and the health, safety and general welfare of the community and diminishes the public enjoyment and use of natural resources. Specifically, uncontrolled post-construction runoff can:

- (1) Degrade physical stream habitat by increasing stream bank erosion, increasing streambed scour, diminishing groundwater recharge, diminishing stream base flows and increasing stream temperature.
- (2) Diminish the capacity of lakes and streams to support fish, aquatic life, recreational and water supply uses by increasing pollutant loading of sediment, suspended solids, nutrients, heavy metals, bacteria, pathogens and other urban pollutants.
- (3) Alter wetland communities by changing wetland hydrology and by increasing pollutant loads.
- (4) Reduce the quality of groundwater by increasing pollutant loading.
- (5) Threaten public health, safety, property and general welfare by overtaxing storm sewers, drainage ways, and other minor drainage facilities.
- (6) Threaten public health, safety, property and general welfare by increasing major flood peaks and volumes.
- (7) Undermine floodplain management efforts by increasing the incidence and levels of flooding.

8-1002 AUTHORITY.

- (1) This ordinance is adopted by the authority granted by §62.234, Wis. Stats. This ordinance supersedes all provisions of an ordinance previously enacted under §62.23, Wis. Stats., that relate to stormwater management regulations. Except as otherwise specified in §62.234, Wis. Stats., §62.23, Wis. Stats., applies to this ordinance and to any amendments to this ordinance.

- (2) The provisions of this ordinance are deemed not to limit any other lawful regulatory powers of the City.
- (3) The City Council hereby designates the City Engineer to administer and enforce the provisions of this ordinance.
- (4) The requirements of this ordinance do not preempt more stringent stormwater management requirements that may be imposed by any of the following:
 - (a) Wisconsin Department of Natural Resources administrative rules, permits or approvals including those authorized under §§281.16 and 283.33, Wis. Stats.
 - (b) Targeted nonagricultural performance standards promulgated in rules by the Wisconsin Department of Natural Resources under NR 151.004, Wis. Adm. Code.

8-1003 PURPOSE AND INTENT.

- (1) **PURPOSE.** The general purpose of this ordinance is to establish long-term, post-construction runoff management requirements that will diminish the threats to public health, safety, welfare and the aquatic environment. Specific purposes are to:
 - (a) Further the maintenance of safe and healthful conditions.
 - (b) Prevent and control the adverse effects of stormwater; prevent and control soil erosion; prevent and control water pollution; protect spawning grounds, fish and aquatic life; control building sites, placement of structures and land uses; preserve ground cover and scenic beauty; and promote sound economic growth.
 - (c) Control exceedance of the safe capacity of existing drainage facilities and receiving water bodies; prevent undue channel erosion; control increases in the scouring and transportation of particulate matter; and prevent conditions that endanger downstream property.
 - (d) Minimize the amount of pollutants discharged from the separate storm sewer to protect the waters of the state.
- (2) **INTENT.** It is the intent of the City Council that this ordinance regulates post-construction stormwater discharges and associated pollutants to waters of the state. This ordinance may be applied on a site-by-site basis. The City Council recognizes, however, that the preferred method of achieving the stormwater performance standards set forth in this ordinance is through the preparation and implementation of comprehensive, systems-level stormwater management plans that cover hydrologic units, such as watersheds, on a municipal and regional scale. Such plans may prescribe regional stormwater devices, practices or systems, any of which may be designed to treat runoff from more than one site prior to discharge to waters of the state. Where such plans are in conformance with the performance standards developed under §281.16, Wis. Stats., for regional stormwater management measures and have been approved by the City Council, it is the intent of this ordinance that the approved plan be used to identify post-construction management measures acceptable for the community.

8-1004 APPLICABILITY AND JURISDICTION.

(1) APPLICABILITY.

- (a) Except as provided under paragraph (b), this ordinance applies after final stabilization to site in which land disturbing construction activity occurs during construction meeting any of the following criteria:
1. A construction site that had one or more acres of land disturbing construction activity.
 2. Construction activities under this ordinance which are less than one acre, but are part of a larger construction site that in total disturbs more than one acre.
- (b) A site or discharge that meets any of the criteria in this paragraph is exempt from the requirements of this ordinance.
1. A post-construction site with less than 10 percent connected imperviousness based on the area of land disturbance, provided the cumulative area of all impervious surfaces is less than one acre. However, the exemption of this paragraph does not include exemption from the protective area standard of this ordinance.
 2. Nonpoint discharges from agricultural facilities and practices.
 3. Nonpoint discharges from silviculture activities.
 4. Routine maintenance for project sites under 5 acres of land disturbance if performed to maintain the original line and grade, hydraulic capacity or original purpose of the facility.
 5. Underground utility construction, including but not limited to, water, sewer and fiber optic lines. This exemption does not apply to the construction of any aboveground structures associated with utility construction.
- (c) Notwithstanding the applicability requirements in paragraph (a), this ordinance applies to post-construction sites of any size that, in the opinion of the City Engineer is likely to result in runoff that exceeds the safe capacity of the existing drainage facilities or receiving body of water, that causes undue channel erosion, that increases water pollution by scouring or the transportation of particulate matter or that endangers property or public safety.

(2) JURISDICTION. This ordinance applies to post-construction sites within the boundaries and jurisdiction of the City, as well as all lands located within the extraterritorial plat approval jurisdiction of the City, even if plat approval is not involved.

(3) EXCLUSIONS. This ordinance is not applicable to activities conducted by a state agency, as defined under §227.01(1), Wis. Stats.

8-1005 DEFINITIONS. The following words, terms, phrases, when used in this section, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

Adequate sod, or self-sustaining vegetative cover means maintenance of sufficient vegetation types and densities such that physical integrity of the streambank or lakeshore is preserved. Self-sustaining vegetative cover includes grasses, forbes, sedges and duff layers of fallen leaves and woody debris.

Agricultural Facilities and Practices has the meaning given in §281.16, Wis. Stats.

Atlas 14 means the National Oceanic and Atmospheric Administration (NOAA) Atlas 14 Precipitation Frequency Atlas of the United States, Volume 8 (Midwestern States), published in 2013.

Average Annual Rainfall means a calendar year of precipitation, excluding snow, which is considered typical.

Best Management Practice or BMP means structural or non-structural measures, practices, techniques or devices employed to avoid or minimize sediment or pollutants carried in runoff to waters of the state.

Business Day means a day the office of the City Engineer, or his or her designee, is routinely and customarily open for business.

Cease and Desist Order means a court-issued order to halt land disturbing construction activity that is being conducted without the required permit.

City Engineer means the City Engineer or a designated representative of the City Engineer.

Combined Sewer System means a system for conveying both sanitary sewage and stormwater runoff.

Connected Imperviousness means an impervious surface that is directly connected to a separate storm sewer or water of the state via an impervious flow path.

Design Storm means a hypothetical discrete rainstorm characterized by a specific duration, temporal distribution, rainfall intensity, return frequency, and total depth of rainfall.

Development means residential, commercial, industrial or institutional land uses and associated roads.

Direct conduits to groundwater means wells, sinkholes, swallets, fractured bedrock at the surface, mine shafts, non-metallic mines, tile inlets discharging to groundwater, quarries, or depressionnal groundwater recharge areas over shallow fractured bedrock.

Division of Land means the division of a lot, tract or parcel of land into 2 or more lots, tracts, parcels or other divisions of land for sale, development or lease.

Effective Infiltration Area means the area of the infiltration system that is used to infiltrate runoff and does not include the area used for site access, berms or pretreatment.

Erosion means the process by which the land's surface is worn away by the action of wind, water, ice or gravity.

Exceptional Resource Waters means waters listed in NR 102.11, Wis. Adm. Code.

Extraterritorial means the unincorporated area within 3 miles of the corporate limits of the City of Beloit.

Filtering Layer means soil that has at least a 3-foot deep layer with at least 20 percent fines; or at least a 5-foot deep layer with at least 10 percent fines; or an engineered soil with an equivalent level of protection as determined by the regulatory authority for the site.

Final Stabilization means that all land disturbing construction activities at the construction site have been completed and that a uniform, perennial, vegetative cover has been established, with a density of at least 70 percent of the cover, for the unpaved areas and areas not covered by permanent structures, or employment of equivalent permanent stabilization measures.

Financial Guarantee means a performance bond, maintenance bond, surety bond, irrevocable letter of credit, or similar guarantees submitted to and approved in writing by the City Engineer, or his or her designee, by the responsible party to assure that requirements of the ordinance are carried out in compliance with the stormwater management plan.

Governing Body means the City Council.

Impervious Surface means an area that releases as runoff all or a large portion of the precipitation that falls on it, except for frozen soil. Rooftops, sidewalks, driveways, parking lots and streets are examples of areas that typically are impervious.

In-Fill Area means an undeveloped area of land located within existing development.

Infiltration means the entry of precipitation or runoff into or through the soil.

Infiltration System means a device or practice such as a basin, trench, rain garden or swale designed specifically to encourage infiltration, but does not include natural infiltration in pervious surfaces such as lawns, redirecting of rooftop downspouts onto lawns or minimal infiltration from practices, such as swales or road side channels designed for conveyance and pollutant removal only.

Karst Feature means an area or surficial geologic feature subject to bedrock dissolution so that it is likely to provide a conduit to groundwater, and may include caves, enlarged fractures, mine features, exposed bedrock surfaces, sinkholes, springs, seeps or swallets.

Land Disturbing Construction Activity means any manmade alteration of the land surface resulting in a change in the topography or existing vegetative or non-vegetative soil cover, that may result in runoff and lead to an increase in soil erosion and movement of sediment into waters of the state. Land disturbing construction activity includes clearing and grubbing, demolition, excavating, pit trench dewatering, filling and grading activities.

Landowner means any person holding fee title, an easement or other interest in property, which allows the person to undertake cropping, livestock management, and land disturbing construction activity or maintenance of storm water BMPs on the property.

Maintenance Agreement means a legal document that provides for long-term maintenance of stormwater management practices.

Maximum Extent Practicable or *MEP* means a level of implementing best management practices in order to achieve a performance standard specified in this ordinance which takes into account the best available technology, cost effectiveness and other competing issues such as human safety and welfare, endangered and threatened resources, historic properties and geographic features. MEP allows flexibility in the way to meet the performance standards and may vary based on the performance standard and site conditions.

New Development means development resulting from the conversion of previously undeveloped land or agricultural land uses.

NRCS MSE3 or *MSE4* distribution means a specific precipitation distribution developed by the United States Department of Agriculture, Natural Resources Conservation Service, using precipitation data from Atlas 14.

Off-Site means located outside the property boundary described in the permit application.

On-Site means located within the property boundary described in the permit application.

Ordinary High-Water Mark has the meaning given in NR 115.03(6), Wis. Adm. Code.

Outstanding Resource Waters means waters listed in NR 102.10, Wis. Adm. Code.

Percent Fines means the percentage of a given sample of soil, which passes through a #200 sieve.

Performance Standard means a narrative or measurable number specifying the minimum acceptable outcome for a facility or practice.

Permit means a written authorization made by the City Engineer, or his or her designee, to the applicant to conduct land disturbing construction activity or to discharge post-construction runoff to waters of the state.

Permit Administration Fee means a sum of money paid to the City Engineer, or his her designee, by the permit applicant for the purpose of recouping the expenses incurred by the authority in administering the permit.

Pervious Surface means an area that releases as runoff a small portion of the precipitation that falls on it. Lawns, gardens, parks, forests or other similar vegetated areas are examples of surfaces that typically are pervious.

Pollutant has the meaning given in §283.01(13), Wis. Stats.

Pollution has the meaning given in §281.01(10), Wis. Stats.

Post-Construction Site means a construction site following the completion of land disturbing construction activity and final site stabilization.

Pre-development Condition means the extent and distribution of land cover types present before the initiation of land disturbing construction activity, assuming that all land uses prior to development activity are managed in an environmentally sound manner.

Preventive Action Limit has the meaning given in NR 140.05(17), Wis. Adm. Code.

Protective Area means an area of land that commences at the top of the channel of lakes, streams and rivers, or at the delineated boundary of wetlands, and that is the greatest of the following widths, as measured horizontally from the top of the channel or delineated wetland boundary to the closest impervious surface.

Redevelopment means areas where development is replacing older development.

Responsible Party means any person or entity holding fee title to the property or contracted or obligated by this ordinance or other agreement to implement and maintain post-construction stormwater BMPs.

Runoff means stormwater or precipitation including rain, snow or ice melt or similar water that moves on the land surface via sheet or channelized flow.

Separate Storm Sewer means a conveyance or system of conveyances including roads with drainage systems, streets, catch basins, curbs, gutters, ditches, constructed channels or storm drains, which meets all of the following criteria:

- (1) Is designed or used for collecting water or conveying runoff.
- (2) Is not part of a combined sewer system.
- (3) Is not draining to a stormwater treatment device or system.
- (4) Discharges directly or indirectly to waters of the state.

Silviculture Activity means activities including tree nursery operations, tree harvesting operations, reforestation, tree thinning, prescribed burning, and pest and fire control. Clearing and grubbing of an area of a construction site is not a silviculture activity.

Site means the entire area included in the legal description of the land on which the land disturbing construction activity occurred.

Stop Work Order means an order issued by the City Engineer, or his or her designee, which requires that all construction activity on the site be stopped.

Stormwater Management Plan means a comprehensive plan designed to reduce the discharge of pollutants from stormwater after the site has undergone final stabilization following completion of the construction activity.

Stormwater Management System Plan is a comprehensive plan designed to reduce the discharge of runoff and pollutants from hydrologic units on a regional or municipal scale.

Technical Standard means a document that specifies design, predicted performance and operation and maintenance specifications for a material, device or method.

Top of the Channel means an edge, or point on the landscape, landward from the ordinary high-water mark of a surface water of the state, where the slope of the land begins to be less than 12 percent continually for at least 50 feet. If the slope of the land is 12 percent or less continually for the initial 50 feet, landward from the ordinary high-water mark, the top of the channel is the ordinary high-water mark.

Total Maximum Daily Load or TMDL means the amount of pollutants specified as a function of one or more water quality parameters, that can be discharged per day into a water quality limited segment and still ensure attainment of the applicable water quality standard.

TP-40 means Technical Paper No. 40, Rainfall Frequency Atlas of the United States, published in 1961.hhh.

TR-55 means the United States Department of Agriculture, Natural Resources Conservation Service (previously Soil Conservation Service), Urban Hydrology for Small Watersheds, Second Edition, Technical Release 55, June 1986.

Transportation facility means a highway, a railroad, a public mass transit facility, a public-use airport, a public trail or any other public work for transportation purposes such as harbor improvements under §85.095 (1)(b), Wis. Stats. "Transportation facility" does not include building sites for the construction of public buildings and buildings that are places of employment that are regulated by the Department of Natural Resources pursuant to §281.33, Wis. Stats.

TSS means total suspended solids.

Type II Distribution means a rainfall type curve as established in the "United States Department of Agriculture, Soil Conservation Service, Technical Paper 149, published 1973." The Type II curve is applicable to all of Wisconsin and represents the most intense storm pattern.

Waters of the State includes those portions of Lake Michigan and Lake Superior within the boundaries of this state, and all lakes, bays, rivers, streams, springs, ponds, wells, impounding reservoirs, marshes, watercourses, drainage systems and other surface water or groundwater, natural or artificial, public or private, within this state or its jurisdiction.

8-1006 APPLICABILITY OF MAXIMUM EXTENT PRACTICABLE. Maximum extent practicable applies when a person who is subject to a performance standard of this subchapter demonstrates to the City Engineer's satisfaction that a performance standard is not achievable and that a lower level of performance is appropriate. In making the assertion that a performance standard is not achievable and that a level of performance different from the performance standard is the maximum extent practicable, the responsible party shall take into account the best available technology, cost effectiveness, geographic features, and other competing interests such as protection of public safety and welfare, protection of endangered and threatened resources, and preservation of historic properties.

8-1007 TECHNICAL STANDARDS. The following methods shall be used in designing the water quality, peak flow shaving and infiltration components of stormwater practices needed to meet the water quality standards of this ordinance:

- (1) Technical standards identified, developed or disseminated by the Wisconsin Department of Natural Resources under Subch. V of NR 151, Wis. Adm. Code.
- (2) Where technical standards have not been identified or developed by the Wisconsin Department of Natural Resources, other technical standards may be used provided that the methods have been approved by the City Engineer.
- (3) In this ordinance, the following year and location has been selected as average annual rainfall: Madison, 1981 (Mar. 12-Dec. 2).

8-1008 PERFORMANCE STANDARDS.

- (1) RESPONSIBLE PARTY. The responsible party shall implement a post-construction stormwater management plan that incorporates the requirements of this section.
- (2) PLAN. A written stormwater management plan in accordance with section 8-1010 shall be developed and implemented for each post-construction site. The submitted plan shall describe how the performance standards of this ordinance will be met.
- (3) MAINTENANCE OF EFFORT. For redevelopment sites where the redevelopment will be replacing older development that was subject to post-construction performance standards of this chapter in effect on or after October 1, 2004, the responsible party shall meet the total suspended solids reduction, peak flow control, infiltration, and protective areas standards applicable to the older development or meet the redevelopment standards of this ordinance, whichever are more stringent.
- (4) REQUIREMENTS. The plan required under subsection (2) shall include the following:
 - (a) Total Suspended Solids. BMPs shall be designed, installed and maintained to control total suspended solids carried in runoff from the post-construction site as follows:
 1. BMPs shall be designed in accordance with Table 1 or to the maximum extent practicable as provided in subd. 2. The design shall be based on an average annual rainfall, as compared to no runoff management controls.

Table 1. TSS Reduction Standards	
Development Type TSS Reduction	TSS Reduction
New Development	80 percent
In-fill Development	80 percent
Redevelopment	40 percent of load from parking areas and roads

2. **Maximum Extent Practicable.** If the design cannot meet a total suspended solids reduction performance standard of Table 1 the stormwater management plan shall include a written, site-specific explanation of why the total suspended solids reduction performance standard cannot be met and why the total suspended solids load will be reduced only to the maximum extent practicable.
3. **Off-Site Drainage.** When designing BMPs, runoff draining to the BMP from offsite shall be taken into account in determining the treatment efficiency of the practice. Any impact on the efficiency shall be compensated for by increasing the size of the BMP accordingly.

(b) Peak Discharge.

1. By design, BMPs shall be employed to maintain or reduce the peak runoff discharge rates, to the maximum extent practicable, as compared to predevelopment conditionally the 1-year, 2-year and 5-year, 24-hour design storm applicable to the post-construction site. The 100-year, 24-hour design storm event applicable to the post-construction site shall be stored and the release rate from the storage facility shall not exceed the predeveloped 10-year peak discharge rate from the site. The storage volume shall be determined using routing calculations or a City-approved methodology. Predevelopment conditions shall assume "good hydrologic conditions" for appropriate land covers as identified in TR-55 or an equivalent methodology. Atlas 14 precipitation depths, and the NRCS Wisconsin MSE3 precipitation distribution. On a case-by-case basis, the City Engineer may allow the use of TP-40 precipitation depths and the Type II distribution. The meaning of "hydrologic soil group" and "runoff curve number" are as determined in TR-55. However, when predevelopment land cover is cropland, rather than using TR-55 values for cropland, the runoff curve numbers in Table 2 shall be used.

Table 2 - Maximum Predevelopment Runoff Curve Numbers for Cropland Areas							
Hydrologic Soil Group	A	B	C	D			
Runoff Curve Number	56	70	79	83			
Table 3 – Atlas 14 Rainfall Depths							
Rainfall Frequency (Years)	1	2	5	10	25	50	100
Rainfall Intensity (In/Hr)	2.47	2.85	3.52	4.12	5.02	5.77	6.57

2. This subsection of the ordinance does not apply to any of the following:

- a. A post-construction site where the discharge is directly into the Rock River without first passing through any portion of the municipally owned or operated storm water conveyance system.
- b. Except as provided under subsection (3), a redevelopment post-construction site.
- c. An in-fill development area less than 5 acres.

(c) Infiltration.

1. Best Management Practices: BMPs shall be designed, installed, and maintained to infiltrate runoff to the maximum extent practicable in accordance with the following:
 - a. *Low imperviousness.* For development up to 40 percent connected imperviousness, such as parks, cemeteries, and low density residential development, infiltrate sufficient runoff volume so that the postdevelopment infiltration volume shall be at least 90 percent of the predevelopment infiltration volume, based on an average annual rainfall. However, when designing appropriate infiltration systems to meet this requirement, no more than one percent of the post-construction site is required as an effective infiltration area.
 - b. *Moderate imperviousness.* For development with more than 40 percent and up to 80 percent connected imperviousness, such as medium and high density residential, multi-family development, industrial and institutional development, and office parks, infiltrate sufficient runoff volume so that the post-development infiltration volume shall be at least 75 percent of the pre-development infiltration volume, based on an average annual rainfall. However, when designing appropriate infiltration systems to meet this requirement, no more than 2 percent of the post construction site is required as an effective infiltration area.
 - c. *High imperviousness.* For development with more than 80 percent connected imperviousness, such as commercial strip malls, shopping centers, and commercial downtowns, infiltrate sufficient runoff volume so that the post-development infiltration volume shall be at least 60 percent of the pre-development infiltration volume, based on an average annual rainfall. However, when designing appropriate infiltration systems to meet this requirement, no more than 2 percent of the post-construction site is required as an effective infiltration area.
2. Pre-development. The pre-development condition shall be the same as specified in Table 2 of the Peak Discharge section of this ordinance.
3. Source Areas.
 - a. *Prohibitions.* Runoff from the following areas may not be infiltrated and may not qualify as contributing to meeting the

requirements of this section unless demonstrated to meet the conditions identified in subsection (4)(c)6.:

- i. Areas associated with a tier 1 industrial facility identified in NR 216.21 (2)(a), Wis. Adm. Code, including storage, loading and parking. Rooftops may be infiltrated with the concurrence of the regulatory authority.
 - ii. Storage and loading areas of a tier 2 industrial facility identified in NR 216.21 (2)(b), Wis. Adm. Code.
 - iii. Fueling and vehicle maintenance areas. Runoff from rooftops of fueling and vehicle maintenance areas may be infiltrated with the concurrence of the regulatory authority.
- b. *Exemptions.* Runoff from the following areas may be credited toward meeting the requirement when infiltrated, but the decision to infiltrate runoff from these source areas is optional:
- i. Parking areas and access roads less than 5,000 square feet for commercial development.
 - ii. Parking areas and access roads less than 5,000 square feet for industrial development not subject to the Prohibitions under par a.
 - iii. Except as provided under subsection (3), redevelopment post-construction sites.
 - iv. In-fill development areas less than 5 acres.
 - v. Roads on commercial, industrial and institutional land uses, and arterial residential roads.
4. Location of Practices.
- a. *Prohibitions.* Infiltration practices may not be located in the following areas:
 - i. Areas within 1000 feet upgradient or within 100 feet downgradient of direct conduits to groundwater.
 - ii. Areas within 400 feet of a community water system well as specified in NR 811.16 (4), Wis. Adm. Code or within the separation distances listed in NR 812.08, Wis. Adm. Code for any private well or non-community well for runoff infiltrated from commercial, including multi-family residential, industrial and institutional land uses or regional devices for one- and two-family residential development.
 - iii. Areas where contaminants of concern, as defined in NR 720.03 (2), Wis. Adm. Code are present in the soil through which infiltration will occur.
 - b. *Separation distances.*
 - i. Infiltration practices shall be located so that the characteristics of the soil and the separation distance between the bottom of the infiltration system and the elevation of seasonal high groundwater or the top of bedrock are in accordance with Table 4:

Table 4. Separation Distances and Soil Characteristics		
Source Area	Separation Distance	Soil Characteristics
Industrial, Commercial, Institutional Parking Lots and Roads	5 feet or more	Filtering Layer
Residential Arterial Roads	5 feet or more	Filtering Layer
Roofs Draining to Subsurface Infiltration Practices	1 foot or more	Native or Engineered Soil with Particles Finer than Coarse Sand
Roofs Draining to Surface Infiltration Practices	Not Applicable	Not Applicable
All Other Impervious Source Areas	3 feet or more	Filtering Layer

- ii. Notwithstanding par. b., applicable requirements for injection wells classified under NR 815 Wis. Adm. Code shall be followed.
- c. *Infiltration rate exemptions.* Infiltration practices located in the following areas may be credited toward meeting the requirements under the following conditions, but the decision to infiltrate under these conditions is optional:
 - i. Where the infiltration rate of the soil measured at the proposed bottom of the infiltration system is less than 0.6 inches per hour using a scientifically credible field test method.
 - ii. Where the least permeable soil horizon to 5 feet below the proposed bottom of the infiltration system using the U.S. Department of Agriculture method of soils analysis is one of the following: sandy clay loam, clay loam, silty clay loam, sandy clay, silty clay, or clay.
- 5. Alternate Use. Where alternate uses of runoff are employed, such as for toilet flushing, laundry, or irrigation or storage on green roofs where an equivalent portion of the runoff is captured permanently by rooftop vegetation, such alternate use shall be given equal credit toward the infiltration volume required by this section.
- 6. Groundwater Standards.
 - a. Infiltration systems designed in accordance with this section shall, to the extent technically and economically feasible, minimize the level of pollutants infiltrating to groundwater and shall maintain compliance with the preventive action limit at a point of standards application in accordance with NR 140, Wis. Adm. Code. However, if site specific information indicates that compliance with a preventive action limit is not achievable, the infiltration BMP may not be installed or shall be modified to prevent infiltration to the maximum extent practicable.

- b. Notwithstanding par. a, the discharge from BMPs shall remain below the enforcement standard at the point of standards application.
- 7. Pretreatment. Before infiltrating runoff, pretreatment shall be required for parking lot runoff and for runoff from new road construction in commercial, industrial and institutional areas that will enter an infiltration system. The pretreatment shall be designed to protect the infiltration system from clogging prior to scheduled maintenance and to protect groundwater quality in accordance with subd. 6. Pretreatment options may include, but are not limited to, oil and grease separation, sedimentation, biofiltration, filtration, swales or filter strips.
- 8. Maximum Extent Practicable. Where the conditions of subd. 3. and 4. limit or restrict the use of infiltration practices, the performance standard of subsection (4)(c) shall be met to the maximum extent practicable.

(d) Protective Areas.

- 1. "*Protective area*" means an area of land that commences at the top of the channel of lakes, streams and rivers, or at the delineated boundary of wetlands, and that is the greatest of the following widths, as measured horizontally from the top of the channel or delineated wetland boundary to the closest impervious surface. However, in this paragraph, "protective area" does not include any area of land adjacent to any stream enclosed within a pipe or culvert, such that runoff cannot enter the enclosure at this location.
 - a. For outstanding resource waters and exceptional resource waters, 75 feet.
 - b. For perennial and intermittent streams identified on a United States geological survey 7.5-minute series topographic map, or a county soil survey map, whichever is more current, 50 feet.
 - c. For lakes, 50 feet.
 - d. For wetlands not subject to par. E. or f., 50 feet.
 - e. For highly susceptible wetlands, 50 feet. Highly susceptible wetlands include the following types: calcareous fens, sedge meadows, open and coniferous bogs, low prairies, coniferous swamps, lowland hardwood swamps, and ephemeral ponds.
 - f. For less susceptible wetlands, 10 percent of the average wetland width, but no less than 10 feet nor more than 30 feet. Less susceptible wetlands include degraded wetlands dominated by invasive species such as reed canary grass cultivated hydric soils; and any gravel pits, or dredged material or fill material disposal sites that take on the attributes of a wetland.
 - g. In pars. d. to f., determinations of the extent of the protective area adjacent to wetlands shall be made on the basis of the sensitivity and runoff susceptibility of the wetland in accordance with the standards and criteria in NR 103.03, Wis. Adm. Code.

- h. Wetland boundary delineation shall be made in accordance with NR 103.08 (1m), Wis. Adm. Code. This paragraph does not apply to wetlands that have been completely filled in compliance with all applicable state and federal regulations. The protective area for wetlands that have been partially filled in compliance with all applicable state and federal regulations shall be measured from the wetland boundary delineation after a fill has been placed. Where there is a legally authorized wetland fill, the protective area standard need not be met in that location.
 - i. For concentrated flow channels with drainage areas greater than 130 acres, 10 feet.
 - j. Notwithstanding pars. a. to i., the greatest protective area width shall apply where rivers, streams, lakes and wetlands are contiguous.
2. Applicability. This paragraph applies to post-construction sites located within a protective area, except those areas exempted pursuant to subd. 4.
3. Requirements. The following requirements shall be met:
- a. Impervious surfaces shall be kept out of the protective area entirely or to the maximum extent practicable. The stormwater management plan shall contain a written site-specific explanation for any parts of the protective area that are disturbed during construction.
 - b. Where land disturbing construction activity occurs within a protective area, and where no impervious surface is present, adequate sod or self-sustaining vegetative cover of 70 percent or greater shall be established and maintained. The adequate sod or self-sustaining vegetative cover shall be sufficient to provide for bank stability, maintenance of fish habitat and filtering of pollutants from upslope overland flow areas under sheet flow conditions. Non-vegetative materials, such as rock riprap, may be employed on the bank as necessary to prevent erosion, such as on steep slopes or where high velocity flows occur.
 - c. Best management practices such as filter strips, swales, or wet detention basins, which are designed to control pollutants from non-point sources may be located in the protective area.
4. Exemptions. This section does not apply to:
- a. Except as provided under subsection (3), redevelopment post-construction sites.
 - b. In-fill development areas less than 5 acres.
 - c. Structures that cross or access surface waters such as boat landings, bridges and culverts.
 - d. Structures constructed in accordance with §59.692(1v), Wis. Stats.
 - e. Areas of post-construction sites from which runoff does not enter the surface water, including wetlands, without first being

treated by a BMP to meet the local ordinance requirements for total suspended solids and peak flow reduction, except to the extent that vegetative ground cover is necessary to maintain bank stability.

- (e) Fueling and Vehicle Maintenance Areas. Fueling and vehicle maintenance areas shall, to the maximum extent practicable, have BMPs designed, installed and maintained to reduce petroleum within runoff, such that the runoff that enters waters of the state contains no visible petroleum sheen.

- (f) Swale Treatment for Transportation Facilities.
 - 1. Requirement. Except as provided in subd. 2., transportation facilities that use swales for runoff conveyance and pollutant removal are exempt from the requirements of local ordinance requirements for peak flow control, total suspended solids control, and infiltration, if the swales are designed to do all of the following to the maximum extent practicable:
 - a. Swales shall be vegetated. However, where appropriate, non-vegetative measures may be employed to prevent erosion or provide for runoff treatment, such as rock riprap stabilization or check dams.
 - b. Swales shall comply with sections V.F. (Velocity and Depth) and V.G. (Swale Geometry Criteria) with a swale treatment length as long as that specified in section V.C. (Pre-Treatment) of the Wisconsin Department of Natural Resources technical standard 1005 "Vegetated Infiltration Swales", dated May 2007, or a superseding document. Transportation facility swale treatment does not have to comply with other sections of technical standard 1005.
 - 2. Other requirements.
 - a. Notwithstanding subd. 1., the City Engineer may, consistent with water quality standards, require that other requirements, in addition to swale treatment, be met on a transportation facility with an average daily traffic rate greater than 2,500 and where the initial surface water of the state that the runoff directly enters is one of the following:
 - i. An outstanding resource water.
 - ii. An exceptional resource water.
 - iii. Waters listed in section 303 (d) of the Federal Clean Water Act that are identified as impaired in whole or in part, due to non-point source impacts.
 - iv. Water where targeted performance standards are developed pursuant to NR 151.004, Wis. Adm. Code.
 - b. The transportation facility authority shall contact the City Engineer to determine if additional BMPs beyond a water quality swale are needed under this subsection.

- (5) GENERAL CONSIDERATIONS FOR ON-SITE AND OFF-SITE STORMWATER MANAGEMENT MEASURES. The following considerations shall be observed in managing runoff:
- (a) Natural topography and land cover features such as natural swales, natural depressions, native soil infiltrating capacity, and natural groundwater recharge areas shall be preserved and used, to the extent possible, to meet the requirements of this section.
 - (b) Emergency overland flow for all stormwater facilities shall be provided to prevent exceeding the safe capacity of downstream drainage facilities and prevent endangerment of downstream property or public safety.
- (6) BMP LOCATION.
- (a) To comply with the performance standards required under this ordinance, BMPs may be located on-site or off-site as part of a regional storm water device, practice or system, but shall be installed in accordance with NR 151.003, Wis. Adm. Code.
 - (b) The City Engineer may approve off-site management measures provided that all of the following conditions are met:
 - 1. The City Engineer determines that the post-construction runoff is covered by a storm water management system plan that is approved by the City that contains management requirements consistent with the purpose and intent of this ordinance.
 - 2. The off-site facility meets all of the following conditions:
 - a. The facility is in place.
 - b. The facility is designed and adequately sized to provide a level of storm water control equal to or greater than that which would be afforded by on-site practices meeting the performance standards of this ordinance.
 - c. The facility has a legally-obligated entity responsible for its long-term operation and maintenance.
 - (c) Post-construction runoff within a non-navigable surface water that flows into a BMP, such as a wet detention pond, is not required to meet the performance standards of this ordinance. Post-construction BMPs may be located in non-navigable surface waters.
 - (d) Except as allowed under subsection (e), post-construction runoff from new development shall meet the post-construction performance standards prior to entering a navigable surface water.
 - (e) Post-construction runoff from any development within a navigable surface water that flows into a BMP is not required to meet the performance standards of this ordinance if:
 - 1. The BMP was constructed prior to the effective date of this ordinance and the BMP either received a permit issued under Ch. 30, Wis. Stats., or the BMP did not require a Ch. 30, Wis. Stats., permit; and

2. The BMP is designed to provide runoff treatment from future upland development.
- (f) Runoff from existing development, redevelopment and in-fill areas shall meet the post-construction performance standards in accordance with this paragraph.
1. To the maximum extent practicable, BMPs shall be located to treat runoff prior to discharge to navigable surface waters.
 2. Post-construction BMPs for such runoff may be located in a navigable surface water if allowable under all other applicable federal, state and local regulations such as NR 103, Wis. Adm. Code, and Ch. 30, Wis. Stats.
- (g) The discharge of runoff from a BMP, such as a wet detention pond, or after a series of such BMPs is subject to this section.
- (h) Where a regional treatment option exists such that the City Engineer exempts the applicant from all or part of the minimum on-site stormwater management requirements, the applicant shall be required to pay a fee in an amount determined in negotiation with the City Engineer. In determining the fee for post-construction runoff, the City Engineer shall consider an equitable distribution of the cost for land, engineering design, construction, and maintenance of the regional treatment option.
- (7) **ADDITIONAL REQUIREMENTS.** The City Engineer may establish stormwater management requirements more stringent than those set forth in this section if the City Engineer determines that the requirements are needed to control storm water quantity or control flooding, comply with federally approved total maximum daily load requirements, or control pollutants associated with existing development or redevelopment.

8-1009 PERMITTING REQUIREMENTS, PROCEDURES AND FEES.

- (1) **PERMIT REQUIRED.** No responsible party may undertake a land disturbing construction activity without receiving a post-construction runoff permit from the City Engineer prior to commencing the proposed activity.
- (2) **PERMIT APPLICATION AND FEES.** Unless specifically excluded by this ordinance, any responsible party desiring a permit shall submit to the City Engineer a permit application made on a form provided by the City Engineer for that purpose.
 - (a) Unless otherwise excepted by this ordinance, a permit application must be accompanied by a stormwater management plan, a maintenance agreement and a nonrefundable permit administration fee.
 - (b) The stormwater management plan shall be prepared to meet the requirements of sections 8-1008 and 8-1010, the maintenance agreement shall be prepared to meet the requirements of section 8-1011, the financial guarantee shall meet the requirements of section 8-1012, and fees shall be those established by the City Council.

- (3) REVIEW AND APPROVAL OF PERMIT APPLICATION. The City Engineer shall review any permit application that is submitted with a stormwater management plan, maintenance agreement, and the required fee. The following approval procedure shall be used:
- (a) Within 30 business days of the receipt of a complete permit application, including all items as required by subsection (2), the City Engineer shall inform the applicant whether the application, plan and maintenance agreement are approved or disapproved based on the requirements of this ordinance.
 - (b) If the stormwater permit application, plan and maintenance agreement are approved, or if an agreed upon payment of fees in lieu of stormwater management practices is made, the City Engineer shall issue the permit.
 - (c) If the stormwater permit application, plan or maintenance agreement is disapproved, the City Engineer shall detail in writing the reasons for disapproval.
 - (d) The City Engineer may request additional information from the applicant. If additional information is submitted, the City Engineer shall have 30 business days from the date the additional information is received to inform the applicant that the plan and maintenance agreement are either approved or disapproved.
 - (e) Failure by the City Engineer to inform the permit applicant of a decision within 30 business days of a required submittal shall be deemed to mean approval of the submittal and the applicant may proceed as if a permit had been issued.
- (4) PERMIT REQUIREMENTS. All permits issued under this ordinance shall be subject to the following conditions, and holders of permits issued under this ordinance shall be deemed to have accepted these conditions. The City Engineer, or his designee, may suspend or revoke a permit for violation of a permit condition, following written notification of the responsible party. An action by the City Engineer, or his designee, to suspend or revoke this permit may be appealed in accordance with section 8-1015.
- (a) Compliance with this permit does not relieve the responsible party of the responsibility to comply with other applicable federal, state, and local laws and regulations.
 - (b) The responsible party shall design and install all structural and nonstructural stormwater management measures in accordance with the approved stormwater management plan and this permit.
 - (c) The responsible party shall notify the City Engineer at least 30 business days before commencing any work in conjunction with the stormwater management plan, and within 30 business days upon completion of the stormwater management practices. If required as a special condition under sub. (5), the responsible party shall make additional notification according to a schedule set forth by the City Engineer so that practice installations can be inspected during construction.

- (d) Practice installations required as part of this ordinance shall be certified "as built" by a licensed professional engineer. Completed stormwater management practices must pass a final inspection by the City Engineer to determine if they are in accordance with the approved stormwater management plan and ordinance. The City Engineer shall notify the responsible party in writing of any changes required in such practices to bring them into compliance with the conditions of this permit.
 - (e) The responsible party shall notify the City Engineer of any significant modifications it intends to make to an approved stormwater management plan. The City Engineer may require that the proposed modifications be submitted to it for approval prior to incorporation into the stormwater management plan and execution by the responsible party.
 - (f) The responsible party shall maintain all stormwater management practices in accordance with the stormwater management plan until the practices either become the responsibility of the City, or are transferred to subsequent private owners as specified in the approved maintenance agreement.
 - (g) The responsible party authorizes the City Engineer to perform any work or operations necessary to bring stormwater management measures into conformance with the approved stormwater management plan, and consents to a special assessment or charge against the property as authorized under Subch. VII of Ch. 66, Wis. Stats., or to charging such costs against the financial guarantee posted under section 8-1012.
 - (h) If so directed by the City Engineer, the responsible party shall repair at the responsible party's own expense all damage to adjoining municipal facilities and drainage ways caused by runoff, where such damage is caused by activities that are not in compliance with the approved stormwater management plan.
 - (i) The responsible party shall permit property access to the City Engineer for the purpose of inspecting the property for compliance with the approved stormwater management plan and this permit.
 - (j) Where site development or redevelopment involves changes in direction, increases in peak rate and/or total volume of runoff from a site, the City Engineer may require the responsible party to make appropriate legal arrangements with affected property owners concerning the prevention of endangerment to property or public safety.
 - (k) The responsible party is subject to the enforcement actions and penalties detailed in section 8-1014, if the responsible party fails to comply with the terms of this permit.
- (5) PERMIT CONDITIONS. Permits issued under this subsection may include conditions established by City Engineer in addition to the requirements needed to meet the

performance standards in section 8-1008 or a financial guarantee as provided for in Section 8-1012.

- (6) PERMIT DURATION. Permits issued under this section shall be valid from the date of issuance through the date the City Engineer, notifies the responsible party that all stormwater management practices have passed the final inspection required under sub. (4)(d).

8-1010 STORMWATER MANAGEMENT PLAN.

- (1) PLAN REQUIREMENTS. The stormwater management plan required by this section shall contain at a minimum the following information:
- (a) Name, address, and telephone number for the following or their designees: landowner; developer; project engineer for practice design and certification; person(s) responsible for installation of stormwater management practices; and person(s) responsible for maintenance of stormwater management practices prior to the transfer, if any, of maintenance responsibility to another party.
 - (b) A proper legal description of the property proposed to be developed, referenced to the U.S. Public Land Survey system or to block and lot numbers within a recorded land subdivision plat.
 - (c) Predevelopment site conditions, including:
 - 1. One or more site maps at a scale providing detail of at least 1 inch equals 20 feet. The site maps shall show the following: site location and legal property description; predominant soil types and hydrologic soil groups; existing cover type and condition; topographic contours of the site at a scale providing detail of at least 1 inch equals 20 feet; topography and drainage network including enough of the contiguous properties to show runoff patterns onto, through, and from the site; watercourses that may affect or be affected by runoff from the site; flow path and direction for all stormwater conveyance sections; watershed boundaries used in hydrology determinations to show compliance with performance standards; lakes, streams, wetlands, channels, ditches, and other watercourses on and immediately adjacent to the site; limits of the 100-year floodplain; location of wells and wellhead protection areas covering the project area and delineated pursuant to NR 811.16, Wis. Adm. Code.
 - 2. Hydrology and pollutant loading computations as needed to show compliance with performance standards. All major assumptions used in developing input parameters shall be clearly stated. The geographic areas used in making the calculations shall be clearly cross-referenced to the required map(s).
 - (d) Post-development site conditions, including:
 - 1. Explanation of the provisions to preserve and use natural topography and land cover features to minimize changes in peak flow runoff rates and volumes to surface waters and wetlands.

2. Explanation of any restrictions on stormwater management measures in the development area imposed by wellhead protection plans and ordinances.
 3. One or more site maps at a scale providing detail of at least 1 inch equals 20 feet showing the following: post-construction pervious areas including vegetative cover type and condition; impervious surfaces including all buildings, structures, and pavement; post-construction topographic contours of the site at a scale providing detail of at least 1 inch equals 20 feet; post-construction drainage network including enough of the contiguous properties to show runoff patterns onto, through, and from the site; locations and dimensions of drainage easements; locations of maintenance easements specified in the maintenance agreement; flow path and direction for all stormwater conveyance sections; location and type of all stormwater management conveyance and treatment practices, including the on-site and off-site tributary drainage area; location and type of conveyance system that will carry runoff from the drainage and treatment practices to the nearest adequate outlet such as a curbed street, storm drain, or natural drainage way; watershed boundaries used in hydrology and pollutant loading calculations and any changes to lakes, streams, wetlands, channels, ditches, and other watercourses on and immediately adjacent to the site.
 4. Hydrology and pollutant loading computations as needed to show compliance with performance standards. The computations shall be made for each discharge point in the development, and the geographic areas used in making the calculations shall be clearly cross-referenced to the required map(s).
 5. Results of investigations of soils and groundwater required for the placement and design of stormwater management measures. Detailed drawings including cross-sections and profiles of all permanent stormwater conveyance and treatment practices.
- (e) A description and installation schedule for the stormwater management practices needed to meet the performance standards in Section 8-1008.
- (f) A maintenance plan developed for the life of each stormwater management practice including the required maintenance activities and maintenance activity schedule.
- (g) Cost estimates for the construction, operation, and maintenance of each stormwater management practice.
- (h) Other information requested in writing by the City Engineer to determine compliance of the proposed stormwater management measures with the provisions of this ordinance.
- (i) All site investigations, plans, designs, computations, and drawings shall be certified by a professional engineer licensed in the State of Wisconsin to be

prepared in accordance with accepted engineering practice and requirements of this ordinance.

- (2) ALTERNATE REQUIREMENTS. The City Engineer, or his designee, may prescribe alternative submittal requirements for applicants seeking an exemption to on-site stormwater management performance standards under section 8-1008.

8-1011 MAINTENANCE AGREEMENT.

- (1) MAINTENANCE AGREEMENT REQUIRED. The maintenance agreement shall be an agreement between the City and the responsible party to provide for maintenance of stormwater practices beyond the duration period of the permit. The maintenance agreement shall be filed with the Rock County Register of Deeds as a property deed restriction so that it is binding upon all subsequent owners of the land served by the stormwater management practices.
- (2) AGREEMENT PROVISIONS. The maintenance agreement shall contain the following information and provisions and be consistent with the maintenance plan required by Section 8-1010:
 - (a) Identification of the stormwater facilities and designation of the drainage area served by the facilities.
 - (b) A schedule for regular maintenance of each aspect of the stormwater management system consistent with the stormwater management plan.
 - (c) Identification of the responsible party(ies), organization or city, county, town or village responsible for long term maintenance of the stormwater management practices identified in the stormwater management plan.
 - (d) Requirement that the responsible party(ies), organization, or City, County, town or village shall maintain stormwater management practices in accordance with the schedule included in par. (b).
 - (e) Authorization for the City Engineer to access the property to conduct inspections of stormwater management practices as necessary to ascertain that the practices are being maintained and operated in accordance with the agreement.
 - (f) A requirement on the City Engineer to maintain public records of the results of the site inspections, to inform the responsible party responsible for maintenance of the inspection results, and to specifically indicate any corrective actions required to bring the stormwater management practice into proper working condition.
 - (g) Agreement that the party designated under par. (c) as responsible for long term maintenance of the stormwater management practices, shall be notified by the City Engineer of maintenance problems which require correction. The specified corrective actions shall be undertaken within a reasonable time frame as set by the City Engineer.
 - (h) Authorization of the City Engineer to perform the corrected actions identified in the inspection report if the responsible party designated under par. (c) does not make the required corrections in the specified time period. The costs of the work performed under this subsection by the City Engineer, plus interest at the rate authorized by City Council, shall be billed to the responsible party or recovered from the surety bond, cash escrow, or irrevocable letter of credit. In

the event a responsible party fails to pay the amount due, it shall be imposed as a special charge against real property pursuant to §66.0627, Wis. Stats, to the extent authorized by law. If the special charge is not paid within the time specified in the notice to the property owner, the delinquent special charge shall be entered on the tax roll for collection and settlement under Ch. 74, Wis. Stats.

8-1012 FINANCIAL GUARANTEE.

- (1) ESTABLISHMENT OF THE GUARANTEE. The City Engineer may require the submittal of a financial guarantee, the form and type of which shall be acceptable to the City Engineer. The financial guarantee shall be in an amount determined by the City Engineer to be the estimated cost of construction and the estimated cost of maintenance of the stormwater management practices during the period which the designated party in the maintenance agreement has maintenance responsibility. The financial guarantee shall give the City Engineer the authorization to use the funds to complete the stormwater management practices, if the responsible party defaults or does not properly implement the approved stormwater management plan, upon written notice to the responsible party by the City Engineer that the requirements of this ordinance have not been met.
- (2) CONDITIONS FOR RELEASE. Conditions for the release of the financial guarantee are as follows:
 - (a) The City Engineer shall release the portion of the financial guarantee established under this section, less any costs incurred by the City Engineer to complete installation of practices, upon submission of "as built plans" by a licensed professional engineer. The City Engineer may make provisions for a partial pro-rata release of the financial guarantee based on the completion of various development stages.
 - (b) The City Engineer shall release the portion of the financial guarantee established under this section to assure maintenance of stormwater practices, less any costs incurred by the City Engineer at such time that the responsibility for practice maintenance is passed on to another entity via an approved maintenance agreement.

8-1013 FEE SCHEDULE. The fees referred to in other sections of this ordinance shall be established by City Council resolution. A schedule of fees shall be available for inspection at the office of the City Engineer.

8-1014 ENFORCEMENT.

- (1) Any land disturbing construction activity or post-construction runoff initiated after the effective date of this ordinance by any person, firm, association, or corporation subject to the ordinance provisions shall be deemed a violation unless conducted in accordance with the requirements of this ordinance.
- (2) The City Engineer shall notify the responsible party by certified mail of any noncomplying land disturbing construction activity or post-construction runoff. The notice shall describe the nature of the violation, remedial actions needed, a schedule for remedial action, and additional enforcement action which may be taken.

- (3) Upon receipt of written notification from the City Engineer the responsible party shall correct work that does not comply with the stormwater management plan or other provisions of this permit. The responsible party shall make corrections as necessary to meet the specifications and schedule set forth by the City Engineer in the notice.
- (4) If the violations to a permit issued pursuant to this ordinance are likely to result in damage to properties, public facilities, or waters of the state, the City Engineer may enter the land and take emergency actions necessary to prevent such damage. The costs incurred by the City Engineer plus interest and legal costs shall be billed to the responsible party. In the event a responsible party fails to pay the amount due, it shall be imposed as a special charge against real property pursuant to §66.0627, Wis. Stats, to the extent authorized by law. If the special charge is not paid within the time specified in the notice to the property owner, the delinquent special charge shall be entered on the tax roll for collection and settlement under Ch. 74, Wis. Stats.
- (5) The City Engineer is authorized to post a stop work order on all land disturbing construction activity that is in violation of this ordinance, or to request the City Attorney to obtain a cease and desist order in any court with jurisdiction.
- (6) The City Engineer may revoke a permit issued under this ordinance for noncompliance with ordinance provisions.
- (7) Any permit revocation, stop work order, or cease and desist order shall remain in effect unless retracted by the City Engineer or by a court with jurisdiction.
- (8) The City Engineer is authorized to refer any violation of this ordinance, or of a stop work order or cease and desist order issued pursuant to this ordinance, to the City Attorney for the commencement of further legal proceedings in any court with jurisdiction.
- (9) Any person, firm, association, or corporation who does not comply with the provisions of this ordinance shall be subject to a forfeiture as provided in §25.04 of Code of General Ordinances for the City of Beloit. Each day that the violation exists shall constitute a separate offense.
- (10) Compliance with the provisions of this ordinance may also be enforced by injunction in any court with jurisdiction. It shall not be necessary to prosecute for forfeiture or a cease and desist order before resorting to injunctive proceedings.
- (11) When the City Engineer determines that the holder of a permit issued pursuant to this ordinance has failed to follow practices set forth in the stormwater management plan, or has failed to comply with schedules set forth in said stormwater management plan, the City Engineer may enter upon the land and perform the work or other operations necessary to bring the condition of said lands into conformance with requirements of the approved plan. The City Engineer shall keep a detailed accounting of the costs and expenses of performing this work. These costs and expenses shall be deducted from any financial security posted pursuant to Section 8-1012 of this ordinance. Where such a security has not been established, or where such a security is insufficient to cover these

costs, the costs and expenses shall be imposed as a special charge against real property pursuant to §66.0627, Wis. Stats, to the extent authorized by law. If the special charge is not paid within the time specified in the notice to the property owner, the delinquent special charge shall be entered on the tax roll for collection and settlement under Ch. 74, Wis. Stats.

8-1015 APPEALS.

- (1) **BOARD OF APPEALS.** The Board of Appeals, created pursuant to §1.77 of the Code of General Ordinances of the City of Beloit pursuant to §62.23(7)(e), Wis. Stats., shall hear and decide appeals where it is alleged that there is error in any order, decision or determination made by the City Engineer in administering this ordinance. The Board shall also use the rules, procedures, duties, and powers authorized by statute in hearing and deciding appeals. Upon appeal, the Board may authorize variances from the provisions of this ordinance pursuant to Section 2-900 of this Chapter 19, Zoning Code that are not contrary to the public interest, and where owing to special conditions a literal enforcement of the ordinance will result in unnecessary hardship.
- (2) **WHO MAY APPEAL.** Appeals to the Board of Appeals may be taken by any aggrieved person, officer, department, or board of the City affected by any decision of the City Engineer.

8-1016 SEVERABILITY. If any section, clause, provision or portion of this ordinance is judged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the ordinance shall remain in force and not be affected by such judgment.

Section 3. Section 2-803 of the Zoning Ordinance, Chapter 19 of the Code of General Ordinances of the City of Beloit, is hereby amended to read as follows:

2-803 **ISSUANCE.** No Certificate of Occupancy for a building, or portion thereof, constructed after September 26, 2001, shall be issued until construction has been completed and the premises inspected and certified by the Zoning Officer to be in compliance with the plans and specifications upon which the Zoning Certificate was based. No Certificate of Occupancy for a building, or addition thereto, constructed after September 26, 2001, shall be issued and no addition to a previously existing building shall be occupied until the premises have been inspected and certified by the Zoning Officer to be in compliance with all the applicable standards of the zoning district in which it is located. Pending the issuance of a regular Certificate of Occupancy, a Temporary Certificate of Occupancy may be issued. Such temporary certificate shall be valid for a period not to exceed 6 months from its date during the completion of any addition or during partial occupancy of the premises. [A temporary certificate shall not be issued unless and until any maintenance agreement required under 8-1011 of this Chapter is filed and recorded with the Rock County Register of Deeds.](#) If a Certificate of Occupancy is not issued, the Zoning Officer shall give written notice to the applicant stating the reasons why a Certificate of Occupancy cannot be issued. Occupancy Certificates or letter of denial shall be issued not later than 14 days after the Zoning Officer is notified in writing that the building or premises are ready for occupancy.

Section 4. This ordinance shall be in force and take effect upon passage and publication.

Adopted this _____ day of April, 2016.

CITY COUNCIL OF THE CITY OF БЕЛОIT

By: _____
Charles M. Haynes, Council President

ATTEST:

By: _____
Lorena Rae Stottler, City Clerk

PUBLISHED: _____
EFFECTIVE DATE: _____
01-611100-5231- _____

tdh/ordinances/19.8-900 and 8-1000, 19.2-803 = ORD 160312 (15-1186)



NOTICE TO THE PUBLIC

March 12, 2016

To Whom It May Concern:

The Beloit Plan Commission and City Council are considering an Ordinance to repeal and recreate Section 8-900 and Section 8-1000 of the Zoning Ordinance, Chapter 19 of the Code of General Ordinances of the City of Beloit, relating to Construction Site Erosion Control and Post-Construction Storm Water Management.

The proposed Ordinance repeal and recreate would modify the Zoning Ordinance to ensure the City is meeting requirements for water quality set by the Wisconsin DNR.

The following public hearings will be held regarding this proposed Ordinance:

City Plan Commission: Wednesday, March 23, 2016, at 7:00 PM, or as soon thereafter as the matter can be heard in The Forum, Beloit City Hall, 100 State Street.

City Council: Monday, April 4, 2016, at 7:00 PM, or as soon thereafter as the matter can be heard in The Forum, Beloit City Hall, 100 State Street.

THE PUBLIC IS INVITED TO ATTEND THESE HEARINGS.

We are interested in your opinion.

Anyone bringing handouts to the Plan Commission meeting must bring ten (10) copies and submit them to the Recording Secretary before the meeting begins. Staff is unable to leave the meeting area to make copies.

For additional information, please contact Alex Morganroth in the Planning & Building Services Division at (608) 364-6708 or morganrotha@beloitwi.gov. Comments will be accepted via telephone, email, and U.S. Mail.

CITY OF BELOIT

REPORT TO THE BELOIT CITY PLAN COMMISSION



Meeting Date: March 23, 2016

Agenda Item: 4

File Number: ZTA-2016-01

Request Overview/Background Information:

City staff has drafted the attached Ordinance to amend Section 6.3.4(d) of the Zoning Ordinance relating to detached accessory buildings for garbage & recycling container storage.

Key Issues:

- The current Zoning Ordinance allows single- and two-family properties to have up to two detached accessory buildings such as sheds or garages. The total area of all detached accessory buildings is limited to 720 square feet or 10% of the lot area, whichever is greater.
 - Each detached accessory building may be up to 1,200 square feet in area, provided the 720 square-foot or 10% standard above is met. For reference, typical two-stall detached garage is 24' by 24' or 576 square feet.
 - City staff initiated the attached Ordinance in anticipation of storage issues resulting from the increased size of the new automated collection trash & recycling containers and the storage space constraints faced by many homeowners, who must store the new containers out of public view.
 - The attached Ordinance will allow homeowners to construct a third detached building not exceeding 40 square feet in area per unit, provided said building is designed and used exclusively to store the new automated collection trash & recycling containers.
 - Planning staff worked with Public Works staff to determine that each container, including a 1-foot buffer for maneuvering, would occupy approximately 20 square feet. Each single- and two-family dwelling will be issued two containers, hence the maximum building size of 40 square feet. This proposal is intended to be the minimum relief necessary, and homeowners requesting extra containers will need to store them in existing sheds or garages.
 - All of the existing regulations that apply to detached accessory buildings including setbacks, separation, and height restrictions remain in effect.
-

Consistency with Strategic Plan:

- Consideration of this request supports Strategic Goal #5.
-

Sustainability:

- **Reduce dependence upon fossil fuels** – N/A
 - **Reduce dependence on chemicals and other manufacturing substances that accumulate in nature** – N/A
 - **Reduce dependence on activities that harm life sustaining eco-systems** – N/A
 - **Meet the hierarchy of present and future human needs fairly and efficiently** – N/A
-

Staff Recommendation:

The Planning & Building Services Division recommends **approval** of the attached Ordinance to amend Section 6.3.4(d) of the Zoning Ordinance, Chapter 19 of the Code of General Ordinances of the City of Beloit, relating to detached accessory buildings for garbage & recycling container storage.

Fiscal Note/Budget Impact: N/A

Attachments: Proposed Ordinance and Public Notice

ORDINANCE NO. _____

AN ORDINANCE TO AMEND SECTION 6.3.4(d) OF THE ZONING ORDINANCE, CHAPTER 19 OF THE CODE OF GENERAL ORDINANCES OF THE CITY OF БЕЛОIT RELATING TO DETACHED ACCESSORY BUILDINGS FOR GARBAGE AND RECYCLING STORAGE

The City Council of the City of Beloit, Rock County, Wisconsin do ordain as follows:

Section 1. Section 6.3.4(d) of the Zoning Ordinance, Chapter 19 of the Code of General Ordinances of the City of Beloit, is hereby amended as follows:

- "d. Garages for Single-Family and Two-Family Residences. Single-family and two-family residences may have attached garages not exceeding 865 square feet or 33 percent of the floor area of the principal structure, whichever is greater. In addition to any attached accessory garage, single-family and two-family residences may have no more than 2 detached accessory buildings on a zoning lot. In addition to any attached garage and 2 detached accessory buildings, single-family and two-family residences may have a detached accessory building not exceeding 40 square feet in area per unit if said building is designed and used exclusively for the storage of City-issued garbage and recyclable materials collection carts. The total area of all detached accessory buildings may not exceed 720 square feet or 10 percent of the zoning lot area, whichever is greater. Also, in no instance may any single detached accessory building for a single-family or two-family residence exceed 1,200 square feet in area. Indoor pools, greenhouses and enclosed porches shall be considered living space if attached to the principal structure. However, if these buildings are detached then they shall be considered accessory buildings. If a single-family or two-family residence has an existing or proposed front-yard setback greater than the required minimum setback of this chapter, then a detached garage or accessory building may not be located closer to the front lot line than the existing residence or 100 feet whichever is less."

Section 2. This ordinance shall be in force and take effect on June 1, 2016

Adopted this _____ day of _____, 2016.

BELOIT CITY COUNCIL

By: _____
Charles M. Haynes, Council President

ATTEST:

By: _____
Lorena Rae Stottler, City Clerk

PUBLISHED: _____
EFFECTIVE DATE: _____
01-611100-5231- _____

tdh/ordinances/19.6.3.4(d) = ORD 160229 (15-1117)



NOTICE TO THE PUBLIC

March 8, 2016

To Whom It May Concern:

The Beloit Plan Commission and City Council are considering an Ordinance to amend Section 6.3.4(d) of the Zoning Ordinance, Chapter 19 of the Code of General Ordinances of the City of Beloit, relating to detached accessory buildings for garbage & recycling container storage.

Currently, single- and two-family properties are limited to two detached accessory buildings such as garages and sheds. The proposed Ordinance would amend the Zoning Ordinance to allow homeowners to construct a third detached accessory building to store the new City-issued, automated trash & recycling storage containers.

The following public hearings will be held regarding this proposed Ordinance:

City Plan Commission: Wednesday, March 23, 2016, at 7:00 PM, or as soon thereafter as the matter can be heard in The Forum, Beloit City Hall, 100 State Street.

City Council: Monday, April 4, 2016, at 7:00 PM, or as soon thereafter as the matter can be heard in The Forum, Beloit City Hall, 100 State Street.

THE PUBLIC IS INVITED TO ATTEND THESE HEARINGS.

We are interested in your opinion.

Anyone bringing handouts to the Plan Commission meeting must bring ten (10) copies and submit them to the Recording Secretary before the meeting begins. Staff is unable to leave the meeting area to make copies.

For additional information, please contact Drew Pennington in the Planning & Building Services Division at (608) 364-6711 or penningtond@ci.beloit.wi.us. Comments will be accepted via telephone, email, and U.S. Mail.