

ORDINANCE 2015- 8

AN ORDINANCE AMENDING SECTION 11-408
OF THE BELLE MEADE MUNICIPAL CODE, ADOPTING MANDATORY CHANGES TO
THE STORMWATER CODE

AND

RE-ORGANIZING THE BELLE MEADE MUNICIPAL CODE TO INCLUDE ALL
STORMWATER REGULATIONS AND THE ENFORCEMENT OF STORMWATER
REGULATIONS

AND

INCORPORATING CHANGES TO THE MUNICIPAL FLOODPLAIN ZONING
ORDINANCE AS PART OF THE BUILDING CODE OF THE CITY OF BELLE MEADE

WHEREAS, the City of Belle Meade is required to adopt a Stormwater Ordinance to comply with the National Pollution Discharge Elimination System permit (NPDES) and applicable regulations, 40 CFR 122.26, as well as to exercise the powers granted in Tennessee Code Annotated § 68-221-1105 *et seq*;

WHEREAS, recent changes in the laws necessitate a substantial revision of the City of Belle Meade Stormwater Ordinance as currently codified in Appendix B of the Belle Meade Municipal Code, and that the revisions are substantial enough to require the replacement of the existing ordinance with a new ordinance;

WHEREAS, Tennessee Code Annotated § 68-221-1106(d) governing the Stormwater Ordinance requires both that there be a provision of the enforcement of its provisions and a mechanism by which to seek relief from its provisions;

WHEREAS, the Commissioners have determined that the Board of Building Code Appeals, as authorized by Section 12-104 of the Belle Meade Municipal Code, should be granted jurisdiction over enforcement of the Stormwater Ordinance, and that the Board of Building Code Appeals should be advised by the Special Stormwater Subcommittee of the Board of Building Code Appeals when considering a variance from the Stormwater Ordinance; and

WHEREAS, the Commissioners have determined that it would be most convenient for the citizens of the City if all of the provisions governing stormwater and floodwaters were collected in a single section of the Code and, accordingly, that those provisions currently found in Appendix B of the Code, Section 14-401 of the Zoning Code and Appendix A of the Code, be identified as Chapters 2, 3 and 4 respectively of the “BUILDING, UTILITY, ETC. CODES” (referred to herein as the “Building Code”);

NOW, THEREFORE, it is accordingly ordered as follows:

1. Appendix B of the Code, the City of Belle Meade Stormwater Ordinance, be, and hereby is deleted, to be replaced by a new Stormwater Ordinance to be included as a new Chapter 2 of the Building Code, Title 12 of the Code of the City of Belle Meade, and

denominated as Sections 12-201 – 12-212, as further set forth in Attachment A to this Ordinance, pages 3-37;

2. Section 14-401 of the Zoning Code addressing stormwater user fees be, and hereby is, moved to the Building Code, Title 12 of the Code of the City of Belle Meade, as Chapter 3 of the Building Code and denominated as Sections 12-301 & 302; and
3. Appendix A of the Code, the Municipal Flood Damage Prevention Ordinance, be, and hereby is, ordered to be moved to the Building Code, Title 12 of the Code of the City of Belle Meade, as Chapter 4 and denominated as Sections 12-401 – 12-406, as further set forth in Attachment B to this Ordinance, pages 45-67 of this Ordinance; and
4. Section 12-104 of the Building Code entitled “Board of building code appeals” be, and hereby is, amended to include a new subsection (4) appointing a Special Stormwater Subcommittee of the Board of Building Code Appeals to be appointed by the mayor to provide the Board of Building Code Appeals the special expertise and advice requisite to reviewing a request for a variance from the City’s stormwater regulations; which section shall provide as follows:

(4) In order to assist the Board of Building Code Appeals when requested to grant a variance from the City of Belle Meade Stormwater Ordinance, the mayor shall appoint and constitute a Special Stormwater Subcommittee consisting of the chairperson of the Board of Building Code Appeals, the City Building Official, the Public Works Director and such consultants as they deem necessary on a case-by-case basis, to review a request for variance and/or relief, and to advise the Board of Building Code Appeals on such matters as may be presented to it in accordance with the Stormwater Ordinance, Section 12-2012. After analyzing the request for a variance and assessing the factors it deems important to that analysis, the Special Stormwater Subcommittee of the Board of Building Code Appeals shall submit to the Board of Building Code Appeals a recommendation as to whether to grant the variance.

For the sake of clarity in re-organizing these provisions of the Code of the City of Belle Meade, pages 3-67 of the Attachment to this Ordinance set forth in serial order the new Chapters 2, 3 and 4 of the Title 12 of the Code of the City of Belle Meade.

Passed on first reading:

February 17, 2015

Passed on Second Reading:

February 17, 2016

James V. Hunt, Mayor

Linda Berner, City Recorder