

**AN ORDINANCE TO AMEND CHAPTER 14, LAND DEVELOPMENT & SUBDIVISIONS, ARTICLE I, IN
GENERAL AND ARTICLE VI- STREAM BUFFER PROTECTION OF THE CODE OF THE CITY OF BROOKHAVEN**

WHEREAS, Section 1.03(b)(8) of the Charter of the City of Brookhaven grants the City of Brookhaven the power to provide environmental protection through enactment of ordinances that regulate water resources, erosion and sedimentation control, and flood hazard areas; and

WHEREAS, Section 1.03(b)(25) of the Charter of the City of Brookhaven grants the City of Brookhaven the power to provide comprehensive planning and regulation through zoning and subdivision requirements to ensure a safe, healthy, and aesthetically pleasing community; and

WHEREAS, the Mayor and City Council find that amendments to the land development and stream buffer definitions of the City are necessary.

BE IT ORDAINED by the Mayor and Council of the City of Brookhaven, Georgia and it is hereby ordained by the authority of same:

SECTION I:

The following definitions found in of Chapter 14, Land Development & Subdivisions, are amended to read as follows:

Chapter 14 - LAND DEVELOPMENT AND SUBDIVISIONS

Sec.14-1. – Definitions

Impervious surface means a surface composed of any material including, but is not limited to, rooftops, buildings, parking lots, driveways, streets, roads, decks (other than elevated slatted decks), swimming pools, patio areas, paved storage areas, compacted gravel areas, artificial turf, awnings and any concrete or asphalt areas that significantly impedes or prevents the natural infiltration of water into the soil.

ARTICLE VI. - STREAM BUFFER PROTECTION

Sec.14-149. – Definitions

Impervious cover means those areas, which prevent or impede the infiltration of stormwater into the soil as it entered in natural conditions prior to land development. Impervious cover includes, but is not limited to, rooftops, buildings, parking lots, driveways, streets, roads, decks (other than elevated slatted decks), swimming pools, patio areas, paved storage areas, compacted gravel areas, artificial turf, awnings and any concrete or asphalt areas.

SECTION II:

Severability: Should any section of this Ordinance be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the validity of the Ordinance as a whole or any part thereof which is not specifically declared to be invalid or unconstitutional.

SECTION III:

Repeal of Conflicting Provisions: All ordinances, part of ordinances, maps, or regulations in conflict herewith are repealed.

SECTION IV:

Effective Date: This ordinance shall be effective immediately upon adoption.

SO ORDAINED, this _____ day of _____, 2019.

Approved by:

Approved as to Form and Content

John Arthur Ernst Jr., Mayor

Christopher Balch, City Attorney

Attest:

Susan Hiott, City Clerk

SEAL