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Policy Letter regarding Single Family Residential Land Disturbance Permits

October 23, 2006

From: R. A. Vogtner, P.E., City Engineer

Effective 4/15/2006, the City began enforcing Section 17-15(6), due to citizens' complaints. The enforcement of the ordinance in certain instances places a hardship on residents who live within a special flood hazard area and does not achieve the intent of the ordinance. While the ordinance was written to protect fill within the flood plain, it encompasses many areas of the City, which may be designated as a special flood hazard area. Some of these areas do not have any existing flooding problems or any tidal influence, and the construction of a single-family residence will not have any negative impact on the area.

In tidally influenced special flood hazard areas, fill within the flood hazard area may not have any negative effect, because the tidal effect will counteract any site conditions and fill brought on-site.

Effective 10/30/06, the City Engineering Department will amend the manner in which it enforces Section 17-15(6), due to the fact the current method places the financial burden of employing a professional engineer on all residents.

Homeowners will be allowed to apply for a land disturbance permit without a professional engineer's letter or site plan, provided they are NOT:

- 1) Altering the natural drainage flow pattern on their property.
- 2) Diverting storm water onto an adjacent property or increasing the amount of natural drainage flow onto an adjacent property or preventing the natural flow of water through the property.
- 3) Filling wetlands.
- 4) Construction \geq 4000 square feet of impervious area (asphalt, concrete, gravel, sidewalk, driveways, or buildings/structures).
- 5) Construction of impervious area, which brings the total square footage \geq 4000 square feet of impervious area constructed after 1984 (asphalt, concrete, gravel, sidewalk, driveways, or buildings/structures).

The homeowner AND contractor will sign a notarized affidavit as the land disturbance permit application, certifying that the above activities are not going to take place at the single-family residential site.

If homeowners/contractors are proposing any of the above outlined activities, they will be required, per the ordinance, to submit a site plan prepared by a professional engineer providing drainage structures/facilities to prevent the alteration of the natural drainage flow pattern or concentration of storm water onto an adjacent property. The property owner, per the ordinance, will provide a Corps of Engineers permit for any fill in the wetlands.

If a homeowner and contractor submit the affidavit and are discovered to be engaging in any of the above activities, a stop work order will be issued immediately. A Municipal Offense Ticket will be issued for violation of the storm water ordinance. A site plan prepared by a professional engineer will be required and must be approved BEFORE any work can resume at the site.