Second Revised
Exhibit 3
10/17/2023

ORDINANCE NO. 1275

AN ORDINANCE OF THE CITY OF OKEECHOBEE, FLORIDA; AMENDING PART II OF THE CITY OF OKEECHOBEE CODE OF ORDINANCES, SUBPART B LAND DEVELOPMENT REGULATIONS, WITHIN CHAPTER 78 DEVELOPMENT STANDARDS, BY SPECIFICALLY AMENDING ARTICLE IV STORMWATER MANAGEMENT, AS SUBMITTED IN LAND DEVELOPMENT REGULATION TEXT AMENDMENT APPLICATION NO. 23-002-TA; PROVIDING FOR CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Okeechobee, Florida (City), has adopted Ordinance Number 716, as amended, known as the Land Development Regulations (LDRs); and

WHEREAS, the City has a legitimate interest in periodic review of its Ordinances and LDRs in order to address certain inconsistencies or outdated regulations contained in the Code of Ordinances (the Code); to make amendments to meet changing community standards, or to accommodate new development; and to create new ordinance or regulation to better serve the public and to make the Code a more consistent and easier to understand document; and

WHEREAS, the Planning Board for said City acting as the Local Planning Agency, reviewed and discussed the proposed amendments, also known as LDR Text Amendment Application No. 23-002-TA, at duly advertised Public Hearings held on May 18, 2023, and September 21, 2023, and based on findings of fact by the Planning Staff, hereby recommends certain changes, amendments, or modifications to the Code, to present to the City Council for ordinance adoption and codification; and

WHEREAS, the City Council for the City considered the recommendations by the Planning Board and concludes that this Ordinance promotes the public health, safety, and welfare of its citizens and inhabitants of the City, pursuant to Article VIII, Section 1(g), Florida Constitution; and

WHEREAS, the City Council for the City finds and determines that these changes, amendments, or modifications to the Code are consistent with all applicable policies including the LDRs and the City's adopted Comprehensive Plan, and not in conflict with the public interest.

NOW, THEREFORE, be it ordained before the City Council of the City; presented at a duly advertised public meeting; and passed by majority vote of the City Council; and properly executed by the Mayor or designee, as Chief Presiding Officer for the City; that:

SECTION 1: RECITALS.
The foregoing "whereas" clauses are incorporated herein as legislative findings by this reference and made a part hereof for all intents and purposes.

SECTION 2: AMENDMENT TO CHAPTER 78 DEVELOPMENT STANDARDS.
That Part II of the Code of Ordinances, Subpart B-LDRs, Chapter 78 Development Standards, Article IV Stormwater Management, is hereby amended to read as follows:

Section 78-101. ~~Requirements~~ Stormwater management.

~~(a) Required stormwater management systems shall comply with state approved standards adopted by the South Florida Water Management District.~~

~~(b) Minimum stormwater management requirements are as follows:~~

~~(1) Stormwater treatment and disposal facilities shall be designed for a 25-year storm event of 24-hour duration.~~

~~(2) The first inch of stormwater runoff shall be treated on site.~~

~~(3) Post development runoff rates, volumes and pollutant loads shall not exceed predevelopment conditions.~~

~~(4) Erosion and sediment controls shall be used during construction.~~

~~(5) Minimum road elevation is the crown of the road or 100-year, three-day event, whichever is highest.~~

The City has adopted this stormwater management ordinance to help protect its resources from the harmful effects of unmanaged stormwater runoff.

Stormwater results from a rain event, whereas runoff is the portion of stormwater that does not infiltrate into the ground or evaporate and is not intercepted before reaching a stormwater management system. Stormwater runoff from undeveloped lands usually does not present a management problem since it is relatively clean with lower volumes and peaks due to natural filtration and higher infiltration. When natural land is converted to higher intensity land use, stormwater becomes a problem and should be managed. Soil is often paved over, and impervious surfaces are created. These impervious surfaces prevent stormwater from infiltrating into the ground and recharging local surficial aquifers. This reduces uptake by plants and increases accumulation on the surface. Increased runoff can also create flooding in some areas. Impervious areas also create an environment where pollutants can accumulate, degrading the quality of stormwater runoff and rendering it a pollution source. To combat this, stormwater management practices are implemented in developed areas to help mitigate potential increases in flood risk (water quantity) and pollution (water quality).

Stormwater runoff conveys many types of pollutants from the landscape to natural receiving waters. The quality of stormwater runoff varies with land use. Pollutants in stormwater can consist of excess nutrients, solid waste, litter, lead, petroleum products (from automobiles), chemicals, fertilizers, herbicides applied to lawns, and atmospheric deposition. Higher nutrient loads are typically generated by residential and industrial land uses, whereas commercial, mixed urban, and roadways generate higher concentrations of metal contamination. Heavy metals are of particular concern because several are toxic to many aquatic plant and animal species. Motor vehicles and road surfaces are the main sources of heavy metals in stormwater runoff. Nutrients and pesticides from lawn fertilizers and atmospheric deposition can cause algal blooms and similar environmentally harmful occurrences if untreated runoff is allowed to enter surface waters. During a rainfall event, stormwater runoff flows over these surfaces, picking up pollutants and carrying them to surface waters.

Polluted stormwater not only causes adverse environmental impacts but also economic impacts. An increase in the number of impervious surfaces raises the potential for flooding and property damage. Polluted stormwater can also lead to reduced fisheries production because of the degradation of water quality. For these reasons, stormwater management practices have been implemented throughout Florida and the United States. This Section is designed as a guide to best management practices (BMPs) for stormwater management in the City.

A stormwater management practice shapes and improves the quality and quantity of stormwater runoff being discharged to receiving waters. BMPs for stormwater are those that meet discharge quantity and quality criteria at a minimal cost.

This article will be used to review and approve stormwater management systems permitted by the City and will be modified as appropriate technology and regional stormwater rules dictate.

Section 78-102. ~~Exemptions~~ Local review and approval of stormwater management system.

~~The following developments are exempt from stormwater management requirements:~~

~~(1) Single-family and two-family residential dwellings and accessory structures on a single lot of record.~~

~~(2) Development within a subdivision if the following conditions have been met:~~

~~a. Stormwater management provisions have been approved and remain valid as part of a final plat or development plan.~~

~~b. Project is developed in accordance with the stormwater management provisions submitted with the final plat or development plan.~~

~~(3) Maintenance activities that do not change the quality, rate, volume or location of stormwater flows on the site.~~

~~(4) Emergency action taken to prevent imminent danger to persons or property.~~

A Stormwater Management Plan will be required as part of all building permit applications that increase the impervious area of a site.

Regardless of whether or not stormwater management permits are required by the South Florida Water Management District (SFWMD), and notwithstanding other exemptions cited in Section 78-105, all applications for construction or development are required to submit a Stormwater Pollution Prevention Plan for review and approval by the City. This Plan is to be based on the standards and criteria of the SFWMD.

~~Sections. 78-103—78-200. Reserved.~~

Section 78-103. Specialized definitions.
The following definitions shall apply to Article IV and all Sections thereof and subsections thereto.

Alter or alteration. Work done on a stormwater management system other than that necessary to maintain the system's original design and function.

BMPs. Schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater receiving waters or stormwater conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage, leaks, sludge, water disposal, or drainage from raw materials storage.

Construction Activity. Activities subject to National Pollutant Discharge Elimination System (NPDES) Construction Permits.

Detention. The collection and storage of surface water for subsequent gradual discharge.

Hazardous Materials. Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics, may cause, or significantly contribute to a substantial presence or potential hazard to human, health, safety, property, or the environment, when improperly treated, stored, transported, disposed of, or otherwise managed.

Existing. For purposes of the stormwater management provisions of this Code, the average condition immediately before development or redevelopment commences.

Illicit Connection.

(a) Any drain or conveyance, whether on the surface or subsurface, which allows any illicit discharge to enter the stormwater system including, but not limited to, any connections to the storm drain system from indoor drains and sinks; or

(b) Any drain or conveyance connected from a commercial or industrial land use to the storm drain system which has not been documented in Plans, Maps, or equivalent records and approved by an authorized enforcement agency.

Illicit Discharge. A discharge to the storm water system within the City that is not composed entirely of stormwater as exempted in Section 78-108 of this Ordinance.

Impervious surface. A surface that has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water. It includes, but is not limited to, semi-impervious surfaces such as compacted clay, as well as most conventionally surfaced streets, roofs, sidewalks, parking lots and other similar structures.

Maintenance. That action taken to restore or preserve the original design and function of any stormwater management system.

MS4 or Municipal Separate Storm Sewer System. Publicly owned conveyance or system of conveyance (i.e., ditches curbs catch basins and underground pipes) designed to discharge stormwater to surface waters of the State.

NPDES Stormwater Discharge Permit. A permit issued by Environmental Protection Agency (EPA) or by a State under authority delegated pursuant to 33 U.S. Code, National Pollutant Discharge Elimination System, §1342(b) and its amendments, or its successor statutes, that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

Non-stormwater Discharge. Any discharge to the storm drain system that is not composed entirely of stormwater.

Natural systems. Systems which predominantly consist of or are used by those communities of plants, animals, bacteria and other flora and fauna which occur indigenously on the land, in the soil or in the water.

Pollutant. Anything which causes or contributes to pollution. Pollutants may include but are not limited to paints, varnishes and solvents; oil and other automotive fluids; nonhazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects; ordinances, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal, coliform, and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

Premises. Any building lot parcel of land or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

Rate. Volume per unit of time.

Retention. The collection and storage of runoff without subsequent discharge to surface waters.

Sediment. The mineral or organic particulate material that is in suspension or has settled in surface or ground waters.

Site. Generally, any tract, lot or parcel of land or combination of tracts, lots, or parcels of land that are in one ownership, or in diverse ownership but contiguous, and which are to be developed as a single unit, subdivision, or project.

Stormwater. The flow of water which results from, and that occurs immediately following, rainfall.

Stormwater management system. The system, or combination of systems, designed to treat stormwater, or collect, convey, channel, hold, inhibit, or divert the movement of stormwater on, through and from a site.

Stormwater Pollution Prevention Plan. A document which describes:

(a) the BMP's and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to stormwater, stormwater conveyance systems, and/or receiving waters to the maximum extent practicable, and

(b) the specific measures and sequencing to be used to control sediment and erosion on a site during and after construction.

Stormwater runoff That portion of the stormwater that flows from the land surface of a site either naturally, in manmade ditches, or in a closed conduit system.

Surface water. Water above the surface of the ground whether or not flowing through definite channels, including the following:

(a) Any natural or artificial pond, lake, reservoir, or other area which contains water, and which has a discernible shoreline; or

(b) Any natural or artificial stream, river, creek, channel, ditch, canal, conduit, culvert, drain, waterway, gully, ravine, street, roadway, swale or wash in which water flows in a definite direction and which has a definite flow route; or

(c) Any wetland.

Wetland. Land that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do or would support, a prevalence of vegetation typically adapted for life in saturated soil conditions. The term includes, but is not limited to, swamp hammocks, hardwood swamps, riverine cypress, cypress ponds, bayheads and bogs, wet prairies, and freshwater marshes.

Section 78-104 - Relationship to other stormwater management requirements.
In addition to meeting the requirements of this Code, the design and performance of all stormwater management systems shall comply with applicable State regulations regarding stormwater quality and or rules of the SFWMD as appropriate.

Section 78-105. Exemptions.
The following development activities are exempt from these stormwater management requirements, except that steps to control erosion and sedimentation must be taken for all development.

(a) The construction of a single-family or duplex residential dwelling unit and accessory structures on a single parcel of land.

(b) Any development within a subdivision if each of the following conditions have been met:

(1) Stormwater management provisions for the subdivision were previously approved by the City and remain valid as part of a final plat or development plan; and

(2) The development is conducted in accordance with the stormwater management provisions submitted with the final plat or development plan.

(c) Maintenance activity that does not adversely affect the quality, rate, volume, or location of stormwater flows on the site or of stormwater runoff.

(d) Action taken under emergency conditions to prevent imminent harm or danger to persons, or to protect property from imminent fire, violent storms, hurricanes, or other hazards.

Section 78-106. Stormwater Management Plan Requirements.
(a) A Stormwater Management Plan is required to be submitted as part of the City building permit application pursuant to Section 70-302 of the Code, its amendments, or its successor statutes. The Plan will indicate how a project design will incorporate the required stormwater management and treatment criteria. The elements that may be required as part of a Stormwater Management Plan are listed below.

(b) Site Information:

(1) Detailed location map.

(2) Description of existing vegetative cover including wetlands.

(3) Location and size of preservation or mitigation areas (if applicable).

(4) Site Paving, Grading, and Drainage Plans.

(5) Vegetation Protection Plan.

(6) Soils map and percolation test results.

(7) Wet season water table elevation.

(8) Future wet season water table elevation (30-year).

(9) Description of measures to be used during construction to eliminate adverse off-site impacts, such as increased turbidity or siltation.

(10) Recent aerial photograph including the year that the photograph was taken.

(11) Map of drainage basin boundaries including any off-site areas.

(12) Map of floodplain and elevations.

(c) Stormwater Management Plan:

(1) Location of all existing and proposed on-site waterbodies including wetlands.

(2) Location of all off-site wetlands, water courses, and waterbodies affected by on-site drainage patterns.

(3) Location and detail of all major control structures and elevations. Preliminary construction plans may be submitted for conceptual approval.

(4) Right-of-way and easement locations for stormwater management systems including all areas reserved for stormwater management purposes.

(5) Location and size of on-site stormwater management facilities.

(6) Square footages, acreages, and percentage of property proposed as:

a. Impervious surface (excluding waterbodies).

b. Impervious surface (waterbodies).

c. Pervious surface.

d. Total square footage or acreage of the project site.

(7) Proposed Grading, Paving and Drainage Plan.

(8) Treatment volumes and discharge rates (if applicable) for stormwater runoff.

(d) Legal and Institutional Information:

(1) Entity responsible for operation and maintenance of surface water management system.

(2) If the operation and maintenance entity is to be a public body, a letter from the public body confirming this must be submitted before staff approval. If the entity is a homeowners association, documents verifying the existence of such organization and its ability to accept operation and maintenance responsibility must be submitted before staff approval.

(e) Below is a checklist of the elements that City staff will use to determine which of the elements a specific Plan should or should not require for each site. Some of these elements are required for other parts of a City building permit, but also need to be considered as part of the Stormwater Management Plan. In these instances, specific criteria are the same as those already required by the City and are not discussed further in this Article.

Stormwater Management Plan Checklist

(1) Site Information.

a. Detailed location map.

b. Description of vegetative cover.

c. Location and size of preservation or mitigation areas.

d. Vegetation Protection Plan.

e. Soils map.

f. Percolation test results.

g. Current wet season high water table.

h. Future wet season water table.

i. Measures to be taken to eliminate off-site adverse impacts, such as turbidity, flooding, etc.

j. Recent aerial photo (with year aerial was taken).

k. Map of drainage basin boundaries including off-site areas.

l. Map of floodplain and elevations.

(2) Master Stormwater Management Plan.

a. Location of all existing and proposed on-site waterbodies (including wetlands).

b. Location of all off-site wetlands and waterbodies to be affected by on-site drainage patterns.

c. Location of all major control structures and elevations (preliminary construction plan may be submitted for conceptual review).

d. Right-of-way and easement locations for stormwater management systems, including all areas reserved for stormwater management purposes.

e. Location and size of on-site water management facilities.

f. Square footages, acreages, and percentage of property proposed as:

1. Impervious surface (excluding waterbodies).

2. Impervious surface (waterbodies).

3. Pervious surface.

4. Total square footage or acreage of project site.

g. Proposed Grading Plan.

h. Treatment volume and discharge rate (if applicable) for stormwater management system.

(3) Legal and Institutional Information.

a. Entity responsible for operation and maintenance of stormwater management facility.*

*If the operation and maintenance entity is to be a public body, a letter from the public body confirming this must be submitted before staff approval. If the entity is a homeowners' or property owners' association, documents verifying the existence of such organization and its ability to accept operation and maintenance responsibility must be submitted for review and approval.

(f) Hydraulic Design Criteria.
Stormwater management facilities for development shall be designed in accordance with the following:

(1) All projects shall control the volume of discharge from developed areas at predevelopment volume of discharge for the design level of service storm event adopted in the Code.

(2) All project sites shall control the timing of discharges to preclude any off-site impact for any storm event.

(3) Peak discharge rate shall not exceed predevelopment discharge rate for the design level-of-service storm event adopted in the Code.

(g) Water Quality Design Criteria.
Stormwater designs must demonstrate a net improvement in nutrient loads or a 95 percent reduction in pollutant loads for the design level of service storm event adopted in the Code. This can be demonstrated through methods that are accepted by the SFWMD.

(h) Methods of Stormwater Treatment.

Stormwater treatment facilities shall be designed to treat stormwater runoff to a level that meets the design criteria defined herein. The volume to be treated depends on the type of stormwater management facility(ies) used and the land use of the property. The two most used methods of stormwater treatment are wet detention and dry retention. A detention facility collects and temporarily stores a treatment volume to provide for treatment through physical, chemical, or biological processes with subsequent gradual release of the stormwater to a surface water system. A retention facility is designed to prevent the discharge of a given volume; however, it is slowly released from the facility through infiltration and evapotranspiration. A retention or detention facility built above the groundwater table is "dry." A facility with the bottom below the control elevation is "wet." The wet season water table plays an important part in the functioning of retention systems. To ensure that stormwater facilities continue to function in the future, a stormwater design will need to include a determination of the wet season water table and an estimate of the future wet season water table.

A stormwater management system frequently incorporates several treatment methods. The criteria for each individual type of treatment are detailed to ensure that the proper volume of runoff is treated in an appropriate manner for the land use.

(i) Wet Detention.

(1) Wet detention is the collection and temporary storage of stormwater runoff, before controlled discharge into receiving waters, in a permanently wet impoundment to provide treatment through physical, chemical, and biological processes with subsequent gradual controlled release of the stormwater. A wet detention facility is a basin or pond with a bottom elevation below the wet season water table or control elevation.

(2) Method of Achievement.

Constructed ponds on the site are generally used for wet detention. These ponds must meet the following design criteria:

A wet detention facility is usually wet and allows for ½-inch of the required detained volume (1-inch or the total of 2.5-inches times the percent of impervious area, whichever is greater) to be discharged through a control structure in no less than 24-hours. Catch basins, pipes, swales, or channels are used in areas with large amounts of impervious surface to collect runoff and convey it to the detention facility. The required design criteria of a wet detention facility are detailed below:

a. The pond must be at least 0.5 acre and at least 100-feet wide for lakes exceeding 200-feet in length.

b. Irregularly shaped lakes may be narrower than 100-feet in some portions but should average 100-feet in width.

c. Projects with single-owner entities or entities with a full-time maintenance staff with obvious interests in maintaining the areas for water quality purposes may have the area and width criteria waived.

d. The lake slopes should be at least 4:1 (horizontal to vertical) to a depth of 2-feet for safety reasons and to allow a littoral habitat to form.

e. The control structure is at one point in the detention facility. Trash collection screens are required on structures discharging to surface waters.

f. The control structure must be opposite from the runoff entry into the facility to prevent hydraulic short-circuiting and to ensure full treatment.

Wet detention cannot be used as the sole form of stormwater treatment. If wet detention is used, at least 2.5-inches of dry retention pre-treatment must be provided before discharging into a wet detention facility.

Guidance on sizing, designing, and permitting wet detention facilities or exfiltration trenches can be found in the SFWMD Environmental Resource Permit Applicant's Handbook.

(j) Dry Retention.

(1) Dry retention is a stormwater system designed to prevent the discharge of a given volume of stormwater runoff into surface waters by complete onsite storage of that volume. A dry retention facility has a bottom elevation at least 1-foot above the future wet season water table and is usually dry. Stormwater is released only during times of heavy rainfall or flooding.

(2) Method of Achievement.

Examples of dry retention facilities include infiltration systems (e.g., vegetated swales and bioretention systems) and seepage systems (e.g., exfiltration trenches, pervious pavement, and exfiltration vaults). Of these two, infiltration systems provide better pollution attenuation. The vegetation takes up a percentage of the nutrients commonly found in stormwater runoff. Most heavy metals bind with the soils above the water table and the potential for them entering the groundwater is reduced.

Seepage systems consist of an underground facility that relies on a mostly outward dispersion of stormwater from the facility to the groundwater. These structures are constructed a minimum of 1-foot above the future wet season water table. These systems are most suitable for areas where the soil has high transmissivity. However, they do not provide the nutrient uptake that is offered with vegetated infiltration systems.

Infiltration systems and seepage systems need a highly permeable substratum to allow the stormwater runoff to percolate into the ground. Seepage systems do not require as much land area as infiltration systems since they can be installed underground. However, the future wet season water table at the project site must be at least 1-foot below the seepage structure.

(k) Control Structures.

(1) Definition. A control structure is a device through or over which water is discharged from a stormwater management system. Direct discharge occurs when stormwater is released through a control structure to the receiving waterbody. If the discharge from the stormwater management system is by a means other than a control structure (e.g., sheet flow or spreader swale), it is considered indirect discharge.

(2) Purpose. The primary purpose of a control structure in a detention facility is to release the calculated runoff volume slowly over a specified period. In a retention facility, the control structure allows for volumes exceeding the calculated retention volume to leave the system in a manner that provides adequate downstream flood protection.

(3) Types of Control Structures. Direct discharge from a water management facility to the receiving body is usually achieved through control structures such as weirs and orifices. The following criteria must be met for all methods of direct discharge:

a. Trash collecting gratings must be on the intake of all structures that discharge to surface waters.

b. Detention facilities discharge must be above the permanent pool.

c. If a non single-family residential property is greater than 50 percent impervious or contains a system with inlets in paved areas, discharge structures must include a baffle, skimmer, or other suitable mechanism for preventing oil and grease from being discharged.

d. Direct discharge will only be allowed to those areas that due to their large capacity or configuration are able to absorb concentrated discharges without erosion.

When using indirect discharge to release stormwater, a spreader swale is commonly used. The swale is positioned parallel to the receiving body, and the side adjacent to the receiving body is lower than the side opposite the receiving body. The swale allows the water to flow into the receiving body but not flood the adjoining property. This method works well when trying to maintain a proper water level in wetlands that are used for stormwater management. The spreader swale is also a treatment facility for stormwater runoff. Runoff exceeding the first flush is allowed to enter the wetland system via sheet flow.

(l) Criteria for Single-Family/Duplex Lots.

(1) Lots Within Subdivisions With Approved Stormwater Management Plans. In all subdivisions that have an approved Stormwater Management Plan, all new development must comply with the approved Plan. A lot Grading Plan, complete with topographic information that complies with this Section, must be submitted for review before the issuance of the building permit. If the approved Stormwater Management Plan does not contain sufficient lot grading information to verify that the lot being permitted will drain in accordance with the Plan, the requirements of Section 2 herein shall apply.

(2) Lots Within Subdivisions Without Approved Stormwater Management Plans. Single-family and duplex homes that are not part of a stormwater drainage system shall provide a Stormwater Management Plan following the guidelines established herein. The design criteria generally use vegetated swales. However, other retention practices may be used. The retention volume specified in these design criteria will provide adequate stormwater treatment on a single-family/duplex lot to meet the City stormwater treatment requirements. However, calculations demonstrating a net improvement or 95 percent reduction in nutrient loads may be submitted as an alternative to using the retention volume specified in these design criteria. The stormwater calculations must be completed by a Florida registered and licensed professional engineer.

The retention volume depends on the lot size and the stormwater management system used. Stormwater treatment can also be provided using other retention systems such as pervious pavement, exfiltration trenches, or shallow stormwater vault systems.

(3) If swale(s) are used, they must meet the following criteria:

a. Runoff from the site must be drained to the swale.

b. The swale length must be greater than its width.

c. The swale side slope must be 4:1 (horizontal to vertical) or shallower.

d. The swale must be placed so that any natural areas to be preserved are not disturbed.

e. The swale must be at least 6-inches deep.

f. Swales should be vegetated. If a swale is not vegetated, a 6-inch layer of soil amendment formulated to reduce nutrient loading must be installed directly below the swale. Specifications and published nutrient reduction test results for the soil amendment media must be provided at the time of testing. Examples of acceptable media are NutriGone™ (distributed by EcoSense International) and Bold and Gold® (distributed by Environmental Conservation Solutions).

Retention systems must discharge off site to prevent flooding, but should not discharge onto adjacent private property. For retention systems, a control structure will allow runoff exceeding the volume of the swale to be discharged to the receiving body. More than one retention system may be on the property provided that each meets these criteria, and the total volume of the retention is at least the calculated volume. Vegetated swales may be incorporated into the set-back area of land required by the City.

Section 78-107. Dedication or maintenance of stormwater management systems.

(a) Dedication. If a stormwater management system approved under this Code will function as an integral part of the City maintained regional system, as determined by the City, the City shall have the option of requiring that the facilities be dedicated to the City. In no event shall any stormwater management system, including lakes, canals, and waterways, be granted, conveyed or dedicated to the City without the consent of the City Council.

(b) Maintenance by an acceptable entity.

(1) All stormwater management systems that are not dedicated to the City shall be operated and maintained by one of the following entities:

a. An active water control district created pursuant to Florida Statutes (F.S.) Chapter (Ch.) 298 or drainage district created by special act, or community development district created pursuant to F.S. Ch. 190, or special assessment district created pursuant to F.S. Ch. 170.

b. A State or Federal agency.

c. An officially franchised, licensed or approved communication, water, sewer, electrical or other public utility.

d. The property owner or developer if:

1. Written proof is submitted in the appropriate form by either letter or resolution, that a governmental entity or such other acceptable entity, as set forth in paragraphs a through c above, will accept the operation and maintenance of the stormwater management and discharge facility at a time certain in the future.

2. A bond or other assurance of continued financial capacity to operate and maintain the system is submitted.

e. For-profit or nonprofit corporations including homeowners' associations, property owners' associations, condominium owners' associations or master associations if:

1. The owner or developer submits documents constituting legal capacity and a binding legal obligation between the entity and the City affirmatively taking responsibility for the operation and maintenance of the stormwater management facility.

2. The association has sufficient powers reflected in its organizational or operational documents to:

i. Operate and maintain the stormwater management system as permitted by the City.
ii. Establish rules and regulations.
iii. Assess members.
iv. Contract for services.
v. Exist perpetually, with the articles of incorporation providing that if the association is dissolved, the stormwater management system will be maintained by an acceptable entity as described above.

(2) If a project is to be constructed in phases, and subsequent phases will use the same stormwater management facilities as the initial phase or phases, the operation/maintenance entity shall have the ability to accept responsibility for the operation and maintenance of the stormwater management systems of future phases of the project. In any event, the backbone stormwater management system shall be constructed for the entire project.

(3) In phased developments that have an integrated stormwater management system but employ independent operation/maintenance entities for different phases, the operation/maintenance entities, either separately or collectively, shall have the responsibility and authority to operate and maintain the stormwater management system for the entire project. That authority shall include cross easements for stormwater management and the authority and ability of each entity to enter and maintain all facilities, should any entity fail to maintain a portion of the stormwater management system within the project.

(4) The applicant shall be an acceptable entity and shall be responsible for the operation and maintenance of the stormwater management system from the time begins until the stormwater management system is dedicated to and accepted by another acceptable entity.

(c) Offsite stormwater conveyance systems. Where a private offsite stormwater management or conveyance system is required to obtain a final development order pursuant to the provisions of this Code, perpetual easements shall be obtained by the developer. The easements required by this Subsection shall provide the City with the right, but not the obligation to maintain the conveyance or stormwater management system located thereon.

Section 78-108 - Prohibition of Illicit Discharge.

(a) No person shall directly or indirectly cause an illicit discharge to enter the stormwater system. Categories of illicit discharges include, but are not limited to, the following:

(1) Petroleum products including, but not limited to, oil, gasoline, and grease.

(2) Solid waste or sanitary sewage.

(3) Chemicals including, but not limited to, fertilizers and pesticides.

(4) Paints, solvents, or degreasers.

(5) Concrete slurry.

(6) Laundry wastes or soaps.

(7) Antifreeze and other automotive products.

(8) Soil.

(9) Leaves, branches, and other yard/landscaping waste.

(10) Construction materials.

(11) Toxic or poisonous solids or liquids.

(12) Solids or suspended solids in such quantities or of such size capable of causing interference or obstruction to the flow in the stormwater system.

Section 78-109. Prohibition of Illicit Connections.

The construction, use, maintenance, or continued existence of illicit connections to the stormwater system is prohibited.

Section 78-110. Reporting of Illicit Discharges and Illicit Connections.

Upon discovery of an illicit discharge or an illicit connection, the person(s) responsible for the illicit discharge or the illicit connection shall report his or her findings immediately to the City.

Section 78-111. Enforcement, Penalties, and Liability for Pollution Abatement.

(a) The provisions of this Ordinance shall be enforced as provided in Chapter 18 of the Code, its amendments, or its successor provisions.

(b) No person shall oppose, obstruct, or resist any enforcement officer, designated City staff, or any person authorized by the enforcement officer or designated City staff in the discharge of his or her duties, as provided in this Ordinance.

(c) Any person responsible for an illicit connection, or an illicit discharge, to the stormwater system, is subject to fine(s) and shall be responsible to pay both the necessary expenses incurred in evaluating, treating, and disposing of pollutant materials and also the reasonable cost of repairs. A lien may be placed against the land on which the violation exists and upon any other real or personal property owned by the violator.

(d) The remedies and penalties provided in this Ordinance are not exclusive, and the City may seek whatever other remedies are authorized by F.S., at law, or in equity against any person who violates the provisions of this Ordinance.

Section 78-112 – Erosion Control Standards.

(a) Clearing except that necessary to establish sediment control devices shall not begin until all sediment control devices have been installed and have been stabilized clearing techniques that retain natural vegetation and drainage patterns shall be implemented to the satisfaction of the City Public Works Department or designee.

(b) Grading erosion control practices sediment control practices and waterway crossings shall be adequate to prevent transportation of sediment from the site and be maintained to project completion to the satisfaction of the City Public Works Department or designee.

(c) The angle for graded slopes and fills shall not be greater than the angle which can be retained by vegetative cover or other adequate erosion control devices or structures generally 4:1 or less. Slopes left exposed will within 10 working days of completion of any phase of grading be planted or otherwise provided with ground cover devices or structures sufficient to prevent erosion.

(d) Groundcover sufficient to restrain erosion must be planted or otherwise provided within 10 working days on portions of cleared land upon which further construction activity is not being undertaken within 30 calendar days of clearing.

(e) Vegetative cover or other erosion control devices or structures used to meet these requirements shall be properly maintained during and after construction.

(f) Temporary seeding or sodding adequate covering or chemical application on exposed soils including stockpiles of topsoil sand or other construction fill shall be used where delays in construction of more than 7 calendar days are anticipated.

(g) The operator of any construction project that disturbs one acre or more or is part of the larger common plan of development or sale which disturbs one acre, or more is required to obtain the proper Stormwater Permit from the Florida Department of Environmental Protection and to comply with all the terms and conditions of the permit in addition to any City requirements. The operator shall maintain a copy of the Permit on-site for review by any authorized official upon request.

(h) Waste generated onsite including but not limited to discarded building materials concrete truck wash out chemicals litter and sanitary waste must be stored secured or otherwise controlled to the maximum extent practicable to prevent adverse impacts to water quality.

SECTION 3: CONFLICT.
All Sections or parts of Sections of the City Code of Ordinances in conflict herewith are intended to be repealed to the extent of such conflict.

SECTION 4: INCLUSION IN THE CODE.
It is the intention of the City Council of the City, and it is hereby ordained that the provisions of this Ordinance shall become and made a part of the City Code of Ordinances, that the Sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions; and the word "Ordinance" may be changed to "Section" or other appropriate word.

SECTION 5: SEVERABILITY.
If any Section, subsection, clause, or provision of this Ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, the remainder shall not be affected by such invalidity.

SECTION 6: EFFECTIVE DATE. This Ordinance shall be effective immediately upon final adoption on second reading.

INTRODUCED for First Reading and set for Final Public Hearing on this **17th** day of **October 2023**.

Dowling R. Watford, Jr., Mayor

ATTEST:

Lane Gamiotea, CMC, City Clerk

PASSED AND ADOPTED after Second and Final Public Hearing this **21st** day of **November 2023**.

As required by City Charter Section C-4.1.C, ordinances shall be adopted by roll call on final reading and recorded, the vote was as follows:

	Yes	No	Abstained	Absent
Council Member Chandler:				
Council Member/Vice Mayor Clark:				
Council Member Jarriel:				
Council Member McAuley:				
Mayor Watford:				

Dowling R. Watford, Jr., Mayor

ATTEST:

Lane Gamiotea, CMC, City Clerk

REVIEWED FOR LEGAL SUFFICIENCY:

John J. Fumero, City Attorney
Nason Yeager Gerson Harris & Fumero, P.A.

CITY OF OKEECHOBEE, FLORIDA
PLANNING BOARD MEETING
SEPTEMBER 21, 2023
SUMMARY OF BOARD ACTION

I. CALL TO ORDER

Chairperson Hoover called the regular meeting of the Planning Board for the City of Okeechobee to order on Thursday, September 21, 2023, at 6:07 P.M. in the City Council Chambers, located at 55 Southeast (SE) Third Avenue, Room 200, Okeechobee, Florida.

II. ATTENDANCE

Roll was taken by Board Secretary Patty Burnette. Chairperson Dawn Hoover, Board Members Phil Baughman, Carl Berlin, Jr., Karyne Brass, and Alternate Board Members Jon Folbrecht and Jim Shaw were present. Vice Chairperson Doug McCoy, and Board Member Mac Jonassaint were absent without consent. Chairperson Hoover moved Alternate Board Members Folbrecht and Shaw to voting position.

III. AGENDA

A. There were no items added, deferred, or withdrawn from the agenda.

B. Motion by Member Folbrecht, seconded by Member Shaw to approve the agenda as presented. **Motion Carried Unanimously**.

C. There were no comment cards submitted for public participation.

IV. MINUTES

A. Motion by Member Baughman, seconded by Member Folbrecht to dispense with the reading and approve the June 15, 2023, Regular Meeting minutes. **Motion Carried Unanimously**.

V. CHAIRPERSON HOOVER OPENED THE PUBLIC HEARING AT 6:09 P.M.

A. Consider Land Development Regulations (LDR) Text Amendment Application No. 23-002-TA, which proposes to amend Chapter 78, Land Development Standards, Article IV, Stormwater Management, to reflect required changes adopted by the State on stormwater management regulations.

1. City Attorney Stephen Conteaguero with Nason, Yeager, Gerson, Harris & Fumero, briefly reviewed the proposed ordinance stating this is to bring the existing City LDR into conformance with the Florida Department of Environmental Protection. This ordinance is to help protect the City's resources from the harmful effects of unmanaged stormwater runoff. It also addresses illicit discharges and post construction run off.
2. No public comments were offered.
3. No Ex-Parte disclosures were offered.
4. Motion by Member Folbrecht, seconded by Member Berlin to recommend approval to the City Council for LDR Text Amendment Application No. 23-002-TA, as presented in [Exhibit 1]. The recommendation will be forwarded to the City Council for consideration at Public Hearings, tentatively scheduled for October 17, 2023, and November 21, 2023. **Motion Carried Unanimously**.

B. Consider LDR Text Amendment Application No. 23-004-TA, which proposes to amend Section 66-1, adding a definition for Medical Marijuana Dispensaries and Zoning Districts Permitted Uses Section's 90-252 for Light Commercial, 90-282 for Heavy Commercial, 90-312 for Central Business District, and 90-342 for Industrial, to prohibit Medical Marijuana Dispensaries in the City.

1. City Attorney Conteaguero briefly reviewed the proposed ordinance stating this proposed language would prohibit Medical Marijuana dispensaries in all zoning districts in the City and any existing ones would be considered non-conforming uses. Should an existing facility be sold, then the use would not be permitted.
2. No public comments were offered.
3. No Ex-Parte disclosures were offered.
4. Motion by Member Berlin, seconded by Member Shaw to recommend approval to the City Council for LDR Text Amendment Application No. 23-004-TA, as presented in [Exhibit 2]. The recommendation will be forwarded to the City Council for consideration at Public Hearings, tentatively scheduled for November 7, 2023, and December 5, 2023. **Motion Carried Unanimously**.

CHAIRPERSON HOOVER CLOSED THE PULIC HEARING AT 6:24 P.M.

City of Okeechobee **General Services Department** **55 S.E. 3rd Avenue, Room 101** **Okeechobee, Florida 39974-2903** **Phone: (863) 763-3372, ext. 218** **Fax: (863) 763-1686**	Date: 7-18-23	Petition No.	23-002-TA
	Fee Paid: N/A	Jurisdiction:	PB+PC
	1st Hearing: 9-21-23	2nd Hearing:	10-17-23 / 11-21-23
	Publication Dates:		
	Notices Mailed: N/A		

APPLICATION FOR TEXT AMENDMENT TO THE LAND DEVELOPMENT REGULATIONS

APPLICANT INFORMATION

1	Name of Applicant: City of Okeechobee
2	Mailing address: 55 SE 3rd Ave
3	E-mail address:
4	Daytime phone(s):
5	Do you own residential property within the City? (___) Yes (___) No If yes, provide address(es)
6	Do you own nonresidential property within the City? (___) Yes (___) No If yes, provide address(es)

REQUEST INFORMATION

7	Request is for: (___) Text change to an existing section of the LDRs (___) Addition of a permitted use (___) Deletion of a permitted use (___) Addition of a special exception use (___) Deletion of a special exception use (___) Addition of an accessory use (___) Deletion of an accessory use
8	Provide a detailed description of text changes to existing section(s) showing deletions in ~~strikeout~~ and additions in <u>underline</u> format. (This description may be provided on separate sheets if necessary.) See attached proposed Amendment Wording.

9	Provide a detailed listing of use(s) to be added or deleted and the zoning district(s) and section(s) to be changed. (This description may be provided on separate sheets if necessary.)
	REQUIRED ATTACHMENTS
10	Non-refundable application fee of $500 **Note: Resolution No. 98-11 Schedule of Land Development Regulation Fees and Charges – When the cost for advertising publishing and mailing notices of public hearings exceeds the established fee, or when a professional consultant is hired to advise the city on the application, the applicant shall pay the actual costs.**

Confirmation of Information Accuracy

I hereby certify that the information in this application is correct. The information included in this application is for use by the City of Okeechobee in processing my request. False or misleading information may be punishable by a fine of up to $500.00 and imprisonment of up to 30 days and may result in the denial of this application.

Signature _____ Printed Name _____ Date _____

For questions relating to this application packet, call General Services Dept. at (863)-763-3372, Ext. 218

LDR Text Amendment Application #23-002-TA Proposed Changes submitted by City Staff:

Section 78-101. ~~Requirements~~ Stormwater management.

~~(a) Required stormwater management systems shall comply with state-approved standards adopted by the South Florida Water Management District.~~

~~(b) Minimum stormwater management requirements are as follows:~~

~~(1) Stormwater treatment and disposal facilities shall be designed for a 25-year storm event of 24-hour duration.~~

~~(2) The first inch of stormwater runoff shall be treated on site.~~

~~(3) Post development runoff rates, volumes and pollutant loads shall not exceed predevelopment conditions.~~

~~(4) Erosion and sediment controls shall be used during construction.~~

~~(5) Minimum road elevation is the crown of the road or 100-year, three-day event, whichever is highest.~~

The City has adopted this stormwater management ordinance to help protect its resources from the harmful effects of unmanaged stormwater runoff.

Stormwater results from a rain event, whereas runoff is the portion of stormwater that does not infiltrate into the ground or evaporate and is not intercepted before reaching a stormwater management system. Stormwater runoff from undeveloped lands usually does not present a management problem since it is relatively clean with lower volumes and peaks due to natural filtration and higher infiltration. When natural land is converted to higher intensity land use, stormwater becomes a problem and should be managed. Soil is often paved over, and impervious surfaces are created. These impervious surfaces prevent stormwater from infiltrating into the ground and recharging local surficial aquifers. This reduces uptake by plants and increases accumulation on the surface. Increased runoff can also create flooding in some areas. Impervious areas also create an environment where pollutants can accumulate, degrading the quality of stormwater runoff and rendering it a pollution source. To combat this, stormwater management practices are implemented in developed areas to help mitigate potential increases in flood risk (water quantity) and pollution (water quality).

Stormwater runoff conveys many types of pollutants from the landscape to natural receiving waters. The quality of stormwater runoff varies with land use. Pollutants in stormwater can consist of excess nutrients, solid waste, litter, lead, petroleum products (from automobiles), chemicals, fertilizers, herbicides applied to lawns, and atmospheric deposition. Higher nutrient loads are typically generated by residential and industrial land uses, whereas commercial, mixed urban, and roadways generate higher concentrations of metal contamination. Heavy metals are of particular concern because several are toxic to many aquatic plant and animal species. Motor vehicles and road surfaces are the main sources of heavy metals in stormwater runoff. Nutrients and pesticides from lawn fertilizers and atmospheric deposition can cause algal blooms and similar environmentally harmful occurrences if untreated runoff is allowed to enter surface waters. During a rainfall event, stormwater runoff flows over these surfaces, picking up pollutants and carrying them to surface waters.

Polluted stormwater not only causes adverse environmental impacts but also economic impacts. An increase in the number of impervious surfaces raises the potential for flooding and property damage. Polluted stormwater can also lead to reduced fisheries production because of the degradation of water quality. For these reasons, stormwater management practices have been implemented throughout Florida and the United States. This Section is designed as a guide to best management practices (BMPs) for stormwater management in the City.

A stormwater management practice shapes and improves the quality and quantity of stormwater runoff being discharged to receiving waters. BMPs for stormwater are those that meet discharge quantity and quality criteria at a minimal cost.

This article will be used to review and approve stormwater management systems permitted by the City and will be modified as appropriate technology and regional stormwater rules dictate.

Section 78-102. ~~Exemptions~~ Local review and approval of stormwater management system.

~~The following developments are exempt from stormwater management requirements:~~

~~(1) Single-family and two-family residential dwellings and accessory structures on a single lot of record.~~

~~(2) Development within a subdivision if the following conditions have been met:~~

~~a. Stormwater management provisions have been approved and remain valid as part of a final plat or development plan.~~

~~b. Project is developed in accordance with the stormwater management provisions submitted with the final plat or development plan.~~

~~(3) Maintenance activities that do not change the quality, rate, volume or location of stormwater flows on the site.~~

~~(4) Emergency action taken to prevent imminent danger to persons or property.~~

A Stormwater Management Plan will be required as part of all building permit applications that increase the impervious area of a site.

Regardless of whether or not stormwater management permits are required by the South Florida Water Management District (SFWMD), and notwithstanding other exemptions cited in Section 78-105, all applications for construction or development are required to submit a Stormwater Pollution Prevention Plan for review and approval by the City. This Plan is to be based on the standards and criteria of the SFWMD.

~~Sections. 78-103—78-200. Reserved.~~

Section 78-103. Specialized definitions.

The following definitions shall apply to Article IV and all Sections thereof and subsections thereto.

Alter or alteration. Work done on a stormwater management system other than that necessary to maintain the system's original design and function.

BMPs. Schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater receiving waters or stormwater conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage, leaks, sludge, water disposal, or drainage from raw materials storage.

Construction Activity. Activities subject to National Pollutant Discharge Elimination System (NPDES) Construction Permits.

Detention. The collection and storage of surface water for subsequent gradual discharge.

Hazardous Materials. Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics, may cause, or significantly contribute to a substantial presence or potential hazard to human, health, safety, property, or the environment, when improperly treated, stored, transported, disposed of, or otherwise managed.

Existing. For purposes of the stormwater management provisions of this Code, the average condition immediately before development or redevelopment commences.

Illicit Connection.

(a) Any drain or conveyance, whether on the surface or subsurface, which allows any illicit discharge to enter the stormwater system including, but not limited to, any connections to the storm drain system from indoor drains and sinks; or

(b) Any drain or conveyance connected from a commercial or industrial land use to the storm drain system which has not been documented in Plans, Maps, or equivalent records and approved by an authorized enforcement agency.

Illicit Discharge. A discharge to the storm water system within the City that is not composed entirely of stormwater as exempted in Section 78-108 of this Ordinance.

Impervious surface. A surface that has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water. It includes, but is not limited to, semi-impervious surfaces such as compacted clay, as well as most conventionally surfaced streets, roofs, sidewalks, parking lots and other similar structures.

Maintenance. That action taken to restore or preserve the original design and function of any stormwater management system.

MS4 or Municipal Separate Storm Sewer System. Publicly owned conveyance or system of conveyance (i.e., ditches curbs catch basins and underground pipes) designed to discharge stormwater to surface waters of the State.

NPDES Stormwater Discharge Permit. A permit issued by Environmental Protection Agency (EPA) or by a State under authority delegated pursuant to 33 U.S. Code, National Pollutant Discharge Elimination System, §1342(b) and its amendments, or its successor statutes, that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

Non-stormwater Discharge. Any discharge to the storm drain system that is not composed entirely of stormwater.

Natural systems. Systems which predominantly consist of or are used by those communities of plants, animals, bacteria and other flora and fauna which occur indigenously on the land, in the soil or in the water.

Pollutant. Anything which causes or contributes to pollution. Pollutants may include but are not limited to paints, varnishes and solvents; oil and other automotive fluids; nonhazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects; ordinances, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal, coliform, and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

Premises. Any building lot parcel of land or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

Rate. Volume per unit of time.

Retention. The collection and storage of runoff without subsequent discharge to surface waters.

Sediment. The mineral or organic particulate material that is in suspension or has settled in surface or ground waters.

Site. Generally, any tract, lot or parcel of land or combination of tracts, lots, or parcels of land that are in one ownership, or in diverse ownership but contiguous, and which are to be developed as a single unit, subdivision, or project.

Stormwater. The flow of water which results from, and that occurs immediately following, rainfall.

Stormwater management system. The system, or combination of systems, designed to treat stormwater, or collect, convey, channel, hold, inhibit, or divert the movement of stormwater on, through and from a site.

Stormwater Pollution Prevention Plan. A document which describes:

(a) the BMP's and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to stormwater, stormwater conveyance systems, and/or receiving waters to the maximum extent practicable, and

(b) the specific measures and sequencing to be used to control sediment and erosion on a site during and after construction.

Stormwater runoff That portion of the stormwater that flows from the land surface of a site either naturally, in manmade ditches, or in a closed conduit system.

Surface water. Water above the surface of the ground whether or not flowing through definite channels, including the following:

(a) Any natural or artificial pond, lake, reservoir, or other area which contains water, and which has a discernible shoreline; or

(b) Any natural or artificial stream, river, creek, channel, ditch, canal, conduit, culvert, drain, waterway, gully, ravine, street, roadway, swale or wash in which water flows in a definite direction and which has a definite flow route; or

(c) Any wetland.

Wetland. Land that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do or would support, a prevalence of vegetation typically adapted for life in saturated soil conditions. The term includes, but is not limited to, swamp hammocks, hardwood swamps, riverine cypress, cypress ponds, bayheads and bogs, wet prairies, and freshwater marshes.

Section 78-104 - Relationship to other stormwater management requirements.

In addition to meeting the requirements of this Code, the design and performance of all stormwater management systems shall comply with applicable State regulations regarding stormwater quality and or rules of the SFWMD as appropriate.

Section 78-105. Exemptions.

The following development activities are exempt from these stormwater management requirements, except that steps to control erosion and sedimentation must be taken for all development.

(a) The construction of a single-family or duplex residential dwelling unit and accessory structures on a single parcel of land.

(b) Any development within a subdivision if each of the following conditions have been met:

(1) Stormwater management provisions for the subdivision were previously approved by the City and remain valid as part of a final plat or development plan; and
(2) The development is conducted in accordance with the stormwater management provisions submitted with the final plat or development plan.

(c) Maintenance activity that does not adversely affect the quality, rate, volume, or location of stormwater flows on the site or of stormwater runoff.

(d) Action taken under emergency conditions to prevent imminent harm or danger to persons, or to protect property from imminent fire, violent storms, hurricanes, or other hazards.

Section 78-106. Stormwater Management Plan Requirements.

(a) A Stormwater Management Plan is required to be submitted as part of the City building permit application pursuant to Section 70-302 of the Code, its amendments, or its successor statutes. The Plan will indicate how a project design will incorporate the required stormwater management and treatment criteria. The elements that may be required as part of a Stormwater Management Plan are listed below.

(b) Site Information:
(1) Detailed location map.
(2) Description of existing vegetative cover including wetlands.
(3) Location and size of preservation or mitigation areas (if applicable).
(4) Site Paving, Grading, and Drainage Plans.
(5) Vegetation Protection Plan.
(6) Soils map and percolation test results.
(7) Wet season water table elevation.
(8) Future wet season water table elevation (30-year).
(9) Description of measures to be used during construction to eliminate adverse off-site impacts, such as increased turbidity or siltation.
(10) Recent aerial photograph including the year that the photograph was taken.
(11) Map of drainage basin boundaries including any off-site areas.
(12) Map of floodplain and elevations.

(c) Stormwater Management Plan:
(1) Location of all existing and proposed on-site waterbodies including wetlands.
(2) Location of all off-site wetlands, water courses, and waterbodies affected by on-site drainage patterns.
(3) Location and detail of all major control structures and elevations. Preliminary construction plans may be submitted for conceptual approval.
(4) Right-of-way and easement locations for stormwater management systems including all areas reserved for stormwater management purposes.
(5) Location and size of on-site stormwater management facilities.
(6) Square footages, acreages, and percentage of property proposed as:
a. Impervious surface (excluding waterbodies).
b. Impervious surface (waterbodies).
c. Pervious surface.
d. Total square footage or acreage of the project site.
(7) Proposed Grading, Paving and Drainage Plan.

(8) Treatment volumes and discharge rates (if applicable) for stormwater runoff.

(d) Legal and Institutional Information:
(1) Entity responsible for operation and maintenance of surface water management system.
(2) If the operation and maintenance entity is to be a public body, a letter from the public body confirming this must be submitted before staff approval. If the entity is a homeowners association, documents verifying the existence of such organization and its ability to accept operation and maintenance responsibility must be submitted before staff approval.

(e) Below is a checklist of the elements that City staff will use to determine which of the elements a specific Plan should or should not require for each site. Some of these elements are required for other parts of a City building permit, but also need to be considered as part of the Stormwater Management Plan. In these instances, specific criteria are the same as those already required by the City and are not discussed further in this Article.

Stormwater Management Plan Checklist
(1) Site Information.
a. Detailed location map.
b. Description of vegetative cover.
c. Location and size of preservation or mitigation areas.
d. Vegetation Protection Plan.
e. Soils map.
f. Percolation test results.
g. Current wet season high water table.
h. Future wet season water table.
i. Measures to be taken to eliminate off-site adverse impacts, such as turbidity, flooding, etc.
j. Recent aerial photo (with year aerial was taken).
k. Map of drainage basin boundaries including off-site areas.
l. Map of floodplain and elevations.

(2) Master Stormwater Management Plan.
a. Location of all existing and proposed on-site waterbodies (including wetlands).
b. Location of all off-site wetlands and waterbodies to be affected by on-site drainage patterns.

c. Location of all major control structures and elevations (preliminary construction plan may be submitted for conceptual review).
d. Right-of-way and easement locations for stormwater management systems, including all areas reserved for stormwater management purposes.
e. Location and size of on-site water management facilities.
f. Square footages, acreages, and percentage of property proposed as:
1. Impervious surface (excluding waterbodies).
2. Impervious surface (waterbodies).
3. Pervious surface.
4. Total square footage or acreage of project site.

g. Proposed Grading Plan.
h. Treatment volume and discharge rate (if applicable) for stormwater management system.

(3) Legal and Institutional Information.

a. Entity responsible for operation and maintenance of stormwater management facility.*

*If the operation and maintenance entity is to be a public body, a letter from the public body confirming this must be submitted before staff approval. If the entity is a homeowners' or property owners' association, documents verifying the existence of such organization and its ability to accept operation and maintenance responsibility must be submitted for review and approval.

(f) Hydraulic Design Criteria.

Stormwater management facilities for development shall be designed in accordance with the following:

(1) All projects shall control the volume of discharge from developed areas at predevelopment volume of discharge for the design level of service storm event adopted in the Code.

(2) All project sites shall control the timing of discharges to preclude any off-site impact for any storm event.

(3) Peak discharge rate shall not exceed predevelopment discharge rate for the design level-of-service storm event adopted in the Code.

(g) Water Quality Design Criteria.

Stormwater designs must demonstrate a net improvement in nutrient loads or a 95 percent reduction in pollutant loads for the design level of service storm event adopted in the Code. This can be demonstrated through methods that are accepted by the SFWMD.

(h) Methods of Stormwater Treatment.

Stormwater treatment facilities shall be designed to treat stormwater runoff to a level that meets the design criteria defined herein. The volume to be treated depends on the type of stormwater management facility(ies) used and the land use of the property. The two most used methods of stormwater treatment are wet detention and dry retention. A detention facility collects and temporarily stores a treatment volume to provide for treatment through physical, chemical, or biological processes with subsequent gradual release of the stormwater to a surface water system. A retention facility is designed to prevent the discharge of a given volume; however, it is slowly released from the facility through infiltration and evapotranspiration. A retention or detention facility built above the groundwater table is "dry." A facility with the bottom below the control elevation is "wet." The wet season water table plays an important part in the functioning of retention systems. To ensure that stormwater facilities continue to function in the future, a stormwater design will need to include a determination of the wet season water table and an estimate of the future wet season water table.

A stormwater management system frequently incorporates several treatment methods. The criteria for each individual type of treatment are detailed to ensure that the proper volume of runoff is treated in an appropriate manner for the land use.

(i) Wet Detention.

(1) Wet detention is the collection and temporary storage of stormwater runoff, before controlled discharge into receiving waters, in a permanently wet impoundment to provide treatment through physical, chemical, and biological processes with subsequent gradual controlled release of the stormwater. A wet detention facility is a basin or pond with a bottom elevation below the wet season water table or control elevation.

(2) Method of Achievement.

Constructed ponds on the site are generally used for wet detention. These ponds must meet the following design criteria:

A wet detention facility is usually wet and allows for ½-inch of the required detained volume (1-inch or the total of 2.5-inches times the percent of impervious area, whichever is greater) to be discharged through a control structure in no less than 24-hours. Catch basins, pipes, swales, or channels are used in areas with large amounts of impervious surface to collect runoff and convey it to the detention facility. The required design criteria of a wet detention facility are detailed below:

a. The pond must be at least 0.5 acre and at least 100-feet wide for lakes exceeding 200-feet in length.
b. Irregularly shaped lakes may be narrower than 100-feet in some portions but should average 100-feet in width.
c. Projects with single-owner entities or entities with a full-time maintenance staff with obvious interests in maintaining the areas for water quality purposes may have the area and width criteria waived.
d. The lake slopes should be at least 4:1 (horizontal to vertical) to a depth of 2-feet for safety reasons and to allow a littoral habitat to form.
e. The control structure is at one point in the detention facility. Trash collection screens are required on structures discharging to surface waters.
f. The control structure must be opposite from the runoff entry into the facility to prevent hydraulic short-circuiting and to ensure full treatment.

Wet detention cannot be used as the sole form of stormwater treatment. If wet detention is used, at least 2.5-inches of dry retention pre-treatment must be provided before discharging into a wet detention facility.

Guidance on sizing, designing, and permitting wet detention facilities or exfiltration trenches can be found in the SFWMD Environmental Resource Permit Applicant's Handbook.

(j) Dry Retention.

(1) Dry retention is a stormwater system designed to prevent the discharge of a given volume of stormwater runoff into surface waters by complete onsite storage of that volume. A dry retention facility has a bottom elevation at least 1-foot above the future wet season water table and is usually dry. Stormwater is released only during times of heavy rainfall or flooding.

(2) Method of Achievement.

Examples of dry retention facilities include infiltration systems (e.g., vegetated swales and bioretention systems) and seepage systems (e.g., exfiltration trenches, pervious pavement, and exfiltration vaults). Of these two, infiltration systems provide better pollution attenuation. The vegetation takes up a percentage of the nutrients commonly found in stormwater runoff. Most heavy metals bind with the soils above the water table and the potential for them entering the groundwater is reduced.

Seepage systems consist of an underground facility that relies on a mostly outward dispersion of stormwater from the facility to the groundwater. These structures are constructed a minimum of 1-foot above the future wet season water table. These systems are most suitable for areas where the soil has high transmissivity. However, they do not provide the nutrient uptake that is offered with vegetated infiltration systems.

Infiltration systems and seepage systems need a highly permeable substratum to allow the stormwater runoff to percolate into the ground. Seepage systems do not require as much land area as infiltration systems since they can be installed underground. However, the future wet season water table at the project site must be at least 1-foot below the seepage structure.

(k) Control Structures.

(1) Definition. A control structure is a device through or over which water is discharged from a stormwater management system. Direct discharge occurs when stormwater is released through a control structure to the receiving waterbody. If the discharge from the stormwater management system is by a means other than a control structure (e.g., sheet flow or spreader swale), it is considered indirect discharge.

(2) Purpose. The primary purpose of a control structure in a detention facility is to release the calculated runoff volume slowly over a specified period. In a retention facility, the control structure allows for volumes exceeding the calculated retention volume to leave the system in a manner that provides adequate downstream flood protection.

(3) Types of Control Structures. Direct discharge from a water management facility to the receiving body is usually achieved through control structures such as weirs and orifices. The following criteria must be met for all methods of direct discharge:

a. Trash collecting gratings must be on the intake of all structures that discharge to surface waters.

b. Detention facilities discharge must be above the permanent pool.

c. If a non single-family residential property is greater than 50 percent impervious or contains a system with inlets in paved areas, discharge structures must include a baffle, skimmer, or other suitable mechanism for preventing oil and grease from being discharged.

d. Direct discharge will only be allowed to those areas that due to their large capacity or configuration are able to absorb concentrated discharges without erosion.

When using indirect discharge to release stormwater, a spreader swale is commonly used. The swale is positioned parallel to the receiving body, and the side adjacent to the receiving body is lower than the side opposite the receiving body. Figure 2 illustrates this form of discharge. The swale allows the water to flow into the receiving body but not flood the adjoining property. This method works well when trying to maintain a proper water level in wetlands that are used for stormwater management. The spreader swale is also a treatment facility for stormwater runoff. Runoff exceeding the first flush is allowed to enter the wetland system via sheet flow.

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(l) Criteria for Single-Family/Duplex Lots.

(1) Lots Within Subdivisions With Approved Stormwater Management Plans. In all subdivisions that have an approved Stormwater Management Plan, all new development must comply with the approved Plan. A lot Grading Plan, complete with topographic information that complies with this Section, must be submitted for review before the issuance of the building permit. If the approved Stormwater Management Plan does not contain sufficient lot grading information to verify that the lot being permitted will drain in accordance with the Plan, the requirements of Section 2 herein shall apply.

(2) Lots Within Subdivisions Without Approved Stormwater Management Plans. Single-family and duplex homes that are not part of a stormwater drainage system shall provide a Stormwater Management Plan following the guidelines established herein. The design criteria generally use vegetated swales. However, other retention practices may be used. The retention volume specified in these design criteria will provide adequate stormwater treatment on a single-family/duplex lot to meet the City stormwater treatment requirements. However, calculations demonstrating a net improvement or 95 percent reduction in nutrient loads may be submitted as an alternative to using the retention volume specified in these design criteria. The stormwater calculations must be completed by a Florida registered and licensed professional engineer.

The retention volume depends on the lot size and the stormwater management system used. Stormwater treatment can also be provided using other retention systems such as pervious pavement, exfiltration trenches, or shallow stormwater vault systems.

(3) If swale(s) are used, they must meet the following criteria:
a. Runoff from the site must be drained to the swale.
b. The swale length must be greater than its width.
c. The swale side slope must be 4:1 (horizontal to vertical) or shallower.
d. The swale must be placed so that any natural areas to be preserved are not disturbed.
e. The swale must be at least 6-inches deep.
f. Swales should be vegetated. If a swale is not vegetated, a 6-inch layer of soil amendment formulated to reduce nutrient loading must be installed directly below the swale. Specifications and published nutrient reduction test results for the soil amendment media must be provided at the time of testing. Examples of acceptable media are NutriGone™ (distributed by EcoSense International) and Bold and Gold® (distributed by Environmental Conservation Solutions).

Retention systems must discharge off site to prevent flooding, but should not discharge onto adjacent private property. For retention systems, a control structure will allow runoff exceeding the volume of the swale to be discharged to the receiving body. More than one retention system may be on the property provided that each meets these criteria, and the total volume of the retention is at least the calculated volume. Vegetated swales may be incorporated into the set-back area of land required by the City.

Section 78-107. Dedication or maintenance of stormwater management systems.

(a) Dedication. If a stormwater management system approved under this Code will function as an integral part of the City maintained regional system, as determined by the City, the City shall have the option of requiring that the facilities be dedicated to the City. In no event shall any stormwater management system, including lakes, canals, and waterways, be granted, conveyed or dedicated to the City without the consent of the City Council.

(b) Maintenance by an acceptable entity.
(1) All stormwater management systems that are not dedicated to the City shall be operated and maintained by one of the following entities:
a. An active water control district created pursuant to Florida Statutes (F.S.) Chapter (Ch.) 298 or drainage district created by special act, or community development district created pursuant to F.S. Ch. 190, or special assessment district created pursuant to F.S. Ch. 170.
b. A State or Federal agency.
c. An officially franchised, licensed or approved communication, water, sewer, electrical or other public utility.
d. The property owner or developer if:
1. Written proof is submitted in the appropriate form by either letter or resolution, that a governmental entity or such other acceptable entity, as set forth in paragraphs a through c above, will accept the operation and maintenance of the stormwater management and discharge facility at a time certain in the future.
2. A bond or other assurance of continued financial capacity to operate and maintain the system is submitted.
e. For-profit or nonprofit corporations including homeowners' associations, property owners' associations, condominium owners' associations or master associations if:
1. The owner or developer submits documents constituting legal capacity and a binding legal obligation between the entity and the City affirmatively taking responsibility for the operation and maintenance of the stormwater management facility.
2. The association has sufficient powers reflected in its organizational or operational documents to:

i. Operate and maintain the stormwater management system as permitted by the City.
ii. Establish rules and regulations.
iii. Assess members.
iv. Contract for services.
v. Exist perpetually, with the articles of incorporation providing that if the association is dissolved, the stormwater management system will be maintained by an acceptable entity as described above.

(2) If a project is to be constructed in phases, and subsequent phases will use the same stormwater management facilities as the initial phase or phases, the operation/maintenance entity shall have the ability to accept responsibility for the operation and maintenance of the stormwater management systems of future phases of the project. In any event, the backbone stormwater management system shall be constructed for the entire project.

(3) In phased developments that have an integrated stormwater management system but employ independent operation/maintenance entities for different phases, the operation/maintenance entities, either separately or collectively, shall have the responsibility and authority to operate and maintain the stormwater management system for the entire project. That authority shall include cross easements for stormwater management and the authority and ability of each entity to enter and maintain all facilities, should any entity fail to maintain a portion of the stormwater management system within the project.

(4) The applicant shall be an acceptable entity and shall be responsible for the operation and maintenance of the stormwater management system from the time begins until the stormwater management system is dedicated to and accepted by another acceptable entity.

(c) Offsite stormwater conveyance systems. Where a private offsite stormwater management or conveyance system is required to obtain a final development order pursuant to the provisions of this Code, perpetual easements shall be obtained by the developer. The easements required by this Subsection shall provide the City with the right, but not the obligation to maintain the conveyance or stormwater management system located thereon.

Section 78-108 - Prohibition of Illicit Discharge.

(a) No person shall directly or indirectly cause an illicit discharge to enter the stormwater system. Categories of illicit discharges include, but are not limited to, the following:
(1) Petroleum products including, but not limited to, oil, gasoline, and grease.
(2) Solid waste or sanitary sewage.
(3) Chemicals including, but not limited to, fertilizers and pesticides.
(4) Paints, solvents, or degreasers.
(5) Concrete slurry.
(6) Laundry wastes or soaps.
(7) Antifreeze and other automotive products.
(8) Soil.
(9) Leaves, branches, and other yard/landscaping waste.
(10) Construction materials.
(11) Toxic or poisonous solids or liquids.
(12) Solids or suspended solids in such quantities or of such size capable of causing interference or obstruction to the flow in the stormwater system.

Section 78-109. Prohibition of Illicit Connections.

The construction, use, maintenance, or continued existence of illicit connections to the stormwater system is prohibited.

Section 78-110. Reporting of Illicit Discharges and Illicit Connections.
Upon discovery of an illicit discharge or an illicit connection, the person(s) responsible for the illicit discharge or the illicit connection shall report his or her findings immediately to the City.

Section 78-111. Enforcement, Penalties, and Liability for Pollution Abatement.

(a) The provisions of this Ordinance shall be enforced as provided in Chapter 18 of the Code, its amendments, or its successor provisions.

(b) No person shall oppose, obstruct, or resist any enforcement officer, designated City staff, or any person authorized by the enforcement officer or designated City staff in the discharge of his or her duties, as provided in this Ordinance.

(c) Any person responsible for an illicit connection, or an illicit discharge, to the stormwater system, is subject to fine(s) and shall be responsible to pay both the necessary expenses incurred in evaluating, treating, and disposing of pollutant materials and also the reasonable cost of repairs. A lien may be placed against the land on which the violation exists and upon any other real or personal property owned by the violator.

(d) The remedies and penalties provided in this Ordinance are not exclusive, and the City may seek whatever other remedies are authorized by F.S., at law, or in equity against any person who violates the provisions of this Ordinance.

Section 78-112 – Erosion Control Standards.

(a) Clearing except that necessary to establish sediment control devices shall not begin until all sediment control devices have been installed and have been stabilized clearing techniques that retain natural vegetation and drainage patterns shall be implemented to the satisfaction of the City Public Works Department or designee.

(b) Grading erosion control practices sediment control practices and waterway crossings shall be adequate to prevent transportation of sediment from the site and be maintained to project completion to the satisfaction of the City Public Works Department or designee.

(c) The angle for graded slopes and fills shall not be greater than the angle which can be retained by vegetative cover or other adequate erosion control devices or structures generally 4:1 or less. Slopes left exposed will within 10 working days of completion of any phase of grading be planted or otherwise provided with ground cover devices or structures sufficient to prevent erosion.

(d) Groundcover sufficient to restrain erosion must be planted or otherwise provided within 10 working days on portions of cleared land upon which further construction activity is not being undertaken within 30 calendar days of clearing.

(e) Vegetative cover or other erosion control devices or structures used to meet these requirements shall be properly maintained during and after construction.

(f) Temporary seeding or sodding adequate covering or chemical application on exposed soils including stockpiles of topsoil sand or other construction fill shall be used where delays in construction of more than 7 calendar days are anticipated.

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(g) The operator of any construction project that disturbs one acre or more or is part of the larger common plan of development or sale which disturbs one acre, or more is required to obtain the proper Stormwater Permit from the Florida Department of Environmental Protection and to comply with all the terms and conditions of the permit in addition to any City requirements. The operator shall maintain a copy of the Permit on-site for review by any authorized official upon request.

(h) Waste generated onsite including but not limited to discarded building materials concrete truck wash out chemicals litter and sanitary waste must be stored secured or otherwise controlled to the maximum extent practicable to prevent adverse impacts to water quality.