

ARTICLE VII - STORMWATER MANAGEMENT AND CONSERVATION

SECTION 7.1 INTENT

A. The intent of this Article is:

1. to protect the chemical, physical and biological quality of the ground and surface waters;
2. to encourage the protection of natural systems and the use of them in ways which do not impair their beneficial functioning;
3. to discourage use of drainage systems which rely on electrical energy or petroleum fuels to move water, remove pollutants, or maintain the system;
4. to perpetuate ground water recharge;
5. to prevent and reduce saltwater intrusion into the ground water system;
6. to reduce erosion loss of valuable top soils and subsequent sedimentation of surface water bodies;
7. to protect the habitat of fish and wildlife;
8. to minimize the production of disease vectoring mosquitoes;
9. to prevent significant loss of life and property due to flooding;
10. to reduce the capital expenditures associated with flood-proofing and the installation and maintenance of stormwater drainage systems;
11. to minimize the adverse impact of development on the water resources of the community.

B. The Town acknowledges that under certain circumstances it will not be possible or practical to meet all of the objectives of this Article. In these cases, developments will be evaluated to determine the methods and approaches by which the developer proposes to mitigate any adverse effects which may otherwise result from the practical inability to meet all of the overall objectives of this chapter.

C. The requirements of this Article are intended to compliment permitting requirements of the St. Johns River Water Management District (SJRWMD). If any conflict does arise between these regulations and the permit conditions for the SJRWMD, the more restrictive requirements shall apply.

SECTION 7.2 APPLICABILITY

A. No person may develop or make any change in the use of land or construct a structure or change the size of a structure, except as exempted in Section 7.3 of these Regulations, without first demonstrating to the Town's satisfaction that such actions will comply with the stormwater management and conservation standards contained herein.

B. No development order, development permit or other form of construction or development approval shall be granted without the prior approval by the Town of plans exhibiting the methods by which these standards shall be met.

C. For the purposes of this Article, the following development may potentially alter or disrupt existing storm water run-off patterns, and as such, will, unless exempt pursuant to Section 7.3, require a review for compliance with the standards set forth herein prior to the issuance of any development order or development permit.

1. clearing and/or draining of land as an adjunct to construction;
2. clearing and/or draining of non-agricultural land for agricultural purposes;

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3. converting agricultural lands to non-agricultural uses;
4. subdividing land;
5. replatting recorded subdivisions and the development of recorded and unrecorded subdivisions;
6. changing the use of land and/or the construction of a structure or a change in the size of one or more structures;
7. altering the shoreline or bank of any surface water body;
8. filling of depressional areas; and
9. the lowering of the water table.

7.3 EXEMPTIONS

A. The following activities shall be exempt from these standards:

1. bona fide agricultural pursuits, including forestry, except where an artificial drainage system will be used to increase the flow of surface water from the applicant's land;
2. maintenance work performed on existing mosquito control drainage canals for the purpose of public health, safety and welfare;
3. maintenance work on utility or transportation systems, provided such maintenance work does not alter the purpose and intent of the drainage system as constructed;
4. any maintenance, alteration, renewal, use or improvement to an existing structure not changing or affecting rate or volume of storm water run-off; and the one-time construction of any structure or addition not otherwise exempt not exceeding 5,000 sq. ft. of impervious area on or parallel to the ground; and
5. publicly owned landfills permitted under state regulations.

B. Emergency Exemptions.

1. These regulations shall not be construed to prevent the doing of any act necessary to prevent material harm to or destruction of real or personal property as a result of a present emergency, including but not limited to fire, infestation by pests, or hazards resulting from violent storms or hurricanes or when the property is in imminent peril and the necessity of obtaining a permit is impractical and would cause undue hardship in the protection of the property.
2. A report of any such emergency action shall be made to the Development Regulations Administrator by the owner or person in control of the property upon which emergency action was taken as soon as practicable, but not more than ten (10) days following such action. Remedial action may be required by the Town Engineer and Council, in the event of a dispute.

SECTION 7.4 APPLICATION AND REVIEW

Section 7.4.1 Application Required

Application for the Storm Water Management Permit shall be made on forms provided by the Development Regulations Administrator under one of the following provisions.

A. Application with the Development Plan

If the application is subject to the development plan review requirements of Article III of these Regulations, then the application for development plan approval shall constitute the Storm Water

Management Permit application and shall include the following additional information:

1. A detailed site plan drawn at a scale no greater than one (1) inch equals fifty (50) feet (1" = 50') or such other scale as may be approved by the Development Regulations Administrator, a general location map for the proposed project, construction plans, specifications, computations and hydrographs necessary to indicate compliance with the requirements of this section, prepared by a professional engineer registered in the state;
2. Topographic maps of the site before and after the proposed alteration; and
3. General vegetation maps of the site before and after the proposed alteration.

Compliance with the provisions of this paragraph shall be performed concurrently with the review and approval of the development plan requirements.

B. Application When a Development Plan is not Required

When the applicant is not required to submit a development plan for review in accordance with Article III, he shall submit to the Development Regulations Administrator the following information:

1. A general location map;
2. A narrative statement and a drawing at a scale no greater than one (1) inch equals fifty (50) feet (1" = 50'), or such other scale as may be approved by the Development Regulations Administrator, illustrating the intent and scope of the proposed project.

The application shall be reviewed by the Development Regulations Administrator who shall obtain assistance, as necessary, from the Town Engineer. Within ten (10) working days after submission of the complete application, the Development Regulations Administrator shall notify the applicant that either the project has been approved, is exempt, or has been denied.

Section 7.4.2 Classification of Developments as Standard and Lesser Developments

For purposes of this Article, developments requiring review shall be either a "Lesser Development" or a "Standard Development", defined as follows:

A. A Lesser Development is a proposed development which consists of more than 5,000 sq. ft. of impervious area and which is contemplated for division into parcel(s) of record less than one (1) acre in total size.

B. A Standard Development is a proposed development for parcel(s) of record, under single ownership, which is one (1) acre in size or larger.

Section 7.4.3 Performance Standards

A. Performance standards to be followed in the design of Lesser or Standard Development projects are as follows:

1. Stormwater run-off shall be subjected to best management practice prior to discharge into natural or artificial drainage systems. "Best management practice" shall mean a practice or combination of practices determined by the Town Engineer to be the most effective, practical means of preventing or reducing the amount of pollution generated by the project to a level compatible with Florida water quality standards found in Chapter 17-3, Florida Administrative Code.
2.
 - a. No site alteration shall cause siltation of wetlands, pollution of downstream wetlands or reduce the natural retention or filtering capabilities of wetlands.
 - b. No site alteration shall allow water to become a health hazard or contribute to the breeding of mosquitoes.

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- c. All site alteration activities shall provide for such water retention and settling structures and flow attenuation devices as may be necessary to ensure that the foregoing standards and requirements are met.
 3. Design of water retention or detention structures and flow attenuation devices shall be subject to the approval of the Town Engineer pursuant to the standards contained in this section. Detention structures should be designed to gradually release run-off to the downstream drainage system so as not to exceed the capacity of the existing downstream system.
 4. A positive drainage system shall be provided which will not adversely impact downstream owners or adjacent lands.
 5. Where possible, natural vegetation shall be used as a component of drainage design. The water table should not be manipulated so as to endanger natural vegetation beneficial to water quality unless natural vegetation can be replanted and survive with a lowered water table condition.
 6. Run-off from higher adjacent lands shall be considered and provision for conveyance of such run-off shall be included in the drainage plan.
 7. Run-off shall be treated to remove oil and floatable solids before discharge from the site in a manner approved by the Town Council.
 8. Erosion by wind or water shall be prevented throughout the construction process.
 9. For the purpose of this Article, it is presumed that the lowering of the water table for the purpose of constructing detention/retention basins and for the purpose of permanently protecting road construction does not conflict with the purpose and intent of this Article if all the following are met:
 - a. The development site is not in an area known a primary recharge area as designated by the St. Johns River Water Management District, the County, or the Town.
 - b. The proposed lowering of the water table shall be no more than fifteen (15) percent of the site to a depth of five (5) feet below the surface of the existing undisturbed ground, or an equivalent volume, provided that there be a maximum depth of five (5) feet, said area to be measured at the overflow elevation of the retention area(s).
 - c. If ditches, underdrains or similar devices are used to lower the water table, the lateral volumetric effect will be calculated, and the volume will be deducted form that allowed for retention areas.
 - d. The high water table may be lowered up to two (2) feet below the undisturbed ground in the vicinity of roads for the purpose of protecting the sub-base and base of the roadway and/or for the purpose of preventing mosquito breeding in the roadside swales.
 - e. The lowering of the water table has no adverse affect on wetlands as defined in these Regulations.
 - f. The lowering of the water table does not increase flows to the detriment of neighboring lands.
- B. For applications for a Lesser Development, the following additional performance standards shall be followed in the design of the project:
1. The volume of retention to be provided shall be equivalent to one-half (1/2) inch of depth over the entire project area. For certain soil conditions or ground water table conditions

which do not permit the percolation of this volume within the five (5) days following a storm event, the Town Council may approve detention with the filtration system in lieu of retention.

C. For applications for a Standard Development, the following additional performance standards shall be followed in the design of the project:

1. The discharge hydrograph produced for the developed or redeveloped site shall not exceed, in terms of peak flow and total volume, the hydrograph produced by conditions existing before development or redevelopment for a twenty-four (24) hour, twenty-five (25) year frequency storm, unless the intent of this recharge provision will be met through detention of the difference between said volumes, in which case said volume difference may be released over not less than a twenty-four (24) hour nor greater than a seventy-two (72) hour period of time. However, the design standards for wet retention areas, when approved by the Town Council shall prevail. This requirement may be waived by the Town Council for sites consisting of permanently and naturally impaired recharge potentials. However, the run-off from the first one inch of rainfall for each storm falling on all areas of the project shall be retained on site except in cases where the Town Council concurs that soil and/or groundwater table conditions are not conducive to such practice, in which case said first inch shall be detained and released over a period of twenty-four (24) to seventy-two (72) hours, in a manner acceptable to the Town Council. However, in the case of wet detention, standards approved by the Town Council shall prevail. In addition, the cumulative impact of the outflow hydrograph on downstream flow shall be considered. Run-off rates and volumes resulting from the project, in excess of existing amounts, shall be accommodated on-site. Off-site retention may be permitted if the recharge provisions of this Article are met, as determined by the Town Council.
2. Run-off computations shall be based on the most critical situation (rainfall duration, distribution and antecedent soil moisture condition) and conform to acceptable engineering practices using rainfall data and other local information applicable to the affected area.

SECTION 7.5 MAINTENANCE

The installed system(s) required by this Article shall be maintained by the owner except that the Town Council may accept certain improvements for maintenance. The system(s) to be maintained by the owner shall have adequate easements to permit the Town to inspect and, if necessary, to take corrective action should the owner fail to maintain the system(s). Should the owner fail to properly maintain the system(s), the Town shall give the owner written notice of the nature of the corrective action necessary. Should the owner fail, within thirty (30) days from the date of the notice to take, or commence taking, the necessary corrective action, the Town may enter upon the property, take corrective action and place a lien on the property of the owner for the costs thereof.

SECTION 7.6 PLAN ADHERENCE

The applicant shall be required to adhere strictly to the plan as permitted. Any changes or amendments to the plan must be approved by the Town Council, in writing, in accordance with Section 7.4. After completion of the project, the Town Council may require as-built plans from the owner/applicant if the completed project appears to deviate from the approved plan. The Development Regulations Administrator shall be granted inspection rights and right-of-entry privileges in order to ensure compliance with the requirements of this Article.

SECTION 7.7 ENFORCEMENT

A. If the Development Regulations Administrator determines that the project is not being carried out in accordance with the approved plan or if any project subject to this Article is being carried out without a

permit, he is authorized to:

1. Issue written notice to the applicant specifying the nature and location of the alleged noncompliance with a description of the remedial actions necessary to bring the project into compliance within a reasonable specified time; or
2. Issue a stop-work order directing the applicant or person in possession to cease and desist all or any portion of the work which violates the provisions of this Article, if the remedial work is not completed within the specified time. The applicant shall then bring the project into compliance or be subject to immediate revocation of his permit and applicable penalties.

B. Any order issued pursuant to subsection A.1. or A.2. shall become final unless the person named therein requests, in writing, a hearing before the Town Council no later than fifteen (15) days after the date such order is served. Failure to act in accordance with the order after receipt of written notice shall be grounds for revocation of the permit.

SECTION 7.8 VARIANCE PROCEDURE

Upon request in writing by any person required to obtain a permit under this Article and where it may be shown that an increase in the rate or volume of surface run-off shall not be harmful to the water resources of the Town, the Town Council, after recommendation by the Town Engineer, may grant or deny a variance from the terms of this Article.