

PARTICIPATION/DISCUSSION TOPIC FORM

DATE OF MEETING: August 18, 2009

EXPLANATION OF AGENDA ITEM: Final Reading, Title Only, Ordinance 2009-18 Chapter 128 Stormwater Management.

PRESENTING PARTY: LDR Committee Members

BACKGROUND/EXPLANATION: Attached is Ordinance 2009-18 which proposes to amend the City Code of Ordinances, Subpart B: Land Development Regulations, Chapter 127 Site Plans and Drainage Plans to renumber Chapter 127 creating chapter 128 Stormwater Management.

PLANNING AND ZONING BOARD RECOMMENDATION: At the June 9, 2009 meeting of the City of Belleview Planning and Zoning Board, on a **5-0 vote** made a recommendation of **Approval** of Ordinance 2009-18.

ATTACHMENTS:

1. Ordinance 2009-18
2. Staff Report

RECOMMENDED ACTION: Approve Final Reading, Title Only, Ordinance 2009-18 – Chapter 128-Stormwater Management.

THE COMMISSION RESERVES THE RIGHT TO POSTPONE ANY DECISION ON AUDIENCE, OR WALK-IN REQUESTS UNTIL SUFFICIENT TIME HAS BEEN ALLOWED FOR REVIEW OF DOCUMENTATION

City of Belleview

Notice Of Final Public Hearing

A **FINAL PUBLIC HEARING** will be held on proposed Ordinance 2009-18 on **Tuesday, August 18, 2009 at 6:00 p.m.**, or as soon thereafter as the matter can be heard, in the City of Belleview Commission Room, located at 5343 S.E. Abshier Boulevard, Belleview, Florida.

ORDINANCE 2009-18

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF BELLEVIEW, FLORIDA, CONCERNING SUB PART B, LAND DEVELOPMENT REGULATIONS; AMENDING CHAPTER 127 SITE PLANS AND DRAINAGE PLANS: RENUMBERING ARTICLE II DRAINAGE PLANS TO CHAPTER 128 STORMWATER MANAGEMENT; PROVIDING FOR DEFINITIONS PROVIDING FOR SEVERABILITY, PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES, AND PROVIDING FOR AN EFFECTIVE DATE.

At the aforementioned public hearing, all interested parties may appear to be heard with respect to the proposed Ordinance. The public hearing may be continued to one or more future dates. Any interested party shall be advised that the dates, times and places of any continuation of the public hearing shall be announced during the public hearing and that no further notices regarding this matter will be published, unless said continuation exceeds six calendar weeks from the date of the above referenced public hearing.

Copy of the proposed Ordinance is available for public inspection at the Office of the City Clerk, located at Belleview City Hall, 5343 Abshier Boulevard, Belleview, Florida, during regular business hours.

Any person requiring reasonable accommodation to participate in this meeting should contact the Development Services Staff Assistant at (352) 233-2112 at least three days in advance so arrangements can be made.

All persons are advised that if they decide to appeal any decision made at the above referenced public hearing, they will need a record of the proceedings, and that, for such purpose, they may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF BELLEVIEW, FLORIDA, CONCERNING SUB PART B, LAND DEVELOPMENT REGULATIONS; AMENDING CHAPTER 127 SITE PLANS AND DRAINAGE PLANS: RENUMBERING ARTICLE II DRAINAGE PLANS TO CHAPTER 128 STORMWATER MANAGEMENT; PROVIDING FOR DEFINITIONS PROVIDING FOR SEVERABILITY, PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission finds that, in the interest of protecting the public health, safety, and general welfare, it is necessary to ensure, as new development occurs in the City of Belleview that adequate Stormwater Facilities be in place to serve those new residents; and

WHEREAS, the City Commission finds that, preservation of water resources of the City are critical to the public health, safety and welfare of its citizens; and

WHEREAS, the City Commission finds that, the control stormwater runoff so as to prevent erosion, sedimentation and flooding is critical to the protection of the public health, safety and welfare of its citizens and businesses; and

WHEREAS, the City Commission finds that, it is important to economic vitality and environmental sustainability of the City of Belleview to encourage recharge of the aquifer upon which the public depends for potable fresh water; and

WHEREAS, the City Commission has determined that Ordinance 2009-18 is necessary to mitigate the potential negative impacts that may result from stormwater runoff; and,

WHEREAS, the City Commission has found and determined that this ordinance is consistent with the City Comprehensive Plan and other sections of the City Code of Ordinances.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF BELLEVIEW, FLORIDA, IN REGULAR SESSIONS AS FOLLOWS:

Section 1. That Chapter 127 Site Plans and Drainage Plans of the Code of Ordinances, City of Belleview, Florida is hereby amended to read as follows:

“Chapter 127

SITE PLANS

ARTICLE I. SITE PLANS

DIVISION 1. GENERALLY

Sec. 127-1. Title.

This article shall be known and may be cited as the "City of Belleview's Site Plan ~~and~~ Drainage Ordinance."
(Ord. No. 2004-17, 8-3-2004)

Sec. 127-2. Coverage.

(a) The provisions of this article shall apply within the entire area of the present and future incorporated areas of the city.

(b) The regulations set out in this article shall apply from the enactment date of this article to all proposed industrial construction, commercial construction and construction of all multifamily residential projects erected on a single parcel, anywhere in the incorporated areas of the city.

(c) The regulations set out in this article shall also apply from the enactment date of this article to all proposed additions, alterations or improvements to existing buildings or improvements located upon all multifamily residential projects, all industrial and all commercial parcels.

(Ord. No. 2004-17, 8-3-2004)

Sec. 127-3. Exemptions.

No site plan or drainage plan for development shall be required for any of the following:

(1) A single-family residence on the site provided that there are no other structures on the site with the exception of accessory buildings, recreation facilities, and/or driveways serving the residence.

(2) A building permit for the development of exterior alterations to a single-family residence.

(3) Any building permit for the development of interior alterations to an existing structure, provided that there is no change of use of that the intensity of use does not increase.

(4) A building permit for the development of exterior alterations to an existing structure other than a single-family residence which does not increase the existing roof area.
(Ord. No. 2004-17, 8-3-2004)

Sec. 127-4. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Accessory building means a structure which is used as an accessory structure to the main structure. Such accessory structure may be attached to or unattached to the main structure, i.e., garage, shed, etc.

Alteration means any change in size, shape, character, occupancy or use of the

building or structure.

Coverage means the impervious area of a parcel or tract.

Coverage limits means the maximum coverage of a parcel or tract allowed before a drainage plan is required.

Development means the erection of a structure and/or the construction of site improvements as defined in this section.

Drainage plan means a plan drawn to scale which shows the existing elevation contours, finish grades and/or finished elevation contours and storm-water collection and disposal facilities. The plan must be prepared by a licensed engineer in the state of Florida. A drainage plan is required for all new constructions, additions or changes which result in the property exceeding the coverage limits.

Site means any parcel or tract of land upon which the erection of the proposed structure and/or the proposed site improvements will take place.

Site improvements means the development of pavement, earthwork, curb, curb and gutter, walkways, drainage facilities and other improvements which could reasonably be expected to alter the surface stormwater runoff conditions of any site.

Site plan, basic means a site plan drawn to scale which accurately depicts a development plan and illustrates the existing conditions on the subject parcel of land, together with details of the proposed development in accordance with section 22-333. A basic site plan will be required for a change of use or internal/external alterations which do not change the existing coverage.

Site plan, full means a site plan drawn to scale and certified by a licensed architect or engineer licensed in the State of Florida which accurately depicts a development plan and illustrates the existing conditions on the subject parcel of land, together with details of the proposed development in accordance with section 22-333. A full site plan is required for all new construction. A full site plan is also required for external alterations or additions which increase the existing coverage.

Structure means anything constructed or erected which requires location on the ground or attached to something having a location on the ground.
(Ord. No. 2004-17, 8-3-2004)

Sec. 127-5. Site/drainage plan committee review.

(a) Basic site plans, full site plans, and drainage plans submitted pursuant to chapter 127 of this Code and this article shall be reviewed by a review committee. The review committee may be comprised of a city commissioner, the director of public works, a zoning staff member and any other person requested to sit in and give input.

(b) Basic site plans, full site plans and drainage plans submitted pursuant to this section shall be reviewed and a written response submitted to the applicant. The applicant

will be notified as to approval, approval with comments or denial. If denied, all the reasons for denial shall be set forth in the written confirmation.

(c) Rejected site plans and drainage plans may be resubmitted, together with a re-submittal fee as established by resolution of the city commission.

(d) The city will maintain on file a copy of all approved site plans and drainage plans in accordance with public records laws.
(Ord. No. 2004-17, 8-3-2004)

Sec. 127-6. Evaluating consultant.

The applicant and site plan committee may conduct a pre-submittal conference to determine whether a consultant's services will be required by the city to evaluate the site plan or drainage plan.
(Ord. No. 2004-17, 8-3-2004)

Sec. 127-7. Compliance; inspection; approval; revision; fee.

(a) No site improvements shall be developed without the submission and approval of the required site and/or drainage plan.

(b) The review and/or development of any improvements made pursuant to an approved site plan or drainage plan shall be inspected by the city, or such other agency as it may from time-to-time contract with for providing of this service.

(c) The development of any improvements made pursuant to an approved site plan or drainage plan shall be inspected by the city prior to issuance of a certificate of occupancy.

(d) Copies of permits required from other agencies must be submitted to the city prior to the final site inspection and issuance of a certificate of occupancy.

(e) No site improvements other than those indicated on the approved site plan shall be permitted, unless a revised site plan is submitted and approved.

(f) The applicant must submit the site plan together with a submittal fee as set forth in the site plan fee schedule as established by resolution of the city commission. The fees may be amended at any time by resolution of the city commission.
(Ord. No. 2004-17, 8-3-2004)

Sec. 127-8. Penalty for violation of article.

Any person or any agent of such person who violates any of the provisions of this article shall be punished as provided in section 1-14. In addition to the penalties provided in section 1-14 of this Code, the city commission is authorized to institute any appropriate action or proceeding, including suit for injunctive relief, in order to prevent or abate violators of this article.
(Ord. No. 2004-17, 8-3-2004)

Sec. 127-9. Temporary certificate of occupancy permits.

(a) *[Issuance.]* Temporary certificate of occupancy permits and the per day extensions may be administratively granted by the site plan committee for up to a maximum

period of not to exceed 90 days. Any extensions after the 90-day period must be approved by the Belleview City Commission prior to the expiration of the time frame. ²⁷

(b) *Payment of fees.* All fees, including fees set out in Appendix B, Table 2.B, must be paid in full before issuance of the final certificate of occupancy.
(Ord. No. 07-14, § 1, 6-19-2007)

Secs. 127-10--127-30. Reserved.

DIVISION 2. REQUIREMENTS FOR SITE PLANS

Sec. 127-31. Basic site plans.

(a) Shall be submitted in triplicate on a 24-inch by 36-inch sheet, with a -inch margin on all sides except for the left binding, where a two-inch margin shall be provided.

(b) Shall designate a title by which the project or development can be identified and referred to for record purposes with the name, address and telephone number of the applicant, including, date and revision date/number all shown on the bottom or right hand side.

(c) Shall show a location map with reference to existing and/or proposed streets and roads.

(d) Shall show a North arrow, graphic scale and stated scale not to exceed one inch to 100 feet, symbol legend and necessary notes, including abbreviations, if used.

(e) Shall show the current/proposed coverage in mathematical percentages.

(f) Shall show the current zoning designation.

(g) Shall show dimensions of the boundaries and a legal description of the site.

(h) Shall show location/dimensions of all access to the property.

(i) Shall show the location on the site and dimensions of all existing structures and site improvements.

(j) Shall provide the location on the site and dimensions of proposed structures and site improvements.

(k) Shall show front, back and side setback lines of all existing/proposed structures.

(l) Shall show identification of the use or proposed use of every existing and proposed structures.

(m) Shall show the location/dimensions of dumpster pads.

(n) Shall show the location/dimensions of existing/proposed business signs.

(o) Shall provide calculations showing number of required parking spaces including handicapped parking spaces. Location/dimensions of existing/proposed parking, including handicapped parking including the required signage. Handicapped must meet federal and state requirements.

(p) Shall show the location/dimensions of all sidewalks, driveways and impervious areas.

(q) Shall show the location of all stop signs, stop bars, wheel stops and pavement markings.

(r) Shall show the location of all on-site outdoor lighting.

(s) Shall show existing/proposed landscaping/trees.

(t) Shall show existing/proposed fencing.

(u) Shall show the location of all access roadways and easements.

(v) Shall provide the owner's certification with original signatures certifying that he and his successors and assigns shall perpetually maintain the improvements as shown on the plan.

All of the above are minimum requirements. The committee reserves the right to request additional information after their initial review.
(Ord. No. 2004-17, 8-3-2004)

Sec. 127-32. Full site plans.

(a) Shall be submitted in quadruplicate and include all of the elements of the basic site plan listed under section 127-31.

(b) Shall detail the location of any existing and/or proposed water wells, water and sewer lines, water meters, sewer clean-outs, back-flow prevention valves (if other than city installed), and grease traps (if applicable) on a separate sheet.

(c) May be required to separate the proposed landscape plan from the existing tree plan detailing the proposed deletions and/or relocations of trees to separate sheets, if heavily treed property.

(d) Provide a cover sheet with an index for separately numbered sheets for the site plan, the landscaping plan, the existing/proposed tree removal plan, and the utility plan if necessary.

(e) Provide an electronic version of the site plan and all components on a computer disk in a format specified by the director of public works.

(f) Provide the owner's certification as well as the architect/engineer's certification

with embossed seal and original signatures.

All of the above are minimum requirements. The committee reserves the right to request additional information after their initial review.
(Ord. No. 2004-17, 8-3-2004)

Sec. 127-33. Shared use.

The review committee will also review change of use for any previously approved sites with shared use that include, but is not limited to parking, access, signage, and/or drainage. The approval process will take into consideration the impact of the proposed use in relationship to the entire site.
(Ord. No. 2004-17, 8-3-2004)

Sec. 127-34. Owner, architect/engineer certification.

(a) The owner of the site shall certify the following:

I, _____, the owner of the property described on this plan, do hereby certify that I/we, our successors or assigns shall continuously monitor and maintain the improvements as shown on this plan, and shall also defend this plan against any litigation occurring from this plan and against any litigation occurring from damages as a result of this project.

Owner/Date

(b) The architect shall certify the following:

I, _____, do hereby certify that this plan was prepared under my supervision; and I shall make a final inspection of the constructed facility for compliance with this plan and defend this plan against any damage that may occur as a result of the construction as shown hereon.

Florida Registered
Architect
No. _____

(All signatures must be originals; corporations must attach a corporate seal; architects/engineers must give their registration number and seal their work.).
(Ord. No. 2004-17, 8-3-2004)

Secs. 127-35--127-55. Reserved.”

Section 2. That Chapter 127 Site Plans and Drainage Plans, Article II Drainage Plans is renumbered to: chapter 128 Stormwater Management of the City Code of Ordinances, City of Belleview Florida is hereby added to read as follows:

“CHAPTER 128 – STORMWATER MANAGEMENT

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CHAPTER 128 – STORMWATER MANAGEMENT

SECTION 1. PURPOSE AND INTENT:

The purpose of this chapter is to:

1. Preserve the water resources of the City, which are critical to the public health, safety and welfare of its citizens.
2. To control stormwater runoff so as to prevent erosion, sedimentation and flooding.
3. To encourage recharge of the aquifer upon which the public depends for potable fresh water.

The intent of these design standards is to encourage environmentally sound stormwater management practices; they should go beyond simply providing drainage facilities. Emphasis should be placed on the use of upland facilities for stormwater control and groundwater recharge. The City's stormwater management perspective includes the control of both water quantity and water quality.

The requirements hereafter are intended to promote the following objectives while not unduly restricting landowners use of property:

1. To prevent loss of life and significant loss of property due to flooding.
2. To protect, restore, and maintain the chemical, physical and biological quality of ground and surface waters.
3. To encourage productive and enjoyable harmony between humanity and nature.
4. To prevent harm to the community by activities which adversely affect water resources.
5. To encourage the protection of wetlands and other natural systems and the use of those natural systems in ways which do not impair their function.
6. To minimize the transport of sediments and pollutants to surface waters.
7. To protect, restore and maintain the habitat of fish and wildlife.
8. To perpetuate natural groundwater recharge.
9. To encourage the use of drainage systems which minimize the consumption of electrical energy or petroleum fuels to move water, remove pollutants, or maintain the system.
10. To ensure the attainment of these objectives by requiring approval and implementation of stormwater management plans for all activities which may have an adverse affect upon groundwater and surface water.

SECTION 2: DEFINITIONS

All provisions, terms, phrases and expressions contained in these regulations shall be

liberally construed in order that the true intent and meaning of the City Commission may be fully carried out. Terms used in these regulations, unless otherwise specifically provided, shall have the meanings prescribed by the statutes of this State for the same terms.

In the interpretation and application of any provision of these regulations, it shall be held to be the minimum requirement adopted for the promotion of the public health, safety, comfort, convenience, and general welfare of the City of Belleview. Where any provision of these regulations, the City Comprehensive Plan, or any other law or regulation in effect in Belleview, Florida, imposes greater restrictions upon the subject matter than any other provision of these regulations, the City Comprehensive Plan, or any other law or regulation in effect in Belleview, Florida, the provision imposing the greater restriction or regulation shall be deemed to be controlling.

In all circumstances, the provisions of these regulations shall be interpreted and construed to be consistent with the City Comprehensive Plan. Where any provision(s) of these regulations are determined to be in conflict with the Comprehensive Plan, the Comprehensive Plan shall control.

The following terms and definitions are provided for the implementation of the regulations as set forth in this Chapter:

Access - The means or place of ingress and egress, by pedestrian or vehicle, to a lot, parcel, or tract of land.

Accessory building - means a structure which is used as an accessory structure to the main structure. Such accessory structure may be attached to or unattached to the main structure, i.e., garage, shed, etc.

Adjacent – means to share a common property line or boundary, or to be separated by a public right-of-way, easement, or water body.

Alley - A public or approved private way which affords only a secondary means of access to abutting properties and which is not intended for general traffic circulation.

Aquifer -A geologic formation, group of formations, or part of a formation that contains sufficient saturated permeable material to yield useful quantities of groundwater to wells and springs.

Area of environmental sensitivity -An area where environmental quality may be highly susceptible to degradation and where alteration may cause predictable losses of natural resources.

Area of special flood hazard - The area/land in the flood plain within a community subject to a one percent or greater chance of flooding in any given year. These areas are designated on the Federal Emergency Management Association (FEMA) Flood Insurance Rate Map (FIRM).

Base flood elevation - A flood elevation having a one percent chance of being equaled or

exceeded in any given year.

Berm -A mound of earth to provide screening or buffering between uses.

Buffer (also, landscape buffer) - Land or a combination of land and vegetation for the separation of one (1) use from another and the alleviation of adverse effects of one (1) use or area to another.

Concurrency - The public facilities and services necessary to maintain the adopted level of service standards are available concurrent (at the same time) with the impacts of development.

Coverage - means the impervious area of a parcel or tract.

Coverage limits - means the maximum coverage of a parcel or tract allowed as specified by the zoning district.

Curvilinear Stormwater Facility – stormwater facilities designed with a minimum of fifty (50) percent of the basin edge that is non-linear in design. The intent of this definition is to promote natural, non-rectangular, and non-square shaped stormwater retention facilities.

Development - means the erection of a structure and/or the construction of site improvements as defined in this section.

Drainage facilities (also called stormwater management facilities) - Man-made structures designed to collect, convey, hold, divert, or discharge stormwater, and includes stormwater sewers, canals, detention structures, and retention structures.

Drainage plan - means a plan drawn to scale which shows the existing elevation contours, finish grades and/or finished elevation contours and storm-water collection and disposal facilities. The plan must be prepared by a licensed engineer in the state of Florida.

Dry Detention - means a system designed to collect and temporarily store stormwater in a normally dry basin with subsequent gradual release of the stormwater.

Easement - An interest in a specified land area owned by another that entitles its holder to a specific limited use or enjoyment.

Engineer - means a professional person licensed by the state to practice in the state, the county and the city.

Flood insurance rate map (FIRM) - An official map of the City of Belleview, Florida, on which, areas have been delineated for both the special hazard areas and the risk premium zones applicable to the City.

Flood plain - Area inundated during a 100-year flood event or identified by the National Flood Insurance Program on Flood Insurance Rate Maps or Flood Hazard Boundary Maps.

Grade - A reference plane representing the average of finished ground level adjoining the

building at all exterior walls. When the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line or between the building and a point 6 ft. from the building, whichever is closer to the building.

Hydroperiod - means the cyclical changes in the amount or stage of water in an aqueous habitat.

Impervious area - means mainly constructed surfaces--rooftops, sidewalks, roads, parking lots, driveways, patios, etc.--covered by impenetrable materials such as asphalt, concrete, limerock, brick and stone. These materials seal surfaces, repel water and prevent precipitation from infiltrating soils. Some surfaces such as pervious concrete may be considered partially impervious according to the manufacturer specifications and installation (see definition for pervious concrete).

Landowner - Any owner of a legal or equitable interest in real property, and includes the heirs, successors and assigns of such ownership interests, including developer's holding development rights susceptible to claims of vested rights or takings.

Lot - means a parcel or tract of land designated and identified as a single unit of area in a subdivision plat officially recorded or registered in the files of the clerk of the county court.

Lot coverage - means the ratio of the total area of all impervious surfaces (those incapable of being permeated as by moisture) on a lot to the total lot area.

Parcel - Any quantity of land capable of being described with such definiteness that its location and boundaries may be established, which is designated by its owner or developer as land to be used or developed as a unit or which has been used or developed as a unit.

Pervious (also pervious surface or pervious area) - Material that allows the percolation or absorption of water into the ground including, but not limited to grass, mulch, and stone. Pavers (excluding those specifically designed and constructed to be pervious) and limerock are not considered as pervious surface. Some surfaces such as pervious concrete may be considered semi-pervious according to the manufacturer specifications and installation (see definition for pervious concrete).

Pervious concrete – means concrete installed by a National Ready Mix Concrete (NRMCC) certified contractor which allows for some percolation of runoff.

Retaining wall - means a constructed wall or barrier used to support or hold in place, a mass of earth.

Right-of-way (ROW) -Land in which the state, a county, a municipality, or private entity owns the fee simple title or has an easement dedicated or required for transportation or utility use.

Site - means any parcel(s) or tract(s) of land upon which the erection of the proposed structure and/or the proposed site improvements will take place.

Site improvements - means the development of pavement, earthwork, curb, curb and gutter, structures, walkways, drainage facilities and other improvements which could reasonably be expected to alter the surface stormwater runoff conditions of any site.

Site plan, basic - means a site plan drawn to scale which accurately depicts a development plan and illustrates the existing conditions on the subject parcel of land, together with details of the proposed development (see also Chapter 127 Site Plans). A basic site plan will be required for a change of use or internal/external alterations which do not change the existing coverage or as otherwise determined by the site plan review committee.

Site plan, full - means a site plan drawn to scale and certified by a licensed engineer licensed in the State of Florida which accurately depicts a development plan and illustrates the existing conditions on the subject parcel of land, together with details of the proposed development (see also Chapter 127 Site Plans). A full site plan is required for all new construction. A full site plan is also required for external alterations or additions which increase the existing coverage or as otherwise determined by the site plan review committee.

Structure - means anything constructed or erected which requires location on the ground or attached to something having a location on the ground.

Subdivision -the division of land, whether improved or unimproved, into three (3) or more contiguous lots, parcels, tracts, tiers, blocks, sites, units, or any other division of land any of which do not equal or exceed ten (10) acres, for the purpose, whether immediate or future, of transfer of ownership or development; or any division of land if the extension of an existing street or the establishment of a new street is involved to provide access to the land. The term includes re-subdivision, the division of land into three (3) or more horizontal condominium parcels or horizontal cooperative parcels, and the division or development of residential or nonresidential zoned land, whether by deed, metes and bounds description, devise, intestacy, map, plat, horizontal condominium parcels, horizontal cooperative parcels, or other recorded instrument, and, when appropriate to the context, means the process of subdividing or to the lands or areas subdivided.

Swale - means a manmade trench which:

- (a) Has a top width to depth ratio of the cross-section equal to or greater than 6:1, or side slopes equal to or greater than 3 feet horizontal to 1 foot vertical.
- (b) Contains contiguous areas of standing or flowing water only following a rainfall event.
- (c) Is planted with or has stabilized vegetation suitable for soil stabilization, stormwater treatment, and nutrient uptake.
- (d) Is designed to take into account the soil erodibility, soil percolation, slope, slope length, and drainage area so as to prevent erosion and reduce pollutant concentration of any discharge.

Tract - an area of land, public or private, occupied or intended to be occupied, by or for a lawful purpose, including a street, crosswalk, railroad, electric transmission line, oil or gas pipeline, storm drainage-way, water main, sanitary or storm sewer main, canal, landscape buffer, or for similar use. The term "tract," when used for land platting purposes, means an area separate

and distinct from platted lots or parcels and not included within the dimensions or areas of such lots or parcels. Unless otherwise expressly stated, the dedication of a tract on a plat reflects an intention of the dedicator(s) to dedicate such tract as a fee simple interest in land, subject to any easement(s) stated on the plat or otherwise of record.

Wetlands - wetlands as set forth in Section 373.019 Florida Statutes. The terms "wetlands" and "jurisdictional wetlands," as used in this Code, shall be synonymous.

Wet Detention - means the collection and temporary storage of water in a permanently wet impoundment in such a manner as to provide for treatment through physical, chemical, and biological processes with subsequent gradual release of the stormwater.

Zoning district - means a specified area within the city, as adopted by the city commission, to which uniform minimum standards apply as related to the locations, types and intensities of land use.

SECTION 3: PERMITTING REQUIREMENTS

The City Engineer and Public Works Director or designee shall review all stormwater management plans and information and make a recommendation to the site plan committee for final action. The site plan review committee may consider alternative drainage proposals in accordance with accepted professional practices upon written explanation and request from the project engineer.

Projects that the City Engineer or Public Works Director determines will not adversely impact neighboring properties may recommend to the site plan committee that they be exempt from site plan review. All requested exemptions shall be cumulative and shall not to exceed a total of 300 square feet of additional impervious area (this exemption may be increased to a maximum 1,000 square feet cumulative for request to install handicapped parking and/or handicapped accessibility compliance).

1. The requirements of this chapter shall apply to all areas within the City limits of the City of Belleview and shall be satisfied prior to final project approval subject to the City site plan review committee.
2. No person shall conduct a development activity, subdivide, make any change in the use of land, construct any stormwater management system or structure, or change the size of an existing structure or system, unless specifically exempted in this chapter, without first obtaining approval from the City of Belleview as provided herein.
3. Documentation from the St. Johns River Water Management District (SJRWMD) is required for all stormwater management plans; however, approval by SJRWMD will not result in or constitute the automatic approval of the stormwater management plans by the City of Belleview.

The City Commission may impose fees for the services of the City Engineer in addition to site plan review fees; such fees shall be included in the fee schedule of the City Code of Ordinances.

SECTION 4: EXEMPTIONS

The following activities shall be exempt from the requirements of this article:

1. The clearing of land which is to be used solely for agriculture, silviculture, floriculture, or horticulture, provided no disruption of natural surface waters will result. Also exempt is the construction, maintenance, and operation of self-contained agricultural drainage systems, provided there is no off-site diversion of runoff. This exemption will not apply where clearing and drainage may directly or indirectly impact areas defined as conservation areas pursuant to the City of Belleview or Marion County Comprehensive Plans.
2. The construction, alteration, or maintenance of a single-family residence and accessory structures or a group of such residences and accessory structures constructed as part of a family homestead subdivision in accordance with the requirements of § 407.74.5 where clearing and drainage does not adversely impact adjacent properties by diverting runoff.
3. Emergency Exemption - emergency maintenance work performed for the protection of public health and welfare.
4. Installation of sidewalks and paving within rights-of-way where the City Engineer and Public Works Director have determined that such improvements will not adversely impact surrounding properties or the receiving drainage basin and where such improvements are exempted from permitting by the SJRWMD.

SECTION 5: PERFORMANCE CRITERIA

The stormwater management system design shall conform to the following standards:

1. Projects shall be designed so that stormwater discharges meet, at a minimum, the water quality criteria set forth by the St. Johns River Water Management District, Applicant's Handbook, Management and Storage of Surface Waters, in order to achieve the state water quality standards established by the Florida Department of Environmental Protection in Chapter 17-3, Florida Administrative Code, or as amended.
2. Wetlands shall only be used for stormwater treatment as allowed by SJRWMD criteria, providing that one-half (1/2) of the required treatment volume is retained in an offline pollution abatement pond in order to skim the first flush prior to discharge into the wetland. The applicant must provide assurance that this offline retention will not deprive the wetland of water which will alter the hydroperiod.
3. Wet Detention:
 - a) The wet detention pond shall be designed to meet the regulations of the SJRWMD.
 - b) The wet detention pond shall be designed to retain a minimum of one half the regulatory treatment volume between the Seasonal High Water Line (SHWL) and the invert of the bleed down device (orifice or "V" notch Weir). This retained volume is to provide for permanent retention of stormwater prior to discharge through the bleed down device.
 - c) The starting water level used for water quality criteria shall be the invert of the bleed down device. No credit shall be given towards water quality for the retained volume discussed in Item b), listed above.
4. Pervious Concrete:
 - a) Pervious concrete may be allowed for use on non-vehicular travel areas.
 - b) Pervious concrete must be installed in accordance with suggested manufacturer's guidelines and installation shall be certified by a Florida licensed Engineer.

SECTION 6: DESIGN CRITERIA

A. Runoff Volume and Peak Rate

Design Storm (Minimum):

STORMWATER FACILITY	FREQUENCY AND DURATION
Stormwater Retention Areas	100-year 24-hours or 25-year 96-hour storm event
Canals, ditches, swales, stormdrains or culverts	25-year 24-hours storm event

Rainfall frequency, duration, and distribution for stormwater management systems are to be in accordance with the SJRWMD Applicant's Handbook.

B. Water Quality

1. At a minimum, all developments will treat the required pollution abatement volume prior to discharge to receiving waters.
2. The pollution abatement volume and treatment method shall be as required by SJRWMD, 40C-42, except that sites utilizing a Wetlands Stormwater Management System must treat one-half (1/2) of the required volume in an offline detention pond before discharging into the wetland.

C. Peak Rate and Volume Attenuation

1. Post development peak rate shall be less than pre-development peak rate calculated using the 25-year 24-hour storm event.
2. Post development discharge volume shall be less than the pre-development discharge volume calculated using the 100- year 24-hour or 25-year 96-hour storm event. The Drainage Retention Area (DRA) shall recover the design volume within 14 days after the storm event.

D. Development Within Flood Prone Areas (100-Year Flood)

All development within special flood hazard areas as delineated on the official National Flood Insurance Program, Flood Insurance Rate Maps, or the latest and best information available, shall comply with the requirements of SJRWMD and the criteria in Chapter 110 Floods of the Land Development Regulations and applicable Florida Building Code requirements.

E. Retention/Detention Pond Requirements

1. Side slopes shall be designed per SJRWMD regulations.
2. Where retention/detention areas are located on the project periphery, the developer may be required to provide additional landscaping or screening to adequately protect abutting properties, not including right-of-ways.

3. Curvilinear Stormwater facilities and stormwater facilities with slopes that do not require fencing are encouraged.
4. Fencing of stormwater facilities shall be in accordance with the SJWMD or as determined by the City Engineer due to steep side slopes or design which potentially endanger human life, must be designed with a six (6) foot high chain link fence or better (i.e., brick wall) and shall include landscaping consisting of twenty (20) shrubs (climbing vines may be allowed) per one hundred (100) linear feet located on the opposite side of the fence/wall of the stormwater retention area. Species shall be consistent with Chapter 114-32 of the Land Development Code.
5. All stormwater facility side slopes shall be stabilized with sod.
6. Maintenance Access:
 - a. Regular maintenance is crucial to the long term effectiveness of stormwater management systems. The systems must be designed to permit personnel and equipment access and to accommodate regular maintenance activities. For example, high maintenance features such as inlets, outlets, and pumps should be easily accessible to maintenance equipment and personnel. Legal authorization, such as an easement, deed restrictions, or other instrument must be provided establishing a right-of-way or access for maintenance of the stormwater management system unless the operation and maintenance entity wholly owns or retains ownership of the property. Access Maintenance easements must be a minimum of twelve (12) feet in width as determined by the City Engineer.
7. Minimum soil borings and permeability test shall be required based upon the following stormwater retention area sizes:

Stormwater Retention (size basin area)	Number of Soil Borings Required
<5,000 square feet	*1
5,000 square feet -1 acre	*2
>1 acre	*2 per acre

* Additional soil borings may be required by the City Engineer or Public Works Director.

SECTION 7: HYDRAULIC DESIGN CRITERIA

A. Roadway (Pavement) Design

1. General

Good pavement drainage design consists of the proper selection of grades, cross slopes, curb types, inlet locations, etc., to remove the design storm rainfall from the pavement in a cost-effective manner while preserving the safety, traffic capacity, and integrity of the highway and street system. These factors are generally considered to be satisfactory, provided that excessive spreads of the water are removed from the

vehicular traveled way and that siltation at pavement low points is not allowed to occur. The guidelines included herein will accomplish these objectives.

2. Stormwater Spread into Traveled Lanes

The acceptable spread limits for arterial and collector roadways are defined as approximately one-half the traveled lane width. Acceptable spread limits for local roadways are defined as being below the crown of the road.

B. Storm Sewer and Culvert Design

1. Minimum Pipe Size

1. The minimum size of pipe to be used in storm sewer systems is 15 inches.
2. The minimum size of pipes to be used for culvert installations under roadways shall be 18 inches. The minimum size of pipes to be used for driveway crossings shall be 15 inches.

2. Pipe Grade

- a) All storm sewers shall be designed and constructed to produce a minimum velocity of 2.0 feet per second (fps) when flowing full.
- b) A headwall, inlet, manhole, or mitered end section is required at the end of a pipe and erosion protection and/or energy dissipaters shall be required to properly control entrance and outlet velocities, unless the outlet is permanently submerged.

3. Maximum Lengths of Pipe

The following maximum lengths of pipe shall be used when spacing access structures of any type.

PIPE SIZE	MAXIMUM PIPE LENGTH
to 18 inches	300 feet
24 to 36 inches	400 feet
42 inches and larger	500 feet

4. Allowable Materials

Allowable material for storm sewers and structures shall be in accordance with Florida Department of Transportation (FDOT) standards and specifications.

5. Minimum Cover

Minimum cover shall be one (1) foot below the final pavement grade as determined by FDOT standards.

6. Design Tailwater

All storm sewer systems and culverts shall be designed taking into consideration the

tailwater of the receiving facility or waterbody. The tailwater elevation used shall be based on the design storm frequency. ⁴¹

7. Design Procedure

The Hydraulic Gradient line for the storm sewer system shall be computed taking into consideration the design tailwater on the system and the energy losses associated with entrance into and exit from the system, friction through the system, and turbulence in the individual manholes, catch basins, and junctions within the system.

SECTION 8: DEDICATION OF DRAINAGE EASEMENTS AND RIGHTS-OF-WAY

- A. Drainage easements shall be required for all shared use stormwater facilities utilized or designed to accommodate multiple properties or developments. Easements shall be secured by the owner or applicant and indicated on the plat, site plan/improvement plan and on a separate recorded document approved by the City.
- B. When a proposed stormwater management system will carry water across private land outside the development, the off-site drainage easements shall be secured by the owner or applicant and indicated on the plat, site plan/improvement plan and on a separate recorded document approved by the City.
- C. All drainage easements, both on-site and off-site, shall be recorded on a final plat and on a separate recorded document approved by the City and shall also be shown on applicable site plans or improvement plans and shall be free and clear of liens and encumbrances.

SECTION 9: STORMWATER MANAGEMENT INFORMATION AND CALCULATIONS REQUIRED

- A. It is the responsibility of the applicant to include in the stormwater management system plan application sufficient data and analysis for the City Engineer and the Public Works Director or Designee to fully evaluate the application.
- B. The applicant shall include in the submittal all plans, calculations and supporting information that is to be submitted to SJRWMD. In addition to this, other information that is to be included with or on the plans includes:
 - 1. 100-year floodplain compensating calculations, if applicable.
 - 2. Storm sewer, culvert, and open channel tabulations (signed and sealed).

SECTION 10: MAINTENANCE

- A. The operation and maintenance of the stormwater management system shall be per SJRWMD regulations as the minimum criteria and in accordance with City of Bellevue standards, including but not limited to keeping the area free of debris and excess vegetation.
- B. The installed stormwater system shall be maintained by the legal entity responsible for maintenance. All permit applications shall contain documentation sufficient to demonstrate that the operation and maintenance entity is the legal entity empowered and obligated to perpetually maintain the stormwater management facilities.

- C. The stormwater management system to be maintained by the legal entity shall have adequate easements, in accordance with this Code, to permit the City to inspect and, if necessary, to take corrective action should the legal entity fail to maintain the system properly.

SECTION 11: US HIGHWAY 441, 301, AND 27 DRAINAGE EXCEPTION AREA

Highway 441, 301, and 27 exception.

Certain properties along Highway 441, 301 and 27 will be exempt from meeting the city's drainage requirements to the extent their property was covered as of 1986. Proof of coverage as of that date is the responsibility of the property owner. A drainage plan to contain the run-off of any additional coverage must be submitted. All other governmental agency requirements must still be met. The parcels of land exempted from the drainage requirements set forth herein shall be known as the US HIGHWAY 441, 301, AND 27 DRAINAGE AREA EXCEPTION and is more particularly described as follows, to wit:

For the point of beginning, commence at the intersection of the easterly right of way of SE 54th Avenue and the northerly right of way of US 441, 301 and 27, thence North along the Easterly right of way of SE 54th Avenue to the intersection of the Southerly right of way of SE 111th Street. Thence easterly along said southerly right of way to the intersection of the Northerly right of way of SE Robinson Road. Thence continue Easterly to the intersection of the Southerly right of way of SE Robinson Road and the Northerly right of way of SE Oak Road. Thence Southeasterly along said Northerly right of way of SE Oak Road to the intersection of the Northerly boundary of Lot 9 block 30 of the Town of Belleview as recorded in plat book "A" page 15, in the public records of Marion County Florida. Thence Northeasterly along said boundary line to the Easterly boundary of said lot 9, thence Southeasterly along said Easterly boundary to the Southeasterly corner of said lot 9. Thence northeasterly to the Northwestern corner of Lot 1, Block 30. Thence continue Northeasterly along the boundary of Lot 1 to the Westerly boundary of Southeast Mimosa Road. Thence Southeasterly along the western boundary of southeast Mimosa Road to the Northerly right-of-way of SE Hames Road. Thence southeasterly to the northwesterly corner of Lot 5, Block 27. Thence southeasterly along the easterly right-of-way of SE Mimosa Road to a point which is the Northerly boundary of a parcel of property whose parcel number is 38150-002 and is comprised of Lot 7, Block 27 and a portion of Lot 6, Block 27 of the aforementioned Town of Belleview. Thence Northeasterly along the boundary of said parcel to a point which is in the Center of an abrogated alley. Thence Southeasterly along the centerline of said alley to a point which is the intersection of a projection of the Northerly boundary of Lot 1, Block 27. Thence Northeasterly to the intersection of the Westerly boundary of said Lot 1, Block 27. Thence continue Northeasterly along the Northerly boundary to the intersection of the Westerly right of way line of SE Magnolia Road. Thence Southeasterly along said Westerly right of way line to the Northerly right-of-way of SE Agnew Road. Thence Southeasterly to the Northwestern corner of Lot 5, Block 16 said point also on the easterly right-of-way line of SE Magnolia Road. Thence southeasterly along the easterly right-of-way line of SE Magnolia Road to the Northwestern corner of Lot 6, Block 16. Thence northeasterly along the northerly boundary of Lot 6, Block 16 to the Northeasterly corner. Thence southeasterly along the eastern boundary of Lot 6 to the northerly right-of-way of SE Babb Road. Thence easterly to the intersection of the southerly right-of-way line of SE Babb Road and the southerly right-of-way of SE 112th

Street. Thence easterly along the south right-of-way line of SE 112th Street to the ⁴³Northwesterly corner of a parcel of property which parcel number is 38861. Said point also being the easterly right-of-way line of an unnamed alley. Thence southeasterly along the right-of-way of said alley to the northwesterly corner of a parcel of property which parcel number is 38862. Thence easterly along the north boundary of said parcel to the westerly right-of-way of SE 62nd Avenue. Thence southeasterly along the westerly right-of-way of SE 62nd Ave to the northerly right-of-way of SE 113th Street. Thence southeasterly to the Northwesterly corner of a parcel of property whose parcel number is 38846 said point also being the intersection of an unnamed alley and the southerly right-of-way line of SE 113th Street. Thence southeasterly along unnamed alley to the northerly right-of-way of US 441 and US 27. Thence northwesterly along the northerly right-of-way line of US 441 and US 27 to the point of beginning
(Ord. No. 2004-17, 8-3-2004)

Section 3. **Severability.** If any provision or portion of this Ordinance is declared by any court of competent jurisdiction to be void, unconstitutional or unenforceable, then all remaining provisions and portions of this Ordinance shall remain in full force and effect.

Section 4. Conflicts Repealed. All ordinances or parts of ordinances in conflict with this Ordinance shall be repealed to the extent of such conflict. If any portion of this Ordinance is found to be invalid, then only that portion of this Ordinance shall be stricken.

Section 5. Effective Date. This Ordinance shall become effective immediately upon adoption.

CERTIFICATE OF ADOPTION AND APPROVAL

The above and foregoing ordinance was duly read and approved upon First Reading by a ____ vote of the City Commission of the City of Belleview, Florida, at a Regular Meeting held on ____, 2009. Said ordinance was duly read, passed, and adopted upon Final Reading by a ____ vote of the City Commission of the City of Belleview, Florida at a Regular Meeting held on ____, 2009.

TAMMY C. MOORE
Mayor/Commissioner

Attest:

SANDI McKAMEY, MMC, CPM
City Clerk/Administrator

APPROVED AS TO FORM AND LEGALITY:

FREDERICK E. LANDT, III
City Attorney

CERTIFICATE OF POSTING

I HEREBY CERTIFY that a copy of the foregoing Ordinance was posted at City Hall, the Chamber of Commerce in the City of Belleview, Florida, on the ____ day of ____, 2009.

Peggy DeGennaro, CMC, CPS
Deputy City Clerk