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ORDINANCE NO. 841-05

AN ORDINANCE BY THE CITY OF ZEPHYRHILLS, FLORIDA CREATING, REGULATING, AND ESTABLISHING STORMWATER DESIGN CRITERIA FOR DRAINAGE BASINS OF SPECIAL CONCERN; DESIGNATING CERTAIN AREAS AS DRAINAGE BASINS OF SPECIAL CONCERN; PROVIDING FOR INCLUSION IN THE LAND DEVELOPMENT CODE, REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.

Rept: 867531 Rec: 69.50
DS: 0.00 IT: 0.00
02/08/06 Dpty Clerk

WHEREAS, various stormwater runoff drainage basins have experienced stormwater runoff flooding resulting in conditions harmful to the health, safety and welfare of the public, and;

WHEREAS, the Southwest Florida Water Management District (SWFWMD) has promulgated general permit procedures within Chapters 40 D-4 and 40 D-40, FAC applicable to most new development activities which have exempted certain activity or construction that contributes to the flooding problem and often contain drainage design standards that are inadequate to prevent flooding in various stormwater drainage basins, and;

WHEREAS, the City has previously utilized drainage design standards consistent with SWFWMD regulations, and;

WHEREAS, the City has the authority pursuant to Chapter 166, Florida Statutes, to adopt more stringent design standards, and;

WHEREAS, the Federal Government has created a national flood insurance program which is administered in the incorporated areas of the City by the City, and;

WHEREAS, flooding has also occurred in the City limits in areas beyond the limits of the FEMA Designated Special Flood Hazard Area (SFHA) Floodplain, and;

WHEREAS, Pasco County recently commissioned a County-wide engineering study by Metcalf & Eddy that shows that more stringent stormwater design regulations are necessary for certain basins within the City; and

WHEREAS, the City Council desires to Implement Land Development Regulations for stormwater design within certain designated basins in order to protect property and structures from flooding and to prevent the future degradation of various drainage basins.

NOW, THEREFORE, BE IT ORDAINED by the City Council of Zephyrhills, Florida, as follows:

JED PITTMAN, PASCO COUNTY CLERK
02/08/06 10:32am 1 of 8
OR BK 6831 PG 1880

SECTION 1. RECITALS

The WHEREAS clauses set forth above are hereby incorporated by reference and adopted as findings of fact.

SECTION 2. The City of Zephyrhills Drainage Basins of Special Concern Ordinance is hereby created as follows:

DRAINAGE BASINS OF SPECIAL CONCERN

A. Regulated Drainage Basins

The City Council may identify drainage basins or sub-basins with either inadequate conveyance capacity or excessive ponding, in order to protect the health, safety and welfare of the public and to protect property. This type of basin so

Record and Return to:
City Clerk's Office
5335 8th Street
Zephyrhills, FL 33542

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designated by the City Council shall be classified as a Drainage Basin of Special Concern (DBSC).

B. Basin Specific Design Standards

The City Council may establish special design standards applicable to any new development activity within a specific Drainage Basin of Special Concern. Special design standards may include, but are not limited to, the following:

- (1) Maximum allowable peak rate of discharge per acre.
- (2) Minimum required retention volume required per acre.

C. Standard Design Regulations for Drainage Basins of Special Concern

Unless the City Council adopts a more stringent special design standard within any particular Drainage Basin of Special Concern pursuant to Paragraph B above, the following standard regulations shall be applicable to Drainage Basins of Special Concern designated in this Ordinance or by an amendment pursuant to Section H herein:

1. Open Drainage Basin

a. The maximum peak rate of stormwater runoff discharge from any development activity shall not exceed the prior existing maximum peak rate of stormwater runoff discharge for a 2, 10, 25 and 100 year return frequency storm event for duration of 24 hours.

b. Runoff volume shall be limited to pre-development conditions such that there shall be no increase in the volume of runoff resulting from development activity for a 100-year return frequency, 24 hour duration storm event.

c. There shall be no net loss of storage volume from the most restrictive of:

- (1) FEMA established floodplain storage volume,
- (2) Storage volume below the elevation of a recorded City or County observed flooding,
- (3) Calculated ponding based upon a 100 year return frequency 24 hour storm event, or
- (4) A more critical event standard defined in a City or SWFWMD approved study for the applicable drainage basin.

d. The minimum habitable finished floor elevation shall be above the highest elevation established by the following criteria:

- (1) Articles IV, VII and XI of the Land Development Code,
- (2) Recorded County or City observed high water elevation plus one foot,
- (3) Calculated ponding elevation based upon a 100-year return frequency, 24-hour duration storm event plus one foot, or
- (4) A more critical event standard defined in a City or SWFWMD approved study for the applicable drainage basin plus one foot.

e. Permit applicants may present for consideration off-site mitigation plans in accordance with preliminary/construction plan submittal. In addition, an

applicant must demonstrate that the mitigation will be viable and sustainable in perpetuity.

2. Closed Drainage Basin

a. The maximum peak rate of stormwater runoff discharge from any development activity shall not exceed the prior existing maximum peak rate of stormwater runoff discharge for a 2, 10, 25 and 100 year return frequency storm event for a duration of 24 hours.

b. Runoff volume shall be limited to pre-development conditions such that there shall be no increase in the volume of runoff resulting from development activity for a 100-year return frequency, 10-day duration storm event.

c. There shall be no net loss of storage volume from the most restrictive of:

(1) (1) FEMA established floodplain storage volume,

(2) Storage volume below the elevation of a recorded County or City observed flooding,

(3) Calculated ponding based upon a 100 year return frequency 10 day storm event, or

(4) A more critical event standard defined in a City or SWFWMD approved study for the applicable drainage basin.

d. The minimum habitable finished floor elevation shall be above the highest elevation established by the following criteria:

(1) Articles IV, VII, and XI of the Land Development Code,

(2) Recorded County or City observed flooding elevation plus one foot,

(3) Calculated elevation based upon a 100-year return frequency, 10-day duration storm event plus one foot, or

(4) A more critical event standard defined in a City or SWFWMD approved study for the applicable drainage basin plus one foot.

e. Permit applicants may present for consideration off-site mitigation plans in accordance with preliminary/construction plan submittal. In addition, an applicant must demonstrate that the mitigation will be viable and sustainable in perpetuity.

D. Maintenance

All stormwater management systems that are not accepted for maintenance by the City shall be operated and maintained by an entity other than the City of Zephyrhills.

E. Engineer's Certifications

1. Permit applications and stormwater management plans shall be prepared by a professional engineer registered to practice in the State of Florida. A certification of compliance with this Ordinance accompanied by acceptable plans and calculations shall be submitted as part of the permit application by the engineer. Upon completion of construction, a professional engineer registered to practice in the State of Florida shall submit a certification of completion certifying compliance with the approved permit. The professional engineer shall maintain standard professional liability insurance in the

minimum amount of \$1,000,000.00 per occurrence and shall submit proof of insurance with all permit applications.

2. It is the responsibility of the applicant to include in the Stormwater Management Plan and Report sufficient information for the City Manager or his designee to evaluate the environmental characteristics of the affected area, the potential and predicted impacts of the proposed activity on area surface waters, and the effectiveness and acceptability of those measures proposed by the applicant for reducing adverse impacts.

3. The Stormwater Management Plan and Report shall contain, as a minimum, the following information:

a. The name, address, and telephone number of the applicant and the engineer;

b. The location map.

c. The predevelopment environmental and hydrological conditions of the site and/or receiving waters and wetlands shall be described in detail, including the following:

(i) The direction, peak flow rate, and for closed basins and Drainage Basins of Special Concern, the volume of predevelopment stormwater run-off.

(ii) The location of area on the site where predevelopment stormwater collects or percolates into the ground.

(iii) A description of all water courses, water bodies, and wetlands on or adjacent to the site or into which stormwater flows.

(iv) Seasonal high water table elevations.

(v) Location of 100-year flood plain, or best available information.

(vi) Description of vegetation.

(vii) Topography.

(viii) Soils.

(ix) Location of drainage basins and sub basins.

(x) Rainfall data for the appropriate design storm.

(xi) SCS curve numbers.

d. Proposed post development conditions of the site shall be described in detail, including:

(i) Areas to be filled and/or excavated.

(ii) Areas where vegetation will be cleared or otherwise removed.

(iii) The size and location of non-residential buildings or other structures. The typical lot layout shall be used to compute the coefficient of run-off.

(iv) Location of drainage basins and sub basins.

(v) SCS curve numbers.

(vi) Effect of any proposed open space irrigation systems.

e. All components of the drainage system and any measures for the detention, retention, or infiltration of water or for the protection of water quality shall be described in detail, including:

(i) The direction, flow rate, and for closed basins and Drainage Basins of Special Concern, the volume of stormwater that will be conveyed from the site, if any, with a comparison to the predevelopment conditions.

(ii) Detention and retention areas, including plans for the discharge of waters.

(iii) Areas of the site to be used or reserved for percolation.

(iv) A plan for the control of erosion which describes in detail the type and location of control measures.

(v) Any other information which the developer or the City Manager or his designee believes is reasonably necessary for an evaluation of the stormwater management plan.

4. The requirement for submittal of a stormwater management plan shall not be waived for subdivisions and projects located in Drainage Basins of Special Concern.

5. To ensure attainment of the objectives of the Land Development Code and this Ordinance, and to ensure that standards will be met, the design, performance, construction, and maintenance of the drainage system shall be consistent and shall limit the rate of stormwater discharge from new developments to amounts which are equal to, or less than, the rate of discharge which existed prior to development in accordance with the rules of Chapters 40D-4 and 40D-40, FAC, administered by the Southwest Florida Water Management District, provided, however, that Drainage Basins of Special Concern shall be subject to the provisions of this Ordinance.

F. Applicability Section

1. This Ordinance shall apply to all construction or development activity within Drainage Basins of Special Concern.

2. **Exemptions:**

a. This Ordinance shall not apply to development for which a complete application for a stormwater management plan or drainage plan has been submitted to the City Manager or his designee prior to the date on which the applicable Drainage Basin is designated as one of Special Concern by the City Council and is not withdrawn, denied or expired, unless the City and the applicant have previously agreed to an earlier application date.

b. This Ordinance shall not apply to development for which an approved, unexpired Master Drainage Plan or Stormwater Management Plan has been approved prior to the date the City Council acts to designate a Drainage Basin of Special Concern. Additionally, all subsequent stormwater management plans submitted in compliance with an approved, unexpired Master Drainage Plan shall be exempt from this Ordinance. Provided, however, this Ordinance shall apply to development for which a Master Drainage Plan application has been submitted, but has not been approved, prior to the date the City Council acts to designate a Drainage Basin of Special Concern.

c. If required by the Southwest Florida Water Management District, the City shall allow deviations from the criteria in this Ordinance to the extent necessary

to prevent adverse impacts to wetlands or other surface waters when it is demonstrated that adverse impacts cannot otherwise be practicably avoided.

G. Designation of Tank Lake and East Zephyrhills as DBSC's

With the enactment of this Ordinance, the City Council designates Tank Lake (west of the old railroad berm) and East Zephyrhills (excluding Lake Pasadena but including Lake Dorothea, Lost Lake and Silver Oaks) as closed Drainage Basins of Special Concern as delineated on the attached map. Upon the effective date of this Ordinance, land within these basins shall be subject to this Ordinance.

H. Future Designation of Basins of Special Concern

The City Council may, designate additional areas as Drainage Basins of Special Concern by amending this Ordinance. Designation of basins as Drainage Basins of Special Concern will include the following steps:

1. Documentation of the fact that the basin is prone to flooding based on records of flooding occurrence and severity. The records can include photos and statements from City or County staff or area residents.
2. Evaluation of basin drainage characteristics and cause of flooding, based on review of relevant information including topographic maps, drainage features and structures, such as channels and culverts, surficial soils, land use and soil stratigraphy. If warranted, this evaluation may include modeling of stormwater runoff generation and conveyance.
3. Determination that the flooding would be exacerbated unless the provisions of this ordinance are in force. The area(s) to be covered shall be accurately depicted on maps that will be available in digital and hard copy format.

I. City Enforcement.

The City is specifically authorized to take any and all steps and actions that are legally available to it, including any court proceedings as are authorized by law, against any person who fails, neglects, or refuses to comply with this Ordinance, or who knowingly furnishes false information or information that is not supported by scientific data to the City or any official in charge of the administration of this Ordinance on any matter relating to the administration of this Ordinance. Each day of a violation shall constitute a separate offense. The City may elect any or all of the available remedies concurrently, and the pursuit of one shall not preclude the pursuit of another, or any other remedy allowed by law.

J. Definitions

1. **Open Basin** means a watershed that is not closed.
2. **Closed Basin** means a watershed in which the run-off does not have a surface outfall up to and including the 100-year, 10-day flood level or an open basin with a severe discharge restriction as determined by the City Council at a public hearing.
3. **Drainage Basin or Sub-basin** means the area that contributes stormwater runoff to a common low area or common discharge point.
4. **Recorded County or City observed flooding elevation** means a flooding elevation surveyed by the County and/or the City and adopted as a standard by the City Council by resolution.

K. REMOVAL OF DESIGNATIONS

The City Council shall consider amending this section and removing the Special Concern designation from any open basin if the following conditions are met:

1. The City receives a removal request containing a scientific analysis and a proposal to remediate or otherwise ameliorate the conditions that supported the designation. Such request must include proposed funding for the implementation of the remediation plan;
2. The City Manager, in consultation with the Southwest Florida Water Management District, determines that the remediation plan presents a viable solution that is permitted and funded, and;
3. The City Council has approved the remediation plan.

SECTION 3. INCLUSION IN THE CODE

It is the intent of the City of Zephyrhills City Council that the provisions of this Ordinance shall become and be made a part of the Zephyrhills Land Development Code, and that the sections of this Ordinance may be renumbered or relettered and the word "ordinance" may be changed to "section," "article," or such other appropriate word or phrase in order to accomplish such intentions.

SECTION 4. SEVERABILITY

It is declared to be the intent of the City Council of the City of Zephyrhills, Florida that if any section, subsection, sentence, clause or provision of this ordinance shall be declared invalid, the remainder of this ordinance shall be construed as not having contained said section, subsection, sentence, clause or provision, and not shall affected by such holding.

SECTION 5. REPEALER

All provisions of the Zephyrhills Land Development Code, as amended, and/or ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of any conflict.

SECTION 6. EFFECTIVE DATE

This Ordinance shall take effect upon passage on the third reading and signing by the Mayor.

The foregoing Ordinance No. 941-05 was read and passed on the first reading in an open and regular meeting of the City Council of the City of Zephyrhills, Florida, on this 28th day of November, 2005.

Attest: *Linda D. Boan*
Linda D. Boan, City Clerk

Cathi L. Compton
Cathi L. Compton, Council President

The foregoing Ordinance No. 941-05 was read and passed on the second reading, following a public hearing, in an open and regular meeting of the City Council of the City of Zephyrhills, Florida, on this 12th day of December, 2005.

Attest: *Linda D. Boan*
Linda D. Boan, City Clerk


Cathi L. Compton
Cathi L. Compton, Council President

The foregoing Ordinance No. 941-05 was read and passed on the third reading, following a public hearing, in an open and regular meeting of the City Council of the City of Zephyrhills, Florida, on this 9th day of January, 2006.

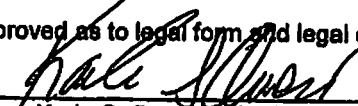
Attest: *Linda D. Boan*
Linda D. Boan, City Clerk

Cathi L. Compton
Cathi L. Compton, Council President

The foregoing Ordinance No. 941-05 was approved by me this 9th day of January, 2006.



W. Cliff McDuffie, Mayor

Approved as to legal form and legal content


Karla S. Owens, City Attorney