

ORDINANCE NO. 03-06

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DEBARY, FLORIDA, AMENDING ARTICLE VIII, SECTION 802.02, EXEMPTIONS AND CONCURRENT REVIEW, AND ADDING SECTION 802.03, TO THE CITY OF DeBARY'S LAND DEVELOPMENT CODE REQUIRING REVIEW OF PLATTED SUBDIVISIONS ESTABLISHED PRIOR TO 1990 AND UNPLATTED LANDS; PROVIDING FOR SEVERABILITY, PROVIDING FOR CONFLICTS, PROVIDING FOR CODIFICATION AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, in the interest of orderly, equitable and just implementation and enforcement of the City of DeBary stormwater regulations, the City is proposing the following amendments to the regulations; and

WHEREAS, the summer of 2004 and the accompanying three hurricanes which impacted the City of DeBary brought flooding to the older sections of the City which lack any stormwater retention areas in the original design of the subdivision, and

WHEREAS, the DeBary City Council is working to prepare and implement a master stormwater plan for all of the City, but which plan shall not be completed for more than a year; and

WHEREAS, the DeBary City Council recognizes that continued in-fill development of vacant single-family lots in single-family subdivisions established prior to concurrency will impact the generation and directional flow of stormwater until the master plan is implemented; and

WHEREAS, the City Council, held a public hearing to consider the following changes to the City's Stormwater regulations; and the City Council held a public hearing on second reading of the proposed ordinance after being duly advertised.

IT IS HEREBY ORDAINED BY THE CITY OF DeBARY AS FOLLOWS:

SECTION 1: Amend Section 802.02, Exemptions and Concurrent Review, (1)(a) to read:

- (a) Single-Family and duplex residences in subdivisions platted after 1990, and accessory structures not proposed to be located in drainage easements;

SECTION 2: Add a new Section 802.03 to read as follows:

SECTION 802.03, Required Review for Subdivisions Platted before 1990 and Unrecorded or Unplatted Lands

In order to achieve the benefits of stormwater management on infill development, the City shall require the provision of onsite stormwater retention. The stormwater management requirement for new development shall be the retention onsite of the first inch of runoff from all impervious surfaces. The stormwater retention requirements of this section shall be achieved through the retention of stormwater runoff in surface retention facilities, such as grassed swales and retention ponds.

The stormwater management requirements for redevelopment, renovation or additions to existing buildings shall be the retention onsite of the first one-half inch of stormwater runoff from all impervious surfaces.

In subdivisions platted before 1990 in which areas were not delineated and provided in the plat to store stormwater from the developed lots, and on unrecorded and/or un-platted land proposed for residential development, the following requirements shall apply:

(a) The stormwater management requirement for development or redevelopment on properties within single-family districts shall include some method or methods of on-site retention for the building, parking and driveway areas. These methods shall include, but not be limited to, the provision of swales or other retention areas; the sloping of parking areas and drives to landscaped areas versus directly to the street; the guttering of building runoff to landscaped areas where setback provisions limit the amount of pervious area available; and other such methods which provide opportunities for the percolation of stormwater.

(b) Applicability. These performance standards shall apply to all single-family residential building projects on vacant land, or land made vacant after the demolition of existing structures.

(c) Stormwater management technical standards.

- i. It is the responsibility of the applicant to submit sufficient information for the City Manager or their designee to determine whether the requirements of this section are being met.
- ii. The submittal information should detail elevations or contours, directions of flow, and other grading or fill information. Submittals should also detail the computations and calculations utilized to demonstrate satisfaction of the retention requirements. Submittals should also detail the type of soil conditions present and the depth of the water table. A soils report and/or survey may be required to verify the conditions represented on the plan.
- iii. It shall be the duty of the property owner to provide proper maintenance of the stormwater management system so that the system continues to meet the requirements of this section. The City shall have the power to inspect

stormwater management systems and facilities as necessary. Necessary maintenance and repair shall be made by the property owner with a time period not to exceed thirty (30) days after written notification by the City of the problem and the required corrective action. Failure to make the corrections actions within the required time frame specified shall result in either 1) the corrective action being performed by the City and a lien placed on all property in Volusia County owned by the property owner and/or 2) the property owner will be cited by the Code Enforcement Officer and the case taken before the City of DeBary Code Enforcement Board for action.

(d) Surface Stormwater System Standards

- (a) Surface stormwater systems utilized to accomplish the stormwater retention and percolation requirements shall be designed so as to be readily accessible from rights-of-way, parking areas and driveways, court yards, and other open areas so that maintenance and clean-out of these areas can be easily accomplished.
- (b) The side slopes and bottoms of all retention areas shall have a grass or other landscape material cover. The maximum depth of retention areas shall be four feet from the surrounding average grade. The maximum side slopes of retention areas shall not exceed three to one.
- (c) Spillways or other entrance channels to retention areas shall be designed to prevent the flushing of these areas by heavy rains.
- (d) Retention areas shall be designed and function such that all retained water is removed after the third day. If this is not accomplished by percolation or evaporation, the retention area must be improved to include an underdrain system or other bottom materials to accomplish this requirement.

(e) Disposition of stormwater runoff

- (i) All stormwater systems shall include a method for the disposition of excess stormwater runoff. This disposition is to be into the right-of-way of the City, if there are storm drainage facilities in place.
- (ii) In cases where the disposition of excess stormwater runoff is other than to public rights-of-way with storm drainage facilities, the approval of the City Engineer or their shall be required for the design and disposition of stormwater runoff in other areas such as lakes, ponds, streams, canals, wetlands, or rights-of-way without storm drainage facilities.

SECTION 3: CODIFICATION. The City Clerk shall amend the City Land Development Code to reflect the amendment of this ordinance.

SECTION 4: SEVERABILITY. If any part of this ordinance is found to be invalid, the remainder shall nevertheless be given full force and effect.


SECTION 5: CONFLICTS. All ordinances or portions of ordinances in conflict herewith are and the same are revoked.

SECTION 6: EFFECTIVE DATE. This ordinance shall become effective immediately upon its adoption.

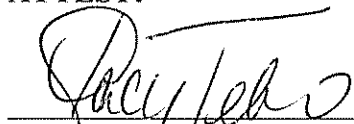
First Reading held on February 1, 2006.

Public Hearing and Second Reading held on March 1, 2006.

**CITY COUNCIL
CITY OF DEBARY. FLORIDA**


George Coleman, Mayor

ATTEST:


Stacy Tebo, City Clerk