

ORDINANCE NO. 720

AN ORDINANCE OF THE CITY OF MEXICO BEACH, FLORIDA AMENDING THE LAND DEVELOPMENT CODE TO REVISE THE STORMWATER REQUIREMENTS; REQUIRING DRAINAGE AS SPECIFIED OR A DRAINAGE EASEMENT; REQUIRING SWALE DRAINAGE; REWRITING THE RULE FOR ELEVATION OF LOWEST FINISHED FLOOR; REQUIRING A MASTER DRAINAGE PLAN FOR MULTI-PHASE DEVELOPMENTS; PROVIDING RULES FOR VIOLATIONS; REPEALING STORMWATER AMENDMENTS PROVIDED BY ORDINANCE 719 AND REPEALING ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY AND AN IMMEDIATELY EFFECTIVE DATE.

WHEREAS, as provided in section 2(b), Article VIII of the Constitution of the State of Florida, and section 166.021(1), Florida Statutes, the City of Mexico Beach, Florida, (the "City") enjoys all governmental, corporate, and proprietary powers necessary to conduct municipal government, perform municipal functions, and render municipal services, and may exercise any power for municipal purposes, except as expressly prohibited by law; and

WHEREAS, Chapters 163 and 166 of the Florida Statutes provide for the City to regulate zoning and development and implement its Comprehensive Plan through land development regulations; and

WHEREAS, the City's Planning & Zoning Board considered revisions to the Land Development Code's stormwater requirements on April 1, 2019 and recommended amendments materially similar to the amendments set forth in this ordinance; and

WHEREAS, during the City's recovery from Hurricane Michael, widespread construction is likely to occur, which could have substantial impacts to stormwater flow, treatment, and storage if not carefully planned and regulated; and

WHEREAS, unlike previous gradual development, the rebuilding and redevelopment of properties within the City will have rapid, noticeable, and negative consequences to stormwater considerations, including drainage, unless the City adopts and enforces reasonable stormwater requirements; and

WHEREAS, the City Counsel has determined with the guidance of City staff and the city engineer that the amendments provided by this Ordinance establish a reasonable system of stormwater regulation to protect the residents of the City, balance interests of neighboring properties fairly, reduce flood damage, and provide clear rules for what is permissible; and

WHEREAS, on May ___, 2019, the City Council held a noticed hearing on second reading of this Ordinance and considered public comments received and voted ___ to ___ in favor of the Amendments that are an exhibit to this ordinance; and

WHEREAS, in the exercise of its authority, the City Council of Mexico Beach finds it necessary and desirable to adopt and does hereby adopt the amendments to the Land Development Code contained herein in order to encourage the most appropriate use of land, water and resources, consistent with the public interest; and deal effectively with future problems that may result from the use and development of land within the City of Mexico Beach.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MEXICO BEACH:

SECTION 1. Amendments to Stormwater rules. The Mexico Beach Land Development Code, Section 2.02.03 entitled Mixed Use is hereby amended as follows, with new text **bold and underlined** and deleted text ~~stricken~~:

4.06.00 STORMWATER MANAGEMENT

4.06.01 Intent

The discharge of untreated and uncontrolled stormwater can reasonably be expected to be a source of pollution to waters of the State, and a direct cause of flooding causing risk of harm to life and property. It is the intent of the City to minimize adverse impacts of pollution and flooding through regulation of stormwater discharges caused by land development.

4.06.02 General Requirements

~~A. All non-exempt development (exemptions are defined in Section 17-25.030 F.A.C) must obtain a stormwater discharge permit from the Department of Environment Regulation pursuant to Chapter 17-25, F.A.C. and be designed, constructed, and maintained in accordance with subsection 4.06.03.~~

~~1. Single family units, duplexes, triplexes, and quadplexes exempted from the requirements of Chapter 17-25 F.A.C. shall be designed, constructed, and maintained in accordance with subsection 4.06.03.~~

All residential properties and properties that are exempted from installing a stormwater management facility under paragraph B. shall be graded so that the property drains towards a permanent storm drainage structure, street or permanent body of water prior to construction of improvements thereon, in order to eliminate flooding due to sudden and heavy rainfall. If runoff cannot be directly conveyed to a permanent city drainage structure, street or permanent body of water without crossing another property, a permanent easement must be recorded by the crossing property owner to ensure

conveyance is maintained. If the project includes gutters and downspouts which are connected directly into permanent City stormwater collection system (without surface discharge) or which drain to an onsite infiltration system (such as a French drain, etc.), then the development may be exempted from the above requirements regarding runoff, provided existing (pre-developed) drainage patterns are not altered and no new discharge onto adjacent properties is created. All direct connections to the City stormwater system must be coordinated with the City during the Development Order process.

B. Development activity not exempted by F.A.C. 62-330.020 for regulated activities (development which exceeds 9,000 square feet of building space combined with 4,000 square feet of parking/drive areas) shall be required to install a stormwater management facility. For aesthetic reasons and to increase shoreline habitat, the shorelines of retention areas shall be sinuous rather than straight.

4.06.03 General Criteria

A. Water Quality

~~At a minimum, stormwater management facilities shall be designed to provide for a volume of treatment equivalent to one half (1/2) inch of depth over the entire site or the runoff from the first inch of rainfall on the entire site in accordance with Chapter 17-25, F.A.C. in order to meet receiving water quality standards in Chapter 17-302, section 17-302.500, F.A.C.~~

Stormwater management facilities shall be designed to water quality criteria per the most current issue of the Northwest Florida Water Management District Environmental Resources Applicants' Handbook Vol II.

B. Water Quantity

~~At a minimum, stormwater management facilities shall be designed and constructed to attenuate stormwater runoff caused by~~ For stormwater attenuation stormwater facilities shall be designed such that post development runoff shall not exceed predevelopment runoff for the 25-year, 24-hour storm event, or in conformance with the provisions of Chapter 14-86, F.A.C. (Drainage Connection). Stormwater management facilities shall be designed and constructed per the most current issue of the Northwest Florida Water Management District Environmental Resources Applicants' Handbook Vol II.

C. The Stormwater management facility design must be certified by a registered professional engineer and include calculations of maximum runoff, water quality treatment, and best management practices for erosion and sedimentation control. The proposed stormwater management facility system shall be designed to accommodate the stormwater that originates within the development and stormwater that flows onto or across the development from adjacent lands. The stormwater facility system shall not be required to attenuate or treat off-site runoff flows, provided offsite runoff may be conveyed around

the stormwater facility but must convey off-site flows downstream. In no case shall off-site runoff flows be impeded.

- D. ~~For aesthetic reasons and to increase shoreline habitat, the shorelines of retention areas shall be sinuous rather than straight.~~ For all development, All grading, filling, excavation, storage, or disposal of soil and earth materials associated with development activities shall be undertaken so as to reduce the potential for soil erosion and sedimentation of water bodies or drainage ways ~~drainageways~~. ~~As part of the development review process a developer shall include an~~ “For some developments, the City may require an Erosion and Sediment Control Plan.” ~~This plan shall be certified by a registered professional engineer. The plan shall include:~~
- ~~1. Calculations of maximum runoff based on the 25 year, 24 hour storm;~~
 - ~~2. A description of, and specifications for, sediment retention devices;~~
 - ~~3. A description of, and specifications for, surface runoff and erosion control devices;~~
 - ~~4. A description of vegetative measures; and,~~
 - ~~5. A map showing the location of all items listed in 1 through 5 of this paragraph.~~

E. The developer or owner shall use swale drainage to the maximum extent possible, except where it is physically unfeasible as determine by the Public Works Director. If feasible, perforated pipe shall be used within the swale for infiltration purposes in situations where piping is necessary.

F. For development landward of the Coastal Construction Control Line (CCCL) outside the 100/500-year flood plain as indicated on the best available FEMA Flood Insurance Rate Map, finish floor shall be set to one foot above the crown of the road or access roads directly adjacent to the property. If there is more than one road adjacent to the property, then the road with the highest elevation shall be used. For development landward of the CCCL within Zones AE, VE, or X, the elevation requirements from Section 4.05.00, et seq., including the City’s Technical Amendments to The Florida Building Code must be followed. For development seaward of the CCCL, finish floor shall be set to the Florida Department of Environmental Protection requirement. An administrative variance may be granted to the requirement for elevation above the street where the applicant demonstrates that the natural lay of the land provides adequate drainage away from the street and the proposed structure will be one foot above the highest adjacent grade.

G. Stormwater management systems shall be designed for ease of maintenance and operations and low maintenance costs. It is suggested that the required stormwater system be integrated into a site’s open areas and landscaping and that they be used as recreational park areas. They system should be constructed in such a manner (i.e., gentle slopes, grassed, plantings, etc.) that it will be an amenity to the development.

H. Projects that are to be developed in phases will require submission of a master plan of the applicant’s contiguous landholdings. Applications for individual project phases may

only be considered when the phases and the stormwater systems are independent of contiguous landholdings or a regional stormwater management facility is installed with the first phase of development.

I. Violations. Any development that is not within the scope of the Florida Building Code but that is regulated by this Section that is performed without an issued permit, that is in conflict with an issued permit, or that does not fully comply with this Section, shall be deemed a violation of this Section, in addition to any other applicable law. A building or structure without the documentation of elevation of the lowest floor, other required design certifications, or other evidence of compliance required by this Section or the Florida Building Code is presumed not to be a violation until such time as that documentation is provided. Violations will result in suspension or revocation of the applicable development order, building permit, or both. In the event of a violation in instances when no development order or building permit was issued, the City will require all work to cease until the violation is resolved. Civil Penalties shall be assessed for violations pursuant to the procedures provided by Section 7.10.00. The civil penalty for a violation of this Section 4.06.00 shall be one hundred dollars (\$100.00) if the violation occurs on a residential lot that is being individually developed and two hundred fifty dollars (\$250.00) for all other types of development. Penalties may increase or multiply pursuant to the Section 7.10.00 rules for repeat and continuing violations.

SECTION 2. Repeal of Stormwater Amendments provided by Ordinance 719. Any amendments by Ordinance 719 to Land Development Code Section 4.06.02 entitled General Requirements are hereby repealed. Section 1 of this Ordinance adopts rules that are similar to and preferable to the stormwater amendments considered under Ordinance 719.

SECTION 3. Repeal. All Codes, Ordinances and/or Resolutions or parts of Codes, Ordinances and/or Resolutions in conflict herewith are hereby repealed to the extent of the conflict.

SECTION 4. Codification. The appropriate officers and agents of the City are authorized and directed to codify, include and publish in electronic format the provisions of this Ordinance within the Mexico Beach Land Development Code. Section numbers may be assigned and changed whenever necessary or convenient.

SECTION 5. Severability. If any section, subsection, sentence, clause, phrase of this Ordinance, or any particular application thereof shall be held invalid by any court, administrative agency, or other body with appropriate jurisdiction, the remaining sections, subsections, sentences, clauses, or phrases under application shall not be affected thereby.

SECTION 6. Effective Date. This Ordinance shall take effect immediately upon passage.


The above and foregoing Ordinance was introduced and had first reading at the meeting of the City Council on the 30th day of April, 2019.

PASSED, APPROVED AND ADOPTED at the meeting of the City Council of the City of Mexico Beach, Florida, this 28 day of May, 2019.



William A. Cathey, Mayor

ATTEST:



Adrian Welle, City Clerk