

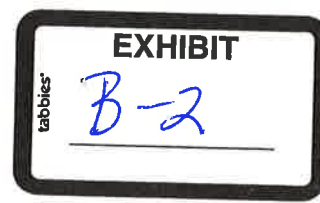


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Sec. 30-217. - Unified control.

All land included in any PD shall be under the complete, unified, legal, otherwise-encumbered control of the applicant, whether the applicant be an individual, partnership, corporation, other entity, group or agency. Upon request of the city manager or designee, the applicant shall furnish the city sufficient evidence to the satisfaction of the city attorney that the applicant is in the complete, legal and unified control of the entire area of the proposed PD. Upon request of the city manager or designee, the applicant shall provide the city, for approval by the city attorney, all agreements, contracts, guarantees and other necessary documents and information that may be required by the city attorney to assure the city that the development project may be lawfully completed according to the plans sought to be approved. If any such documents are requested, the application shall not be considered by the city commission until the city attorney has certified in writing that the legal requirements of this section have been fully met. The applicant shall submit an agreement stating that the applicant will bind the successors and assigns in title to any commitments made in the adopted PD ordinance.

(Ord. No. 970834, § 1, 6-22-98)



Sec. 30-270. - Stormwater management generally; erosion and sedimentation control; design and maintenance of facilities.

(a) *Prohibitions.*

- (1) No person shall change, or allow to be changed, the contour, topography, use or vegetation cover of land unless the stormwater runoff and sedimentation generated thereby are controlled in accordance with this article, except as follows:
 - a. Property in actual agricultural use, excluding silviculture.
 - b. Accessory home gardening and customary routine landscape maintenance.
 - c. Removal of individual trees in accordance with the landscape and tree management sections of this article.
- (2) No person shall discharge or alter the discharge of stormwater runoff or sedimentation from development activity into creeks, watercourses or water bodies without the consent of the applicable governmental authority.

(b) *Design and maintenance standards for stormwater facilities.*

- (1) *Design manual.* Stormwater management facilities shall be designed and constructed in accordance with this article and the design manual.
- (2) *Design standards.*
 - a. *General standards.*
 1. All drainage facilities shall provide a positive outfall to existing watercourses, water bodies, wetlands or storm sewer systems unless it can be proven that it is a closed system.
 2. The property owner is fully responsible for compliance with all rules, regulations and requirements of the county, the applicable water management district, the state department of environmental protection, the U.S. Army Corps of Engineers, and the United States Environmental Protection Agency.
 3. All basins designed to be dry shall drain completely within 72 hours of the storm event. Designs providing for longer drainage periods require approval by the city manager or designee.
 4. All development must provide on-site stormwater quality treatment for the first one inch of stormwater runoff, except as provided in subsection e. of this section. Infill residential development within improved residential areas or subdivisions existing prior to November 18, 1991, must ensure that its post-development runoff will not contribute pollutants which will cause the runoff from the entire improved area or subdivision to degrade receiving water bodies and their water quality.
 5. All development must have on-site stormwater quantity control designed for the 100-year critical duration storm, except as provided in subsections (b)(2)d. and e. of this section. A detention system shall be provided which will permit a controlled outlet to receiving watercourses. The system shall be designed so that the peak flow of stormwater off of the site, assuming full development, shall not exceed the natural flow from the lands prior to the subdivision and/or any development, based on the 100-year critical duration storm.
 6. The type, intensity and structural design of any development proposed for a site shall be appropriate to the existing natural topographic characteristics of the site, while recognizing that minimal grade changes are essential to site development. Avoid disturbing steep slopes. Use terracing and diversions when disturbance of slopes is unavoidable. Slopes created by fill for other than landscape or buffering purposes shall be not steeper than three to one and must be stabilized by vegetation or other approved methods. Excessive erosion of any cut or fill slope shall require remediation by the property owner.
 7. Drainage facilities designed within a closed system shall be evaluated on a site-specific basis with the minimum design criteria being the 100-year critical duration storm event.

b. *Erosion and sedimentation control.* The city may require the developer to limit clearing and grubbing outside the proposed developed area to the site, control erosion and sedimentation during and after construction, stabilize cleared areas, limit stockpiles, protect stormwater inlets during construction, control construction access routes, remove temporary control systems after construction, and limit the placement of gutters and drains. The developer shall comply with the requirements of article VIII of this chapter and the design manual. Wherever construction vehicle access routes intersect paved public roads, provisions shall be made to minimize the transport of sediment (mud), concrete and other construction materials onto the paved surface (through runoff or vehicle tracking). Materials reaching the paved surface shall be removed from the paved surface at the end of each day. Removal shall be by shoveling or sweeping, and the materials shall be transported to a sediment-controlled disposal area.

c. *Hogtown Creek Basin; additional standards.*

1. Within the Hogtown Creek Basin, systems must be designed to retain any increase in volume of runoff over the predevelopment volume for a 72-hour period.
2. The state department of transportation, Standards for Road and Bridge Construction, latest edition, and the state department of transportation, Roadway and Traffic Design Standards for Design, Construction, Maintenance and Utility Operations for Streets and Highways on State Maintained Systems, latest edition, shall be applied where standards are not specifically addressed in this chapter or in the design manual.

d. *Requirements for master stormwater basins.* The requirements for stormwater quantity and quality as listed above may be satisfied by a master stormwater plan serving several properties. An easement must be provided between participating landowners. The easement shall be recorded in the public records of the county and submitted to the planning and development services department and to the public works department prior to the issuance of any development permit. Any development proposed for consideration utilizing an existing or planned master stormwater basin shall provide the calculations and documentation

necessary to establish the right to use the facility and that the contribution of stormwater runoff of the proposed development will be within the design parameters of the master basin. A maintenance agreement among all the property owners that conforms to the provisions of this section shall be executed subject to the approval of the city attorney as to form and legality and recorded in the public records of the county.

- e. *Off-site stormwater management facilities.* A development may use an off-site stormwater management facility to meet the applicable stormwater quality and/or quantity standards required by the public works design manual.
- f. *Design standards for redevelopment of vehicular use area or building.* For the purposes of this section, redevelopment is any demolition and/or reconstruction of the vehicular use area (excluding resurfacing and restriping) or building. Any proposal for a site on which the proposed redevelopment of building(s) or vehicular use area involves the demolition and reconstruction of more than 80 percent of the area devoted to existing building and vehicular use area shall be considered new development, and shall be required to meet the standards for new development. This determination shall be made by the city manager or designee. Redevelopment shall conform to the following standards with regard to required facilities:
 - 1. Any redevelopment of existing impervious surfaces of a site, of less than 4,000 square feet, shall only require the continued maintenance of existing facilities, including natural areas that provide storage. No additional stormwater management shall be required, except that all development must be in compliance with all state and water management district requirements. All redevelopment of a particular lot or site governed by a final development order shall be cumulative from June 10, 1992, and shall not exceed 4,000 square feet unless the provisions of subsection (b)(2)e.2. of this section are met.
 - 2. Any redevelopment of existing impervious surface of 4,000 square feet or more shall be designed to accommodate stormwater quality treatment for the first one-half inch of runoff from the proposed improvements in the disturbed area. The city manager or designee may allow the design engineer to retain the first one-half inch of runoff from an area of equal size as the disturbed area provided that it can be proven that there would be greater water quality benefits to the receiving surface water of equal size. Stormwater management facilities, including natural areas that provide storage, shall continue to be provided. All development must be in compliance with all state and water management district requirements.
- g. *Design standards for the subdivision of property.*
 - 1. *Generally.* A complete stormwater system in conformance with the flood control provisions of this article shall be provided for all areas of the subdivision for managing stormwater runoff and providing water quality treatment within or across subdivision lands. Soil borings shall be taken to establish soil type and percolation rate. The design manual shall provide guidelines for determining the appropriate number and location of soil borings. Full development shall be assumed for selection of proper runoff coefficients. The system shall be designed in accordance with the design manual of the public works department, to accomplish the following results:
 - i. *Closed conduits.* A system of closed conduits (except where open ditches are specifically permitted by the city commission) shall be provided to collect and channel stormwater in such a fashion as to permit the unimpeded use of public roads during a rainstorm of the maximum intensity predicted for the city area at ten-year intervals.
 - ii. *Flood routing.* A route for stormwater runoff shall also be provided which will function, when the system designed to handle the ten-year, 24-hour storm has reached its capacity, so as to prevent flooding (water over the curb level) and ensure access for emergency vehicles during a ten-year, 24-hour storm event.
 - iii. *Detention/retention system.* A detention/retention system shall be provided which will permit a controlled outlet to receiving watercourses. The system shall be designed so that the peak flow of stormwater from the subdivided lands, assuming full development, shall not exceed the natural flow from the lands prior to the subdivision and any associated development based on the 100-year critical duration storm.
 - 2. *Roadside swales.* Roadside swales may be provided in lieu of curb and gutter as long as all the specific requirements of this article, article VII, and the public works design manual can be met.
 - 3. *Open drainageways.* Open drainageways (ditches) will not be permitted in or within 100 feet of any land designated a residential district as defined in [section 30-41](#) and any land in actual use or zoned for use as a school, unless it can be established to the satisfaction of the city commission that the open drainageway will appear and function as a natural watercourse and will not require significant maintenance. Any permitted open drainageway shall be designed so as to present no unreasonable hazard to life, the health of the public and nearby property residents and so as to be protected against scour and erosion.
- (3) *Acceptance of facilities.* Acceptance of facilities for dedication to the public shall be in accordance with the conditions and procedures in article VII, pertaining to subdivision review.
- (4) *Intergovernmental coordination.* Copies of all water management district, state department of transportation, state department of environmental protection, and county permits and permits of any other agency with jurisdiction shall be required prior to issuance of any development permit.
- (c) *Requirements for plan submittal.* See article VII, pertaining to development review process, of this chapter.
- (d) *Construction design requirements.*
 - (1) The public works design manual shall contain all construction design requirements.
 - (2) All stormwater basins shall be landscaped in such a manner as to promote safety and to integrate the basin with the overall design of

the site.

- (3) Insofar as possible, the contour of retention and detention basins should promote aesthetically pleasing site design and increased wildlife habitat.
- (4) The public works design manual shall include guidelines for the design and operation of facilities that discourage the breeding of mosquitoes.
- (5) The design of retention and detention basins shall promote joint uses for habitat, open space, passive recreation, and the establishment and integration of trails.
- (6) Stormwater management facilities shall be designed to minimize the need for maintenance in accordance with the public works design manual.

(e) *Inspections.*

- (1) The engineer of record shall file as-built plans with the public works department upon completion of any improvements for which changes have been approved during the construction process.
- (2) The city shall periodically inspect stormwater control facilities and shall inspect upon complaint to determine that such facilities are operating and being maintained as designed.

(Ord. No. 3777, § 1, 6-10-92; Ord. No. 3911, § 5, 10-4-93; Ord. No. 960060, §§ 11—18, 6-8-98; Ord. No. 110864, § 1, 9-20-12)

Cross reference— Stormwater management utility program, [§ 27-236](#) et seq.