

Apalachicola planning and zoning board workshop

January 14, 2019

Proposed land development regulations relating to fill and stormwater

The following are proposed revisions and additions to Chapter II, Chapter VII, Chapter VIII. A new section/chapter is also proposed to address fill. The following is a clean version of proposed changes.

Chapter II Definitions

Fill: Any material, such as sand, soil, gravel, lime rock, concrete, rubble, wood chips, bark, or waste of any kind, that is placed, stored, or dumped upon the surface of the ground resulting in an increase in the natural surface elevation . **This includes materials placed** by any means in surface waters or wetlands (F.S. 373.421(1)). Or on the land surface to fill depressions, raise the elevation, or contour the land (e.g., soil and sand); used as a landscaping material (e.g., topsoil, organic material, and sod), or used as a surfacing material for walkways, surface drive areas, and patios (e.g., rock, shell, impermeable or permeable concrete, and brick pavers).

Land clearing: Any activity that removes the vegetative ground cover. Mowing, trimming, pruning, or removal of vegetation to maintain it in a healthy, viable condition is not considered clearing.

Landscape plan: A plan, drawn to scale, showing dimensions and details for revegetating an area.

Landscaping: The area within the boundaries of a given lot that consists of planting materials, including but not limited to trees, shrubs, ground covers, grass, flowers, decorative rock, bark, mulch, and other similar materials. Landscaping may be considered fill if any fill (as defined) is planned as part of the activity. *

Lot Grading: The excavation, filling, clearance or re-contouring of the ground surface of a lot or parcel or combination thereof.

Best Management Practice (BMP) : Any activities, prohibitions, practices, procedures, programs, or other measures designed to prevent or reduce the discharge of pollutants directly or indirectly into the bay or river. Methods, measures, practices, schedules of activities, maintenance procedures, and other management practices to prevent or reduce the pollution of waters. BMP's may include structural devices or nonstructural practices that are designed to prevent pollutants from entering water or to direct the flow of water. During lot grading or filling, reasonable measures to prevent the erosion of soils due to the action of rainfall and wind shall be taken including: deposition of the fill outside the floodplain when

possible; establishing silt fencing, berms, or staked hay bales for protection from erosion, revegetation and application of water to dry exposed soil in order to prevent wind erosion.

Channel- A trench, the bottom of which is normally covered entirely by water, with the upper edges of one or both of its sides normally below water (F.S. 403.803(3)). A natural or artificial watercourse of perceptible extent, with bed and banks to confine and conduct continuously or periodically flowing water

Impervious Surface Coverage- Man-made surfaces that do not allow, or minimally allow, the penetration of water, including semi-impervious areas. Examples are normal concrete, asphalt pavement, and building roofs.*

Project Area- For the purpose of computing density, lot coverage, and floor area ratio for any project site, the project area shall not include public right-of-ways or land lying below the mean high water line.

Storm Water- The flow of water that results from, and that occurs immediately following, a rainfall event.

Storm Water Management System- A surface water system that is designed and constructed or implemented to control discharges which are necessitated by rainfall events, incorporating methods to collect, convey, store, absorb, inhibit, treat, use, or reuse water to prevent or reduce flooding, over drainage, environmental degradation, and water pollution or otherwise affect the quantity and quality of discharges from the system (F.S. 373.403(10) and 403.031(16)).*

Surface Waters- Waters on the surface of the earth, contained in bounds created naturally or artificially, including bays, bayous, sounds, estuaries, lagoons, lakes, ponds, impoundments, rivers, springs, creeks, branches, sloughs, tributaries, and other water courses (F.A.C. 62-340.600).

Swale- A man-made trench that:

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 three feet horizontal to one foot vertical;

Contains contiguous areas of standing or flowing water only following a rainfall event;

Is planted with or has stabilized vegetation suitable for soil stabilization, stormwater treatment, and nutrient uptake; and

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.

Chapter VII. SITE PLAN

A. PURPOSE AND INTENT

The public health, safety and welfare require the harmonious, orderly and progressive development of land within the City of Apalachicola. The development of the land is a vital step in the process of community development. Once land has been developed, the correction of defects is costly and difficult. Substantial public responsibility is created by each new development, involving the maintenance of streets and storm water management systems and the provision of additional public services. As the general health, safety and welfare of the community are thereby affected by the development of land, it is in the direct interest of the public that site development be conveyed, designed and carried out in accordance with sound land and water management principles.

The purpose and intent of this Chapter is to assure that new development within Apalachicola will not adversely affect the public's natural or financial resources, especially Apalachicola Bay or its tributaries.

B. APPLICABILITY

This Chapter establishes procedures and standards for the preparation, review and approval of plans to carry out development.

C. PROCEDURES FOR SITE PLAN APPLICATION, REVIEW AND DECISION

1. Pre-Application Conference. It is recommended that the applicant meet with the City Planner, Building Department and Building Official to discuss the proposed development prior to submitting a formal application. The purpose of this conference is to familiarize the applicant with minimum design guidelines and to minimize any potential adverse impacts of the proposed development on the City's natural or financial resources.
2. Application.
 - a. An approved site plan is required prior to the issuance of a building permit. It shall be considered unlawful for any person to construct, erect or alter a building or structure or to develop, change or improve land for which a site plan is required except in accordance with an approved site plan. Enforcement shall occur pursuant to Chapter III of this Code for failure to obtain a permit or for failure to follow a permit.
 - b. The site plan shall be prepared in accordance with requirements contained in this section. In order for a plan to be placed on the agenda of the next Planning and Zoning

Commission meeting, the plan must be received by the Building Department and considered complete no less than 30 days prior to the Planning and Zoning Board meeting.

- c. The applicant shall submit four copies of all parts of the site plan. Electronic copies of site plans and building plans may also be submitted if available.

3. Review.

- a. The City Planner and Building Department shall review the site plan to determine whether all required information is included in the application. If any required information is missing, the Building Department shall inform the applicant of any information required to complete the application.

- b. All site plans shall be reviewed and approved by the Planning and Zoning Commission.

4. Decision. Based upon the information contained in the site plan application, the Planning and Zoning Commission shall approve, approve subject to stated conditions or deny the site plan. Any person aggrieved by the decision of the Planning and Zoning Commission may, in accordance with Chapter III, file a written appeal with the City Commission.

5. Construction. Upon site plan approval and issuance of a building permit, the development shall be built in accordance with the approved site plan and site plan regulations. Deviation from the approved site plan shall require the submission and approval of an application for a revised site plan.

D. FEES

Application fees for site plan review, as adopted from time to time by the City Commission, must be paid by the applicant at the time of application.

E. TIME LIMIT ON APPROVAL

Following approval of the site plan, the applicant shall have two (2) years to complete construction on the site. Any site where construction has not begun and continued in good faith within two (2) years shall cause the site plan approval to be expired and reevaluated by the appropriate bodies. Any newly-adopted standards will be applied to the development. .

F. SITE PLAN REQUIREMENTS

1. Site plans or any portion thereof involving engineering shall be certified and prepared by and/or under the direct supervision of a professional engineer, qualified by training and experience into the specific technical field involved and registered or licensed to practice that profession.
2. Site plans shall contain documents and maps indicating:

- a. General Information
 1. Name of project.
 2. Intended use of site.
 3. Legal description of the property, size of parcel in acres or square feet and the linear dimensions of the property.
 4. Name, address and telephone number of the owner or owners of record.
 5. Name, address and telephone number of the owner's designated agent or attorney (the applicant).
 6. Names, addresses, signatures and registrations of the professionals preparing the plan.
- b. Maps
 1. Vicinity map, showing relationship of proposed development to the surrounding streets, wetlands and surface water bodies at a scale of not less than one (1) inch equals two thousand (2,000) feet.
 2. Site plan map with date and north arrow at a scale not smaller than one (1) inch equals fifty (50) feet.
 3. Topography at one (1) foot contour intervals, existing and proposed.
 4. Building restriction lines (i.e., highway setback lines, easements, covenants, rights-of-way, and building setback lines, existing and proposed).
 5. Location of existing and proposed building and structure footprints.
 6. Location and dimensions and materials of existing and proposed drive areas, or other paving.
 7. Location of existing and proposed fences by type of material (e.g., wood or metal), type of design (open or closed) and height.
 8. Location of existing and proposed walls by type of material (e.g., brick or masonry).
 9. Location of each proposed, off-street parking space (regular and handicapped).
 10. Location of proposed, designated loading and unloading zones.
 11. Location of temporary and permanent structures and features proposed in the stormwater management plan.
- c. Proposed Buildings and Structures
 1. Number of stories.
 2. Square footage grosses each floor.
 3. Building height.
 4. Multi-family dwellings.

- i. Number and square footage of dwelling units and density (dwelling units per acre).
 - ii. Calculation of off-street parking spaces required by supplementary parking section showing the number of dwelling units and spaces.
- 5. Commercial. Calculation of off-street parking spaces required by supplementary parking section showing:
 - i. Projected number of employees on peak shift.
 - ii. If an eating and/or drinking establishment, seats and occupancy load and number of tables for service and number of stools at service counter.
 - iii. If an office, studio or financial institution, floor space open to public.
 - iv. If a retail establishment, floor space devoted to merchandising.
 - v. If a child care center, floor space.
- d. Lot Coverage Allowed by the Zone and Calculations Showing Proposed Lot Coverage.

Materials used to cover surface drive areas, walkways, patios and other areas counting as lot coverage.
- e. New Multi-Parcel (e.g., Subdivision), Commercial, and Multi-Family Developments
 - 1. Existing Infrastructure (On-site, Adjacent to Site, and Across or Opposite Any Public Right-of-Way.)
 - i. Surface drive areas and median cuts to access driveways.
 - ii. Sidewalks, streets, alleys, and easements (note widths and type).
 - iii. Size and location of nearest water mains, valves, and fire hydrants.
 - iv. Sanitary sewer systems (size and invert elevations).
 - v. Power, telephone and cable lines.
 - 2. Proposed Streets, Sidewalks, and Surface Drive Areas.
 - i. If required, engineering plans and specifications including elevation and dimensions for streets, sidewalks, and surface drive areas (driveways, parking areas and storage areas).
 - ii. Cross section of proposed street improvements
 - iii. Fire lanes.
 - iv. Locations of proposed surface drive areas, curb or median cut(s) to access driveways.
 - v. Internal traffic circulation plan, including directional arrows and signs to direct traffic flow.

- vi. Location of traffic-control signs and signalization devices.
 - vii. Locations of sidewalks.
 - viii. Coordination of walkways and driveway and their elevations with facilities in adjacent developments.
 - ix. Proposed streets and alleys.
 - x. When applicable, the location of service roads and access roads extended onto the site.
3. Proposed Water and Sewer Facilities
- i. Water. Size, material, and location of water mains, valves and fire hydrants. Engineering plans and specifications are required prior to the issuance of a building permit.
 - ii. Sanitary Sewer Systems. Size, material, and location of lines. Engineering plans and specifications, with submittal of a profile where required, are required prior to the issuance of a building permit.
 - iii. Any commitments, such as contributions to offset public facilities impacts.
 - iv. Projected water usage in gallons per day, projected solid waste, projected number of school age children
4. Solid Waste The location of the dumpster and access for refuse service collection, including dumpster pad screening, fencing and landscaping.
5. Dredge and Fill. If any dredging or filling is intended in the development, a copy of the Environmental Resource Permit issued by the Florida Department of Environmental Regulation or the Northwest Florida Water Management District shall be required prior to the issuance of a Certificate of Occupancy. Note: No new dredging is allowed in surface waters of the City.
- f. Stormwater Management Plan Requirements
- 1. General
 - i. Sufficient information for the City to evaluate the environmental characteristics of the affected areas, the potential and predicted impacts of the proposed activity on wetlands and surface water, and the effectiveness and acceptability of those measures proposed for reducing adverse impacts.
 - ii. Maps, charts, graphs, tables, photographs, narrative descriptions, explanations, calculations

and citations to communicate the information required by this section.

2. Site-Specific Information.

i. If a State stormwater permit is required, the following shall be a part of the stormwater plan submitted to the City.

- The design contained in any ten-two (10/2) self-certified general permit).
- The design contained in a complete application proposed to a State agency for:
 - A general permit or
 - An environmental resource permits .

ii. For proposed development not requiring a State stormwater permit, a plan to control surface water runoff including:

Temporary sediment control barriers and vegetative cover

Permanent best management practices and low impact development practices-

CHAPTER VIII. STORMWATER MANAGEMENT

A. City Requirements

1. Stormwater management plan

Applications for new commercial or residential development, redevelopment, or expansion of the development footprint shall include a stormwater management plan. The stormwater management plan is a part of the site plan requirements of chapter VII.

2. Stormwater runoff control

a. Only those areas necessary for construction activities shall be cleared.

b. Prior to and during land clearing and construction, temporary sediment control barriers such as straw bale filters, silt fences constructed of filter fabric, and/or temporary vegetative covers shall be installed between the area to be cleared and wetlands, surface waters, and the City's stormwater conveyance (e.g., ditch or grate to subsurface drainage system).

c. During construction:

i. Building debris shall be removed from the stormwater flow path and deposited in trash receptacles and

ii. Temporary stormwater control barriers shall be installed and maintained.

d. Temporary stormwater controls shall be maintained until permanent controls are installed.

e. Direct connection between building gutters and downspouts into the City's stormwater conveyances is not allowed.

3. Best management practices (BMP's)

a. Stormwater impacts shall be minimized by using site-suitable BMP's that maximize infiltration of stormwater and prevent or minimize offsite discharge. Stormwater flow paths for property as it is planned to be developed shall be determined and berms, shallow depressions, swales, contouring, terracing, landscaping, rain gardens, rain barrels, porous paving materials, permeable concrete pavers and other stormwater management practices shall be included in the plan to intercept, infiltrate and treat stormwater before it reaches wetlands, surface waters or the City's stormwater conveyances.

b. Minimize soil exposure through organized scheduling of grading and construction activities; retain existing vegetation whenever feasible; stabilize all denuded areas within 3 days after final grading; disturbed areas that are inactive and will be exposed to rain for 30 days or more should be temporarily stabilized; stabilization techniques include mulches, vegetation and sod. Control runoff by diverting stormwater away from stripped areas or newly seeded slopes, minimize the length and steepness of slopes, and outlet protection to prevent erosion. Install sediment trapping structures such as silt traps, sediment basins, filter fabric, perimeter dikes. Inspect and maintain control measures regularly.

b. BMP's may be located in required open spaces.

c. Guidance regarding state permitting requirements and exemptions may be found at the City's Web site. Examples of BMP's and low impact development practices are provided in the City's May 2015 Guide to Site Specific Stormwater Best Management Practices can also be found on the City's web site.

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NEW SECTION/CHAPTER – FILL

Fill and lot grading requirements

1. Areas of Special Flood Hazard (rated A&V zones)

Fill, lot grading or landscaping involving less than 4 cubic yards of fill. Fill, lot grading and/or landscaping activities involving the deposition/addition, movement and placement of soils involving less than 4 cubic yards of fill on an individual lot or parcel shall require a building permit and floodplain management permit. The floodplain management permit shall include documentation to show that the volume, rate and quality of stormwater runoff following the filling or grading of land shall not exceed pre-development or redevelopment conditions. In a V zone, the use of earthen fill to elevate buildings and structures shall not be permitted.

At a minimum, the floodplain management permit shall include the following:

- a. Site plan showing proposed location of proposed fill
- b. Best Management Practice Method employed to ensure stormwater runoff is maintained onsite. (See associated document).

Fill involving more than 4 cubic yards: Fill or lot grading involving more than the deposition of 4 cubic yards of fill shall require a building permit and floodplain management permit. Additionally, the application requires a sealed grading plan prepared by a Florida licensed professional architect, surveyor, or engineer. The plan shall delineate the amount and type of fill and include existing site details including structures, infrastructure, drive ways, etc. The plan shall indicate the existing grade and proposed grade in contour intervals of enough clarity to indicate the nature and extent of the work, including the type and amount of fill material that will be used. The plans shall show the existing grade on adjoining properties in enough detail to identify how grade changes will impact stormwater runoff from the site to adjacent lots. The plan shall contain elevations for existing and proposed grades at property corners and the street centerline and must detail how drainage will be affected. The plan shall show the location of existing structures or features of the site.

Note: The lot grading shall not result in a change in grade more than one (1) foot above the ground level as it existed prior to any lot grading and no grading shall occur within five (5) feet of the property line. No lot shall be filled to a height that would result in water being conveyed to an adjacent property. Fill or grading activities shall not result in slopes directed toward or away from adjoining properties steeper than four to one (4:1) (horizontal: vertical) within five (5) feet of the property line. No fill shall be placed in city rights of way.

After site improvements are completed and prior to the issuance of a Certificate of Occupancy by the City, an “As Built” Certification from a Florida licensed Engineer, Surveyor or Architect must demonstrate there will be no discharge of stormwater to adjacent properties and that the filled lot is not higher than the adjacent lot on all sides.

Note: In designated V zones, fill may not be placed for use as structural support.

2. AREAS outside the Area of Special Flood Hazard Boundaries

Fill, lot grading or landscaping involving less than 4 cubic yards of fill. Fill, lot grading and/or landscaping activities involving the deposition/addition, movement and placement of soils involving less than 4 cubic yards of fill on an individual lot or parcel shall require a building permit. The building permit shall include documentation to show that the volume, rate and quality of stormwater runoff following the filling or grading of land shall not exceed pre-development or redevelopment conditions. At a minimum, the building permit shall include the following:

- a. Site plan showing proposed location of proposed fill
- b. Best Management Practice Method employed to ensure stormwater runoff is maintained onsite.

Fill involving more than 4 cubic yards: Fill or lot grading involving more than the deposition of 4 cubic yards of fill shall require a building permit. Additionally, the application requires a sealed grading plan prepared by a Florida licensed professional architect, surveyor, or engineer. The plan shall delineate the amount and type of fill and include existing site details including structures, infrastructure, drive ways, etc. The plan shall indicate the existing grade and proposed grade in contour intervals of enough clarity to indicate the nature and extent of the work, including the type and amount of fill material that will be used. The plans shall show the existing grade on adjoining properties in enough detail to identify how grade changes will impact stormwater runoff from the site to adjacent lots. The plan shall contain elevations for existing and proposed grades at property corners and the street centerline and must detail how drainage will be affected. The plan shall show the location of existing structures or features of the site.

Note: The lot grading shall not result in a change in grade more than one (1) foot above the ground level as it existed prior to any lot grading and no grading shall occur within five (5) feet of the property line. No lot shall be filled to a height that would result in water being conveyed to an adjacent property. Fill or grading activities shall not result in slopes directed toward or away from adjoining properties steeper than four to one (4:1) (horizontal: vertical) within five (5) feet of the property line. No fill shall be placed in city rights of way.

After site improvements are completed and prior to the issuance of a Certificate of Occupancy by the City, an “As Built” Certification from a Florida licensed Engineer, Surveyor or Architect

must demonstrate there will be no discharge of stormwater to adjacent properties and that the filled lot is not higher than the adjacent lot on all sides.

3. Prohibited fill:

All types of solid waste, hazardous materials and hazardous waste so designated by the United States Environmental Protection Agency, the Florida Department of Environmental Protection, and local health and environmental protection agencies. All bio-medical wastes that may cause pathogenic contamination of water resources. Industrial chemicals, petroleum products, putrescible household waste, and other materials that would contaminate permitted fill material.

Fill may not be placed in wetlands and must be setback at least 20 feet from jurisdictional wetlands or surface water.

Section 6. Penalties: Any person who fills or grades property without first securing a permit approval shall be subject to the penalties of this code and may be required to restore the site to the satisfaction of the City Building Official. In addition, all activity on the property shall cease until a permit has been issued and there shall be no other approval until such time as the filling and grading permit has been approved.