Section 16.40.030 - Drainage and Surface Water Management

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16.40.030.1 Short Title and Purpose

This Section shall be known as and may be cited as the "Drainage and Surface Water Management Ordinance of the City of St. Petersburg, Florida."

This section establishes standards for the capacity, location and design of stormwater management improvements that take into consideration St. Petersburg’s compact urban form and infill situations. It establishes design standards for stormwater controls in order to protect public safety, prevent flooding, protect water quality, and to prevent excessive volumes or velocity of stormwater leaving a development or redevelopment site. Alternative siting of detention or retention ponds, use of low-impact design or on-lot infiltration, or other SWFWMD approved practices for stormwater management are encouraged in order to implement Vision 2020 policies. In particular, this section:

- Establishes standards for the capacity, location and design of stormwater management improvements.
- Requires easements for maintenance and inspection of stormwater improvements.
- Requires a plan for maintenance of stormwater improvements.

16.40.030.2 Findings of Facts

A. The City Council finds that it is necessary to regulate and control the management and storage of all drainage and surface waters within its boundaries, in harmony with the purpose of the Southwest Florida Water Management District, “The District” as established by rules 40D-4 and 40D-40 F.A.C..

B. It is the policy of the City Council to regulate and control the management and storage of all drainage and surface waters within its boundaries in harmony with the City Comprehensive Plan.

C. The City Council finds that the uncontrolled drainage and development of land has a significant adverse impact upon the community, and that:

1. Improperly channeling water may increase the velocity of runoff, thereby increasing erodibility.

2. Construction requiring the alteration of natural topography and removal of vegetation may
increase erosion.

3. Impervious surfaces increase the quantity and may increase the velocity of surface water runoff. Less water percolates into the soil and the recharge of groundwaters is thereby decreased.

4. Uncontrolled surface water runoff increases the incidence of flooding and the levels of floods which occur, thereby destroying and damaging property.

5. The improper creation and operation of structures for the prevention and control of flood damage can result in the breeding of mosquitoes. It is further recognized that the emergence of large mosquito populations would have an undesirable effect on the City, its citizens and visitors.

6. The discharge of untreated stormwater may reasonably be expected to be a source of pollution of waters within and adjacent to the City and is, therefore, subject to regulation.

7. Stormwater runoff often contains nutrients such as nitrogen and phosphorus that adversely affect flora and fauna by accelerating eutrophication of receiving waters.

8. Alterations to surface water discharge patterns may interfere with optimum salinity conditions of coastal waters.

16.40.030.3 Objectives

In order to protect, maintain and enhance the immediate and long term health, safety and general welfare of the citizens of the City, this Section has the following objectives:

A. To provide and maintain for the citizens and visitors of the City standards which will ensure adequate collection and disposal of stormwater as it relates to the purity of receiving waters consistent with public health and public enjoyment thereof and the propagation and protection of wildlife, birds, game, fish and other aquatic life.

B. To encourage productive and enjoyable harmony between man and nature.

C. To prevent individuals, business organizations and governments from causing harm to the community by developments which adversely affect water sources.

D. To minimize erosion and sedimentation.

E. To prevent damage from flooding by reducing peak flow of surface water runoff.

F. To ensure the implementation of these objectives by requiring the approval of drainage and stormwater management plans for all activities which significantly affect the community.

G. To manage the concentration of pollutants entering surface waters.

H. To retrofit for water quality, a greater percentage of those sites, subject to compliance with this section.

16.40.030.4 Applicability

All development and redevelopment within the City is subject to compliance with this Section and
shall prepare a drainage and surface water management plan for the development or redevelopment. Such plan must receive approval from the POD prior to the issuance of any development permits or orders. All plans must comply with the requirements of this Section and all other applicable sections of the City codes or ordinances.

16.40.030.5 Approval; Conditions

A. As a condition of approval, development or redevelopment applications shall include a copy of a District management and storage of surface water permit or letter of exemption in addition to demonstrating compliance with this Section.

B. Compliance with the adopted Technical Standards and the standards and criteria contained in the "Basis of Review for Surface Water Management Permit Applications within the Southwest Florida Water Management District, April 1991" shall be deemed to demonstrate reasonable assurance of compliance with the requirements of this Section.

C. All applications shall be signed and sealed by a registered, professional engineer.

D. Prior to approval of a plan, the owner’s engineer of record shall verify that existing public infrastructure has sufficient capacity, or will have sufficient capacity prior to issuance of a certificate of occupancy, to convey the drainage flow after considering the current and proposed infrastructure demand.

E. Upon completion of any development or redevelopment, the owner’s engineer of record shall inspect the site, provide drawings and certify compliance with the approved plan to the POD before a certificate of occupancy can be issued for any part of the site.

16.40.030.6 Rules and Regulations

A. With the exception of replacing references to the District with references to the City, all the provisions of rules 40D-4 and 40D-40 F.A.C. are expressly made a part of this Section and are incorporated herein by reference as if fully set forth, with those exceptions and clarifications as stated hereafter.

B. The City Council may adopt such rules and regulations as it may deem necessary to effectuate the purpose and intent of this Section as well as to provide for administrative efficiency.

C. The following exceptions and clarifications to the rules and regulations as contained in chapters 40D-4 and 40D-40 F.A.C. shall be administered as part of this Section.

1. Water quality.

   a. Stormwater discharge from development sites shall meet State water quality standards and criteria as set forth in rules 17-3 and 17-4.242 F.A.C.

   b. That portion of the site upon which redevelopment occurs shall meet the water quality controls and treatment required for development sites. The volume of runoff to be treated shall include all off-site and on-site areas draining to and commingling with the runoff from that portion of the site which is redeveloped. Where it is not possible or practical to provide water quality treatment within the site upon which redevelopment occurs, treatment of an equivalent amount of similar runoff within the same City Drainage basin or payment in lieu of providing the improvements
necessary to treat an equivalent amount of similar runoff may be allowed. All sums collected as payment in lieu of improvements shall be placed in a stormwater utility fund and shall be expended for the creation or maintenance of stormwater quality treatment and alternate mitigation facilities or for reimbursement for capital expenditures made by the City for construction or maintenance of such facilities. Payment in lieu of compliance shall be made as provided in Section 12-11, City Code.

c. A proposed individual single-family home, duplex, triplex or quadruplex which is not part of a larger common plan of development shall be exempt from water quality requirements.

d. Reconstruction in association with projects required under the Florida Administrative Code for the assessment and remediation of contaminated soils and ground water shall be exempt from water quality requirements. The exemption is limited to the area reconstructed after remediation to restore the project to its pre-assessment/remediation condition.

2. **Water quantity.** The "Basis of Review for Surface Water Management Permit Applications within the Southwest Florida Water Management District, April 1991," section 3.2.1.2(b)(c) and section 4.6, as described by rule 40D-4.091 F.A.C., are hereby changed as follows:

   a. Water quantity discharge. Any proposed development or redevelopment of a site shall not cause the rate of stormwater discharge released from the site to exceed the discharge generated by the site in the predeveloped condition. Additional runoff created due to the development or redevelopment shall be retained on site and released at a rate not to exceed the predeveloped rate.

   b. Stormwater retention and runoff calculations. The maximum rate of stormwater runoff released from a site and the required retention volume shall be calculated using the rational formula, \( Q = cia \), where "\( Q \)" is the rate of runoff in cubic feet per second, "\( c \)" is the coefficient of runoff, "\( i \)" is the intensity of rainfall in inches per hour per the current State of Florida Department of Transportation Rainfall Intensity Curves for Zone VI, St. Petersburg, using the 10-year, 1-hour design storm, and "\( a \)" is the drainage area in acres. Other formulas as described in the "Basis of Review for Surface Water Management Permit Applications within the Southwest Florida Water Management District, April 1991" shall be suitable when approved by the POD.

3. **Exemptions from water quantity retention and discharge requirements.**

   a. A proposed individual single-family home, duplex, triplex or quadruplex which is not part of a larger common plan of development is exempt.

   b. Reconstruction in association with projects required under the Florida Administrative Code for the assessment and remediation of contaminated soils and ground waters. The exemption is limited to the area reconstructed after remediation to restore the project to its pre-assessment/remediation condition.

4. **Exemptions.** Rule 40D-4.051, Exemptions, is hereby deleted from this Section and all development or redevelopment that would have been exempt under that rule must comply with the requirements of this Section.
16.40.030.7 Review and Fees

A. Final stormwater management plans and calculations shall be submitted by a licensed engineer registered in the State of Florida and must be approved by the POD before work may begin on the drainage system. The stormwater management plans shall comply with this section.

B. Final grading and drainage plans shall be approved by the POD. Permits shall not be issued until final grading and drainage plans are approved.

C. No portion of the work may begin on the installation of drainage improvements until plans have been approved by the POD.

D. The City may collect and retain fees for the review and approval of applications. Such fees shall be established by City Council.

16.40.030.8 Technical Standards

The POD may establish technical standards in accordance with standard engineering principles setting forth guidelines and requirements which are not specifically addressed but which are necessary for the effective pursuit of the purpose and orderly administration and enforcement of this Section.

16.40.030.9 Administration and Enforcement

16.40.030.9.1 Variances

A. Procedure. For procedures, see Applications and Procedures Section.

B. Standards for Review. Compliance with this Section shall be encouraged even at the expense of the required parking. Compliance with this section may be considered a hardship to allow a variance of up to 10% of the required parking. In reviewing an application, the POD, the Commission or City Council shall consider the following criteria:

1. A literal enforcement of this Section would result in unnecessary, unique and undue hardship on the property owner.

2. The granting of a variance would not impair the attainment of the objectives of this Section.

3. At least one of the special conditions enumerated in the Application and Procedures Section for variances applies.

16.40.030.9.2 Violations; Penalties; Maintenance; Restoration

A. Any person who:

1. Commences or conducts an activity described in this Section without prior approval of a drainage plan;

2. Deviates from an approved drainage plan; or

3. Fails to maintain drainage facilities under that person's ownership or control shall be
guilty of a violation of this Section.

B. Any activity undertaken in violation of this Section shall be halted immediately after written notice by the City. The violator shall be required to restore any altered land to its undisturbed condition or restore it to such condition in which it would not shed stormwater in violation of the control requirements for stormwater runoff. In the event that restoration is not undertaken within thirty days, the City may perform restoration on the property. The cost of the restoration shall become a lien upon the property where such restoration occurred.

C. In those instances where a pond, or other water body, is entirely surrounded by private property so that the general public does not have access to use and enjoy the water body, maintenance of such ponds, or other water bodies, shall be accomplished by the City only with respect to drainage as a part of the overall drainage system of the City. If a violation exists as the result of a lack of maintenance of such pond or other water body, where it is entirely surrounded by private property owners, the City may perform necessary maintenance and charge the cost of such maintenance to said abutting property owners.

D. For the purposes of this section it shall be conclusively presumed that a violation exists when one or more of the following conditions exist:

1. Drainage facilities are not maintained properly so that as a result water has flooded or is reasonably likely to flood land not owned by the owner of the land on which the drainage facilities are located or water has flooded or is reasonably likely to flood a building whether or not located on land owned by the owner of the drainage facilities.

2. Activity has been undertaken and as a result water has flooded or is reasonably likely to flood land not owned by the owner of the land on which the activity has taken place or a building or part thereof, whether or not located on land owned by the owner of the land on which the activity has taken place.

3. A pond or other water body entirely surrounded by private property has not been properly maintained and as a result water has flooded or is reasonably likely to flood land other than that owned by the owners of land directly abutting such pond or water body or a building or part thereof, whether or not located on land owned by the owner of land directly abutting such pond or body of water.

**16.40.030.9.3 Procedure for Maintenance or Restoration and Placing of Liens**

A. Notice. If the POD finds and determines that land has been altered in violation of this Section or that drainage facilities or water bodies are not being maintained as required by this Section, the record owner of the property shall be notified in writing and the notice shall demand that such owner cause the condition to be remedied. The notice shall be given by first class mail, addressed to the owner(s) of the property described, as their name(s) and address are shown upon the record of the County Property Appraiser, and shall be deemed complete and sufficient when so addressed and deposited in the United States mail with proper postage prepaid. Notice shall also be posted upon the property on which the violation exists. Notice may be served by hand delivery to the owner(s) of record of the property in lieu of mailing. The notice shall be in substantially the following form:

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NOTICE OF VIOLATION

Date: ____________
Name of Owner
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Address of Owner
___________________________________________________________

Our records indicate that you are the owner(s) of the following property in City of St. Petersburg, Florida: (describe property)

An inspection of this property discloses, and I have found and determined that a violation of 16.40.030 of the St. Petersburg City Code has occurred in that:

(describe the condition which places the property in violation)

You are hereby notified that unless the condition above described is corrected by (date), the City of St. Petersburg will proceed to remedy this condition and the cost of this work, advertising costs, administrative costs and other expenses will be imposed as a special assessment lien on the property described. You can appeal the finding that there is a violation by filing a written appeal to the City Clerk within ten (10) days of the date of this Notice.

CITY OF ST. PETERSBURG
BY: ______________________________
POD

B. Appeals. Within 10 days after the date of the notice, the owner or the designated agent of the owner may file an appeal to show that the violation alleged in the notice does not exist or has not occurred. The POD shall establish rules and regulations for the review procedure. The appeal shall be in writing and must be filed with the City Clerk. At the hearing the City and the owner or designated agent of the owner may introduce such evidence as is deemed necessary. The POD’s decision shall be final and the owner will have exhausted all administrative remedies.

C. Condition may be remedied by City. If no appeal has been made or, if made, a hearing has been held and has concluded adversely to the owner and the condition described in the notice has not been remedied within five days following the date of the hearing, the POD shall cause the condition to be remedied. The costs of remedying the condition as well as such administrative and other costs as are necessary to remedy the conditions shall be charged against the property as a special assessment.

D. Preparation of preliminary assessment roll. After causing the condition to be remedied, the POD shall determine the cost involved in remedying the condition including all administrative and other costs as are necessary to correct the violation and shall determine the proportionate costs that each property should bear. The POD shall cause a preliminary assessment roll to be prepared containing a complete list of the properties upon which conditions were remedied, and of properties abutting ponds or water bodies which were maintained by the City, setting opposite each property the cost of doing such work, which shall be submitted to the City Council.

E. Public hearing on preliminary assessment roll. The City Council shall hold a public hearing on the preliminary assessment roll after publication of notice. One notice shall be published in a daily newspaper of general circulation at least five (5) days prior to the public hearing. Notice shall be mailed to each owner listed on the preliminary assessment roll by first class mail and shall be deemed complete and sufficient when mailed. The notice shall be in substantially the
NOTICE OF PUBLIC HEARING

You are hereby notified that the City of St. Petersburg, Florida, has completed maintaining drainage facilities or water bodies or restoring land in the City of St. Petersburg which facilities were not maintained or which land had been altered contrary to the provisions of Chapter 16 of the St. Petersburg City Code, and has determined the amount to be assessed against each property to defray the cost thereof. A list of said properties restored and water bodies maintained and properties abutting water bodies maintained and the amount to be assessed against each of said properties is on file and open for inspection in the office of the City Clerk of the City of St. Petersburg, Florida. You are further notified that the City Council of the City of St. Petersburg will hold a public hearing on the ____ day of ____________, _______ at _____ m., or as soon thereafter as it may be held, in the Council Chambers at City Hall of the City of St. Petersburg, Florida, for the purpose of hearing any and all objections that any affected party may wish to offer as to why said assessments should not be made final.

__________________________
POD

F. Approval of preliminary assessment roll. The City Council shall meet on the date and at the place specified in the notice and hear any and all objections that any person affected by such proposed assessment wishes to offer as to why said assessments should not be made final and shall correct any and all mistakes or errors appearing upon such preliminary assessment roll. The City Council shall then confirm the preliminary assessment roll, as submitted or as corrected, and the assessment roll shall then be final.

G. Amounts assessed constitute lien. When the preliminary assessment roll is confirmed by the City Council and made final, the amounts assessed against the respective properties shall, from the date of such confirmation, be and constitute a special assessment lien against the respective properties superior in dignity to all other liens and encumbrances of whatever kind and character save and except ad valorem taxes levied and assessed by the State, County or City and shall be of equal dignity with such taxes, and shall remain a special assessment lien against such properties until paid. Upon confirmation of the assessment roll by the City Council, the POD shall immediately cause the assessment roll to be filed in the office of the Clerk and it shall be kept there for public inspection during business hours. The POD may file and record in the office of the Clerk of the Circuit Court notice of the special assessment liens against the properties, showing thereon the amount and nature of the lien and a legal description of the property.

H. Interest on special assessment liens. The principal amount of all special assessment liens under this section which remains unpaid after thirty days from the date of confirmation of the special assessment by Council shall bear interest at the rate of twelve percent per annum from the date of confirmation through the period of time which is two years after the date of confirmation. Interest at eighteen percent, rather than at twelve percent, shall be charged on the principal amount for the period of time beginning two years from the date of confirmation of the special assessment by council until the principal and interest are paid in full. All interest shall also constitute a lien against the property assessed of equal dignity to the principal amount of the lien.

I. Records. The POD shall keep complete records relating to the amount payable for liens and interest and may from time to time send a statement of the principal and interest due upon
such liens to the record owner of the property upon which the lien exists.

J. Enforcement of liens. At any time after the expiration of 30 days from the date of confirmation of the assessment roll, the City may proceed to foreclose the special assessment in the manner prescribed in F.S. ch. 173 or as otherwise permitted by law.

K. Action to abate taken pursuant to chapter declared cumulative. Any action taken pursuant to this section in regard to the maintenance or restoration of the conditions herein declared violations shall be considered cumulative and in addition to any penalties and other remedies provided elsewhere by law.

16.40.030.10 Design Standards for Detention and Retention Ponds

A. The purpose of this subsection is to establish minimum standards for the location, retaining walls and fencing of detention or retention ponds or drainage ditches. The design and appearance of detention or retention ponds or drainage ditches can take many different forms, ranging from engineered areas, typically found in commercial districts, to more naturalistic forms that are incorporated into the landscaped setting of neighborhood districts.

B. Stormwater management facilities such as detention or retention ponds or drainage ditches shall conform to the following standards:

1. Location. Detention or retention ponds or drainage ditches located within a DC, CCT, CCS, CRT or CRS zoning district shall be located behind the principal building or buried underground:

   a. Where the topographical conditions or hydrology of a particular site prevents use of an underground vault and design constraints require the use of an alternative surface location, information shall be provided to the POD identifying the special conditions and circumstances that prevent compliance. A waiver to this locational requirement may be approved based on a determination by the POD that the waiver is supported by the technical data. The POD's final determination may be appealed to the Development Review Committee.

2. Retaining Walls. Retaining walls shall comply with the following:

   a. Retaining walls for a surface stormwater management system are prohibited within the DC, CCT, CCS, CRT or CRS zoning districts, however, where the hydrology or specific conditions of a site requires use of a retaining wall, information shall be provided to the POD identifying the special conditions and circumstances that prevent compliance. A waiver to this requirement may be approved based on a determination by the POD, that the waiver is supported by the technical data. The POD's final determination may be appealed to the Development Review Commission.

   b. All retaining walls shall be constructed of decorative masonry block, including but not limited to, split-face CMU's.

3. Fencing. Any fence or wall (not including retaining walls) shall comply with the requirements of the Fences, Walls and Hedges Section specifications set forth in and the following:

   a. For detention or retention ponds or drainage ditches which are visible from a major street, or which are located within a DC, CCT, CCS, CRT or CRS zoning district, fences and walls shall be decorative or vinyl coated chain link (including stands, poles and rails);
b. All fencing shall be located behind the landscaping required by the Landscaping Section;

c. A gate shall be provided to allow access for general maintenance purposes.