

analysis for this purpose shall be based on realistic and applicable methods for time of concentration of less than 15 minutes.

(e) In all cases, outfall from retention/detention facilities must be connected by approved means to the city storm drainage system. Where the outfall cannot be connected to the city storm drainage system, stormwater management shall be designed according to the criteria established by the city engineer. In any event, no overflow through the city curbs and gutters or streets (overland) shall be permitted.

(f) An exfiltration or porous pavement system may be designed in lieu of a retention/detention system. The design shall be based on the criteria set by the city engineer, who will take into account the size and type of the project, soil and water table conditions, impact on the surrounding areas, and other applicable conditions.

(g) Final stormwater storage locations shall not impound water against roadway or building structural sections. The city engineer may, at his discretion, waive the requirement in certain situations provided he has the approval from the structural engineer of record that the structural design of the building is safe from hydrostatic, hydrodynamic, or any such effects.

(h) Floodways and floodplains, level of flood flows or velocities of adjacent streams, impoundments, or other watercourses must not be altered so as to adversely impact the off-site storage or conveyance capacities of the water resources. Any proposed alteration of floodways or floodplains must be approved by all agencies which have jurisdiction over such activities.

(i) Erosion and sediment control best management practices shall be used during construction to retain sediment on site. Land which has been cleared for development and upon which construction will not begin within 30 days shall be protected from erosion and sedimentation by adequate methods acceptable to the city. Wetlands and other water bodies shall not be used as sediment traps during or after development.

(j) Water reuse and conservation shall, to the maximum extent practicable, be achieved by incorporating the stormwater management system into irrigation systems serving the development.

(k) The design and construction of the proposed stormwater management system shall be certified as meeting the requirements of this chapter by a professional engineer, registered in the state.

(Code 1988, § 25-7)

Sec. 106-8. Contents of the stormwater management plan.

It is the responsibility of the applicant to include in the stormwater management plan sufficient information for the city to evaluate the environmental characteristics of the affected areas, the potential and predicted impacts of the proposed activity on community waters, and the effectiveness and acceptability of those measures proposed by the applicant for reducing adverse impacts. The stormwater management plan shall contain maps, charts, graphs, tables, photographs, narrative descriptions and explanations and citations to supporting references, as appropriate to communicate the information required by this section. The plan shall meet the most recently adopted submittal requirements of the St. Johns River Water Management District unless determined otherwise by the city engineer. Upon review of the plan, the city engineer may waive certain requirements or may request additional information which he deems necessary to make a reasonable evaluation of the proposal.

(Code 1988, § 25-8)

Sec. 106-9. Maintenance.

(a) Prior to the issuance of a building permit or other permit under this chapter, a written maintenance plan shall be submitted to the city engineer which shall contain documentation sufficient to demonstrate that the maintenance entity is the legal entity empowered and obligated to perpetually maintain the stormwater management systems and facilities that benefit, accommodate stormwater from, or in any way related to the property or improvements for which the building permit is sought.

(b) The responsible legal entity shall execute and record in the public records of Orange County, a document acceptable to the city attorney and city manager, which defines its authority and responsibility for maintenance of the stormwater management system and facilities, defines how the maintenance is to be performed, and provides a legal mechanism ensuring the perpetuation of the maintenance, including the assessment and collection of monies necessary for operation, maintenance, repair and replacement of such systems and facilities. Unless waived by the city, the legal mechanism ensuring the perpetual maintenance of the stormwater management system and facilities shall provide for the assessment and collection of monies from all lots and tracts benefiting from such stormwater management system and facilities, excluding lots and tracts determined by the city to benefit from such systems and facilities solely as the result of maintaining existing natural and historical stormwater flows.

(c) All lot and tract owners within a subdivision and property owners whose property benefits from the stormwater management system and facilities shall be ultimately responsible for the maintenance of the stormwater management system and facilities, whether or not a homeowners' association or property owners' association is the designated responsible entity.

(d) The responsible legal entity shall properly operate, maintain, repair and replace any and all stormwater management systems and facilities, including without limitation, the retention/detention areas, ponds, berms, control structures, weirs, pipes, ditches, swales, gutters, inlets, manholes, outfalls, and underdrains and other improvements and areas not dedicated to the public or the city, in accordance with the standards and requirements of the City of Winter Garden Code of Ordinances, approved permits, plans and specifications concerning such improvements, good engineering practices and requirements and standards of other applicable governmental authorities, including the St. Johns River Water Management District and in a manner as not to create a nuisance.

(e) Unless expressly authorized by the city, it is prohibited for any person or entity to alter stormwater management systems or facilities,

including but not limited to, altering the grade of or original drainage improvements for any lot or tract or easement area, or changing the direction of, obstructing, inhibiting, interfering with or increasing the flow of surface water drainage, or altering or removing of any berm, control structures, ditch, swale, pipe, inlet, manholes, underdrain, pond, gutter, weir or other stormwater improvement and areas, and stormwater collection, storage and conveyance system.

(f) If the city determines that stormwater management systems or facilities are not being properly maintained or were improperly altered, the city shall have the right to take one or more of the following actions:

- (1) The city shall have the right to impose, through proper enactment, a special assessment, or other mechanism assessing each of the property owners benefiting from the stormwater management systems and facilities and use such assessments to cause the maintenance, repair, replacement and otherwise care for any and all stormwater management systems and facilities and to pay for any administrative costs and attorneys' fees and costs related thereto incurred by the city;
- (2) The city shall have the right, but not the obligation, to enter upon the property and take necessary corrective action, at the responsible legal entity's expense. The responsible legal entity shall be liable to the city for any costs and expenses incurred by the city in taking and arising from the corrective action, including but not limited to, material, labor, equipment, engineering and administrative costs, interest, and attorneys' fees. If said costs and expenses are not paid by the responsible legal entity within 30 days of invoicing by the city, then said costs and expenses shall constitute a lien on all real property of the responsible legal entity upon the recording of a notice of lien by the city in the public records. Said lien may be enforced, without limitation, by foreclosure or lawsuit for damages;

- (3) Institute code enforcement proceedings and prosecute code violations;
- (4) Issue code enforcement citations and impose penalties in accordance with section 1-15 and other applicable code sections; or
- (5) Institute any appropriate action or procedure to bring about compliance or remedy, including but not limited to, instituting an action in court to enjoin violating actions and to seek damages, in which case the violating persons and entities shall be liable to the city for reimbursement of the city's attorneys' fees and costs concerning such action.

(g) In the event the city obtains ownership of stormwater management systems and facilities once privately owned or owned by another governmental entity as the result of or arising from enforcement action under this section, as the result of annexation, or by any other means, the city shall have the right to continue to assess and charge each of the property owners benefiting from the stormwater management systems and facilities for ongoing maintenance, repair, replacement and administrative expenses relating to such stormwater management systems and facilities.

(h) The provisions of this section are additional or supplemental requirements and mechanisms to provide compliance with city codes and to provide for effective and efficient stormwater management. Nothing contained within this section shall limit the city's ability to enforce its codes by any other means.

(Code 1988, § 25-9; Ord. No. 08-03, § 2, 1-10-08)

Sec. 106-10. Permit required.

A permit is required for those activities which must be considered under this chapter, unless exempted by the city engineer.

(Code 1988, § 25-10)

Sec. 106-11. Permit fee.

A fee as established by the city commission will be required for the permit required in section 106-10.

(Code 1988, § 25-11)

Sec. 106-12. Review of permit by city engineer.

The city engineer shall, within seven working days of submittal, determine the completeness of the application for the permit required in this chapter. If the application is complete and is not required to be reviewed by the planning and zoning board, the city engineer shall, within 30 working days, approve with or without specified conditions or modifications, or he shall reject it stating his reasons for rejection. If the permit is to be a part of a site plan package which is required to be reviewed by the planning and zoning board, the review shall take place as a part of the site plan review procedure.

(Code 1988, § 25-12)

Sec. 106-13. Appeals.

Any decision of the city engineer made pursuant to this chapter may be appealed to the city commission.

(Code 1988, § 25-13)

Sec. 106-14. Enforcement.

If the city engineer determines that the project is not being carried out in accordance with the approved plan or if any project subject to this chapter is being carried out without a permit or if illicit discharges are being introduced to the city's stormwater management system, he is authorized to:

- (1) Issue written notice to the applicant/owner specifying the nature and location of the alleged noncompliance, with a description of the remedial actions necessary to bring the project into compliance within three working days.
- (2) Issue a stop work order directing the applicant/owner or person in possession to cease and desist all or any portion of the work which violates this chapter. If the remedial work is not completed within the specified time, the applicant/owner shall then bring the project into compliance.

(Code 1988, § 25-14)

Sec. 106-15. Penalties.

Any person who violates or causes to be violated any section of this chapter or who permits any such violation or who fails to comply with any of the requirements of this chapter shall be subject to a penalty under section 1-15.

(Code 1988, § 25-15)

Sec. 106-16. Dust, dirt and control of construction site runoff.

Every use shall be so operated as to prevent the emission into the air or storm sewers, streams,

canals, lakes or waterbodies of dust, soil, dirt, sediment or other solid matter which may cause damage to property or health of persons or animals at or beyond the lot line of the property on which the use is located.

- (1) *General.* As a general requirement, all commercial projects and all lakefront residential projects shall have temporary erosion and sediment control devices in place at all times during the construction phase. Said devices shall provide the necessary treatment of runoff such that state surface water quality standards are not violated at any time. These devices shall be removed at the end of the project only after approval by the city engineer or city building official. Any construction project, regardless of location, shall be required to control construction site runoff to meet state surface water quality standards. Nothing herein shall prevent or preclude any state or federal water quality enforcement agency from imposing penalties for violations of state or federal law. Any unauthorized or illicit discharges will be subject to enforcement pursuant to City Code and as otherwise provided by law.
- (2) *Commercial projects.* All commercial projects shall have an approved erosion control plan on file with the city as a part of the building permit documents. This plan shall be prepared by the appropriate design professional for the project or, as an alternative, by the licensed contractor whose name the permit is under. As with all other building permit documents, an approved copy of this plan shall be maintained at the jobsite for the duration of the project.

The erosion control plan shall include the placement and use of silt fences, swales, retention areas, hay bales, temporary grassing, turbidity barriers or other such devices as needed to prevent the transport of sediment from the site and into storm drains and waterbodies. Fill or runoff will not be allowed to encroach onto adjacent properties without the necessary easements.

Examples of acceptable devices are shown on details provided by the Florida Department of Transportation.

The owner and contractor shall be responsible for adhering to these requirements and shall also be responsible for correcting any damage caused by the lack or improper use thereof. This shall include cleaning of storm inlets and pipes that become blocked, partially or fully, by debris, trash or sediment from a construction site.

Sites having 1.0 or more acres of disturbed area shall also show evidence of Florida Department of Environmental Protection (FDEP) NPDES notification (Notice of Intent for Construction Activities also known as NOI).

Failure to comply with these requirements may result in enforcement action by the City of Winter Garden or other agencies which may include termination of building permit, fines, or other appropriate actions.

- (3) *Residential projects.* All lakefront residential projects shall have an approved erosion control plan on file with the city as a part of the building permit documents. This plan shall be prepared by the appropriate design professional for the project or, as an alternative, by the licensed contractor whose name the permit is under. As with all other building permit documents, an approved copy of this plan shall be maintained at the jobsite for the duration of the project.

All other residential projects (i.e. not lakefront) shall control job-site erosion to prevent sediment runoff from leaving the immediate site. This would especially apply to construction in areas without stormwater treatment facilities (i.e. retention ponds). In any case, the contractor and owner shall be responsible for maintaining erosion and sediment control and for any damage caused as a result thereof.

The erosion control plan shall include the placement and use of silt fences, swales,

retention areas, hay bales, temporary grassing, turbidity barriers or other such devices as needed to prevent the transport of sediment from the site and into storm drains and waterbodies. Fill or runoff will not be allowed to encroach onto adjacent properties without the necessary easements.

Examples of acceptable devices are shown on details provided by the Florida Department of Transportation.

The owner and contractor shall be responsible for adhering to these requirements and shall also be responsible for correcting any damage caused by the lack or improper use thereof. This shall include cleaning of storm inlets and pipes that become blocked, partially or fully, by debris, trash or sediment from a construction site.

Sites having 1.0 or more acres of disturbed area shall also show evidence of Florida Department of Environmental Protection (FDEP) NPDES notification (Notice of Intent for Construction Activities also known as NOI).

Failure to comply with these requirements may result in enforcement action by the City of Winter Garden or other agencies which may include termination of building permit, fines, or other appropriate actions.

(Ord. No. 00-13, § 3, 3-23-00; Ord. No. 05-61, § 2, 12-8-05)

Sec. 106-17. Stormwater quality.

Every use shall be so operated as to prevent the discharge into any storm sewer, stream, canal, lake, waterbody or the ground of any sewage, waste or unapproved substance which will be considered dangerous or discomforting to persons or animals or which will damage plants or crops beyond the lot line of the property on which the use is located.

- (1) Allowed discharges: The following is a list of substances allowed to discharge into

the city's storm sewer system provided they are not identified as a source of pollutants to any receiving waterbody:

- a. Water line flushing;
- b. Landscape irrigation;
- c. Diverted stream flows;
- d. Rising ground waters;
- e. Uncontaminated groundwater infiltration (as defined at 40 CFR 35.2005(20)) to separate storm sewers;
- f. Uncontaminated pumped ground water;
- g. Discharges from potable water sources;
- h. Foundation drains;
- i. Air conditioning condensate;
- j. Irrigation water;
- k. Springs;
- l. Water from crawl space pumps;
- m. Footing drains;
- n. Lawn watering;
- o. Individual residential car washing;
- p. Flow from riparian habitats and wetlands;
- q. Dechlorinated swimming pool discharges;
- r. Street wash waters;
- s. Discharges or flows from emergency fire fighting activities;
- t. Reclaimed water line flushing authorized pursuant to a permit issued under authority of Rule 62-610, F.A.C.;
- u. Flows from uncontaminated roof drains.

- (2) All other non-storm substances discharged into the city's storm sewer system are to be considered illicit discharges that would pose a threat to the health, safety and welfare of the public and are hereby prohibited. Any unauthorized or illicit discharges will be subject to enforcement as

set forth in the city's Charter, Code of Ordinances or as otherwise specified by law.
(Ord. No. 00-13, § 4, 3-23-00; Ord. No. 05-61, § 3, 12-8-05)

Sec. 106-18. Maximum impervious surface ratios (ISR).

For the purpose of this subsection, impervious surface and impervious surface ratio are defined in section 106-2. The maximum ISR's listed in this Code for various zoning districts shall be the maximum allowed and shall be supported by the necessary drainage calculations, at the sole discretion of the city engineer or designee.

Maximum ISR's: All parcels or lots that have been designated for

<i>Zoning District</i>	<i>Maximum ISR</i>
R-1A	50%
R-1	50%
R-1B	50%
R-2	50%
R-3	75%
R-4	50%
R-5	50%
R-NC	50% for Residential use; 70% for Commercial use
RNC-2	65% for single family detached residential uses or 80% for townhouses, multi-family or commercial uses
C-1	100%
C-2	70%
C-3	70%
C-4	70%
I-1	80%
I-2	80%
PID, PCD, and PUD	The impervious surface for each lot or parcel in a PID, PCD, or a PUD is restricted to the overall maximum ISR that the PID, PCD, or PUD is designed and permitted for by St. Johns River Water Management District (SJRWMD), but in no case shall it exceed 65 percent for single-family detached residential uses or 80 percent for townhouses, multi-family, commercial or industrial uses. The ISR's listed above are the maximum allowed and shall be supported by the necessary drainage calculations.

The building permit applicant shall provide to the building department the certified impervious surface ratio for the proposed lot or parcel as prepared by a Florida Registered Professional Engineer or Surveyor and Mapper.

(Ord. No. 05-61, § 4, 12-8-05; Ord. No. 06-38, § 1, 8-24-06)

