

## Chapter 106

### **STORMWATER MANAGEMENT\***

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\***Cross references**—Buildings and building regulations, ch. 18; environment, ch. 38; streets and sidewalks, ch. 62; utilities, ch. 78; stormwater management utility, § 78-201 et seq.; concurrency management system, ch. 86; floods, ch. 90; natural resource protection, ch. 94; planning and development, ch. 98; subdivisions, ch. 110; zoning, ch. 118.



**Sec. 106-1. Short title.**

This chapter shall be known and may be cited as the "Stormwater Management Ordinance of the City of Winter Garden."  
(Code 1988, § 25-1)

**Sec. 106-2. Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Applicant* means a person applying for a stormwater management permit to proceed with a project.

*Aquifer* means an underground formation permeable enough to transmit, store, or yield quantities of saltwater or fresh water.

*Best management practice* means a practice or combination of practices that are the most effective, practical means of preventing or reducing the amount of pollution generated by the project to a level compatible with state water quality standards found in F.A.C. ch. 17-3, or for an Outstanding Florida Waters, those standards prescribed in F.A.C. ch. 17-4.

*Clearing* means the removal of vegetation from the land, but shall not include mowing of grass.

*Construction* means any on-site activity which will result in the change of natural or existing drainage patterns, including alteration of existing contours of the property, erection of buildings and other structures on any part thereof, or land clearing.

*Development or development activity* means:

- (1) The construction, installation, demolition or removal of a structure, impervious surface, or drainage facility;
- (2) Clearing, scraping, grubbing, killing or otherwise removing the vegetation from a site;
- (3) Adding, removing, exposing, excavating, leveling, grading, digging, furrowing,

dumping, piling, dredging, or otherwise significantly disturbing or altering soil, mud, sand, or rock of a site; or

- (4) The modification or redevelopment of a site.

*Discharge* means the outflow of water from a project, site, aquifer, drainage basin, or facility.

*Discharge point* means the point, location, or structure at which stormwater runoff discharges from a storm sewer or stormwater management system to a receiving conveyance facility or body of water.

*Duration* means the period of time from the beginning of a rainfall event to the end of a rainfall event.

*Enforcement officer* means the city engineer or his duly authorized representative.

*Erosion* means the wearing or washing away of soil by the action of wind or water.

*Event* means the specific storm which is or is to be considered in the design of a stormwater management system.

*Existing* means the average condition at the project site prior to development or redevelopment.

*Fill* means soil, consolidated or unconsolidated material, deposited on land or in water.

*Groundwater* means water beneath the surface of the ground, whether or not flowing through known and definite channels.

*Hydrograph* means a graph of discharge versus time for a selected outfall point or drainageway.

*Hydroperiod* means the cyclical changes, daily or seasonal, in the amount or stage of water in a wetland or deep-water habitat.

*Illicit discharge* means any discharge to the city's stormwater management system that is not composed entirely of stormwater, except those discharges listed in section 106-17 herein that are considered allowed discharges.

*Impervious surface* means a surface which has been compacted or covered with a layer of material so that it is highly resistant to infiltration by

water. It includes most conventionally surfaced streets, roofs, sidewalks, parking lots, patios, wet pond surface areas at normal or control elevation, and other similar nonporous surfaces, but does not include the water surface area of a swimming pool, dry bottom stormwater facilities or wood decks over soil (with spaces between planks). Any determinations regarding permeability of material or surface shall be at the sole discretion of the city engineer or designee.

*Impervious surface ratio (ISR)* is the impervious surface of a parcel or lot divided by the total parcel or lot area, expressed as a percent. Non-residential parcels with common ownership of land (i.e. shared dry retention ponds, etc.) may use a proportion of the common area in their ISR calculations. Land determined to be wetlands shall not be included in the ISR calculations if it is within a dedicated conservation easement or tract.

*Land* means the earth that lies above mean high tide for land subject to tidal inundation and mean high water for land adjacent to freshwater bodies.

*Maintenance* means the action taken to preserve the functional intent of any facility or system; normal custodial work needed to sustain original plans or permits.

*Natural system* means the biological and physical components of the undeveloped land and water which predominantly consist of or use those communities of plants, animals, bacteria, and other life systems which naturally occur on the land, in the soil or in the water.

*Operational entity* means an acceptable, legally bound, responsible entity which agrees to operate and maintain the stormwater management system.

*Person* means an individual, firm, corporation, government agency, business trust, estate trust, partnership, association, two or more persons having a joint or common interest, or any other legal entity.

*Project* means the particular structures and improvements to a site proposed by an applicant

on a particular land area which may be part of a common plan of development and shall include the subdivision of land.

*Project initiation* means all acts antecedent to actual construction activities and includes but is not limited to permit application and plan development.

*Rate* means volume per unit of time.

*Recharge* means net downward percolation of water to an aquifer either by artificial means or naturally by infiltration.

*Record drawings* means the site plans specifying the locations, dimensions, elevations, capacities and capabilities of structures or facilities as they have been constructed. Record drawings must be signed and sealed by a professional engineer registered in the state.

*Retention* means the prevention of a given volume of stormwater runoff from leaving the project site and discharging into receiving waters.

*Retrofitting* means the improving of the quality of urban stormwater runoff to whatever degree is achievable. The improvement can include the existing system modification, or the addition of new structures or stormwater management practices, or changes in activities or land uses.

*Sediments* means solid material, whether mineral or organic, that is in suspension, is being transported, or has moved from its site of origin by air, water, or gravity.

*Sediment facility* means any structure or area which is designed to hold runoff water until suspended sediments have settled.

*Site plan* means the plan which shows the means by which the developer will conform with the applicable ordinances.

*Spreader swale* means a swale positioned parallel to the receiving water body which allows for indirect discharge of stormwater which is in excess of the retained or detained volume.

*Storage capacity* means the volume of water which can be impounded by the structure below the emergency spillway crest and above the wet season water table.

*Stormwater management plan* means the detailed analysis which describes how the proposed stormwater management system for the development has been planned, designed, and will be constructed to meet the requirements of this chapter.

*Stormwater management system* means the designed features of the property which collect, convey, channel, hold, inhibit or divert the movement of stormwater to ensure the proper treatment and storage of these waters.

*Stormwater runoff* means the flow of water which results from and which occurs during and immediately following a rainfall event.

*Structure* means anything constructed, installed or portable, the use of which requires a location on a parcel of land. It includes a movable building, either temporary or permanent. The term "structure" also includes roads, walkways, paths, swimming pools, tennis courts, pipelines, underground transmission lines, sheds, and other accessory structures.

*Subsurface drain or underdrain* means a conduit, such as perforated pipe, installed beneath the ground surface and which collects or conveys water by gravity to an outfall.

*Vegetation* means all plant growth, especially trees, shrubs, vines, ferns, mosses, and grasses.

*Vegetation buffer strip* means areas retained in their natural state or replanted along the banks of watercourses, water bodies, or wetlands. The width of the buffer should be sufficient to prevent erosion, trap the sediment in overland runoff, provide access to the water body, and allow for periodic flooding without damage to structures.

*Volume* means occupied space and is measured in cubic units.

*Water body* means any natural or artificial pond, lake, reservoir, or other area which ordinarily contains water and which usually has a discernible shoreline.

*Water table* means the boundary between the zone of saturation and the zone of aeration. The water table varies with such factors as tides, amount of rainfall, and evapotranspiration.

*Watercourse* means any natural or artificial stream, creek, slough, channel, ditch, canal, waterway, gully, ravine, or wash in which water flows in a definite direction, either continuously or intermittently, and which has a definite, physical or vegetatively distinct channel, bed, or banks.

*Wet season water table* means the level of groundwater during the time of year when the greatest amount of rainfall normally occurs.

*Wetlands* means those areas saturated by surface water or groundwater at a frequency and duration sufficient to support and that under normal circumstances do support a dominance of vegetation adopted for life in saturated soil conditions.

(Code 1988, § 25-2; Ord. No. 00-13, § 1, 3-23-00; Ord. No. 05-61, § 1, 12-8-05; Ord. No. 18-25, § 3, 11-8-18; Ord. No. 21-35, § 2, 10-28-21)

**Cross reference**—Definitions generally, § 1-2.

### **Sec. 106-3. Relationship to comprehensive plan.**

This chapter is consistent with and implements the following objectives and policies of the comprehensive plan of the city:

- (1) Future land use element: objective 1, policy 1.1e;
  - (2) Infrastructure element: objective 1, policy 1.1; and
  - (3) Capital improvements element: objective 2, policy 2.1.
- (Code 1988, § 25-3)

### **Sec. 106-4. Status of prior approvals.**

Projects with unexpired development plans or final development orders approved prior to July 23, 1992, shall not be required to reconstruct existing stormwater systems within such projects in accordance with this chapter unless the health,

safety or welfare of the public or those within the projects are threatened or in danger without such reconstruction.  
(Code 1988, § 25-4)

#### **Sec. 106-5. Prohibitions.**

(a) No person may subdivide or make any changes in the use of land or construct or reconstruct a structure or change the size of a structure or introduce illicit discharges to the city's stormwater management system, except as exempted in this chapter, without first obtaining a permit from the city as provided in this chapter.

(b) For the purposes of this chapter, the following activities may alter or disrupt existing stormwater runoff patterns and as such, unless exempted in section 106-6, shall require a permit prior to the issuance of a building permit or commencement of construction:

- (1) Clearing and drainage of land.
- (2) Converting agricultural land to nonagricultural uses.
- (3) Subdividing land.
- (4) Replatting recorded subdivisions and development of recorded and unrecorded subdivisions.
- (5) Changing the occupancy or use of land, the construction of a structure, parking lot or other improvement, or a change in the size of one or more structures.
- (6) Altering the shoreline or banks of any surface water body.
- (7) Altering any ditches, terraces, berms, swales, or other stormwater management facility.
- (8) Altering the impervious area of any tract, lot, or parcel of land.
- (9) Removal of earth or moving of earth on a parcel.
- (10) Permanent (long period) lowering of the water table.

(Code 1988, § 25-5; Ord. No. 00-13, § 2, 3-23-00)

#### **Sec. 106-6. Exemptions.**

For the purposes of this chapter, the following activities may be exempt from further consideration under this chapter if so determined by the city engineer:

- (1) Residential and commercial properties where such parcels are part of and the stormwater management is included in the overall subdivision site plan or construction plan approval.
- (2) Bona fide agricultural pursuits where no artificial drainage system will be used to increase the flow of water from the land.
- (3) Maintenance work performed for the purpose of public health and welfare.
- (4) Any maintenance, alteration, renewal, use or improvement to an existing structure or systems not materially changing or affecting the rate, volume or quality of stormwater runoff.
- (5) Single-family or duplex residential construction on lots that are located within developed areas where the stormwater runoff pattern is historically established.
- (6) Clearing for topographical surveys and soil testing.

(Code 1988, § 25-6)

#### **Sec. 106-7. Stormwater management requirements.**

(a) For the purpose of this chapter, new development or redevelopment will be set to grades which will preclude flooding or any part or portion thereof due to excessive rainfall.

(b) All runoff shall be first diverted to retention/detention facilities which shall meet the requirements as prescribed by the St. Johns River Water Management District.

(c) All retention/detention facilities shall incorporate designs which will provide for percolation, recovery, and other pertinent factors, as required by the St. Johns River Water Management District.

(d) In addition to meeting the retention/detention requirements as required by the St. Johns River Water Management District, the project shall have detention capacity sufficient to ensure that post-development runoff flow rates, quantities, peaks, and velocities shall be equal to or less than predevelopment runoff for the 25-year, 24-hour storm event, and quality of the runoff shall conform to the minimum standards set forth in the state water policy, F.A.C. ch. 17-40. Hydrograph

