

ORDINANCE NO. 2008-_____

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AN ORDINANCE OF ESCAMBIA COUNTY, FLORIDA, AMENDING PART III OF THE ESCAMBIA COUNTY CODE OF ORDINANCES (1999), THE LAND DEVELOPMENT CODE OF ESCAMBIA COUNTY, FLORIDA, AS AMENDED; AMENDING ARTICLE 4, "SUBDIVISIONS AND SITE PLANS", SECTION 4.04.13.A "DRAINAGE SYSTEM", TO ADD SPECIFICS FOR BASIN SLOPES, STORMWATER RETENTION, AND RAMP CONSTRUCTION MATERIALS, AND TO REMOVE POND MAINTENANCE FEE; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION ON THE CODE AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ESCAMBIA COUNTY, FLORIDA:

Section 1.

Part III of the Escambia County Code of Ordinances (1999) the Land Development Code of Escambia County, Article 2, "Administration," Section 4.04.13.A is hereby amended as follows (words underlined are additions and words ~~stricken~~ are deletions):

4.04.13. Drainage.

A. *Drainage system.* The developer shall provide an adequate drainage system for any subdivision in accordance with the requirements of Article 7 of this code, including all necessary ditches, canals, greenbelts, outfalls, bridges, holding ponds, etc. Said system shall lead to a positive drainage outfall. The developer shall prepare any necessary agreements or easements for disposition of surface waters beyond the limits of the subdivision and shall attempt to acquire necessary rights of easements; provided, however, the county may assist in acquisition of such easements when it is in the public interest and where governmental action is necessary for proper disposition of water and the developer advances all costs and expenses incurred by the county.

No drainage system shall provide for the use of existing and/or proposed ponds, lakes, settling basin or other such structures unless the developer has obtained prior approval from the ~~county engineer~~ Division Manager of Development Services. If such structures are approved by the Division Manager, Development Services, they shall be constructed in accordance with sound engineering practices and have the ability to collect the run-off from a 25-year, ~~24-hour storm~~ critical duration storm. The developer may dedicate such structures to the county, or to one or more owners of property within the subdivision. Such

1 dedications may be noted on the face of the final plat. Such dedicated structures
2 shall be placed behind the front building line and, shall be screened with shrubs,
3 bushes, or other natural barriers. If such structure cannot feasibly be placed as
4 described from a sound engineering standpoint or is deemed not necessary due
5 to its project amenity characteristics, the ~~county engineer~~ Division Manager
6 Development Services may vary this requirement. Ponding areas must be
7 installed in suitable locations as indicated by the geotechnical engineer's soils
8 report and recommendation provided to the Division Manager, Development
9 Services to verify no adverse impact.

10
11 A homeowner's association or similar body may be created, at the option of the
12 applicant, and given responsibility for maintaining such drainage structure and for
13 paying the property taxes due on the land upon which the structure is located. If
14 the structure is to be owned by one or more owners of property within the
15 subdivision without the formation of such body, appropriate agreements shall be
16 executed in order to insure that the above responsibilities are fulfilled. The
17 county shall not be deemed to be responsible for the maintenance of the
18 structure, and the county shall not be deemed to be the owner of an easement
19 upon the structure; however, the developer shall execute, on his behalf and on
20 behalf of the landowners within the subdivision who are ultimately to have
21 ownership of the structure, a hold harmless agreement, holding ~~Escambia~~
22 ~~County~~ the landowner harmless from the effects of any waters ~~which~~ that may
23 flow into or about the structure, and such other provisions as the county may
24 require.

25
26 The homeowner's agreement or document creating the association or body
27 mentioned above, or other appropriate agreements mentioned above, will vest in
28 Escambia County the authority to assess reasonable fees upon the owners of
29 lots designated in the subdivision as owning the structure, or upon the owners of
30 lots designated as part of the homeowner's association, or other similar body, for
31 payment of costs of maintenance and for payment of property taxes for lands
32 designated as ponds or other drainage structures, in the event that such
33 structure is not maintained or that taxes are not paid. These provisions shall also
34 be set forth in any restrictive covenant binding the property.

35
36 The developer shall comply with the following requirements for any detention and
37 retention/detention structure (public or private):

- 38
39 1. The detention and retention/detention structures shall be large enough to
40 adequately control a 25-year critical duration storm as per 7.15.06.A. The
41 structure will also have an emergency overflow or "popoff" into a positive
42 drainage outfall.

1 2. For detention and retention/detention structures designed and constructed
2 where there is no positive outfall, the structure shall be constructed to
3 collect all the run-off from a 100-year critical duration storm with zero
4 discharge and shall percolate all of the run-off within 10 days. These
5 structures must remain under private ownership and maintenance, and
6 shall be noted as such on the plat.

7
8 3. A geotechnical soil analyses report is required including standard
9 percolation test and soil borings with the water table and soil classification
10 shown. Typically a minimum of one test per five acres is required
11 depending upon extend of environmental/physical conditions of the
12 development. Soil data obtained from the SCS Soil Survey map, design
13 layout, and natural topography shall be used to determine suitable soil
14 boring locations to define the subsurface and surface hydrology. At
15 minimum, the Geotechnical data should be used for swale analyses,
16 roadway design, pond percolation design, and to define any areas
17 considered unsuitable for development.

18
19 4. Detention and retention/detention area buffers will be defined by section
20 7.13.03.N.

21
22 5. The developer shall obtain all other necessary permits and approvals from
23 all applicable local, state, and/or federal agencies, or proof of exemption,
24 and provide a copy to the County prior to Final Inspection request.

25
26 If the developer desires to request the BCC to accept such any detention and
27 retention/detention structures for ownership and maintenance, he/she shall
28 obtain the approval of the BCC and shall comply with the following requirements:

29
30 1. ~~The retention area shall be large enough to adequately control a 25-year~~
31 ~~critical duration storm with 24-hour retention with an emergency overflow~~
32 ~~or "popoff" into a positive drainage outfall.~~

33
34 2. ~~For retention facilities designed and constructed where there is no positive~~
35 ~~outfall, the facility shall be constructed to collect and percolate the run-off~~
36 ~~from a 100-year, 24-hour storm within 72 hours. Retention facilities with no~~
37 ~~positive outfall must remain under private ownership and maintenance, but~~
38 ~~shall be noted as such on the plat.~~

39
40 1. All detention and retention/detention structures shall be fenced (LDC
41 4.02.06.F) if any portion of the structure has a slope steeper than 4:1,
42 including the slopes below the permanent pool elevations.

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- 1 2. ~~All detention and retention/detention structures Retention areas shall be~~
2 ~~fenced with have side slopes no steeper than 3:1. The entire bank slope,~~
3 ~~from the design water surface to a point three feet beyond the bank line,~~
4 ~~shall be sodded in a manner to guarantee a healthy growth of pangala,~~
5 ~~bahia, bermuda, centipede and/or other suitable grass, as determined by~~
6 ~~the Escambia County Soil and Water Conservation District in consultation~~
7 ~~with the division manager, development services.~~
8
9 3. ~~Adequate access, for maintenance purposes, shall include a minimum~~
10 ~~width of 15 feet to the detention and retention/detention area and shall~~
11 ~~have a minimum 14 foot wide access gate, as necessary. The access~~
12 ~~road to the retention/detention structure shall be unobstructed and shall be~~
13 ~~a minimum of 12 feet wide, constructed of graded aggregate a minimum of~~
14 ~~5" thick, and underlain with geotextile fabric.~~
15
16 4. ~~Retention/Detention structures (wet ponds) - For purposes of public~~
17 ~~safety, permanently wet retention and detention basins shall be fenced.~~
18 ~~Adequate access, as determined by the division manager, development~~
19 ~~services, for maintenance purposes shall be insured to include a minimum~~
20 ~~width of 15 feet for access to and around the perimeter of the~~
21 ~~retention/detention area. Also, a retention area will not be located nearer~~
22 ~~than 30 feet from any natural watercourse, river or stream or as otherwise~~
23 ~~defined by section 7.13.03.N.~~
24
25 5 ~~Detention structures (dry ponds) - A ramp for access to the bottom of the~~
26 ~~retention detention area for maintenance equipment may shall be required~~
27 ~~by the division manager, development services, or his designee, with a~~
28 ~~slope not to exceed 6:1. The access ramp shall be a minimum of 12 feet~~
29 ~~wide, constructed of graded aggregate a minimum of 5" thick, and~~
30 ~~underlain with geotextile fabric. Also, The entire bank slope, from the~~
31 ~~bottom of the pond to a point three feet beyond the bank line, shall be~~
32 ~~sodded.~~
33
34 6. ~~A geotechnical soil analyses report is required including standard~~
35 ~~percolation test and soil borings with the water table and soil classification~~
36 ~~shown. Typically, a minimum of one test per five acres is required~~
37 ~~depending upon extend [extent] of environmental/physical conditions of~~
38 ~~the development. Soil data obtained from the SCS soil survey map, design~~
39 ~~layout, and natural topography shall be used to determine suitable soil~~
40 ~~boring locations to define the subsurface and surface hydrology. At~~
41 ~~minimum, the geotechnical data should be used for swale analyses,~~
42 ~~roadway, design, pond percolation design, and to define any areas~~
 ~~considered unsuitable for development.~~

1 **Section 4. Effective Date.**

2
3 This Ordinance shall become effective upon its filing with the Department of
4 State.

5
6 DONE AND ENACTED this _____ day of _____, 2008.

7
8 BOARD OF COUNTY COMMISSIONERS
9 ESCAMBIA COUNTY, FLORIDA

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11
12 By: _____
13 Gene M. Valentino, Chairman

14 ATTEST: ERNIE LEE MAGAHA
15 Clerk of the Circuit Court

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17
18 By: _____
19 Deputy Clerk

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21 (SEAL)

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23 ENACTED:

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25 FILED WITH DEPARTMENT OF STATE:

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27 EFFECTIVE:

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31 H:\PLANNING BD\2008\LDC Ordinances\Art 4 Subdivision Drainage System\BCC 10-02-08\BCC Ordinance.doc