

ORDINANCE NO. 23-046

AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA BY **AMENDING CHAPTER 103, BUILDING AND BUILDING REGULATIONS, ARTICLE V, BUILDING DRAINAGE, SECTION 103-203, REGULATION OF STORMWATER RUN-OFF; REQUIRED SLOPE;** PROVIDING FOR PROFESSIONAL DRAINAGE PLAN REQUIREMENTS; PROVIDING FOR POST DEVELOPMENT REQUIREMENTS; PROVIDING FOR EXCEPTIONS; PROVIDING FOR REQUIREMENTS DURING CONSTRUCTION; PROVIDING FOR MAINTENANCE REQUIREMENTS; PROVIDING FOR GUTTER AND DOWNSPOUT REQUIREMENTS; PROVIDING FOR PROHIBITIONS; PROVIDING FOR ENFORCEMENT; PROVIDING FOR APPLICABILITY; PROVIDING FOR A SEVERABILITY CLAUSE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on December 7, 1992, there was adopted Ordinance J-30 which ordinance provided for regulation of stormwater run-off for post development; and

WHEREAS, on April 19, 2021, there was adopted Ordinance 21-011 which ordinance adopted the Building Officials Association of Florida Model Administrative Code with Local Amendments, therein requiring a drainage plan to be prepared for newly constructed residential structures; and

WHEREAS, it is necessary to amend Ordinance J-30 to provide for clarity of requirements in conjunction with the adoption of Ordinance 21-011; and

WHEREAS, the City Commission of the City of Fort Pierce finds and declares that the adoption of this Ordinance is appropriate, and in the public interest of this community.

NOW, THEREFORE, BE IT ORDAINED by the City Commission of Fort Pierce, Florida:

SECTION 1. Chapter 103 Article V, Sec. 103-203. "Regulation of stormwater run-off; required slope," is hereby amended as follows:

(a) Definitions. The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Construction means any new residential construction, being the first construction of an improvement upon the lot or tract of property, and any modification, addition, renovation, or rebuilding of any existing residential structure that alters the size or relationship of the exterior walls.

Existing subdivision means any platted subdivision, resubdivision or replatting of an area and which plat has been approved by any governmental body and is on file in the records of the county clerk of the circuit court and any other tract or parcel of land which is presently developed or improved in any fashion.

Slope means the change in finished grade elevation from the foundation of the structure to outer property line and shall be expressed either by a numeric degree or a ratio which shall be stated as the vertical change in elevation before the horizontal distance over which such change occurs; i.e. 1:4, read "one to four," signifying a one-foot rise in elevation over a four-foot horizontal distance.

Stormwater runoff means the stormwater displaced by impervious surfaces.

(b) All construction shall be so designed and constructed so that the diversion of post development stormwater runoff and other surface waters shall not result in flooding or damage to adjacent properties.

(1) For construction of a one-family or two-family dwelling not within a planned unit development, or construction of a residential addition, swimming pool, accessory structure, deck, or other impervious area associated with a one-family or two-family dwelling not within a planned unit development, a stormwater drainage plan signed and sealed by a professional engineer, architect, or land surveyor is required at the time of permit submittal. Such plan shall include a statement stating: "The proposed construction has been designed to be constructed so that the diversion of post development stormwater runoff and other surface waters shall not result in flooding or damage to adjacent properties, in accordance with Section 103-203(b), of the City of Fort Pierce Code of Ordinances."

(2) Prior to receiving approval for a final building inspection or a Certificate of Occupancy for construction of a one-family or two-family dwelling, residential addition, swimming pool, accessory structure, deck, or other impervious area not within a planned unit development, a professional engineer, architect, or land surveyor must provide the Building Department with an as-built certification. Such certification shall include a statement stating: "I certify that the construction has been completed to the approved design and has been constructed so that the diversion of post development stormwater runoff and other surface waters shall not result in flooding or damage to adjacent properties, in accordance with Section 103-203(b) of the City of Fort Pierce Code of Ordinances."

(3) During the review of the drainage plan, the city reserves the right to require water quantity calculations by a professional engineer for lots that exceed 30 inches above the grade of existing lots. Calculations must demonstrate the ability to accommodate the runoff from a 5 year 1 day storm.

(4) The following improvements are exempt from the requirements set forth in Section 103-203(b)(1)-(3), City of Fort Pierce Code of Ordinances:

- i. Open wooded decks, nonroofed, 500 square feet or less.
- ii. Structural additions 500 square feet or less, and more than ten feet from the property line.
- iii. New accessory structures or additions to accessory structures 200 square feet or less, and more than ten feet from the property line.
- iv. Any other impervious area 200 square feet or less. For the purposes of this section, the term impervious area shall include those surfaces which do not absorb water, structures, driveways, sidewalks, other areas of concrete, and asphalt.
- v. Replacement of mobile homes.

(c) Site grading during construction activities must be maintained during construction to:

(1) Prevent erosion of soil onto adjacent and abutting properties, street rights-of-way and easements, waterbodies, and improved drainage conveyances;

(2) Ensure erosion control devices are being maintained as outlined in the Florida Stormwater Sedimentation Control Inspector's Manual;

(3) Control surface water runoff to ensure that no surface water in excess of the preconstruction discharge flows onto developed adjacent or abutting properties and waterbodies; and

(4) Maintain the flow capacity and function of existing drainage conveyances on or abutting the site including adjacent street rights-of-way/easements or improved drainage conveyances.

(d) The maximum allowable slope on any parcel shall be 1:4 or a 15-degree slope from the lowest horizontal elevation to the highest.

~~(d)~~ (e) In the event that slab on grade construction would be elevated such that the slope would be greater than the maximum allowable slope, construction shall incorporate other methods, such as stem wall construction or the provision of adequate swales, so as to eliminate the flooding of surrounding properties. Such alternative methods must be approved by the ~~department of development and~~ city engineer.

~~(e)~~ (f) There is hereby prohibited any alteration or change in existing drainage patterns in any existing subdivision without the submission of a topographical survey of the parcel and all adjacent parcels which shall be approved by the ~~department of development and~~ city engineer or his designee.

(g) Gutters and downspouts may be required when needed to prevent or mitigate increased drainage impacts onto adjacent properties. When installed, gutters and downspouts shall be properly sized and direct stormwater away from adjacent properties and into swales or retention/detention areas.

(h) Final site grading plan features must be maintained in perpetuity by the property owner. A property owner may not alter or modify the lot grading in a manner that will prevent continued drainage of the site in accordance with the drainage plan in effect at the time of the certificate of occupancy or certificate of completion was issued.

(i) Modifications that alter the drainage flow and which may cause flooding of other properties, public or private, are prohibited. Corrective action for a violation of this subsection requires submission of a drainage plan in accordance with this section that demonstrates no detrimental impacts on site or to adjacent properties and waterbodies.

(j) The provisions of this section may be enforced by the city as a civil violation pursuant to chapter 1, article II of the Code of Ordinances.

SECTION 2. For the purposes of jurisdictional applicability, this Ordinance shall apply in the City of Fort Pierce, Florida. This Ordinance shall apply to all applications for development, including building permit applications and subdivision proposals, submitted on or after the effective date of this Ordinance.

SECTION 3. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause, or phrase of this Ordinance shall, for any reason, be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance, which shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

SECTION 4. All ordinances or parts thereof that may be determined to be in conflict herewith are hereby repealed.

SECTION 5. This Ordinance is and the same shall become effective immediately upon final passage hereof.

APPROVED AS TO FORM
AND CORRECTNESS:

Tanya M. Earley
City Attorney

**STATE OF FLORIDA
COUNTY OF ST. LUCIE**

WE, THE UNDERSIGNED, Mayor Commissioner and the City Clerk of the City of Fort Pierce, Florida, do hereby certify that the foregoing and above Ordinance No. 23-046 was duly advertised by title only in the St. Lucie News Tribune on June 9, 2023; copy of said Ordinance was made available at the office of the City Clerk to the public upon request; said Ordinance was duly introduced, read by title only, and passed on first reading by the City Commission of the City of Fort Pierce, Florida, on June 20, 2023; and was duly introduced, read by title only, and passed on second and final reading on July 17, 2023, by the City Commission of the City of Fort Pierce, Florida.

IN WITNESS HEREWITH, we hereunto set our hands and affix the Official Seal of the City of Fort Pierce, Florida.

Linda Hudson
MAYOR COMMISSIONER

ATTEST

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Linda W. Cox
CITY CLERK

(CITY SEAL)