

CITY OF APALACHICOLA

Ordinance 2020-03

AN ORDINANCE AMENDING AND MODIFYING ORDINANCE 91-7 LAND DEVELOPMENT CODE; MODIFYING CHAPTER II DEFINITIONS; REPEALING AND REPLACING CHAPTER VII SITE PLAN REVIEW REGULATIONS; REPEALING, REPLACING, AND ADDING TO CHAPTER VIII STORMWATER MANAGEMENT PLANS; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HERewith; AND ESTABLISHING AN EFFECTIVE DATE.

Apalachicola Fill and Stormwater Ordinance

Whereas, Regulation of fill on lots for the purposes of flood prevention is in the best interests of the public in order to protect public safety, health, and welfare; and

Whereas, the provision of guidelines related to the deposition of fill materials and grading for new development and redevelopment provides certainty for applicants wishing to modify the elevation of property and provides consistency for the implementation of the City's adopted floodplain regulations; and

Whereas, flood heights and nuisance flooding can be increased by manmade causes; whereas, standards for installation of fill materials and requirements to manage storm water facilitates the protection and enhancement of natural resources, city infrastructure, reduces erosion, and minimizes potential adverse impacts associated with land uses; and

Whereas, the adoption of stormwater regulations furthers comprehensive plan policies within the Coastal and Conservation Elements; and

Whereas, after public workshops and obtaining citizen input, the Apalachicola Planning and Zoning Board and Apalachicola City Commission deem it necessary to revise the above referenced sections of the Land Development Code as referenced herein.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF THE CITY COMMISSIONERS OF THE CITY OF APALACHICOLA, FLORIDA, THE FOLLOWING ORDINANCE REVISIONS RELATING THE THE ABOVE REFERENCED SECTIONS OF THE LAND DEVELOPMENT CODE:

SECTION 1: LAND DEVELOPMENT CODE, SECTION II, LANGUAGE AND DEFINITIONS
ADDITIONS AND REVISIONS

This ordinance amends or replaces definitions within Section II, Language and Definitions, as follows:

Repeal Best Management Practice (BMP) and add

Stormwater Best Management Practice (BMP)- The term "best management practices (BMP)" means those practices and principles designed to manage water from rainfall events, reduce nonpoint sources of pollution and in some cases, protect wildlife and habitat. Methods may include structural devices or nonstructural practices, such as, but not limited to compensatory storage, swales, gutters, rain barrels and rain gardens. A City of Apalachicola Guide to Site-Specific Stormwater Best Management Practices is available to download from the city's website.

Repeal and replace:

Channel- A trench, the bottom of which is normally covered entirely by water, with the upper edges of one or both of its sides normally below water. A natural or artificial watercourse of perceptible extent, with bed and banks to confine and conduct continuously or periodically flowing water.

Add:

Fill- Any material, such as, but not limited to, sand, soil, gravel, lime rock, rocks, shell, bricks, concrete, rubble, asphalt, wood or waste of any kind, that is: placed, stored, or dumped upon the surface of the ground resulting in an increase in the natural surface elevation; deposited on the land surface to fill depressions or contour the land (e.g., soil and sand); used as a landscaping material (e.g., topsoil, organic material, and sod), or used as a surfacing material for walkways, surface drive areas, and patios (e.g., rock, shell, impermeable or permeable concrete, and brick pavers). Exception: sand bags placed on lots in response to the County Emergency Manager shall not be considered fill provided it is removed following the storm event.

Repeal and replace:

Impervious Surface Coverage- Those hard surface man-made areas that do not allow, or minimally allow, the penetration of water, that reduce the natural rate or percolation of water or result in an increase in the natural quantity and rate of storm water runoff. Examples include but are not limited to roof tops, parking, clay, asphalt, concrete, brick, compacted gravel, paved recreational areas such as pools, tennis courts, and landscape pavers. Exception: Items identified on a site plan as a best management practice to treat stormwater shall be allowed within open space and not considered impervious.

Add:

Land clearing- Any activity that removes the vegetative ground cover. Mowing, trimming, pruning, or removal of vegetation to maintain it in a healthy, viable condition is not considered clearing.

Add:

Landscape plan- A plan, drawn to scale, showing dimensions and details for revegetating an area and may be a part of the site plan.

Repeal and replace:

Landscaping- The area within the boundaries of a given lot that consists of planting materials, including, but not limited to, trees, shrubs, ground covers, grass, flowers, decorative rock, bark, mulch, and other similar materials. Landscaping may be considered "fill" based upon the quantity and location proposed (as defined) is planned as part of the activity.

Add:

Lot Grading- The excavation, filling, clearance or re-contouring of the ground surface of a lot or parcel or combination thereof.

Repeal and Replace:

Open Space- an area open to the sky and free of impervious structures

Add:

Pervious- A surface that presents an opportunity for precipitation to infiltrate into the ground. Area maintained in its natural condition or covered by a material that permits infiltration or percolation of water into the ground.

Add:

Storm Water- The flow of water that results from, and that occurs immediately following, a rainfall event.

Repeal and Replace:

Storm Water Management System- A surface water system that is designed and constructed or implemented to control discharges which are necessitated by rainfall events, incorporating methods to collect, convey, store, absorb, inhibit, treat, use, or reuse water to prevent or reduce flooding, over drainage, environmental degradation, and water pollution or otherwise affect the quantity and quality of discharges from the system

Add:

Surface Waters- Waters on the surface of the earth, contained in bounds created naturally or artificially, including bays, bayous, sounds, estuaries, lagoons, lakes, ponds, impoundments, rivers, springs, creeks, branches, sloughs, tributaries, and other water courses.

Add:

Swale- A man-made trench that features side slopes equal to or greater than three feet horizontal to one foot vertical; Contains contiguous areas of standing or flowing water only following a rainfall event that can be percolated within 72 hours; Is planted with or has stabilized vegetation suitable for soil stabilization, stormwater treatment, and nutrient uptake; and is designed to take into account the soil erodibility, soil percolation, slope, slope length, and drainage area so as to prevent erosion and reduce pollutant concentration of any discharge.

SECTION 2: LAND DEVELOPMENT CODE, SECTION VII, SITE PLAN REVIEW REGULATIONS

This ordinance repeals and replaces Chapter VII, Site Plan Review Regulations, as follows:

A. PURPOSE AND INTENT

The public health, safety and welfare require the harmonious, orderly and progressive development of land within the City of Apalachicola. The development of the land is a vital step in the process of community development. Once land has been developed, the correction of defects is costly and difficult. Substantial public responsibility is created by each new development, involving the maintenance of streets and storm water management systems and the provision of additional public services. As the general health, safety and welfare of the community are thereby affected by the development of land, it is in the direct interest of the public that site development be conveyed, designed and carried out in accordance with sound land and water management principles.

The purpose and intent of this Chapter is to assure that new development within Apalachicola will not adversely affect the public's natural or financial resources, especially Apalachicola Bay or its tributaries.

B. APPLICABILITY

This Chapter establishes procedures and standards for the preparation, review and approval of plans to carry out development.

C. PROCEDURES FOR SITE PLAN APPLICATION, REVIEW AND DECISION

1. Pre-Application Conference.

- a. It is recommended that the applicant meet with the City Planner, Building Department and Building Official to discuss the proposed development prior to submitting a formal application. The purpose of this conference is to familiarize the applicant with minimum design guidelines and to minimize any potential adverse impacts of the proposed development on the City's natural or financial resources.

2. Application.

- a. An approved site plan is required prior to the issuance of a building permit. It shall be considered unlawful for any person to construct, erect or alter a building or structure or to develop, change or improve land for which a site plan is required except in accordance with an approved site plan. Enforcement shall occur pursuant to Chapter III of this Code for failure to obtain a permit or for failure to follow a permit.

- b. The site plan shall be prepared in accordance with requirements contained in this section. For a plan to be placed on the agenda of the next Planning and Zoning Board meeting, the plan must be received by the Building Department and considered complete no less than 30 days prior to the Planning and Zoning Board meeting.
- c. The applicant shall submit four copies of all parts of the site plan. Electronic copies of site plans and building plans may also be submitted if available.

3. Review.

- a. The City Planner and Building Department shall review the site plan to determine whether all required information is included in the application. If any required information is missing, the Building Department shall inform the applicant of any information required to complete the application.
- b. All site plans for architectural compatibility shall be reviewed by the Planning and Zoning Board sitting as the Architectural Review Board.

4. Decision.

- a. Based upon the information contained in the site plan application, the Planning and Zoning Board shall approve, approve subject to stated conditions, or deny the site plan. Any person aggrieved by the decision of the Planning and Zoning Commission may, in accordance with Chapter III, file a written appeal within the City Commission.

5. Construction.

- a. Upon site plan approval and issuance of a building permit, the development shall be built in accordance with the approved site plan and site regulations. Deviation from the approved site plan shall require the submission of an application for a revised site plan.

D. FEES

Application fees for site plan review, as adopted from time to time by the City Commission, must be paid by the applicant at the time of application.

E. TIME LIMIT ON APPROVAL

Following approval of the site plan, the applicant shall have one (1) year, unless to commence construction on the site. Notwithstanding the above time frame, site plans for multifamily development and new non-residential development shall be effective for two years. Any site where development has not commenced shall cause the site plan to be re-evaluated by the appropriate bodies and any newly adopted regulations shall be imposed at the discretion of the City.

F. SITE PLAN REQUIREMENTS

1. Site plans or any portion thereof involving engineering shall be certified, sealed, and prepared by and/or under the direct supervision of a professional engineer, qualified by training and experience into the specific technical field involved and registered or licensed to practice that profession.
2. Site plans shall contain documents and maps indicating:
 - a. General Information
 - i. Name of project.
 - ii. Intended use of site.
 - iii. Legal description of the property, size of parcel in acres or square feet and the linear dimensions of the property.
 - iv. Name, address and telephone number of the owner or owners of record.
 - v. Name, address and telephone number of the owner's designated agent or attorney .
 - vi. Names, addresses, signatures and registrations of the professionals preparing the plan.
 - b. Maps
 - i. Vicinity map, showing relationship of proposed development to the surrounding streets, wetlands and surface water bodies at a scale of not less than one (1) inch equals two thousand (2,000) feet.
 - ii. Site plan map with date and north arrow at a scale not smaller than one (1) inch equals fifty (50) feet.
 - iii. Elevation survey and topography at one (1) foot contour intervals, existing and proposed.
 - iv. Building restriction lines (i.e., highway setback lines, easements, covenants, rights-of-way, and building setback lines, existing and proposed).
 - v. Location of existing and proposed building and structure footprints.
 - vi. Location, elevation, and dimensions and materials of existing and proposed drive areas, or other paving.
 - vii. Location of existing and proposed fences by type of material (e.g., wood or metal), type of design (open or closed) and height.
 - viii. Location of existing and proposed walls by type of material (e.g., brick or masonry).
 - ix. Location of each proposed, off-street parking space (regular and handicapped) and how they will be identified on site with paint or curb stops, including a diagram

- showing traffic circulation on site and access and egress to adjacent street.
- x. Location of proposed, designated loading and unloading zones.
 - xi. Location of temporary and permanent structures and features proposed in the stormwater management plan.
- c. Proposed Buildings and Structures
- i. Number of stories.
 - ii. Square footage grosses each floor.
 - iii. Building height.
 - iv. Multi-family dwellings.
 - i. Number and square footage of dwelling units and density (dwelling units per acre).
 - ii. Calculation of off-street parking spaces required by supplementary parking section showing the number of dwelling units and spaces.
 - v. Commercial. Calculation of off-street parking spaces required by Chapter IV Zoning District supplementary parking section showing:
 - i. Projected number of employees on peak shift.
 - ii. If an eating and/or drinking establishment, seats and occupancy load and number of tables for service and number of stools at service counter.
 - iii. If an office, studio or financial institution, floor space
 - iv. If a retail establishment, floor space devoted to merchandising.
 - v. If a child care center, floor space.
- d. Lot Coverage Allowed by the Zone and Calculations Showing Proposed Lot Coverage.
- Materials used to cover surface drive areas, walkways, patios and other areas counting as lot coverage.
- e. New Multi-Parcel (e.g., Subdivision), Commercial, and Multi-Family Developments
- i. Existing Infrastructure (On-site, Adjacent to Site, and Across or Opposite Any Public Right-of-Way.)
 - Surface drive areas and median/curb cuts to access driveways.
 - Sidewalks, streets, alleys, and easements (note widths and type).
 - Size and location of nearest water mains, valves, and fire hydrants.
 - Sanitary sewer systems (size and invert elevations).

- Power, telephone and cable lines.
- ii. Proposed Streets, Sidewalks, and Surface Drive Areas.
- If required, engineering plans and specifications including elevation and dimensions for streets, sidewalks, and surface drive areas (driveways, parking areas and storage areas).
 - Cross section of proposed street improvements
 - Fire lanes.
 - Locations of proposed surface drive areas, curb or median cut(s) to access driveways.
 - Internal traffic circulation plan, including directional arrows and signs to direct traffic flow.
 - Location of traffic-control signs and signalization devices.
 - Locations of sidewalks.
 - Coordination of walkways and driveway and their elevations with facilities in adjacent developments, including the elevation of the crown of the most adjacent road to ensure that lot filling and hardened surfaces are not elevated higher than local streets
 - Proposed streets and alleys.
 - When applicable, the location of service roads and access roads extended onto the site.
- iii. Proposed Water and Sewer Facilities
- Water. Size, material, and location of water mains, valves and fire hydrants. Engineering plans and specifications are required prior to the issuance of a building permit.
 - Sanitary Sewer Systems. Size, material, and location of lines. Engineering plans and specifications, with submittal of a profile where required, are required prior to the issuance of a building permit.
 - Any commitments, such as contributions to offset public facilities impacts.
 - Projected water usage in gallons per day, projected solid waste, projected number of school age children
- f. Solid Waste Handling Facilities
- The location of the dumpster and access for refuse service collection, including dumpster pad screening, fencing and landscaping shall be identified.

- g. Dredge and Fill. If any dredging or filling is intended in the development, a copy of the complete Environmental Resource permit application proposed for the Northwest Florida Water Management District shall be provided.

- h. Stormwater Management Plan Requirements
General
 - 1. Sufficient information for the City to evaluate the environmental characteristics of the affected areas, the potential and predicted impacts of the proposed activity on wetlands and surface water, and the effectiveness and acceptability of those measures proposed for reducing adverse impacts.
 - 2. If a State stormwater permit is required, the following shall be a part of the stormwater plan submitted to the City.
 - 3. The design contained in any ten-two (10/2) self-certified general permit).
 - 4. A design that treats run off from the 25 year-24-hour duration storm event and ensures that post development runoff rates, volumes and pollutant loads do not exceed pre-development conditions

The design contained in a complete application proposed to a State agency for:

A general permit or

An environmental resource permits.

For proposed development not requiring a State stormwater permit, a plan to control surface water runoff including:

Temporary sediment control barriers and vegetative cover

Permanent best management practices-

SECTION 3: LAND DEVELOPMENT CODE, SECTION VIII, STORMWATER MANAGEMENT PLANS

This ordinance repeals and replaces Chapter VIII, Stormwater Management Plans, as follows:

A. City Requirements

1. Certain types of residential and commercial development trigger State stormwater permitting permits depending on size and type of proposed development. As an Area of Critical State Concern, the City has adopted more stringent stormwater standards than state requirements. A more comprehensive overview of state permitting requirements and the relationship to the City Standards may be found online at cityofapalachicola.com/building.Dept.cfm.
 - a. Residential. Applications for all new residential development in Special Waterfront District or Areas of Special Hazard (A&V zone) must include a stormwater management plan which may consist of a Best Management Practice (BMP) as part of their site plan. Proposed improvements that increase lot coverage shall also provide for stormwater treatment by indicating the stormwater treatment Best Management Practice that will be utilized.
 - b. Non-residential. Applications for all non-residential development exempt from State permitting pursuant to Rule 62-330 F1 Administrative Code for more than 4800 square feet must provide a stormwater management system by an engineer to provide for treatment for a 24-hour 25 -year event. Individual lots or combination of lots less than 4800 square feet may treat stormwater with BMPS that include provisions for compensatory storage.
2. Stormwater runoff control
 - a. Only those areas necessary for construction activities shall be cleared.
 - b. During construction, building debris shall be removed from the stormwater flow path and deposited in trash receptacles and temporary stormwater control barriers shall be installed and maintained.
 - c. Temporary stormwater controls shall be maintained until permanent controls are installed. Permanent controls, when required, shall be constructed prior to the issuance of a Certificate of Occupancy.
 - d. Direct connection between building gutters and downspouts and onsite stormwater systems into the City's stormwater conveyances is not allowe.
3. Stormwater Best management practices (BMP's)
 - a. Stormwater impacts shall be minimized by using site-suitable BMP's that maximize infiltration of stormwater and prevent or minimize offsite discharge. Stormwater flow paths for property as it is planned to be developed shall be determined and berms, shallow depressions, swales, contouring, terracing, landscaping, rain gardens,

rain barrels, paving materials, concrete pavers and other stormwater management practices shall be included in the plan to intercept, infiltrate and treat stormwater before it reaches wetlands, surface waters or the City's stormwater conveyances.

- b. Minimize soil exposure through organized scheduling of grading and construction activities; retain existing vegetation whenever feasible; stabilize all denuded areas after final grading; temporarily stabilize disturbed areas that are inactive and will be exposed to rain for 30 days or more utilizing stabilization techniques such as mulches, vegetation and sod. Control runoff by diverting stormwater away from stripped areas or newly seeded slopes; minimize the length and steepness of slopes, protect outlets to prevent erosion. Install sediment trapping structures such as silt traps, sediment basins, filter fabric, perimeter dikes. Inspect and maintain control measures regularly.
- c. Best Management Practice methods may be in required open spaces.
- d. Guidance regarding state permitting requirements and exemptions may be found at the City's web site. Examples of BMP's and low impact development practices are provided in the City's May 2015 Guide to Site Specific Stormwater Best Management Practices can also be found on the City's web site.

4. General Design Requirements

- a. The storm water system shall be designed in accordance with Rule 62-330 F.A.C., and City Standards for a 25- year, 24- hour event except that detention with filtration systems shall not be allowed and that off-line retention systems shall be used whenever the soil conditions will allow percolation of the treatment volume within 72 hours. When soil conditions will not allow infiltration practices to be used, the storm water system shall consist of a wet detention system with a vegetated littoral zone. To enhance the effectiveness of the wet detention system, landscape retention pretreatment practices such as the placement of storm sewer inlets in grassed areas shall be employed in combination with the detention system.
- b. To provide flood protection, the additional volume generated by the development from a 25-year storm event 24-hour duration shall be controlled by a detention facility and released at a rate of discharge not to exceed the peak discharge rate from the site in its undeveloped condition. Special engineering features all be incorporated in minimize the transport of pollutants remaining in the detention facility.
- c. All detention facilities shall discharge design flow through structural discharge facilities. When direct discharge will degrade waters of natural streams, marshes, environmentally sensitive areas, shellfish classification waters, or lands naturally receiving sheet flow, the discharge structure shall direct the flow to an intermediate spreader swale system.
- d. No new untreated point sources of discharge will be permitted.

5. General Information for Engineered Plans

- a. The location of areas on the site where storm water collects or percolates into the ground; and the size, location and land use of any off-site areas which drain onto, through or from the project area.
- b. A map showing topography at a minimum contour interval of one-foot, vegetative cover, soils and seasonally high-water table elevations. Also show the location of any soils boring or percolation tests.
- c. details of hydrograph, side slopes, depths, elevations of all system components including wetlands, a topographical map with a minimum contour interval of one foot.
- d. An erosion and sediment control plan to retain sediment on-site. The plan shall describe, in detail, the type and location of control measures the stage of development at which they will be put into place and provisions for maintenance
- e. A description of scheduled maintenance, if applicable, of the storm water system.

6. Calculations to be Submitted

- a. All runoff calculations used in the design of the storm water system including a description of the methodology, assumptions and parameters. Include calculations showing discharges, elevations and volumes retained or detained and the volume of storm water treated for applicable design storm events. If a computer program is used for analysis, a copy of the printout shall be submitted.
- b. Computations of state-storage and stage-discharge for all structures.
- c. Computation of off-site inflows.
- d. Actual acreages and percentage of the project area for impervious surfaces, natural water bodies and wetlands, artificial lakes, retention or detention area, swales, pervious surfaces and total project area.
- e. Computation of pre-development and post-development runoff and storage.
- f. Identification of the entity responsible for the perpetual care, operation, maintenance, and associated liabilities of the system. If the entity is to be a public body such as a county, municipality, or special district, a letter or other evidence of acceptance must be included. If the entity is a non-public body such as a homeowner's association or private corporation or person, documentation of its existence, fiscal and legal ability, and willingness to accept the responsibility must be included.

B. Fill and Lot Grading Requirements

1. Areas of Special Flood Hazard (rated A and V zones) and Water Front District

Fill, lot grading or landscaping involving up to 10 cubic yards of fill. Fill as defined, lot grading and/or landscaping activities involving the deposition/addition, movement and placement of soils involving less than 10 cubic yards of fill on an individual lot or parcel shall require a building permit and floodplain management permit. In a V zone, the use of earthen fill to elevate buildings and structures shall not be permitted. Note" 20 cubic yards is approximately 2.5 pick- up truck- loads of fill

At a minimum, the floodplain management permit shall include the following:

- a. Site plan showing proposed location of proposed fill; and
- b. Best Management Practice Method employed to ensure stormwater runoff is maintained onsite. (See city website).

Fill involving more than 10 cubic yards: Fill or lot grading involving more than the deposition of 10 cubic yards of fill shall require a building permit and floodplain management permit. Additionally, the application requires a sealed grading plan prepared by a Florida licensed professional architect, surveyor, or engineer. The plan shall delineate the amount and type of fill, the amount, type, source of fill, compaction specifications and ensure that fill will remain stable under conditions of flooding. The plan shall provide existing site details including the existing and proposed elevation of structures, infrastructure, drive ways, etc. The plan shall indicate the existing grade elevation and proposed grade elevation at property corners and the street centerline and must detail how drainage will be affected and how grade changes will impact stormwater runoff from the site to adjacent lots. The plan shall show the location of existing structures or features of the site. The plan shall detail drainage swales including design high points; intermediate grade points; and the location, height, width and extent of retaining structures. The plan shall reflect surface slopes of drainage swales with flow direction arrows and include the elevation at any discharge point. The plan shall include documentation to show that the volume, rate and quality of stormwater runoff following the filling or grading of land shall not exceed pre-development or redevelopment conditions.

Note: No lot shall be filled to a height that would result in water being conveyed to an adjacent property. No fill shall be placed in city rights of way.

After site improvements are completed and prior to the issuance of a Certificate of Occupancy by the City, when applicable, an "As Built" Certification from a Florida licensed Engineer, Surveyor or Architect must demonstrate there will be no discharge of stormwater to adjacent properties and that the filled lot is not higher than the centerline of the road and the adjacent lot on all sides.

Note: In designated V zones, fill may not be placed for use as structural support.

2. Areas Outside the Area of Special Flood Protection (A and V Zones) and Waterfront District

Fill, lot grading or landscaping involving up to 20 cubic yards of fill. Fill, lot grading and/or landscaping activities involving the deposition/addition, movement and placement of soils

involving less than 20 cubic yards of fill on an individual lot or parcel shall require a building permit. At a minimum, the building permit shall include the following:

- a. Site plan showing proposed location of proposed fill
- b. Best Management Practice Method employed to ensure stormwater runoff is maintained onsite.

Fill involving more than 20 cubic yards: Fill or lot grading involving more than the deposition of 20 cubic yards of fill shall require a building permit. Additionally, the application requires a sealed grading plan prepared by a Florida licensed professional architect, surveyor, or engineer. The plan shall delineate the amount and type of fill, the amount, type, source of fill, compaction specifications and ensure that fill will remain stable under conditions of flooding, and include existing site details including structures, infrastructure, drive ways, etc. The plan shall indicate the existing grade and proposed grade in contour intervals of enough clarity to indicate the nature and extent of the work, including the type and amount of fill material that will be used. The plan shall contain elevations for existing and proposed grades at property corners and the street centerline and must detail how drainage will be affected. The plan shall show the location of existing structures or features of the site.

The plan shall show the location of existing structures or features of the site. The plan shall indicate drainage swales including design high points; intermediate grade points; and the location, height, and extent of retaining structures. The plan shall reflect surface slopes of drainage swales with flow direction arrows and include the elevation at the discharge ends of the swale's drainage pattern. The building permit shall include documentation to show that the volume, rate and quality of stormwater runoff following the filling or grading of land shall not exceed pre-development run-off conditions.

Note: No lot shall be filled to a height that would result in water being conveyed to an adjacent property. No fill shall be placed in city rights of way.

After site improvements are completed and prior to the issuance of a Certificate of Occupancy by the City, when applicable, an "As Built" Certification from a Florida licensed Engineer, Surveyor or Architect must demonstrate there will be no discharge of stormwater to adjacent properties and that the filled lot is not higher than the adjacent lot on all sides.

3. Prohibited fill:

All types of solid waste, sludges, hazardous materials and hazardous waste so designated by the United States Environmental Protection Agency, the Florida Department of Environmental Protection, and local health and environmental protection agencies. All bio-medical wastes that may cause pathogenic contamination of water resources. Industrial chemicals, petroleum products, putrescible household waste, and other materials that would contaminate permitted fill material.

Fill may not be placed in wetlands and must be setback at least 20 feet from jurisdictional wetlands or surface water.

C. Landscaping

Routine maintenance of the landscaped area, plantings, or sod involving less than 1,000 square feet in area provided shall not be considered fill, provided the quantity and location meets the fill ordinance standards.. Landscaping development proposed for more than 1000 square feet requires a landscape plan to identify vegetation plantings.

D. Penalties

Any person who fills or grades property without first securing a permit approval shall be subject to the penalties of this code and may be required to restore the site to the satisfaction of the City Building Official. In addition, all activity on the property shall cease until a permit has been issued and there shall be no other approval until such time as the filling and grading permit has been approved.

SECTION 4: INCLUSION IN THE CODE OF ORDINANCES.

It is hereby directed that the provisions of this ordinance be included in the Code of Ordinances of the City of Apalachicola, Florida. To that end, any renumbering of the various sections is hereby authorized as necessary to achieve this directive.

SECTION 5: SEVERABILITY

If any provision of this Ordinance is found to be invalid by a court of competent jurisdiction, then such determination shall not render the remaining provisions of the ordinance invalid.

SECTION 6: EFFECTIVE DATE

This Ordinance shall be filed with the Secretary of State and the Department of Economic Opportunity within ten days of adoption and shall take effect on adoption of final agency action in accordance with Chapter Rule 73 C, Florida Administrative Code.

SECTION 7: REPEAL AND REPLACE

All ordinance or parts of ordinances in conflict herewith, to the extent of such conflict, are hereby repealed.

READ AND ADOPTED in Regular Session this 5th day of May, 2020

VOTING YAE: COMMISSIONERS ASH, GROVE, ELLIOTT, GEORGE, MAYOR BEGOS

VOTING NAY: _____

FOR THE CITY COMMISSION OF THE CITY OF APALACHICOLA FLORIDA

Kevin Begos, Mayor Kevin Begos

Chris Holley, City Manager [Signature]

APPROVED AS TO FORM: Kristy Branch Banks, Attorney Kristy Branch Banks

ATTEST, Deborah Guillotte, City Clerk Deborah Guillotte