

Lake County Stormwater Management Ordinance

9.06.00 - Stormwater Management.

9.06.01 Legislative Intent. In order to protect, maintain, and enhance both the immediate and the long-term health, safety and general welfare of the citizens of Lake County, it is the intent of the Board of County Commissioners to enact this Section so as to accomplish the following objectives:

- A. To prevent loss of life and significant loss of Property due to Flooding;
- B. To protect, restore, and maintain the chemical, physical, and biological quality of ground and Surface Waters;
- C. To encourage productive and enjoyable harmony between humanity and nature;
- D. To prevent individuals, business entities, and governmental entities from causing harm to the community by activities which adversely affect water resources;
- E. To encourage the protection of Wetlands and other natural systems and the Use of those natural systems in ways which do not impair their beneficial functioning;
- F. To minimize the transport of Sediments and pollutants to Surface Waters;
- G. To protect, restore, and maintain the habitat of fish and wildlife;
- H. To perpetuate natural Groundwater Recharge;
- I. To encourage the Use of Drainage Systems which minimize the consumption of electrical energy or petroleum fuels to move water, Remove pollutants, or maintain the system; and
- J. To ensure the attainment of these objectives by requiring the approval and implementation of water Management Plans for all activities which may have an adverse impact upon Groundwater and Surface Water.
- K. To implement the Surface Water Management (SWM) programs of the St. Johns River Water Management District and the Southwest Florida Water Management District, and goals, objectives and policies of the Lake County Comprehensive Plan.

9.06.02 Jurisdiction. This Section Shall apply County wide in all Areas of Lake County. In those municipalities which have Stormwater Management ordinances equal to or more stringent than the requirements specified herein, the more stringent requirements Shall apply. In lieu of issuing a Lake County Permit, the County may accept Permits required under St. Johns River Water Management District, Chapter 40C-4 and Southwest Florida Water Management District, Chapter 40D-4.

9.06.03 Permit Requirements.

- A. No Person Shall conduct a Development Activity, or subdivide or make any change in the Use of Land, or construct any Stormwater Management system or Structure, or change the size of an existing Structure or system, except as exempted in Section 9.06.04, without first obtaining a Permit from the County Manager or designee as provided herein.
- B. The requirements of this Section Shall be implemented, and Shall be satisfied completely,

prior to:

1. Final Subdivision Plat approval;
2. Issuance of a Certificate of Occupancy on approved Site Plan projects; and
3. Final inspection for all other projects

C. Approval of the Stormwater Management Permit Shall be contingent on approval of any required Permit from the St. Johns River Water Management District, the Southwest Florida Water Management District and Florida Department of Environmental Regulation but will not result in automatic approval of the Stormwater Management Permit by the County Manager or designee.

D. For the purposes of this Section, the following activities may alter or disrupt Stormwater runoff patterns and Shall, therefore, unless exempt in accordance with Section 9.06.04, require a Permit prior to the initiation of any project:

1. Clearing and/or Construction for the drainage of Land;
2. Replatting recorded Subdivisions and the Development of recorded and unrecorded Subdivisions;
3. Changing the Use of Land and/or the Construction of a Structure;
4. Changing the size of one (1) or more Structures;
5. Altering shorelines or banks of waterbodies;
6. Increasing by five hundred (500) square feet or greater the impervious Area of any Parcel of Land; and
7. Using natural or artificial waterbodies for Stormwater Management purposes.

9.06.04 Exemptions. For the purposes of this Section, the following activities Shall be exempted from further consideration under the provisions of this Section. However, these exemptions do not preclude the need to comply with other Sections of this Code.

A. Residential Parcel Exemption. Residential Parcels where such Parcels are part of an overall Subdivision which has been approved in accordance with these regulations.

B. Agricultural Exemptions.

1. Facilities for agricultural Lands, provided those facilities are part of an approved Conservation Plan by the Soil Conservation Service; however, if the Conservation Plan is not implemented according to its terms, this exemption Shall be void.

2. In determining whether an exemption is available to a Person engaged in the occupation of Agriculture, the purpose of the topographic Alteration must be consistent with the practice of Agriculture and such Alteration may not be for the sole or predominant purpose of impounding or obstructing Surface Waters. In determining consistency with the practice of Agriculture occupations, the County will refer to the following publication: "A Manual of Reference Management Practices for Agricultural Activities (Florida Department of Regulation, November, 1978)". The following activities, Structures, and waterbodies are

considered as having impoundment or obstruction of Surface Waters as a primary purpose:

- a. Diversion, when such practice would cause diverted water to flow directly onto the Property of another Landowner;
 - b. Floodwater retarding Structure;
 - c. Irrigation pit or regulating reservoir;
 - d. Pond;
 - e. Structure for water control;
 - f. Regulating water in Drainage Systems; and
 - g. Pumping plant for water control, when used for controlling water levels on Land.
3. Other practices which are described in the Manual and which are constructed and operated in compliance with Soil Conservation service standards and approved by the Lake County Soil and Water Conservation District are presumed to be consistent with agricultural activities. Activities or practices not described in the manual are presumed to be inconsistent with the practice of Agriculture.

C. Silvicultural Exemption.

1. Facilities for silvicultural Lands, provided that the facilities are constructed and operated in accordance with the Silviculture Best Management Practices Manual, (1979), published by the State of Florida, Department of Agriculture and Consumer Services, Division of Forestry; and provided further that a Notice of Intent to conduct a silvicultural activity is received by the County Manager or designee in accordance with the provisions in Subsection (C)(5) below.
2. In determining whether an exemption is available to a Person engaged in the occupation of Silviculture, the purpose of the topographic Alteration must be consistent with the practice of Silviculture and such Alteration may not be for the sole or predominant purpose of impounding or obstructing Surface Waters. The following activities are presumed to be consistent; with the practice of Silviculture when they are undertaken to place Property into Silviculture Use or perpetuate the Maintenance of Property in Silviculture use:
 - a. Normal Site preparation for planting of the tree crop;
 - b. Planting; and
 - c. Harvesting.
3. If any activity is undertaken to place the Property into Use other than Silviculture, the activity is not considered to be consistent with the practice of Silviculture and Shall be subject to Permitting by the County.
4. Specifically exempt from Permitting under this Section are the Construction, operation, Maintenance, alternation, abandonment and Removal of above Grade, unpaved, upland silvicultural Roads with up to twenty-eight (28) feet of Road surface within a Construction corridor up to fifty (50) feet in width. These Roads must incorporate sufficient culverts at

Grade and may have associated borrow ditches. Road ditches exempted under this provision are those constructed only to obtain Road material for the exempt Road and to provide only enough storage to maintain a dry Road surface. Exempt Road ditches must not be designed nor may they serve to provide drainage to the Tract adjoining the Road. These Road ditches must not connect directly or indirectly to any Works not owned by the Person who owns the exempt Road and must be separated from Streams, other Watercourses or impoundments by at least a thirty-five (35) foot Buffer Zone of indigenous vegetation and a water turnout prior to said Buffer.

5. No Construction, operation, Maintenance, Alteration, abandonment or Removal of a minor silvicultural Surface Water Management system Shall commence until a completed Notice of Intent is received by the County Manager or designee. If the activities described above are undertaken without proof of Notice of Intent to the County Manager or designee, these activities Shall be considered as being undertaken without a Permit. The Notice of Intent Shall only authorize Construction, operation, Maintenance, Alteration, abandonment or Removal when it is received by the County Manager or designee and provided the proposed activity qualifies under this Section.

D. Emergency Exemption. Emergency Maintenance work performed for the protection of public health and welfare.

E. Maintenance Exemption. Any Maintenance to an existing system made in accordance with Permitted plans and specifications.

F. Single-Family or Duplex Exemption. Single-family or duplex Residential Construction on a single Lot.

9.06.05 Performance Criteria. Stormwater Management Permit applications Shall be approved by the County Manager or designee when it is demonstrated to the satisfaction of the County Manager or designee that the proposed Development Activity has been planned and designed, and Shall be constructed and maintained, to meet the performance criteria described herein. The stormwater Management system design Shall conform to the Lake County Stormwater Design Standards approved and adopted by the Board.

A. Criteria which is consistent with Section 6.05.03.

B. All Developments within a Riverine Flood hazard Areas Shall be designed to maintain the Flood carrying capacity of the Floodway such that the Base Flood elevations are not increased, either upstream or downstream.

C. All Residential and non-Residential Structures constructed in the 100-year Floodplain, if allowed pursuant to Section 6.05.00, Shall have the finished first Floor of the Building elevated a minimum of eighteen (18) inches above the elevation of the 100-year Flood, as determined by the County Manager or designee. For industrial Developments, Flood proofing may be substituted in lieu of elevating the finished Floor.

D. Development Shall not result in an increase in the 100-year Flood elevation. No fill Shall be allowed to be placed in the 100-year Floodplain without an equivalent volume of soil Removed to compensate for the loss of the Flood storage. Compensating Storage is to be determined by the volume of material Removed above the Ordinary High Water table and below the 100-year Flood elevation established for that area. Fill placed in the 100 year Floodplain Shall not reduce the flow

Rate.

E. Projects Shall be designed so that Stormwater Discharges meet, at a minimum, the Water Quality criteria set forth by the St. John River Water Management District or the Southwest Florida Water Management District, whichever apply, and the requirements of the Lake County Stormwater Design Standards in order to achieve the state Water Quality standards established by the Florida Department of Environmental Regulation in Chapter 17-3, Florida Administrative Code.

F. The Peak Rate of Flow of the Discharge hydrograph for the project Site Shall not exceed the pre-Development Peak Rate of Flow for the range of storms specified in the Lake County Stormwater Design Standards, if the project Area is not contributory to a Land-Locked Area with no Positive Outlet. When the project Area is contributory to a Land-Locked Area with no Positive Outlet, the project Shall provide extended Detention for the difference in volume of Stormwater Discharge for pre-Development and Post-Development conditions from the 25-year, 96-hour Storm Event.

G. The Stormwater Management system Shall not create an adverse impact to upstream or downstream areas. Off-Site Areas which Discharge to or across a Site proposed for Development Shall be accommodated in the Stormwater Management Plans for the Development. No Stormwater Management Permit application Shall be approved until the Applicant demonstrates that the runoff from the project Shall not overload or otherwise adversely impact any downstream areas.

H. The Stormwater Management system Shall minimize adverse environmental impacts to Wetlands, fish, wildlife, or other natural resources.

I. Wetlands Shall not be used for Stormwater Quality treatment.

J. Wetlands Shall not be used to attenuate runoff peak Rates except for isolated Wetlands which are wholly-contained on-site, provided that the utilization of the Wetlands for Stormwater attenuation does not disrupt the normal range of water level fluctuation as it existed prior to Construction of the wetland Discharge facility.

K. Stormwater facilities Shall be designed to perform as follows:

1. Bridges. Hydraulic profile Shall be below the top cord of the bridge for the 50-year, 24-hour storm.
2. Stormwater Detention and Retention ponds which are contributory to Land-Locked Areas with no Positive Outlet Shall be designed for the 25-year, 96-hour storm.
3. Canals, ditches, or culverts external to the Development, and Stormwater Detention or Retention basins which are part of a project that is not contributory to a Land-Locked Areas with no Positive Outlet, Shall be designed for the 25-year, 24-hour storm.
4. Stormwater Flooding for all Arterial and Collector Roads (as classified in Section 9.04.03A.1 & 2) Shall not exceed one-half ($\frac{1}{2}$) of the Roadway width. For all Local Roads (as classified on Section 9.04.03(A)3), Stormwater Flooding Shall not exceed the crown of the Road for the 10-year, 24-hour storm.
5. Storm sewers and Roadside Swales Shall be designed such that the hydraulic gradient

is 1.0 foot below the gutter line or edge of pavement for Arterial Roadways; and 0.5 feet below the gutter line or edge of the pavement for collector and Local Roadways for the 10-year, 24-hour storm.

L. All proposed Stormwater Management systems Shall be designed to prevent Flooding, promote safety, and minimize health hazards.

M. All Stormwater Management systems Shall be designed to reduce the pollution of Surface Water and Groundwater resources by Stormwater, control Erosion, and provide for Recharge where appropriate. The County Manager or designee, while enforcing standards set for pollution and Sedimentation control, may encourage innovative approaches to control pollution and Erosion, and to provide for Recharge.

N. A vegetated and functional littoral Zone Shall be established for any new Lake or wet Detention Area established as part of any new Surface Water Management system greater than or equal to 0.5 acres in size based upon the 10-year Storm Event.

9.06.06 Stormwater Management System Design Criteria.

A. Stormwater Management systems Shall be designed in accordance with the criteria contained in the Lake County Stormwater Design Standards.

B. The County may periodically modify these Stormwater design criteria to meet the objectives of this Section or other Construction Codes which may be required by the County. These modifications Shall be compiled by the County Manager or designee in a set of amended Lake County Stormwater Design Standards and incorporated into the adopted Lake County Stormwater Design Standards annually.

9.06.07 Dedication of Drainage Easements and Rights-of-Way.

A. Drainage Easements or Rights-of-Way, as specified in the Lake County Stormwater Design Standards, Shall be dedicated by the Owner at, no expense to the County, for the Stormwater facilities within the Development.

B. When a proposed Drainage System will carry water across private Land outside the Development, the Off-Site drainage Easements as specified in the Lake County Stormwater Design Standards Shall be secured by the Owner or Applicant and indicated on the Plat, or in a separate recorded document approved by the County.

C. When a Development is traversed by a Watercourse or Open Channel, the Applicant Shall provide a drainage Easement or Right-of-Way to convey water, which Shall be a minimum width, as specified in the Lake County Stormwater Design Standards.

D. Easements and Rights-of-Way Shall include suitable Access as specified in the Lake County Stormwater Design Standards for Maintenance equipment from public Rights-of-Way.

E. All drainage Easements, both On-Site and Off-Site, Shall be recorded on a Final Plat or a separate recorded document approved by the County.

9.06.08 Maintenance.

A. The County Manager or designee Shall approve a written Maintenance plan upon a finding

that the plan meets the terms of this Section. The written operation and Maintenance plan Shall contain the information in this Subsection as the minimum criteria that Shall be accepted by the County Manager or designee. The Maintenance plan Shall include:

1. Demonstration of the ability of an entity to provide adequate Maintenance;
2. Written agreement of acceptance of an entity to maintain the facilities;
3. Specific Maintenance activities to be performed;
4. Frequency of Maintenance activity; and
5. Measurable objective of Maintenance activity.

B. The installed Stormwater system Shall be maintained by the legal entity responsible for Maintenance. All Stormwater Management Permit applications Shall contain documentation sufficient to demonstrate that the operation and Maintenance entity is the legal entity empowered and obligated to perpetually maintain the Stormwater Management facilities. The County considers the following entities acceptable to operate and maintain Stormwater Management facilities. The County considers the following entities acceptable to operate and maintain Stormwater Management facilities:

1. Local governmental units including the County, municipalities, or Municipal Service Taxing Units or Municipal Benefit Taxing Units.
2. Active F.S. Ch. 298, water control Districts or drainage districts, or F.S. Ch. 190, Community Development Districts, or F.S. Ch. 170, Special Assessment Districts.
3. Non-profit corporations including homeowners associations, Property Owners associations, Condominium Owners associations, or master associations under certain conditions which ensure that the corporation has the financial, legal, and administrative capability to provide for the long-term operation and Maintenance of the facilities.
4. The Property Owner or Developer as Permittee is normally not acceptable as a responsible entity, especially when the Property is to be sold to various third parties. However, the Property Owner or Developer may be acceptable under one (1) of the following circumstances:
 - a. The Property is wholly owned by Permittee and the Ownership is intended to be Retained. This would apply to a farm, corporate office, or single industrial facility, for example.
 - b. The Ownership of the Property is Retained by the Permittee and is either leased to third parties (such as in some shopping centers), or rented to third parties (such as in some Mobile Home parks), for example.

C. The Stormwater Management system to be maintained by the legal entity Shall have adequate Easements, in accordance with Section 9.06.07, to Permit the County to inspect, and if necessary, to take corrective action should the legal entity fail to maintain the system properly.

D. Maintenance of Stormwater facilities Shall allow the Stormwater Management system to perform as originally designed and Permitted by the County and other appropriate governmental

agencies and as set forth in the written plan.

E. Maintenance Shall include compliance with County Building and Construction Codes, and all other applicable County Codes.

F. Non-Profit Corporations Shall annually report to the County the Maintenance performed during the year and demonstrate their financial capability to provide the required Maintenance for the coming year. This Shall be done to reflect compliance with their written Maintenance plan.

G. The legal entity Shall execute and record a document acceptable to the County Attorney which defines its authority and responsibility for Maintenance of the Stormwater Management system, defines how the Maintenance is to be performed, defines the funding mechanisms for the required Maintenance, and provides a legal mechanism assuring the perpetuation of the Maintenance.

9.06.09 NPDES Stormwater Illicit Discharge Regulations.

A. Purpose/intent. The purpose of this ordinance is to protect the health, safety, and general welfare of the citizens of Lake County through the regulation of non-stormwater discharges to storm drainage systems as required by Federal and State law. This section Shall apply to all discharges entering the storm drain system generated from any developed or undeveloped lands unless explicitly exempted by law. This section establishes methods for controlling the introduction of pollutants into the Municipal Separate Storm Sewer System (MS4) in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process and state law. The objectives of these regulations are:

1. To regulate the contribution of pollutants to the Municipal Separate Storm Sewer System (MS4) by stormwater discharges.
2. To prohibit Illicit Connections and Discharges to the Municipal Separate Storm Sewer Systems.
3. To establish authority to carry out all inspection, monitoring and enforcement procedures necessary to ensure compliance with this Section.

B. Definitions. For the purposes of this Section, the following terms Shall mean:

1. Best Management Practices (BMPs) - Methods that are the most effective means of preventing or reducing pollution from non-point sources, such as pollutants carried by runoff. BMP's can be structural (e.g., ponds, oil and water separator, silt fence, hay-bales) or non-structural (e.g. education, maintenance).
2. Illegal Discharge - Any direct or indirect non-stormwater discharge to the storm drain system, except as exempted in subsection C, Discharge Prohibitions.
3. Illicit Connections Either of the following:
 - a. Any surface, or subsurface, drain or conveyance which allows an illegal discharge to enter the storm drain system, including but not limited to, any conveyances which allow any non-stormwater discharge including sewage, wastewater, and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously

allowed, permitted, or approved by an authorized agency; or

b. Any drain or conveyance connected from a commercial or industrial land use to the storm drain system which has not been documented in plans, maps, or equivalent records and approved by an authorized agency.

4. Industrial Activity - Activities subject to NPDES Industrial Permits as defined in 40 CFR, Section 122.26(b)(14).

5. Municipal Separate Storm Sewer (MS4) - a conveyance or system of conveyances like roads with stormwater systems, municipal streets, catch basins, curbs, gutters, constructed channels or storm drains as defined in Section 62-624.200, Florida Administrative Code.

6. National Pollutant Discharge Elimination System (NPDES) Stormwater Discharge Permit - A permit issued by the Environmental Protection Agency (EPA) or Florida Department of Environmental Protection (DEP) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

7. Non-Stormwater Discharge. Any discharge to the storm drain system that is not composed entirely of stormwater.

8. Pollutant - Anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, and accumulations, so that same may cause or contribute to pollution: pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage and other biological waste, dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

C. Discharge Prohibitions. The commencement, conduct or continuance of any non-stormwater discharge to the Municipal Separate Storm Sewer System or watercourse from a storm drain system is prohibited, except the following:

- a) Uncontaminated water line flushing
- b) Rising ground waters
- c) Uncontaminated groundwater infiltration
- d) Uncontaminated pumped ground water
- e) Potable water
- f) Foundation drains
- g) Air conditioning condensate
- h) Irrigation
- i) Springs

- j) Water from crawl space pumps
- k) Footing drains
- l) Individual residential car washing
- m) Natural flows from riparian habitats and wetlands
- n) Dechlorinated swimming pool discharges

D. Industrial or Construction Activity Discharges. Any Person subject to an industrial or construction activity NPDES stormwater discharge permit Shall comply with all provisions of such permit. Proof of compliance with said permit Shall be required in a form acceptable to the County prior to the allowing of discharges to the MS4.

1. Access to Facilities.

a. The County Shall be permitted to enter and inspect facilities subject to regulation as often as may be necessary, at reasonable times, to determine compliance with this Section. Facility operators Shall make the necessary arrangements to allow access to representatives of the County. Failure to allow the County access to a permitted facility is a violation of a stormwater discharge permit and of this Section.

b. Facility operators Shall allow the County ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records that must be kept under the conditions of an NPDES permit to discharge stormwater, and the performance of any additional duties as defined by State and Federal law.

c. The County Shall have the right to set up on any permitted facility such devices as are necessary to conduct monitoring and/or sampling of the facility's stormwater discharge.

d. The County has the right to require the discharger to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure stormwater flow and quality shall be calibrated to ensure their accuracy.

e. Any temporary or permanent obstruction to access the facility to be inspected or sampled Shall be promptly removed by the operator at the written request of the County and Shall not be replaced. The costs of clearing such access shall be borne by the operator.

E. Requirement To Prevent, Control, and Reduce Storm Water Pollutants By the Use of Best Management Practices. Lake County Shall require that Best Management Practices are utilized for any activity, operation, or facility which may cause or contribute to pollution or contamination of stormwater, the storm drain system, or waters of the United States. The Owner or operator of a commercial or industrial establishment Shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the Municipal Storm Drain System or watercourses through the use of structural or non-structural BMPs. Any person responsible for a property or premise which is the source of an illegal discharge, Shall be required to implement, at said person's expense, additional structural or non-structural BMPs to prevent the

further discharge of pollutants to the Municipal Separate Storm Sewer System. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of stormwater associated with industrial activity Shall be required. These BMPs Shall be part of a stormwater pollution prevention plan (SWPPP) as necessary for compliance with requirements of the NPDES permit.

F. Notification of Discharge. Notwithstanding other requirements of law, if any person responsible for a facility or operation, is aware of any known or suspected release of materials which may result in illegal discharges or pollutants discharging into a storm drain system or Florida waters said person Shall notify the County and immediately take all necessary steps to ensure the discovery, containment, and cleanup of such release. If the discharge of prohibited materials emanates from an industrial or construction activity, the Owner or operator Shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records Shall be retained for at least three (3) years or as required by Federal or State law, whichever is longer.

G. Enforcement. Whenever the County finds that a person has violated or failed to meet a requirement of this Section, the County Shall order compliance by written notice of violation to the responsible person.

- a. The performance of monitoring, analyses, and reporting may be required;
- b. The elimination of illicit connections and illegal discharges shall be required;
- c. The violating discharges, practices, and operations shall be required to cease and desist;
- d. The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property shall be required; and
- e. The implementation of source control or treatment BMPs shall be required.

If abatement of a violation and/or restoration of affected property is required, the notice Shall set forth a deadline within which such remediation or restoration must be completed. If, after a reasonable period of time to comply, the violation has not been corrected, the case will be enforced according to the provisions of Chapter 8, Lake County Code.

(Ord. No. 2007-50, § 2, 11-6-07)