

**ORDINANCE NO. 2024-14**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, AMENDING SECTION 130-035 “ADEQUACY OF DRAINAGE FACILITIES,” OF ARTICLE 130 “CONCURRENCY REVIEWS” OF PART V “DEVELOPMENT REVIEW PROCEDURES AND REQUIREMENTS,” OF THE UNIFIED LAND DEVELOPMENT CODE TO UPDATE STANDARDS FOR DRAINAGE SYSTEMS; PROVIDING FOR CONFLICT, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.**

**WHEREAS**, the Town Council, as the governing body of the Town of Loxahatchee Groves, Florida (“Town”), pursuant to the authority vested in Chapter 166, Florida Statutes, is authorized and empowered to adopt land development regulations within the Town; and

**WHEREAS**, on July 16, 2024, the Town Council held a public workshop on the topics of surface water policy and permitting relative to stormwater drainage systems; and

**WHEREAS**, at its regular meeting on September 3, 2024, the Town Council determined the need for revisions to Section 130-035 of the Town’s Unified Land Development Code, to update and simplify the standards for stormwater drainage systems within the Town; and

**WHEREAS**, the Town Council has determined that the enactment of this ordinance is for a proper municipal purpose and in the best interests of the residents of the Town.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, THAT:**

**Section 1.** The foregoing “Whereas” clauses are hereby ratified and confirmed as being true and correct and incorporated herein by this reference.

**Section 2.** Section 130-035 “Adequacy of drainage facilities” of Article 130 “Concurrent Review” of Part V “Development Review Procedures and Requirements” of the Unified Land Development Code is hereby amended as follows (words ~~stricken~~ are deletions; words underlined are additions):

**Section 130-035. Adequacy of drainage facilities.**

(A) Level of service. As consistent with the Loxahatchee Groves Comprehensive Plan, the minimum design criteria and the standard to assess adequacy of service for drainage systems in the Town are as follows:

(1) Minimum roadway and parking lot elevations for non-residential uses shall be at least at the highest elevation that may occur at the peak of the 10-year, one-day storm event;

(2) For storm events less than the 10-year, three-day storm event, site discharge may not overflow into any adjacent property, unless a permanent drainage easement is obtained. Adverse impacts to neighboring properties generated by post-development runoff is prohibited.

~~(2) Minimum site perimeter elevations shall be at least the 25-year, three-day stage. Site runoff up to such stage level may not overflow into any adjacent property, unless a permanent drainage easement is obtained;~~

(3) Runoff containment (dry or wet retention/detention), stage versus storage, stage versus discharge, water quality and flood routing calculations for the 10-year, three-day and 100-year, three-day storm events for the site shall be submitted with the site development plans. Calculations shall be prepared in accordance with FAC 62-330, per Florida Department of Environmental Protection (FDEP). Water quality criteria as defined by South Florida Water Management District (SFWMD)/FDEP shall be demonstrated in the plans and calculations. No net floodplain encroachment shall be allowed without compensating storage per FAC 40E-41.263.

~~(3) Dry or wet retention/detention, stage versus storage, stage versus discharge and flood routing calculations for the 10-year, one-day; 25-year, three-day; and 100-year, three-day storm events for the site shall be submitted with the site development plans;~~

(4) Building floor elevations shall be at or above the 100-year flood elevation as determined by calculations following the latest SFWMD methodology, or at least one foot above the flood elevation as determined by the Federal Flood Insurance Rate Maps applied to the Florida Building Code criteria, whichever is greater.

~~(4) Building floor elevations shall be at or above the 100-year flood elevation, as determined from the Federal Flood Insurance Rate Maps or calculations following the latest South Florida Water Management District (SFWMD) methodology, whichever is greater;~~

(5) Off-site discharge shall be limited to the allowable discharge for the C-51 Basin criteria (27 cubic feet per second per square mile) (CSM) for the 10-year, three-day storm event) established by SFWMD. Alternately, the allowable discharge rate may be determined by the minimum allowable bleeder criteria, or predevelopment versus post development criteria as defined by SFWMD.

~~(5) Off-site discharge shall be limited to pre-development runoff based on the 25-year, three day storm event calculated by SFWMD methods;~~

(6) The Town encourages the use of side and rear lot line swales to meet the above criteria. Any historically shared drainage swales or ditches with neighboring properties shall remain unaltered and must be documented by a recorded drainage easement. If proposed development impedes any historical drainage swale/ditch, redirection of flow shall be considered and approved at the discretion of the Town Engineer on a case-by-case basis.

~~(6) All roof runoff shall be detained on site.~~

(7) Storm sewers, for non-residential properties, shall be designed to convey the three-year, Zone 10 rainfall intensity defined by the Florida Department of Transportation.

~~(7) Storm sewers shall be designed to convey the five-year, one-day storm event.~~

(8) For any proposed development of land within unrecorded plats, the owner/developer shall either re-establish the required historical drainage infrastructure, or demonstrate that an alternate, equivalent drainage system is provided. Development of a primary residential structure on these lots shall provide compensating storage per Florida Administrative Code section 40E-41.263, but is exempt from state environmental resource permitting requirements per section 403.813(1), Florida Statutes.

~~(8)~~ (9) Prior to discharge to surface or groundwater, Best Management Practices (BMPS) of SFWMD shall be used to reduce pollutant loading from storm water runoff from non-agricultural uses.

~~(9)~~ (10) Prior to discharge to surface or groundwater, best management practices of the Department of Environmental Protection and United States Department of Agriculture shall be used to reduce pollutant loading from stormwater run-off from agricultural uses.

(B) All storm water management facilities in the Town shall be designed in accordance with the South Florida Water Management District criteria and with Loxahatchee Groves Water Control District criteria, when applicable.

**Section 3. Conflict.** All Ordinances or parts of Ordinances, Resolutions or parts of Resolutions in conflict herewith be, and the same are hereby repealed to the extent of such conflict.

**Section 4. Severability.** If any clause, section, or other part or application of this Ordinance shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such

unconstitutional or invalid part or application shall be considered as eliminated and so not affecting the validity of the remaining portions or applications remaining in full force and effect.

**Section 5. Codification.** It is the intention of the Town Council of the Town of Loxahatchee Groves that the provisions of this Ordinance shall become and be made a part of the Unified Land Development Code of the Town of Loxahatchee Groves, Florida, that the Sections of this ordinance may be renumbered, re-lettered, and the word “Ordinance” may be changed to “Section,” “Article” or such other word or phrase in order to accomplish such intention.

**Section 6. Effective Date.** This Ordinance shall become effective immediately upon its passage and adoption.

Councilmember \_\_\_\_\_ offered the foregoing ordinance. Councilmember \_\_\_\_\_ seconded the motion, and upon being put to a vote, the vote was as follows:

**PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, ON FIRST READING, THIS \_\_DAY OF \_\_\_\_\_, 2024.**

	<u>Aye</u>	<u>Nay</u>	<u>Absent</u>
ANITA KANE, MAYOR	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
MARGARET HERZOG, VICE MAYOR	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PHILLIS MANIGLIA, COUNCILMEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
LAURA DANOWSKI, COUNCILMEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ROBERT SHORR, COUNCILMEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Councilmember \_\_\_\_\_ offered the foregoing ordinance. Councilmember \_\_\_\_\_ seconded the motion, and upon being put to a vote, the vote was as follows:

**PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN LOXAHATCHEE GROVES, ON SECOND READING AND PUBLIC HEARING, THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2024.**

	<u>Aye</u>	<u>Nay</u>	<u>Absent</u>
ANITA KANE, MAYOR	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
MARGARET HERZOG, VICE MAYOR	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PHILLIS MANIGLIA, COUNCILMEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
LAURA DANOWSKI, COUNCILMEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ROBERT SHORR, COUNCILMEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**TOWN OF LOXAHATCHEE GROVES, FLORIDA**

ATTEST:

\_\_\_\_\_  
Town Clerk

APPROVED AS TO LEGAL FORM:

\_\_\_\_\_  
Office of the Town Attorney

\_\_\_\_\_  
Mayor Anita Kane

\_\_\_\_\_  
Vice Mayor Margaret Herzog

\_\_\_\_\_  
Councilmember Phillis Maniglia

\_\_\_\_\_  
Councilmember Laura Danowski

\_\_\_\_\_  
Councilmember Robert Shorr