

ORDINANCE NO. 49-2017

AN ORDINANCE OF THE CITY OF TITUSVILLE, FLORIDA, AMENDING THE CODE OF ORDINANCES RELATED TO UTILIZING CONSERVATION SUBDIVISIONS IN THE AREA OF CRITICAL CONCERN; BY AMENDING CHAPTER 30 "DEVELOPMENT STANDARDS", SECTION 30-207 "AREA OF CRITICAL CONCERN PERFORMANCE" TO PERMIT THE DEVELOPMENT OF CONSERVATION SUBDIVISIONS; PROVIDING FOR SEVERABILITY, REPEAL OF CONFLICTING ORDINANCES, AN EFFECTIVE DATE AND INCORPORATION INTO THE CODE.

WHEREAS, the Titusville City Council has designated the Area of Critical Concern to safeguard the city's potable water wellfields and associated aquifer recharge areas; and

WHEREAS, the Titusville City Council has adopted development standards intended to protect the functionality of the wellfields, while allowing reasonable development; and

WHEREAS, the Titusville City Council desires to encourage additional protection of the natural systems and topography associated with the potable water wellfields and recharge areas through the use of creative development options, such as conservation subdivisions.

BE IT ENACTED BY THE CITY OF TITUSVILLE, FLORIDA:

SECTION 1: That Chapter 30 "Development Standards", Article III "Improvements" Division 6 "Stormwater Management and Aquifer Protection", Subdivision 2 "Area of Critical Concern", Section 30-207 "Area of critical concern performance" of the Code of Ordinances, City of Titusville is hereby amended to read as follows:

Sec. 30-207 - Area of critical concern performance.

- (a) For properties, any portion of which is located within the Area of Critical Concern (See Chapter 29 Special Districts and Overlay), no certificate of occupancy, building permit, development permit, clearing permit, site plan approval, or any other permit or development approval shall be issued by the city unless the land use or permit shall comply with the following performance standards in addition to the other requirements of this section.
- (1) Primary Stormwater Management facilities are to be designed as dry bottom facilities.
 - (2) Retention and Discharge Requirements:
 - a. For a development site located above twenty-five (25) feet mean sea level (msl), the post-development runoff volume resulting from the ten-year/twenty-four-hour storm event shall be retained on site. The retention area required for the ten-year/twenty-four-hour storm shall be based on the percentage of impervious surface on the site. The rate of discharge over the retained ten-year/twenty-four-hour storm volume shall be restricted to the predevelopment rate of discharge for a twenty-five-year/twenty-four-hour storm event. One-half (½) foot of freeboard shall be required above the overflow elevation. The area needed for the freeboard is extra, above the area calculated above. Engineering calculations, using approved methods, showing that

the ten-year, twenty-four hour storm retention requirements have been met shall be required.

- b. For development sites below twenty-five (25) feet msl, retention and discharge requirements shall be as provided in Sections 30-206 and 30-210 for developments located outside the area of critical concern. This includes the use of wet detention.
 - c. For development sites having elevations both above and below twenty-five (25) feet msl, those portions of the site which are above twenty-five (25) msl shall conform to the performance in paragraph (a)(1) of this section, and all required retention ponds and improvements shall be located in the areas above twenty-five (25) feet msl.
- (3) Removal of soil from a development site within the Area of Critical Concern shall be prohibited unless otherwise approved by the administrator. Importing clean fill on a site for the purpose of creating additional recharge shall be encouraged.
 - (4) Reduction of natural topography shall be minimized. The reduction of natural topography shall be limited eight (8) feet above the seasonal high water table (with the exception of drainage conveyances or retention ponds) or eight (8) feet below existing land surface, whichever is more restrictive. This section shall not apply to excavation beneath a structure for the purpose of providing a basement except that in no case shall such excavation be within eighteen (18) inches of the seasonal high water table. The limitations on the extent of the above cut of the natural topography shall not be construed as an automatic authorization to alter the natural topography. The project shall be designed to minimize the change in natural topography.
 - (5) Within the Area of Critical Concern the total of all impervious surfaces shall not exceed forty (40) percent of the total area of a development excluding publicly dedicated right-of-way and jurisdictional wetlands. If pervious concrete pavement is used in the development of the site, a credit for the use of pervious concrete pavement will be as stated in Section 30-208. (See Section 7.6.1.1 of the Stormwater Technical Manual for performance calculations)
 - (6) For sites adjacent to existing municipal potable water wells total impervious surfaces shall not exceed the following (See Stormwater Technical Manual for performance calculations)
 - a. Twenty (20) percent if the site is within three hundred (300) feet of an active municipal production well site
 - b. Twenty-five (25) percent if the site is between three-hundred (300) feet and seven hundred fifty (750) feet of an active municipal production well site.
 - c. Thirty (30) percent if the site is between seven hundred fifty (750) feet and fifteen hundred (1500) feet of an active municipal production well site.
 - (7) Impervious parking lot requirements may be waived for uses located within the Area of Critical Concern provided that erosion control measures are approved by the Administrator. However, any accessway onto a public right-of-way shall be paved a minimum distance of twenty (20) feet into the property in order to provide for public safety and drainage.

- (8) Development shall be designed to minimize the reduction of recharge to the surficial aquifer. The groundwater level and fluctuations shall be no worse than under predevelopment conditions.
- (9) For private wells in excess of two (2) inches in diameter, licensed well drillers installing private wells in the Area of Critical Concern, shall first notify the Administrator and supply information concerning owners name, address, property locations, depth and diameter of well and pumping capacity.
- (10) Only one (1) black water septic tank permitted per acre, not to exceed one thousand two hundred (1,200) gallon capacity, shall be allowed.
- (11) Home fuel oil storage tanks are prohibited within the Area of Critical Concern.
- (12) The minimum lot size for all future single-family developments shall be ten thousand (10,000) square feet, excluding retention ponds. A Conservation Subdivision as specified in Chapter 30 - Development Options, Article VIII - Conservation Subdivision Design may be utilized to allow lots less than ten thousand (10,000) square feet in area provided all conditions of the Conservation Subdivision Design are met.
- (13) Preservation of predevelopment topography, grades, soils and vegetation shall be encouraged.
- (14) That each site/subdivision must calculate the maximum impervious area for each lot(s). This information must be included on site plan and/or plat.

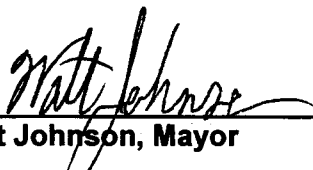
SECTION 2: SEVERABILITY. If any provisions of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this Ordinance.

SECTION 3: REPEAL OF CONFLICTING ORDINANCES. All ordinances or parts of ordinances, and all resolutions and parts of resolutions, in conflict herewith are hereby repealed to the extent of such conflict.


SECTION 4: EFFECTIVE DATE. This Ordinance shall be in full force and effect upon adoption by the City Council in accordance with the Charter of the City of Titusville, Florida.

SECTION 5: INCORPORATION INTO CODE. This ordinance shall be incorporated into the City of Titusville Code of Ordinances and any section or paragraph, number or letter, and any heading may be changed or modified as necessary to effectuate the foregoing. Grammatical, typographical, and like errors may be corrected and additions, alterations, and omissions, not affecting the construction or meaning of this ordinance and the Code may be made.

PASSED AND ADOPTED this 12th day of December 2017.



Walt Johnson, Mayor

ATTEST:


Wanda F. Wells, City Clerk

