

ORDINANCE NO. 2024-O-04

AN ORDINANCE OF THE CITY OF EDGEWATER, FLORIDA; AMENDING THE COMPREHENSIVE PLAN STORMWATER ELEMENT; AS AMENDED, TO ENHANCE STORMWATER DESIGN TO ACCOMMODATE THE 100 YEAR FLOOD FOR THE PURPOSE OF PROTECTING PUBLIC HEALTH AND SAFETY; PROVIDING FOR CONFLICTING PROVISIONS, AN EFFECTIVE DATE, AND ADOPTION.

WHEREAS, the City of Edgewater has adopted a Comprehensive Plan in accordance with Chapter 163, Part II, Florida Statutes governing the use, growth and development of property within the City's jurisdiction; and

WHEREAS, this amendment to the Comprehensive Plan will include edits to Chapter Four Stormwater Element to increase the analysis from the Twenty-Five-year storm frequency to the One-Hundred-year storm frequency; and

WHEREAS, the One-Hundred-year storm frequency analysis is an effort to address flooding concerns; and

WHEREAS, the implementation of the changes is an adequate provision to protect the health, safety, and wellbeing of citizens within the City of Edgewater; and

WHEREAS, The Planning and Zoning Board recommended approval this item on December 13, 2023 in the best interest of the public welfare; and

WHEREAS, the Comprehensive Plan amendment adopted by this Ordinance is internally consistent with the City of Edgewater Comprehensive Plan and its goals, policies and objectives and is in compliance as provided by the applicable provisions of Chapter 163, Florida Statutes

and other law; and

NOW, THEREFORE, BE IT ENACTED by the City Council of the City of Edgewater, Florida:

PART A. AMENDMENT.

Ordinance No. 2024-O-04, as amended and supplemented, adopting the Comprehensive Plan of the City of Edgewater, Florida, regulating and restricting the use of lands located within the City of Edgewater, Florida, shall be amended to include amendments to the Stormwater Future Element described in Exhibits “A”.

PART B. PUBLIC HEARINGS.

It is hereby found that a public hearing held by the City Council to consider adoption of this ordinance on January 8, 2024, at 6:00 p.m. in the City Council Chambers at City Hall, 104 N. Riverside Drive, Florida, after notice published at least 10 days prior to hearing is deemed to comply with 163.3184, Fla. Stat.

PART C. CONFLICTING PROVISIONS.

All conflicting ordinances and resolutions, or parts thereof in conflict with this ordinance, are hereby superseded by this ordinance to the extent of such conflict.

PART D. SEVERABILITY AND APPLICABILITY.

If any portion of this ordinance is for any reason held to be unconstitutional, inoperative, or void, such holding shall not affect the remaining portions of this ordinance. If this ordinance

~~Strike through~~ passages are deleted.

Underlined passages are added.

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or any provisions thereof shall be held to be inapplicable to any person, property, or circumstances, such holding shall not affect its applicability to any other person, property or circumstance.

PART E. RECORDING.

Upon approval and execution, this document shall be delivered to the Clerk of Court for recording into the public records of Volusia County, Florida.

PART F. EFFECTIVE DATE.

This Ordinance shall take place upon adoption.

PASSED AND DULY ADOPTED this ____ day of _____, 2024.

Diezel DePew, Mayor

ATTEST:

Bonnie Zlotnik, CMC, City Clerk

Passed on first reading on the ____ day of _____, 2024

REVIEWED AND APPROVED: _____
Aaron R. Wolfe, City Attorne

EXHIBIT “A”



CITY OF EDGEWATER

COMPREHENSIVE PLAN

UTILITIES ELEMENT STORMWATER SUB-ELEMENT

GOALS, OBJECTIVES AND POLICIES

CHAPTER IV

CHAPTER IV – UTILITIES ELEMENT

STORMWATER SUB-ELEMENT

GOALS, OBJECTIVES AND POLICIES

a. GOALS, OBJECTIVES AND POLICIES

Goals, objectives and policies are crucial to the implementation of the Comprehensive Plan and each of the elements and sub-elements. They represent important official statements of public policy that will be used to manage the future growth of the City.

Periodically, current City practices and the following stormwater management sub-element goals, objectives and policies will be reviewed for conformity.

GOAL 1: The City will provide a stormwater management system designed to protect the public health and environment, and will construct and operate that system in an efficient manner.

Objective 1.1: *Design Storm.* Evaluate the existing drainage system to determine future needs through the 25 100 year frequency, 24 hour duration storm event and implement improvements to the stormwater management system based on the design storm data. [9J-5.011 (2)(b)1. and (2)(b)2., F.A.C.]

Policy 1.1.1: *Stormwater Management System Level of Service Standards.* The following Level of Service standards are hereby established for the City's stormwater management system.

Level A – No significant street flooding

Level B – No major residential yard

flooding Level C – No significant structure
flooding

Level D – No limitation on flooding [9J-5.011 (2)(c)2., F.A.C.]

Policy 1.1.2: *New Development and LOS Standards.* The City will require proposed new developments to provide evidence to show that no adverse off-site impacts will result and that LOS ratings in stormwater conveyances serving the new development will not be degraded to an LOS lower than currently exists as a result of the new development's construction and stormwater runoff contribution. [9J-5.011 (2)(c)1., F.A.C.]

Policy 1.1.3: *Meeting Stormwater Management Requirements and Development Permits.* The City will rigorously enforce its subdivision regulations and stormwater management ordinances, and will require all new development

to show that all applicable State and Federal stormwater management requirements have been met prior to issuing a development permit. [9J- 5.011 (2)(c)1., F.A.C.]

Objective 1.2: *Concurrency.* Ensure that all new developments include adequate stormwater management facilities to limit post-development ~~runoff~~ discharge rates to equal to or less than pre-development rates and quantities for the ~~25~~ 100 year, 24 hour design storm, and that such facilities are available concurrent with the development. [9J-5.011 (2)(b)1. and (2)(b)2., F.A.C.]

Policy 1.2.1: *Submitting Plans and Specifications for Stormwater Management.* The City will require developers to submit plans and specifications for stormwater management facilities to the City's engineer for review and approval prior to obtaining a development permit. [9J-5.011 (2)(c)1., F.A.C.]

Policy 1.2.2: *Protection of Upstream and Downstream Property Owners.* The City will require each new development to construct the stormwater management facilities required to provide adequate protection of upstream and downstream property owners such that no adverse off-site impacts which could reasonably be foreseen will result. [9J-5.011 (2)(c)1., F.A.C.]

Objective 1.3: *Facility Operation and Maintenance.* Provide proper operation and maintenance of existing and future stormwater management system facilities to ensure optimum system performance. [9J-5.011 (2)(b)3., F.A.C.]

Policy 1.3.1: *Stormwater Management System Operation and Maintenance.* The stormwater management system will be operated and maintained in compliance with applicable local, State, and Federal regulations.

Policy 1.3.2: *Reporting Violations of Stormwater Facility Operating Rules.* The City will promptly report any violations of local, State, or Federal stormwater facility operating rules to the appropriate agency, and shall take immediate steps to correct any violations.

GOAL 2: The City shall plan for the orderly expansion or increase in capacity of the stormwater management system to meet future needs.

Objective 2.1: *Intergovernmental Coordination.* Coordinate with other jurisdictions to avoid duplication of stormwater management facility construction and operating costs by cooperative planning for service provision to future development.

Policy 2.1.1: *Coordination of a Joint Plan and the Gabordy Canal.* The City will continue to work with the City of New Smyrna Beach and with Volusia

County toward a joint plan for the efficient utilization of the Gabordy Canal.

Policy 2.1.2: *Stormwater Management System Improvement Priorities*. Priority of improvements to the stormwater management system shall be:

- to protect public health and safety, or eliminate serious pollution problems;
- to enable full use of the existing system, by proper maintenance practices to maximize system capacity; and
- to provide a logical expansion of the stormwater management system within the City. [9J-5.011 (2)(c)1., F.A.C.]

GOAL 3: The City shall plan for alternative uses of stormwater runoff.

Objective 3.1: *Reuse of Stored Stormwater Runoff*. Promote and consider proposals for reuse of stored stormwater runoff as a supplementary water supply for non-potable uses.

Policy 3.1.1: *Promoting Reuse of Stormwater and Working with Developers*. The City will work with developers to promote reuse of stormwater from stormwater management areas on developing properties as an irrigation water source and supplement to reclaimed water.

Policy 3.1.2: *Promoting Reuse of Stormwater and Working with Existing Developments*. The City will work with existing developments to promote reuse of stormwater from stormwater management areas as an irrigation water source and supplement to reclaimed water.