

LEGISLATIVE #

110698C

Exhibit A-1**DIVISION 3.****ENVIRONMENTAL OVERLAYS*****Subdivision I.****In General****Sec. 30-275. Applicability and effect of overlay districts.**

(a) *Effect of classification.* The flood control, surface water, wellfield, gateway street, nature park, greenway and uplands districts are overlay district classifications. They are intended to operate in conjunction with the underlying zoning district for the area. The regulations of the underlying zoning district remain in effect except to the extent that they are modified by the provisions of the applicable overlay district(s).

(b) *Administration.* The flood control, surface water, wellfield, gateway street, nature park, greenway and uplands districts shall be applied and enforced like any other zoning district regulation.

(c) *Extension of district boundaries.* Property owners whose land is contiguous to a gateway street district may apply for inclusion in the district through extension of the district's boundaries. Property owners may also apply for inclusion in the surface water, greenway or uplands districts, regardless of contiguity. Such an extension or inclusion shall be subject to review and consideration according to the applicable terms of this article and shall be processed as a rezoning in accordance with articles I and X of this chapter. The city commission may extend or expand districts from time to time in accordance with the same standards and procedures as for the original district as determined by the city comprehensive plan.

(d) *Exclusion from district boundaries.* It is a rebuttable presumption that a property qualifies for inclusion within the wellfield or uplands district. For the wellfield district, qualified properties are those that are within the zone of contribution to the wellfield, as defined by the applicable water management district. For the uplands district, qualified properties are those which are a necessary component of the upland ecological community. Property owners whose land is within the district may apply for exclusion from the district. For the wellfield district, such an exclusion shall be based on a determination made by a qualified engineer registered in the State of Florida that the property is not part of the zone of contribution. For the uplands district, such an exclusion shall be based on a determination made by a professional botanist or ecologist that the property is not necessary for the maintenance of a viable upland ecological community. This determination is subject to review and consideration by the city public works department and the county office of environmental protection and the public utility (wellfield district only) according to the applicable terms of this article and shall be processed as a rezoning in accordance with article X of this chapter.

(Ord. No. 3777, § 1, 6-10-92; Ord. No. 3911, § 6, 10-4-93; Ord. No. 960060, § 20, 6-8-98)

Exhibit A-1

Secs. 30-276--30-279. Reserved.

Subdivision II.

Flood Control District

Sec. 30-280. Definitions.

As regards the provisions of the flood control sections of article VIII:

Additions (to an existing building) means any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common loadbearing wall other than a firewall. Any walled and roofed addition which is connected by a firewall or is separated by independent perimeter loadbearing walls is new construction.

Appeal means a request for a review of the city's interpretation of any provisions of the flood control sections of article VIII or a request for a variance.

Area of special flood hazard means the land in the floodplain within a community subject to a one-percent or greater chance of flooding in any given year. Such areas are designated as zones A, AE, or AH on the community's flood insurance rate map (FIRM). For purposes of these regulations, the term "special flood hazard area" is synonymous in meaning with the phrase "area of special flood hazard."

Base flood means the flood having a one-percent chance of being equalled or exceeded in any given year, i.e., the 100-year flood.

Basement means that portion of a building having its floor subgrade (below ground level) on all sides.

Best available data means a flood plain study using Federal Emergency Management Administration (FEMA) approved detailed hydrologic and hydraulic analyses, and reviewed and accepted by City of Gainesville Public Works. Study can be provided by FEMA and public or private entities as long as it meets FEMA guidelines and approval, and is reviewed and accepted by City of Gainesville Public Works.

Critical duration means the duration of a specific storm event (i.e., 25-year storm) which creates the largest volume or highest rate of net stormwater runoff (post-development runoff less pre-development runoff) for typical durations. The critical duration is determined by comparing various durations of the specified storm and calculating the peak, rate and volume of runoff for each. The duration resulting in the highest peak rate or largest total volume is the critical duration storm.

Detention facility means those areas which regulate the flow of stormwater runoff by

Exhibit A-1

impeding the flow, usually to natural or predevelopment level.

Development means any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operation or storage of equipment or materials.

Drainage basin district means that geographic area that drains only to a designated creek, lake, pond, sink or swamp or other designated drainage sink, excluding floodplain district areas. All of the territory within the city limits of the city is within a drainage basin, excluding floodplain district areas. (Example: the Hogtown drainage basin comprises all the geographic area that ultimately drains into Hogtown Creek.)

Elevated building means a non-basement building which has its lowest floor raised above the ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

Existing manufactured home park or manufactured home subdivision means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale for which the construction of facilities for servicing the lot on which the manufactured homes are to be affixed (including the installation of utilities, either final site grading or pouring of concrete or the construction of streets) is completed before October 3, 1971.

Expansion to an existing manufactured home park or manufactured home subdivision means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, either final site grading or pouring of concrete pads, or the construction of streets).

Flood or flooding means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) The overflow of inland or tidal waters; and/or
- (2) The unusual and rapid accumulation or runoff of surface waters from any source.

Flood channel district means that geographic area inundated as a result of the rainfall which occurs once in ten years on the average, based upon ~~conditions existent as of September 17, 1990~~ best available data as determined and approved by the City of Gainesville Public Works Department at time of review. The flood channel district falls within an area of special flood hazard.

Flood hazard boundary map (FHBM) means an official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the areas of special flood hazard have been defined as zone A.

Flood insurance rate map (FIRM) means an official map of a community, on which the Federal Emergency Management Agency has delineated both the special flood hazard areas and

Exhibit A-1

the risk premium zones applicable to the community.

Flood insurance study (FIS) means the official report provided by the Federal Emergency Management Agency. The report contains flood profiles and water surface elevation of the base flood. It may include the flood boundary-floodway map.

Floodplain district means that geographic area which is inundated as a result of the accumulation or runoff of surface waters from rainfall which occurs once in 100 years on the average, based upon ~~conditions existent as of September 17, 1990~~ best available data as determined and approved by the City of Gainesville Public Works Department at time of review. ~~Such areas are designated as zones A, A1, A2, A3, A4, A5, A6, A8 and A9 on the community's flood insurance rate map. Such floods are referred to as base floods. The Floodplain district falls within an area of special flood hazard.~~

Floodproofing means structural changes or adjustments incorporated in the design or construction of a building, so as to make the building watertight with walls substantially impermeable to the passage of water and with structural components having the capacity of resisting hydrostatic and hydrodynamic loads and effects of buoyancy for the reduction or elimination of flood damages.

Floodwater detention and retention areas means areas found in any flood control planning district that, because of their natural formation, are, or can readily be made to be, areas of significant potential for use as places of detention or retention of floodwaters as part of a comprehensive flood control plan. Flood detention and retention areas are not limited to sites abutting or near flood channels.

Floodway or Regulatory Floodway means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than the designated height. Consult the "The City of Gainesville, Department of Public Works Engineering Design and Construction Manual" for the designated height. The Floodway falls within an area of special flood hazard.

Floor means the top surface of an enclosed area in a building (including basements), i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction. The term does not include the floor of a garage used solely for parking vehicles.

Historic structure means any structure that is:

- (1) Listed individually in the National Register of Historic Places (maintained by the department of interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register of Historic Places;
- (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a

Exhibit A-1

district preliminarily determined by the Secretary to qualify as a registered historic district;

- (3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- (4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - a. By an approved state program as determined by the Secretary of the Interior, or
 - b. Directly by the Secretary of the Interior in states without approved programs.

Lowest floor means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, used solely for parking of vehicles, building access, or storage, in an area other than a basement, is not considered the lowest floor, provided that such enclosure is not built so as to render the structure in violation of the non-elevation design standards as further described in sections 30-290, 30-291 and 30-292 of this Code.

Manufactured home means a structure that is transportable in one or more sections, built on a permanent chassis, and designed to be used with or without a permanent foundation when connected to the required utilities. The term also includes park trailers, travel trailers and similar transportable structures placed on a site for 180 consecutive days or longer and intended to be improved property.

MSL (mean sea level) means the average height of the sea for all stages of the tide. It is used as a reference for establishing varying elevations within the floodplain. For purposes of this article the term is synonymous with National Geodetic Vertical Datum (NGVD).

National Geodetic Vertical Datum (NGVD) means a vertical control used as a reference for establishing varying elevations within the floodplain.

New construction means structures for which the start of construction commenced on or after October 3, 1971 and includes any subsequent improvements to such structures.

New manufactured home park or manufactured home subdivision means a parcel (or contiguous parcels) of land divided into two or more home lots for rent or sale, for which the construction of facilities for servicing the lot (including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets) is completed on or after October 3, 1971.

North American Vertical Datum (NAVD) means a vertical control used as a reference for

Exhibit A-1

establishing varying elevations within the floodplain.

Regulatory flood means, for purposes of this article, a flood event having a one-percent chance of being equaled or exceeded in any given year, i.e., the 100-year flood. See base flood.

~~*Regulatory floodway* means the channel of a river or other watercourse and the adjacent land areas identified in a floodplain area, that must be reserved in order to discharge the velocity waters of the regulatory flood without cumulatively increasing the water surface elevation more than one foot. See Floodway or Regulatory Floodway.~~

Retention facility means those areas which entrap the flow of stormwater. Water leaves by percolation, evaporation or overflowing into other facilities.

Special Flood Hazard Area (SFHA): see Area of special flood hazard.

Start of construction includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction or improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure (including a mobile home) on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation or the placement of a mobile home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

Structure means a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

Substantial improvement means any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50 percent of the tax assessed or certified appraised value of the structure either:

- (1) Before the improvement or repair is started; or
- (2) If the structure has been damaged and is being restored, before the damage occurred.

For the purpose of this definition, substantial improvement is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include: Any project for improvement of a structure to comply with existing state or local health sanitary or safety code specifications which are solely necessary to ensure safe living.

Exhibit A-1

Variance means a grant of relief from the requirements of this article, which permits construction in a manner that would otherwise be prohibited by this article.

Water surface elevation means the projected heights, in relation to mean sea level, reached by floods of various magnitudes and frequencies in the floodplain of coastal or riverine areas.

(Ord. No. 3777, § 1, 6-10-92; Ord. No. 3911, § 7, 10-4-93; Ord. No. 051001, § 1, 6-12-06)

Cross References: Definitions and rules of construction generally, § 1-2.

Sec. 30-281. Warning and disclaimer of liability.

The degree of flood protection required by this article is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This article does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. These flood control sections shall not create liability on the part of the city or by any officer or employee thereof for any flood damages that result from reliance on this article or any administrative decision lawfully made thereunder.

(Ord. No. 3777, § 1, 6-10-92)

Sec. 30-282. ~~Master flood control planning maps.~~ Flood maps.

(a) *Lands to which the flood control sections apply.* These sections shall apply to all lands within the jurisdiction of the city shown ~~on the master flood control planning maps as being located within the boundaries of the flood channel district, floodplain district, drainage basin district, and floodwater detention and retention area~~ to be in an area of special flood hazard. Areas of special flood hazard will be mapped according to the best available data at time of review. Such data will either be from a FEMA and City of Gainesville reviewed and approved detailed hydrologic and hydraulic analysis, or the currently adopted FEMA FIRM, or the Master Flood Control Planning maps, in that order.

(b) *Establishment and availability of maps.* ~~Delineations of the boundaries of flood control planning districts and areas shall be made for each drainage basin, each floodplain, each flood channel, and each retention and detention area on a master flood control planning map approved by the city commission. The master flood control planning map shall be prepared and maintained by the city manager with the advice and consultation of the public works department, the North Central Florida Regional Planning Council, representatives of the county commission and other planning and engineering specialists as determined by the city commission.~~ Delineations of the boundaries of the areas of special flood hazard are shown on both the Master Flood Control Planning maps and FEMA Flood Insurance Rate Maps (FIRM). The Master Flood Control Planning ~~The maps are on file in the clerk's office and the city public works department and are adopted by reference and declared to be part of this article. FEMA FIRM are on file at the City Public Works Department and available at the Alachua County Main Library.~~

Exhibit A-1

(c) *Use.* All land use decisions made with respect to the flood control sections of this article shall be made with reference to the ~~master flood control planning maps~~ area of special flood hazard as described in Sec.30-282 (a). The boundaries of the zoning districts shall be determined by scaling distances on the maps.

(d) *Review and modification.* The city manager or designee shall review the ~~master flood control planning map~~ flood maps and recommend changes ~~to the city commission~~ as are indicated by the current engineering and planning information. Reevaluations may be directed by the city commission.

(e) *Review of amendments.* ~~Prior to any amendment of a master flood control planning map, such proposed amendment shall first be submitted to the city plan board for review and recommendation.~~ Amendments to flood maps shall be reviewed and approved by the City Public Works Department.

(Ord. No. 3777, § 1, 6-10-92; Ord. No. 3911, § 7, 10-4-93)

Sec. 30-283. Adoption of flood insurance rate maps.

The Federal Emergency Management Agency Alachua County Flood Insurance Study and the Federal Issuance Rate Maps (FIRM) dated June 16, 2006 containing identification of special flood hazard areas within the corporate limits of the city and any revisions thereto, are hereby adopted by reference and declared to be a part of this chapter. In any instance where the maps and regulations here adopted are in conflict with the provisions of this article, ~~the more restrictive of the maps, regulations or ordinances~~ the best available data, as determined and approved by the City of Gainesville Public Works Department at the time of review shall apply. Where the FIRM or city map does not include a base flood elevation, a base flood elevation shall be determined by an engineer registered in the state based on professional evaluation of the site and relevant data.

(Ord. No. 3777, § 1, 6-10-92; Ord. No. 960060, § 21, 6-8-98; Ord. No. 051001, § 2, 6-12-06)

Sec. 30-284. Duties and responsibilities of city manager.

Duties of the city manager or designee in flood control shall include, but not be limited to:

- (1) Reviewing all development permits to ensure that the permit requirements of these sections have been satisfied.
- (2) Advising permittee that additional federal or state permits may be required, and if specific federal or state permit requirements are known, requiring that copies of such permits be provided and maintained on file with the development permit.
- (3) Notifying adjacent communities, the relevant state agencies ~~state department of~~

Exhibit A-1

~~community affairs, the state department of environmental protection,~~ the U.S. Army Corps of Engineers, and the St. Johns River Water Management District and the Suwannee River Water Management District prior to any alteration or relocation of a watercourse, and submitting evidence of such notification to the Federal Emergency Management Agency.

- (4) Ensuring that maintenance is provided within the altered or relocated portion of the watercourse so that the flood-carrying capacity is not diminished.
- (5) Verifying and recording the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, in accordance with subsection 30-285(b)(2).
- (6) Verifying and recording the actual elevation (in relation to mean sea level) to which the new or substantially improved structures have been floodproofed, in accordance with subsection 30-285(b)(2).
- (7) When floodproofing is utilized for a particular structure, the city manager or designee shall obtain certification from a registered engineer or architect, in accordance with subsections 30-285(b)(1)e. and 30-285(b)(2).
- (8) Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), the city manager or designee shall make the necessary interpretation. The persons contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in section 30-354 of this chapter.
- (9) When base flood elevation data or floodway data have not been provided in accordance with section 30-283, then the city manager or designee shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, in order to administer the provisions of subsections 30-291(1) and (2).

(Ord. No. 3777, § 1, 6-10-92; Ord. No. 3911, § 8, 10-4-93)

Sec. 30-285. Administration.

(a) The city manager or designee is hereby appointed to administer and implement the provisions of the flood control sections of this article.

(b) Application for a permit to build shall be made to the city manager or designee in duplicate on forms specified by the city manager prior to any development activities. Specifically, the following information in duplicate is required:

- (1) *Application stage.*

Exhibit A-1

- a. The applicant's name and address and the owner or owners of the property involved.
 - b. A map showing the property containing the area for which the permit is being sought, including an accurate designation of floodplain and flood channel districts affected by this application and the exact boundaries of the proposed development.
 - c. The elevation in relation to mean sea level of the proposed lowest floor (including basement) of all structures.
 - d. The elevation in relation to mean sea level to which any structure will be floodproofed.
 - e. The certification by a registered engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in subsection 30-291(2).
 - f. The description of the extent to which any watercourse will be altered or relocated is a result of proposed development.
 - g. A description of the proposed activity in sufficient detail to determine the propriety of the activity under sections 30-286 and 30-287. This description may include, but not be limited to, the above plans drawn to scale showing the nature, location, dimensions and elevations of the area in question; existing and proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing.
- (2) *Construction stage.* A floor elevation or floodproofing certificate after the lowest floor is completed. Within 21 calendar days of establishment of the lowest floor elevation, or floodproofing by whatever construction means, it shall be the duty of the permit holder to submit to the city manager or designee a certificate of the elevation of the lowest floor or floodproofed elevation as built, in relation to mean sea level. Such certification shall be prepared by or under the direct supervision of a registered land surveyor or engineer and certified by same. When floodproofing is utilized for a particular building, such certification shall be prepared by or under the direct supervision of a registered engineer or architect and certified by same. Any work done within the 21-calendar-day period and prior to submission of the certification shall be at the permit holder's risk.
- (3) *City manager or designee action.*
- a. *Application stage.* The city manager or designee shall examine all engineering and planning information supplied by the applicant and by

Exhibit A-1

city staff to determine conformity with the above requirements. Permits shall be issued for conforming applications. Where in the opinion of the city manager or designee additional engineering or other studies or information are needed to determine the effects of a proposed use on flooding or any criterion contained in these sections, the city manager shall require the applicant to have the additional studies and information prepared by qualified engineers or other appropriate qualified professionals and submitted prior to making a final decision on the application.

- b. *Construction stage.* The city manager or designee shall review the flood elevation survey data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further progressive work being permitted to proceed. Failure to submit the survey, or failure to make the corrections required hereby, shall be cause to issue a stop work order for the project.

(Ord. No. 3777, § 1, 6-10-92; Ord. No. 3911, § 8, 10-4-93)

Sec. 30-286. Prohibited uses.

(a) *Flood channel districts.* Hereafter it shall be unlawful for any person, natural, corporate, governmental or otherwise, to erect, remodel or alter any permanent structure or other development or to dredge or fill in any flood channel without a permit issued by the city manager. Filling with junk, trash, garbage or offal shall not be permitted. No permanent structures or fills shall be allowed except structures and fills designed for flood prevention and control, streets, bridges and sanitary sewer lift stations and utility lines. No dredging shall be allowed except to enhance the flood control capacity of the entire channel. Storage of materials that are buoyant, flammable, explosive, toxic or otherwise potentially harmful to human, animal, or plant life and health, such as chemicals and poisons, is prohibited. Where flood channel is stagnant water, i.e., an area of the flood channel where water leaves only through percolation and/or evapotranspiration, the restriction of the floodplain district shall apply. In those areas of flood channel districts that are shown on the flood control maps as being within areas inundated by backwater created by reverse flows of waters (flowing upgrade), development and construction shall be permitted under the provisions of these sections relating to floodplain districts, provided the developer provides artificial or alternate means of stormwater conveyance which during the 100-year storms will convey the same peak discharges of water as the natural drainageway and at the same energy gradient.

(b) *Floodplain districts.* Hereafter, it shall be unlawful for any person, natural, corporate, governmental or otherwise, to erect, remodel or alter any permanent structure, manufactured home, manufactured home park, or other development or to dredge or fill in any floodplain district, without a permit issued by the city manager. No such permit shall be issued if the proposed activity shall reduce the capacity of the floodplain district to which the application applies as it exists at the date of the application for the permit. For the purposes of this subsection, any development which effectively raises the average ground or improvement

Exhibit A-1

surface shall be taken to reduce the floodplain district portion of the property. In no event shall any institution or place of assembly for the mentally or physically ill, the young or aged, such as a school, nor any place of incarceration, be permitted.

(c) *Drainage basin district.*

- (1) This subsection applies to all development of property. The applicant seeking plan approval shall provide a hydrological study performed by an engineer registered in the State of Florida, demonstrating that any work on the site will not increase the rate of discharge of stormwater runoff to downstream property beyond what would occur before the alteration based on the 25-year critical duration storm. If such a study shows that the rate would increase, the applicant's plans must show what provisions are to be made to contain this increase on the developed land or that the applicant will participate in the proportionate costs of necessitated means of controlling the rate of discharge of the stormwater runoff and that such facilities will be in place at the time the increased runoff occurs.
- (2) Subsection (c)(1) of this section shall not apply to the exceptional cases where hydrological calculations show the flood hydrographic peak would be raised at any downstream point by adhering to these provisions.
- (3) In those watershed basins in which the volume as well as the rate of discharge could result in downstream flooding of existing developed areas the volume of discharge from new development shall be limited to the pre-development volume.

(d) *Floodwater detention and retention areas.* Hereafter, it shall be unlawful for any person, natural, corporate, governmental or otherwise, to erect, remodel or alter any permanent structure or other development or dredge or fill in any floodwater detention or retention area without a permit issued by the city manager. No such permit shall be issued if the proposed activity would create a flooding hazard to the structure or other development so created or if the retention or detention capacity of the affected area were reduced to less than its original capacity when first officially designated as a detention or retention area, or unless equivalent detention or retention capacity to the total of that being eliminated is otherwise provided.

(e) *General standards.* Notwithstanding other provisions of these sections, no permit to excavate or fill, build in, obstruct or alter any flood channel district or any floodplain district or any drainage basin district shall be issued, if to do so would create:

- (1) Harmful soil erosion from the land and shoaling in a watercourse. Sediment migration from the developed area should at no time prior, during or after construction exceed the rate and character which is natural to any area. Sediment migration shall be measured by turbidity measurements in Jackson's units.
- (2) Stagnant areas of water adjacent to or on nearby property unless they are specifically designed for flood or sedimentation control.

Exhibit A-1

- (3) An irreversible adverse impact on the existing flora and fauna in a flood channel.
- (4) Otherwise uncontrolled danger to life and property as a result of increased flood heights or velocities caused by proposed uses.
- (5) Otherwise uncontrolled danger to life or property caused by lack of access to the property in times of flood by ordinary or emergency vehicles.
- (6) Any condition incompatible with the flood control and protection purposes of these sections.

(Ord. No. 3777, § 1, 6-10-92; Ord. No. 3911, § 8, 10-4-93; Ord. No. 051001, § 3, 6-12-06)

Sec. 30-287. Permitted uses.

(a) *Flood channel districts.* Within the limitations of subsections 30-286(a) and (e) and other applicable zoning regulations, and the surface water district provisions of article VIII, the following uses are permitted:

- (1) Agricultural uses such as pasture, grazing and wild crop harvesting.
- (2) Private and public recreational uses such as golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, launching areas for boats, swimming areas, parks, wildlife and nature preserves, fishing areas, hiking, bicycling and horseback riding trails.
- (3) Uses such as lawns, gardens, parking areas and play areas.
- (4) Temporary structures and fills for the purpose of constructing legal developments in a non-flood-channel district. No temporary structure or fill may be permitted for more time than is reasonably required for completion of the legal development and none may be permitted if a serious temporary flooding hazard would be created. Temporary structures or fills may not be permitted unless firmly anchored against flotation or erosion in the event of unexpected flooding. All expenses of removing the temporary structure and fills and restoring the flood channel to its original condition shall be borne by the permittee.
- (5) Governmental and public utility projects such as flood control filling and dredging, streets, bridges and utility transmission lines and pipes under the following restrictions:
 - a. Any fill or dredge must be shown to have a beneficial flood control purpose or otherwise protect the public welfare and any fill shall be protected against erosion by riprap, vegetation or bulkheading, or other acceptable means.

Exhibit A-1

- b. Structures shall be constructed so as to minimize obstruction to the flow of the channel, unless flow control is intended. Structures shall be firmly anchored to prevent flotation which may result in damage to other property, or restriction of bridge openings and other narrow sections of the creek.

(b) *Floodplain districts.* Within the limitations of sections 30-286(b), (c) and (e), 30-290, 30-291 and 30-292, the surface water district provision of Article VIII and other applicable regulations, the following uses are permitted:

- (1) Uses permitted in subsection (a) of this section and general farming, outdoor plant nurseries, horticulture, silviculture and viticulture.
- (2) Launching areas for power boats, marinas, boat rentals, docks, piers and wharves.
- (3) Structures for uses permitted by the existing zoning ordinances and meeting the standards set forth in sections 30-290, 30-291 and 30-292 may be constructed on stilts, piles or interrupted masonry foundations or conventional foundations, if retention is provided for the volume displaced at the same elevation of centroid of volume, so that the first floor or basement floor is not less than one foot above the level of the 100-year flood at each point. Utility services such as sewer, water and electricity must be installed to function properly in a 100-year flood.
- (4) Storage of materials shall be allowed in structures satisfying the requirements of subsection (b)(3) of this ~~section~~ section. Flammable, poisonous, toxic, explosive and other materials potentially harmful to human, animal or plant life and health must be adequately sealed and anchored to prevent rupture, collapse or flotation caused by the presence of floodwaters or floating debris.
- (5) Uses such as parking lots and loading areas.

(c) *Drainage basin districts and floodwater detention and retention areas.* Any use within the limitations of subsection 30-286(c), (d) and (e) and other applicable zoning regulations is permitted.

(Ord. No. 3777, § 1, 6-10-92; Ord. No. 3911, § 8, 10-4-93; Ord. No. 960060, § 22, 6-8-98)

Sec. 30-288. Reserved.

Editors Note: Ord. No. 051001, § 10, adopted June 12, 2006, repealed § 30-288. Former § 30-288 pertained to nonconforming uses and derived from Ord. No. 3777, § 1, adopted June 10, 1992.

Sec. 30-289. Reserved.

Editors Note: Ord. No. 051001, § 11, adopted June 12, 2006, repealed § 30-289. Former § 30-239 pertained to grandfathered subdivisions and derived from Ord. No. 3777, § 1, adopted June 10, 1992.

Exhibit A-1**Sec. 30-290. General standards for floodplain areas.**

In all floodplain areas the following standards are required:

- (1) *Anchoring.*
 - a. All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.
 - b. All manufactured homes shall be anchored to resist flotation, collapse or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces.
- (2) *Construction materials and methods.*
 - a. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
 - b. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
 - c. Any alteration, repair, reconstruction or improvements to a structure which is in compliance with the provisions of these sections shall meet the requirements of new construction as contained in the flood control sections of this article.
- (3) *Utilities.*
 - a. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system;
 - b. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharge from the systems into floodwaters;
 - c. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding; and
 - d. Electrical, heating, ventilation, plumbing, air conditioning equipment, ductwork, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

Exhibit A-1

- (4) *Subdivision proposals.*
- a. All subdivision proposals shall be consistent with the need to minimize flood damage;
 - b. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;
 - c. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and
 - d. Base flood elevation data shall be provided for subdivision proposals and other proposed development in special flood hazard areas including zone A without established base flood elevations.
- (5) *Access.*
- a. *Residential access.* All residential structures constructed in the floodplain after September 17, 1990, shall be provided with vehicular access (from the road to the house) raised at least to the 100-year flood elevation for access by emergency vehicles during the 100-year flood. However, where access constructed to this elevation would require the removal of mature trees as determined by the city arborist, or would cause other serious damage as determined by the city manager or designee upon inspection and evidence provided by the property owner, the access shall be raised as high as reasonably possible without doing damage as above described; in addition, permanent markers projecting above the 100-year flood elevation and marking both sides of the access shall be installed. Neither the elevated vehicular access nor the permanent access markers shall be required to be more than 42 inches higher than the adjacent access road.
 - b. *Subdivision access.* Each subdivision developed after September 17, 1990, shall include at least one route of access to each residential lot by means of a road raised to or above the 100-year flood level.

(Ord. No. 3777, § 1, 6-10-92; Ord. No. 051001, § 4, 6-12-06)

Sec. 30-291. Specific standards for floodplain areas.

In all floodplain areas (identified as zones A, AE or AH on the FIRM) where base flood elevation data have been provided as set forth in section 30-283, section 30-284 or subsection 30-290(4), the following standards are required:

- (1) *Residential construction.* New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to

Exhibit A-1

one foot above the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with standards of subsection 30-291(4).

- (2) *Nonresidential construction.* New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to one foot above the base flood elevation, or, together with attendant utility and sanitary facilities, shall:
- a. Be floodproofed to a minimum of one foot above the base flood elevation and the structure below the flood elevation be watertight with walls substantially impermeable to the passage of water;
 - b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
 - c. Be certified by a registered engineer or architect that the standards of this subsection are met. Such certification shall be provided to the official, as set forth in subsection 30-284(7).

(3) *Manufactured homes, and recreational vehicles*

- a. All manufactured homes placed on substantially improved or individual lots or parcels, in expansions to existing manufactured home parks or subdivisions, or in a new manufactured home park or subdivision must be elevated on a permanent foundation such that the lowest floor of the manufactured homes is elevated one foot above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
- b. All manufactured homes placed or substantially improved in an existing manufactured home park or subdivision must be elevated so that:
 1. The lowest floor of the manufactured home is elevated no lower than one foot above the base flood elevation.
 2. The manufactured home chassis is supported by reinforced piers or other foundation elements of at least the equivalent strength, of no less than 36 inches in height above the grade and is securely anchored.
 3. The manufactured home must be securely anchored to an adequately anchored foundation system to resist floatation, collapse and lateral movement.

Exhibit A-1

- c. On sites in an existing manufactured home park or subdivision on which a manufactured home has incurred substantial damage as the result of a flood, any manufactured home place or substantially improved must meet the anchoring standards and the elevation requirements for new construction (see subsection (3) a. above). For purposes of this paragraph, substantial damage is defined to mean damage of any origin sustained by a structure when the cost of restoring the structure to its pre-damaged condition would equal or exceed 50 percent of the tax assessed or certified appraised value of the structure before the damage occurred.
 - d. All recreational vehicles placed on sites must either:
 - 1. Be on the site for fewer than 180 consecutive days.
 - 2. Be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is on its wheel or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions), or
 - 3. Meet all the requirements for new construction, including anchoring and elevation requirements of subsection 30-291(3)(a) and (b)(1), (2) and (3), above.
- (4) *Elevated buildings.* New construction or substantial improvements of elevated buildings that include fully enclosed areas formed by foundation and other exterior walls below the base flood elevation shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls.
- a. Designs for complying with this requirement must either be certified by a registered engineer or architect or meet the following minimum criteria:
 - 1. Provide a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
 - 2. The bottom of all openings shall be no higher than one foot above grade; and
 - 3. Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.
 - b. Electrical, plumbing and other utility connections are prohibited below the

Exhibit A-1

base flood elevation.

- c. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator).
- d. The interior portion of such enclosed area shall not be partitioned or finished into separate rooms in special flood hazard areas including zone A without established base flood elevations.

(Ord. No. 3777, § 1, 6-10-92; Ord. No. 3911, § 9, 10-4-93; Ord. No. 051001, § 5, 6-12-06)

Sec. 30-292. Regulatory floodways in floodplain areas.

When floodways are designated within floodplain areas, additional criteria will be met. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles and erosion potential, the following provisions shall apply:

- (1) Prohibition of encroachments, including fill, new construction, substantial improvements and other developments, unless certification (with supporting technical data) by a registered engineer or architect is provided demonstrating that encroachments shall not result in any increase in flood levels during occurrence of the base flood discharge.
- (2) If subsection (1) of this section is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of sections 30-290 and 30-291.
- (3) Prohibit the placement of any, manufactured homes except in an existing manufactured home park or existing manufactured home subdivision. A replacement manufactured home may be placed on a lot in an existing manufactured home park or subdivision providing the anchoring standards of subsection 30-290(1) and elevation standards of subsection 30-291(1) are met.

(Ord. No. 3777, § 1, 6-10-92; Ord. No. 051001, § 6, 6-12-06)

Sec. 30-293. Standards for creeks without established base flood elevations and/or floodways.

Located within the areas of special flood hazard where streams exist for which base flood elevation data has been provided in accordance with section 30-283 but without the delineation of the regulatory floodway, the following provisions shall apply:

- (1) Until a regulatory floodway is designated, new construction, substantial improvements, or other development (including fill) shall not be permitted within the areas of special flood hazard, designated as zones A1-30 and AE on the

Exhibit A-1

FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood more than one foot at any point within the City of Gainesville.

- (2) Development activities in zones A1-A30, AE, and AH on the FIRM which increase the water surface elevation of the base flood by more than one foot may be allowed, provided that the developer or applicant first applies -- with the Cities endorsement -- for a conditional FIRM revision, and receives the approval of the Federal Emergency Management Agency.
- (3) When base flood elevation data is not available from any source for single lot construction in special flood hazard areas (zone A), the lowest floor of the structure shall be elevated to not lower than three feet above the highest adjacent grade.

(Ord. No. 3777, § 1, 6-10-92; Ord. No. 051001, § 7, 6-12-06)