

**LEGISLATIVE #**

**110864A**

ORDINANCE NO. 110864

An ordinance of the City of Gainesville, Florida, amending the Land Development Code; by amending Section 30-270 Stormwater management generally; erosion and sediment control; design and maintenance of facilities to make it consistent with the Stormwater Management Element of the City of Gainesville Comprehensive Plan regarding the use and design of stormwater management facilities; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

WHEREAS, notice was given as required by law that the text of the Land Development Code of the City of Gainesville, Florida, be amended and a public hearing was then held by the City Plan Board on March 22, 2012; and

WHEREAS, at least 10 days notice has been given once by publication in a newspaper of general circulation notifying the public of this proposed ordinance and of a public hearing in the City Commission meeting room, First Floor, City Hall, City of Gainesville; and

WHEREAS, public hearings were held pursuant to the notices described above at which hearings the parties in interest and all others had an opportunity to be and were, in fact, heard.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF GAINESVILLE, FLORIDA:

Section 1. Subsections 30-270(b) and 30-270(d) of the Land Development Code are amended as follows. Except as amended herein, the remainder of Section 30-270 remains in full force and effect.

Sec. 30-270. - Stormwater management generally; erosion and sedimentation control; design and maintenance of facilities.

(b) Design and maintenance standards for stormwater facilities.

(1) Design manual. Stormwater management facilities shall be designed and constructed in accordance with this article and the design manual.

1 (2) *Design standards.*

2 a. *General standards.*

3 1. All drainage facilities shall provide a positive outfall to existing  
4 watercourses, water bodies, wetlands or storm sewer systems unless it can be  
5 proven that it is a closed system.

6 2. The property owner is fully responsible for compliance with all rules,  
7 regulations and requirements of the county, the applicable water management  
8 district, the state department of environmental protection, the U.S. Army Corps of  
9 Engineers, and the United States Environmental Protection Agency.

10 3. All basins designed to be dry shall drain completely within 72 hours of the  
11 storm event. Designs providing for longer drainage periods require approval by  
12 the city manager or designee.

13 4. All development must provide on-site stormwater quality treatment for the  
14 first one inch of stormwater runoff, except as provided in subsection e. of this  
15 section. Infill residential development within improved residential areas or  
16 subdivisions existing prior to November 18, 1991, must ensure that its post-  
17 development runoff will not contribute pollutants which will cause the runoff  
18 from the entire improved area or subdivision to degrade receiving water bodies  
19 and their water quality.

20 5. All development must have on-site stormwater quantity control designed for  
21 the ~~25~~100-year critical duration storm, except as provided in subsections (b)(2)d.  
22 and e. of this section. A detention system shall be provided which will permit a  
23 controlled outlet to receiving watercourses. The system shall be designed so that  
24 the peak flow of stormwater off of the site, assuming full development, shall not  
25 exceed the natural flow from the lands prior to the subdivision and/or any  
26 development, based on the ~~25~~100-year critical duration storm.

27 6. The type, intensity and structural design of any development proposed for a  
28 site shall be appropriate to the existing natural topographic characteristics of the  
29 site, while recognizing that minimal grade changes are essential to site  
30 development. Avoid disturbing steep slopes. Use terracing and diversions when  
31 disturbance of slopes is unavoidable. Slopes created by fill for other than  
32 landscape or buffering purposes shall be not steeper than three to one and must be  
33 stabilized by vegetation or other approved methods. Excessive erosion of any cut  
34 or fill slope shall require remediation by the property owner.

35 7. Drainage facilities designed within a closed system shall be evaluated on a  
36 site-specific basis with the minimum design criteria being the 100-year critical  
37 duration storm event.

38 b. *Erosion and sedimentation control.* The city may require the developer to limit

1 clearing and grubbing outside the proposed developed area to the site, control erosion  
 2 and sedimentation during and after construction, stabilize cleared areas, limit  
 3 stockpiles, protect stormwater inlets during construction, control construction access  
 4 routes, remove temporary control systems after construction, and limit the placement  
 5 of gutters and drains. The developer shall comply with the requirements of article VIII  
 6 of this chapter and the design manual. Wherever construction vehicle access routes  
 7 intersect paved public roads, provisions shall be made to minimize the transport of  
 8 sediment (mud), concrete and other construction materials onto the paved surface  
 9 (through runoff or vehicle tracking). Materials reaching the paved surface shall be  
 10 removed from the paved surface at the end of each day. Removal shall be by shoveling  
 11 or sweeping, and the materials shall be transported to a sediment-controlled disposal  
 12 area.

13 c. *Hogtown Creek Basin; additional standards.*

- 14 1. Within the Hogtown Creek Basin, systems must be designed to retain any  
 15 increase in volume of runoff over the predevelopment volume for a 72-hour  
 16 period.
- 17 2. The state department of transportation, Standards for Road and Bridge  
 18 Construction, latest edition, and the state department of transportation, Roadway  
 19 and Traffic Design Standards for Design, Construction, Maintenance and Utility  
 20 Operations for Streets and Highways on State Maintained Systems, latest edition,  
 21 shall be applied where standards are not specifically addressed in this chapter or  
 22 in the design manual.

23 d. *Requirements for master stormwater basins.* The requirements for stormwater  
 24 quantity and quality as listed above may be satisfied by a master stormwater plan  
 25 serving several properties. An easement must be provided between participating  
 26 landowners. The easement shall be recorded in the public records of the county and  
 27 submitted to the planning and development services department and to the public  
 28 works department prior to the issuance of any development permit. Any development  
 29 proposed for consideration utilizing an existing or planned master stormwater basin  
 30 shall provide the calculations and documentation necessary to establish the right to use  
 31 the facility and that the contribution of stormwater runoff of the proposed development  
 32 will be within the design parameters of the master basin. A maintenance agreement  
 33 among all the property owners that conforms to the provisions of this section shall be  
 34 executed subject to the approval of the city attorney as to form and legality and  
 35 recorded in the public records of the county.

36 e. Off-site stormwater management facilities. A development may use an off-site  
 37 stormwater management facility to meet the applicable stormwater quality and/or  
 38 quantity standards required by the public works design manual.

39 ~~e.f.~~ *Design standards for redevelopment of vehicular use area or building.* For the  
 40 purposes of this section, redevelopment is any demolition and/or reconstruction of the

1 vehicular use area (excluding resurfacing and restriping) or building. Any proposal for  
 2 a site on which the proposed redevelopment of building(s) or vehicular use area  
 3 involves the demolition and reconstruction of more than 80 percent of the area devoted  
 4 to existing building and vehicular use area shall be considered new development, and  
 5 shall be required to meet the standards for new development. This determination shall  
 6 be made by the city manager or designee.

7 Redevelopment shall conform to the following standards with regard to required  
 8 facilities:

9 1. Any redevelopment of existing impervious surfaces of a site, of less than  
 10 4,000 square feet, shall only require the continued maintenance of existing  
 11 facilities, including natural areas that provide storage. No additional stormwater  
 12 management shall be required, except that all development must be in  
 13 compliance with all state and water management district requirements. All  
 14 redevelopment of a particular lot or site governed by a final development order  
 15 shall be cumulative from June 10, 1992, and shall not exceed 4,000 square feet  
 16 unless the provisions of subsection (b)(2)e.2. of this section are met.

17 2. Any redevelopment of existing impervious surface of 4,000 square feet or  
 18 more shall be designed to accommodate stormwater quality treatment for the first  
 19 one-half inch of runoff from the proposed improvements in the disturbed area.  
 20 The city manager or designee may allow the design engineer to retain the first  
 21 one-half inch of runoff from an area of equal size as the disturbed area provided  
 22 that it can be proven that there would be greater water quality benefits to the  
 23 receiving surface water of equal size. Stormwater management facilities,  
 24 including natural areas that provide storage, shall continue to be provided. All  
 25 development must be in compliance with all state and water management district  
 26 requirements.

27 ~~f.g.~~ *Design standards for the subdivision of property.*

28 1. *Generally.* A complete stormwater system in conformance with the flood  
 29 control provisions of this article shall be provided for all areas of the subdivision  
 30 for managing stormwater runoff and providing water quality treatment within or  
 31 across subdivision lands. Soil borings shall be taken to establish soil type and  
 32 percolation rate. The design manual shall provide guidelines for determining the  
 33 appropriate number and location of soil borings. Full development shall be  
 34 assumed for selection of proper runoff coefficients. The system shall be designed  
 35 in accordance with the design manual of the public works department, to  
 36 accomplish the following results:

37 i. *Closed conduits.* A system of closed conduits (except where open  
 38 ditches are specifically permitted by the city commission) shall be provided  
 39 to collect and channel stormwater in such a fashion as to permit the  
 40 unimpeded use of public roads during a rainstorm of the maximum intensity

1 predicted for the city area at ten-year intervals.

2 ii. *Flood routing.* A route for stormwater runoff shall also be provided  
3 which will function, when the system designed to handle the ten-year, 24-  
4 hour storm has reached its capacity, so as to prevent flooding (water over the  
5 curb level) and ensure access for emergency vehicles during a ten-year, 24-  
6 hour storm event.

7 iii. *Detention/retention system.* A detention/retention system shall be  
8 provided which will permit a controlled outlet to receiving watercourses.  
9 The system shall be designed so that the peak flow of stormwater from the  
10 subdivided lands, assuming full development, shall not exceed the natural  
11 flow from the lands prior to the subdivision and any associated development  
12 based on the ~~25~~100-year critical duration storm.

13 2. *Roadside swales.* Roadside swales may be provided in lieu of curb and  
14 gutter as long as all the specific requirements of this article, article VII, and the  
15 public works design manual can be met.

16 3. *Open drainageways.* Open drainageways (ditches) will not be permitted in  
17 or within 100 feet of any land designated a residential district as defined in  
18 section 30-41 and any land in actual use or zoned for use as a school, unless it can  
19 be established to the satisfaction of the city commission that the open  
20 drainageway will appear and function as a natural watercourse and will not  
21 require significant maintenance. Any permitted open drainageway shall be  
22 designed so as to present no unreasonable hazard to life, the health of the public  
23 and nearby property residents and so as to be protected against scour and erosion.

24 (3) *Acceptance of facilities.* Acceptance of facilities for dedication to the public shall be in  
25 accordance with the conditions and procedures in article VII, pertaining to subdivision  
26 review.

27 (4) *Intergovernmental coordination.* Copies of all water management district, state  
28 department of transportation, state department of environmental protection, and county  
29 permits and permits of any other agency with jurisdiction shall be required prior to issuance  
30 of any development permit.

31 (d) *Construction design requirements.*

32 (1) The public works design manual shall contain all construction design requirements.

33 (2) All stormwater basins shall be landscaped in such a manner as to promote safety and to  
34 integrate the basin with the overall design of the site.

35 (3) Insofar as possible, the contour of retention and detention basins should promote  
36 aesthetically pleasing site design and increased wildlife habitat.

37 (4) The public works design manual shall include guidelines for the design and operation

1 of facilities that discourage the breeding of mosquitoes.

2 (5) The design of retention and detention basins shall promote joint uses for habitat, open  
3 space, passive recreation, and the establishment and integration of trails.

4 (6) Stormwater management facilities shall be designed to minimize the need for  
5 maintenance in accordance with the public works design manual.  
6

7 **Section 2.** It is the intention of the City Commission that the provisions of Section 1 of  
8 this ordinance shall become and be made a part of the Code of Ordinances of the City of  
9 Gainesville, Florida, and that the sections and paragraphs of this ordinance may be renumbered  
10 or relettered in order to accomplish such intentions.

11 **Section 3.** If any word, phrase, clause, paragraph, section or provision of this ordinance  
12 or the application hereof to any person or circumstance is held invalid or unconstitutional, such  
13 finding shall not affect the other provisions or applications of this ordinance which can be given  
14 effect without the invalid or unconstitutional provisions or application, and to this end the  
15 provisions of this ordinance are declared severable.

16 **Section 4.** All ordinances, or parts of ordinances, in conflict herewith are to the extent of  
17 such conflict hereby repealed.

18 **Section 5.** This ordinance shall become effective immediately upon final adoption.  
19

20 **PASSED AND ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2012.

21  
22 \_\_\_\_\_  
23 CRAIG LOWE  
24 MAYOR

25  
26 ATTEST: Approved as to form and legality  
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28

1 \_\_\_\_\_  
2 KURT M. LANNON  
3 CLERK OF THE COMMISSION

\_\_\_\_\_  
MARION J. RADSON  
CITY ATTORNEY

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5 This ordinance passed on first reading this \_\_\_ day of \_\_\_\_\_, 2012.

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7 This ordinance passed on second reading this \_\_\_ day of \_\_\_\_\_, 2012.