

LEGISLATIVE #

110698A

ORDINANCE NO. 110698

An ordinance of the City of Gainesville, Florida, amending the Land Development Code related to the Flood Control District; by amending Section 30-23 to add definitions; by amending Article VIII. – Environmental Management, Division 3. – Environmental Overlays, Subdivision II. – Flood Control District consisting of Sections 30-280 through 30-299, by repealing certain sections, amending certain sections, and renumbering certain sections; 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 January 26, 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 notice 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. Section 30-23. – Definitions of the Land Development Code of the City of Gainesville is amended to add the following definitions. Except as amended herein, the remainder of Section 30-23 remains in full force and effect.

Base flood means the flood having a one-percent chance of being equaled or exceeded in any single year (i.e., the 100-year flood).

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

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

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

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

10 **Section 2.** Article VIII. - Environmental Management, Division 3. - Environmental
11
12 Overlays, Subdivision II. – Flood Control District of the Land Development Code of the City of
13 Gainesville consisting of Sections 30-280 through 30-299, is amended by repealing certain
14 sections, amending certain sections, and renumbering certain sections, as fully set forth as
15 follows.

16 **Sec. 30-280. - Definitions.**

17 As regards the provisions of In addition to the general definitions in Sec. 30-23 of this Code, the
18 following definitions relate specifically to the flood control sections of article VIII:

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

23 ~~— *Appeal* means a request for a review of the city’s interpretation of any provisions of the~~
24 ~~flood control sections of article VIII or a request for a variance.~~

25 ~~— *Area of special flood hazard* means the land in the floodplain within a community subject to~~
26 ~~a one percent or greater chance of flooding in any given year.~~

27 ~~— *Base flood* means the flood having a one percent chance of being equalled or exceeded in~~
28 ~~any given single year, (i.e., the 100 year flood).~~

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

1 Best available data means a floodplain study provided by the Federal Emergency
 2 Management Agency (FEMA) or by a public/private entity in accordance with FEMA-approved
 3 detailed hydrologic and hydraulic analyses and that is reviewed and accepted by the City of
 4 Gainesville public works department.

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

11 ~~—Detention facility~~ means those areas which regulate the flow of stormwater runoff by
 12 impeding the flow, usually to natural or predevelopment level.

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

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

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

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

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

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

34 (1) ~~The overflow of inland or tidal waters; and/or~~

35 (2) ~~The unusual and rapid accumulation or runoff of surface waters from any source.~~

36 *Flood channel district* means that the geographic area ~~inundated as a result of the rainfall~~

1 ~~which occurs once in ten years on the average~~ that has a ten-percent chance of being equaled or
2 exceeded in any single year with flooding (i.e., the 10-year flood), based upon conditions existent
3 as of September 17, 1990 as determined by best available data. The flood channel district falls
4 within a special flood hazard area.

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

8 *Flood insurance rate map (FIRM)* means an official map of a community, on which the
9 Federal Emergency Management Agency (FEMA) has delineated both the special flood hazard
10 areas and the risk premium zones applicable to the community.

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

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

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

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

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

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

1 ~~Historic structure~~ means any structure that is:

2 (1) ~~Listed individually in the National Register of Historic Places (maintained by the~~
 3 ~~department of interior) or preliminarily determined by the Secretary of the Interior as~~
 4 ~~meeting the requirements for individual listing on the National Register of Historic Places;~~

5 (2) ~~Certified or preliminarily determined by the Secretary of the Interior as contributing to~~
 6 ~~the historical significance of a registered historic district or a district preliminarily~~
 7 ~~determined by the Secretary to qualify as a registered historic district;~~

8 (3) ~~Individually listed on a state inventory of historic places in states with historic~~
 9 ~~preservation programs which have been approved by the Secretary of the Interior; or~~

10 (4) ~~Individually listed on a local inventory of historic places in communities with historic~~
 11 ~~preservation programs that have been certified either:~~

12 a. ~~By an approved state program as determined by the Secretary of the Interior; or~~

13 b. ~~Directly by the Secretary of the Interior in states without approved programs.~~

14 *Lowest floor* means the lowest floor of the lowest enclosed area, (including basements). An
 15 unfinished or flood resistant enclosure, used solely for parking of vehicles, building access, or
 16 storage, in an area other than a basement, is not considered the lowest floor, provided that such
 17 enclosure is not built so as to render the structure in violation of the non-elevation design
 18 standards as further described in sections 30-28790, 30-28891 and 30-28992 of this Code.

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

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

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

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

32 *New manufactured home park or manufactured home subdivision* means a parcel (or
 33 contiguous parcels) of land divided into two or more home lots for rent or sale, for which the
 34 construction of facilities for servicing the lot (including, at a minimum, the installation of
 35 utilities, either final site grading or the pouring of concrete pads, and the construction of streets)

1 is completed on or after October 3, 1971.

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

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

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

10 *Special Flood Hazard Area (SFHA)* means the land in the floodplain district within a
11 community, as determined by best available data. Such areas are designated as zones A, AE, or
12 AH on the community’s flood insurance rate map (FIRM).

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

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

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

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

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

36 ~~— *Variance* means a grant of relief from the requirements of this article, which permits~~

1 ~~construction in a manner that would otherwise be prohibited by this article.~~

2 *Water surface elevation* means the projected heights, in relation to mean sea level, reached
3 by floods of various magnitudes and frequencies in the floodplain of coastal or riverine areas.
4

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

6 The degree of flood protection required by this article is considered reasonable for regulatory
7 purposes and is based on scientific and engineering considerations. Larger floods can and will
8 occur on rare occasions. Flood heights may be increased by manmade or natural causes. This
9 article does not imply that land outside ~~the areas of~~ special flood hazard areas or uses permitted
10 within such areas will be free from flooding or flood damages. These flood control sections shall
11 not create liability on the part of the city or by any officer or employee thereof for any flood
12 damages that result from reliance on this article or any administrative decision lawfully made
13 thereunder.
14

15 **~~Sec. 30-282. Master flood control planning maps.~~**

16
17 ~~(a) — *Lands to which the flood control sections apply.* These sections shall apply to all lands~~
18 ~~within the jurisdiction of the city shown on the master flood control planning maps as being~~
19 ~~located within the boundaries of the flood channel district, floodplain district, drainage basin~~
20 ~~district, and floodwater detention and retention area.~~

21 ~~(b) — *Establishment of maps.* Delineations of the boundaries of flood control planning districts~~
22 ~~and areas shall be made for each drainage basin, each floodplain, each flood channel, and each~~
23 ~~retention and detention area on a master flood control planning map approved by the city~~
24 ~~commission. The master flood control planning map shall be prepared and maintained by the city~~
25 ~~manager with the advice and consultation of the public works department, the North Central~~
26 ~~Florida Regional Planning Council, representatives of the county commission and other planning~~
27 ~~and engineering specialists as determined by the city commission. The maps are on file in the~~
28 ~~clerk's office and the city public works department and are adopted by reference and declared to~~
29 ~~be part of this article.~~

30 ~~(c) — *Use.* All land use decisions made with respect to the flood control sections of this article~~
31 ~~shall be made with reference to the master flood control planning maps. The boundaries of the~~
32 ~~zoning districts shall be determined by scaling distances on the maps.~~

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

37 ~~(e) — *Review of amendments.* Prior to any amendment of a master flood control planning map,~~
38 ~~such proposed amendment shall first be submitted to the city plan board for review and~~
39 ~~recommendation.~~

1 **Sec. 30-2823. Adoption of f Flood insurance rate maps.**

2 (a) Adoption. The most recently published version, including published revisions, of the Federal
3 Emergency Management Agency (FEMA) Alachua County Flood Insurance Study and the
4 Federal Issuance Flood Insurance Rate Maps (FIRM) dated June 16, 2006, containing
5 identification of special flood hazard areas within the corporate limits of the city and any
6 revisions thereto, are hereby adopted by reference and declared to be a part of this chapter. In any
7 instance where the maps and regulations here adopted are in conflict with the provisions of this
8 article, the more restrictive of the maps, regulations or ordinances. Where the FIRM or city map
9 does not include a base flood elevation, a base flood elevation shall be determined by an engineer
10 registered in the state based on professional evaluation of the site and relevant data.

11 (b) Amendment. Proposed amendments to a community’s Flood Insurance Rate Map (FIRM)
12 shall be reviewed and approved by the city manager or designee based on best available data.

13 **Sec. 30-283-4. Duties and responsibilities of city manager.**

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

15 (1) Reviewing all development permits to ensure that the permit requirements of these
16 sections have been satisfied.

17 (2) Advising permittee that additional federal or state permits may be required, and if
18 specific federal or state permit requirements are known, requiring that copies of such
19 permits be provided and maintained on file with the development permit.

20 (3) Notifying adjacent communities, the relevant state agencies~~state department of~~
21 ~~community affairs, the state department of environmental protection,~~ the U.S. Army Corps
22 of Engineers, and the St. Johns River Water Management District and the Suwannee River
23 Water Management District prior to any alteration or relocation of a watercourse, and
24 submitting evidence of such notification to the Federal Emergency Management Agency.

25 (4) Ensuring that maintenance is provided within the altered or relocated portion of the
26 watercourse so that the flood-carrying capacity is not diminished.

27 (5) Verifying and recording the actual elevation (in relation to mean sea level) of the
28 lowest floor (including basement) of all new or substantially improved structures, in
29 accordance with subsection 30-2845(b)(2).

30 (6) Verifying and recording the actual elevation (in relation to mean sea level) to which
31 ~~the~~ new or substantially improved structures have been floodproofed, in accordance with
32 subsection 30-2845(b)(2).

33 (7) When floodproofing is utilized for a particular structure, the city manager or designee
34 shall obtain certification from a registered engineer or architect, in accordance with
35 subsections 30-2845(b)(1)e. and 30-2845(b)(2).

1 (8) Where interpretation is needed as to the exact location of the boundaries of ~~the areas of~~
 2 special flood hazard areas (for example, where there appears to be a conflict between a
 3 mapped boundary and actual field conditions), the city manager or designee shall make the
 4 necessary interpretation. ~~The persons contesting the location of the boundary shall be given~~
 5 ~~a reasonable opportunity to appeal the interpretation as provided in section 30-354 of this~~
 6 ~~chapter.~~

7 (9) When base flood elevation data or floodway data is not available on the FIRM, a base
 8 flood elevation shall be determined by an engineer registered in the state based on
 9 professional evaluation of the site and relevant data subject to review by the city manager or
 10 designee. ~~have not been provided in accordance with section 30-283, then t~~ The city
 11 manager or designee shall obtain, review and may reasonably utilize any base flood
 12 elevation and floodway data available from a federal, state, or other source; in order to
 13 administer the provisions of subsections 30-~~2889~~1(1) and (2).

14 **Sec. 30-~~284~~5. - Administration.**

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

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

20 (1) *Application stage.*

21 a. The applicant's name and address and the owner or owners of the property
 22 involved.

23 b. A map showing the property containing the area for which the permit is being
 24 sought, including an accurate designation of floodplain and flood channel districts
 25 affected by this application and the exact boundaries of the proposed development.

26 c. The elevation in relation to mean sea level of the proposed lowest floor
 27 (including basement) of all structures.

28 d. The elevation in relation to mean sea level to which any structure will be
 29 floodproofed.

30 e. The certification by a registered engineer or architect that the floodproofing
 31 methods for any nonresidential structure meet the floodproofing criteria in subsection
 32 30-~~2889~~1(2).

33 f. The description of the extent to which any watercourse will be altered or
 34 relocated is a result of proposed development.

35 g. A description of the proposed activity in sufficient detail to determine the

1 propriety of the activity under sections 30-2856 and 30-2867. This description may
2 include, but not be limited to, the above plans drawn to scale showing the nature,
3 location, dimensions and elevations of the area in question; existing and proposed
4 structures, fill, storage of materials, drainage facilities, and the location of the
5 foregoing.

6 (2) *Construction stage.* A floor elevation or floodproofing certificate after the lowest floor
7 is completed. Within 21 calendar days of establishment of the lowest floor elevation, or
8 floodproofing by whatever construction means, it shall be the duty of the permit holder to
9 submit to the city manager or designee a certificate of the elevation of the lowest floor or
10 floodproofed elevation as built, in relation to mean sea level. Such certification shall be
11 prepared by or under the direct supervision of a registered land surveyor or engineer and
12 certified by same. When floodproofing is utilized for a particular building, such certification
13 shall be prepared by or under the direct supervision of a registered engineer or architect and
14 certified by same. Any work done within the 21-calendar-day period and prior to
15 submission of the certification shall be at the permit holder's risk.

16 (3) *City manager or designee action.*

17 a. *Application stage.* The city manager or designee shall examine all engineering
18 and planning information supplied by the applicant and by city staff to determine
19 conformity with the above requirements. Permits shall be issued for conforming
20 applications. Where in the opinion of the city manager or designee additional
21 engineering or other studies or information are needed to determine the effects of a
22 proposed use on flooding or any criterion contained in these sections, the city manager
23 shall require the applicant to have the additional studies and information prepared by
24 qualified engineers or other appropriate qualified professionals and submitted prior to
25 making a final decision on the application.

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

31 **Sec. 30-2856. - Prohibited uses.**

32 (a) *Flood channel districts.* Hereafter it shall be unlawful for any person, natural, corporate,
33 governmental or otherwise, to erect, remodel or alter any permanent structure or other
34 development or to dredge or fill in any flood channel without a permit issued by the city
35 manager. Filling with junk, trash, garbage or offal shall not be permitted. No permanent
36 structures or fills shall be allowed except structures and fills designed for flood prevention and
37 control, streets, bridges and sanitary sewer lift stations and utility lines. No dredging shall be
38 allowed except to maintain or enhance the flood control capacity of the entire channel. Storage of
39 materials that are buoyant, flammable, explosive, toxic or otherwise potentially harmful to

1 human, animal, or plant life and health, such as chemicals and poisons, is prohibited. Where a
2 flood channel is stagnant water; (i.e., an area of the flood channel where water leaves only
3 through percolation and/or evapotranspiration), ~~the restriction of the floodplain district~~
4 regulations shall apply. In those ~~areas of flood channel districts areas that are shown on the flood~~
5 ~~control maps as being within areas~~ inundated by backwater created by reverse flows of waters
6 (flowing upgrade), ~~development and construction shall be permitted under the provisions of these~~
7 sections relating to floodplain districts regulations shall apply, provided the developer provides
8 artificial or alternate means to convey ~~of stormwater conveyance which~~ during the 100-year
9 storms, ~~will convey~~ the same peak discharges of water as the natural drainageway and at the
10 same energy gradient.

11 (b) *Floodplain districts*. Hereafter, it shall be unlawful for any person, natural, corporate,
12 governmental or otherwise, to erect, remodel or alter any permanent structure, manufactured
13 home, manufactured home park, or other development, or to dredge or fill in any floodplain
14 district, without a permit issued by the city manager. No such permit shall be issued if the
15 proposed activity shall reduce the capacity of the floodplain district to which the application
16 applies as it exists at the date of the application for the permit. For the purposes of this
17 subsection, any development which effectively raises the average ground or improvement surface
18 shall be taken to reduce the floodplain district portion of the property. In no event shall any
19 institution or place of assembly for the mentally or physically ill, the young or aged, such as a
20 school, nor any place of incarceration, be permitted.

21 (c) *Drainage basin district*.

22 (1) This subsection applies to all development of property. The applicant seeking plan
23 approval shall provide a hydrological study performed by an engineer registered in the State
24 of Florida, demonstrating that any work on the site will not increase the rate of discharge of
25 stormwater runoff to downstream property beyond what would occur before the alteration
26 based on the 25-year critical duration storm. If such a study shows that the rate would
27 increase, the applicant's plans must show what provisions are to be made to contain this
28 increase on the developed land or that the applicant will participate in the proportionate
29 costs of necessitated means of controlling the rate of discharge of the stormwater runoff and
30 that such facilities will be in place at the time the increased runoff occurs.

31 (2) Subsection (c)(1) of this section shall not apply to the exceptional cases where
32 hydrological calculations show the flood hydrographic peak would be raised at any
33 downstream point by adhering to these provisions.

34 (3) In those watershed basins in which the volume as well as the rate of discharge could
35 result in downstream flooding of existing developed areas, the volume of discharge from
36 new development shall be limited to the pre-development volume.

37 (d) *Floodwater detention and retention areas*. Hereafter, it shall be unlawful for any person,
38 natural, corporate, governmental or otherwise, to erect, remodel or alter any permanent structure
39 or other development or dredge or fill in any floodwater detention or retention area without a

1 permit issued by the city manager. No such permit shall be issued if the proposed activity would
 2 create a flooding hazard to the structure or other development so created or if the retention or
 3 detention capacity of the affected area were reduced to less than its original capacity when first
 4 officially designated as a detention or retention area, or unless equivalent detention or retention
 5 capacity to the total of that being eliminated is otherwise provided.

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

9 (1) Harmful soil erosion from the land and shoaling in a watercourse. Sediment migration
 10 from the developed area should at no time prior, during or after construction exceed the rate
 11 and character which is natural to any area. Sediment migration shall be measured by
 12 turbidity measurements in Jackson's units.

13 (2) Stagnant areas of water adjacent to or on nearby property unless they are specifically
 14 designed for flood or sedimentation control.

15 (3) An irreversible adverse impact on the existing flora and fauna in a flood channel.

16 (4) Otherwise uncontrolled danger to life and property as a result of increased flood
 17 heights or velocities caused by proposed uses.

18 (5) Otherwise uncontrolled danger to life or property caused by lack of access to the
 19 property in times of flood by ordinary or emergency vehicles.

20 (6) Any condition incompatible with the flood control and protection purposes of these
 21 sections.

22 **Sec. 30-2867. Permitted uses.**

23 (a) *Flood channel districts.* Within the limitations of subsections 30-2856(a) and (e) and other
 24 applicable zoning regulations, and the surface water district provisions of article VIII, the
 25 following uses are permitted:

26 (1) Agricultural uses such as pasture, grazing and wild crop harvesting.

27 (2) Private and public recreational uses such as golf courses, tennis courts, driving ranges,
 28 archery ranges, picnic grounds, launching areas for boats, swimming areas, parks, wildlife
 29 and nature preserves, fishing areas, hiking, bicycling and horseback riding trails.

30 (3) Uses such as lawns, gardens, parking areas and play areas.

31 (4) Temporary structures and fills for the purpose of constructing legal developments in a
 32 non-flood-channel district. No temporary structure or fill may be permitted for more time
 33 than is reasonably required for completion of the legal development and none may be
 34 permitted if a serious temporary flooding hazard would be created. Temporary structures or
 35 fills may not be permitted unless firmly anchored against flotation or erosion in the event of

1 unexpected flooding. All expenses of removing the temporary structure and fills and
2 restoring the flood channel to its original condition shall be borne by the permittee.

3 (5) Governmental and public utility projects such as flood control filling and dredging,
4 streets, bridges and utility transmission lines and pipes under the following restrictions:

5 a. Any fill or dredge must be shown to have a beneficial flood control purpose or
6 otherwise protect the public welfare and any fill shall be protected against erosion by
7 riprap, vegetation or bulkheading, or other acceptable means.

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

12 (b) *Floodplain districts.* Within the limitations of sections 30-2856(b), (c) and (e), 30-28790,
13 30-28891, and 30-28992, the surface water district provision of Article VIII and other applicable
14 regulations, the following uses are permitted:

15 (1) Uses permitted in subsection (a) of this section and general farming, outdoor plant
16 nurseries, horticulture, silviculture and viticulture.

17 (2) Launching areas for power boats, marinas, boat rentals, docks, piers and wharves.

18 (3) Structures for uses permitted by the existing zoning ordinances and meeting the
19 standards set forth in sections 30-28790, 30-28891 and 30-28992 may be constructed on
20 stilts, piles or interrupted masonry foundations or conventional foundations, if retention is
21 provided for the volume displaced at the same elevation of centroid of volume, so that the
22 first floor or basement floor is not less than one foot above the level of the 100-year base
23 flood elevation at each point. Utility services such as sewer, water and electricity must be
24 installed to function properly in a 100-year base flood.

25 (4) Storage of materials shall be allowed in structures satisfying the requirements of
26 subsection (b)(3) of this section ~~sedetion~~. Flammable, poisonous, toxic, explosive and other
27 materials potentially harmful to human, animal or plant life and health must be adequately
28 sealed and anchored to prevent rupture, collapse or flotation caused by the presence of
29 floodwaters or floating debris.

30 (5) Uses such as parking lots and loading areas.

31 (c) *Drainage basin districts and floodwater detention and retention areas.* Any use within the
32 limitations of subsection 30-2856(c), (d) and (e) and other applicable zoning regulations is
33 permitted.

34 ~~Sec. 30-288. Reserved.~~

35 ~~Editor's note~~ Ord. No. 051001, § 10, adopted June 12, 2006, repealed § 30-288. Former

1 ~~§ 30-288 pertained to nonconforming uses and derived from Ord. No. 3777, § 1, adopted~~
2 ~~June 10, 1992.~~

3 **Sec. 30-289. -- Reserved.**

4 ~~**Editor's note** Ord. No. 051001, § 11, adopted June 12, 2006, repealed § 30-289. Former~~
5 ~~§ 30-239 pertained to grandfathered subdivisions and derived from Ord. No. 3777, § 1,~~
6 ~~adopted June 10, 1992.~~

7 **Sec. 30-28790. - General standards for special flood hazard floodplain areas.**

8 In all special flood hazard floodplain areas, the following standards are required:

9 (1) *Anchoring.*

10 a. All new construction and substantial improvements shall be anchored to prevent
11 flotation, collapse or lateral movement of the structure.

12 b. All manufactured homes shall be anchored to resist flotation, collapse or lateral
13 movement. Methods of anchoring may include, but are not limited to, use of over-the-
14 top or frame ties to ground anchors. This standard shall be in addition to and consistent
15 with applicable state requirements for resisting wind forces.

16 (2) *Construction materials and methods.*

17 a. All new construction and substantial improvements shall be constructed with
18 materials and utility equipment resistant to flood damage.

19 b. All new construction and substantial improvements shall be constructed using
20 methods and practices that minimize flood damage.

21 c. Any alteration, repair, reconstruction or improvements to a structure which is in
22 compliance with the provisions of these sections shall meet the requirements of new
23 construction as contained in the flood control sections of this article.

24 (3) *Utilities.*

25 a. All new and replacement water supply systems shall be designed to minimize or
26 eliminate infiltration of floodwaters into the system;

27 b. New and replacement sanitary sewage systems shall be designed to minimize or
28 eliminate infiltration of floodwaters into the systems and discharge from the systems
29 into floodwaters;

30 c. On-site waste disposal systems shall be located to avoid impairment to them or
31 contamination from them during flooding; and

32 d. Electrical, heating, ventilation, plumbing, air conditioning equipment, ductwork,

1 and other service facilities shall be designed and/or located so as to prevent water from
2 entering or accumulating within the components during conditions of flooding.

3 (4) *Subdivision proposals.*

4 a. All subdivision proposals shall be consistent with the need to minimize flood
5 damage;

6 b. All subdivision proposals shall have public utilities and facilities such as sewer,
7 gas, electrical and water systems located and constructed to minimize flood damage;

8 c. All subdivision proposals shall have adequate drainage provided to reduce
9 exposure to flood damage; and

10 d. Base flood elevation data shall be provided for subdivision proposals and other
11 proposed development in special flood hazard areas ~~including zone A~~ without
12 established base flood elevations.

13 (5) *Access.*

14 a. *Residential access.* All residential development structures ~~constructed in special~~
15 flood hazard areas ~~the floodplain~~ after September 17, 1990, shall be provided ~~with~~
16 vehicular access (from the road to the house) raised at least to the base 100-year flood
17 elevation for access by emergency vehicles during the base 100-year flood. However,
18 where access constructed to this elevation would require the removal of mature trees as
19 determined by the city arborist, or would cause other serious damage as determined by
20 the city manager or designee upon inspection and evidence provided by the property
21 owner, the access shall be raised as high as reasonably possible without doing damage
22 as above described; in addition, permanent markers projecting above the base 100-year
23 flood elevation and marking both sides of the access shall be installed. Neither the
24 elevated vehicular access nor the permanent access markers shall be required to be
25 more than 42 inches higher than the adjacent access road.

26 b. *Subdivision access.* ~~Each subdivision~~ Subdivisions developed after September 17,
27 1990, shall include at least one route of access to each residential lot by means of a
28 road raised to or above the base 100-year flood elevation level.

29 **Sec. 30-28891. - Specific standards for special flood hazard floodplain areas.**

30 In all special flood hazard floodplain areas (~~identified as zones A, AE or AH on the FIRM~~) where
31 base flood elevation data have been provided as set forth in ~~section 30-283~~, section 30-283-4 or
32 subsection 30-28790(4), the following standards are required:

33 (1) *Residential development construction.* ~~New construction and substantial improvement~~
34 ~~of any residential structure~~ Residential development shall have the lowest floor, including
35 basement, elevated to one foot above the base flood elevation. Should solid foundation
36 perimeter walls be used to elevate a structure, openings sufficient to facilitate the

1 unimpeded movements of floodwaters shall be provided in accordance with the standards of
2 subsection 30-28891(4).

3 (2) *Nonresidential development construction*. ~~New construction and substantial~~
4 ~~improvement of any commercial, industrial or other nonresidential structure~~ Nonresidential
5 development shall either have the lowest floor, including basement, elevated to one foot
6 above the base flood elevation; or, together with attendant utility and sanitary facilities,
7 shall be:

8 a. ~~Be~~Floodproofed to a minimum of one foot above the base flood elevation with a
9 watertight ~~and the structure below the flood elevation be watertight~~ with walls
10 substantially impermeable to the passage of water;

11 b. ~~Have~~ Developed with structural components capable of resisting hydrostatic and
12 hydrodynamic loads and effects of buoyancy; and

13 c. ~~Be~~eCertified by a registered engineer or architect that the standards of this
14 subsection are met. Such certification shall be provided to the official, as set forth in
15 subsection 30-283-4(7).

16 (3) *Manufactured homes, and recreational vehicles*

17 a. All manufactured homes placed on substantially improved or individual lots or
18 parcels, in expansions to existing manufactured home parks or subdivisions, or in a
19 new manufactured home park or subdivision must be elevated on a permanent
20 foundation such that the lowest floor of the manufactured homes is elevated one foot
21 above the base flood elevation and be securely anchored to an adequately anchored
22 foundation system to resist flotation, collapse, and lateral movement.

23 b. All manufactured homes placed or substantially improved in an existing
24 manufactured home park or subdivision must be elevated so that:

25 1. The lowest floor of the manufactured home is elevated no lower than one
26 foot above the base flood elevation.

27 2. The manufactured home chassis is supported by reinforced piers or other
28 foundation elements of at least the equivalent strength, of no less than 36 inches
29 in height above the grade and is securely anchored.

30 3. The manufactured home must be securely anchored to an adequately
31 anchored foundation system to resist floatation, collapse and lateral movement.

32 c. On sites in an existing manufactured home park or subdivision on which a
33 manufactured home has incurred substantial damage as the result of a flood, any
34 manufactured home place or substantially improved must meet the anchoring
35 standards and the elevation requirements for new construction (see subsection (3) a.
36 above). For purposes of this paragraph, substantial damage is defined to mean damage

1 of any origin sustained by a structure when the cost of restoring the structure to its pre-
 2 damaged condition would equal or exceed 50 percent of the tax assessed or certified
 3 appraised value of the structure before the damage occurred.

4 d. All recreational vehicles placed on sites must either:

5 1. Be on the site for fewer than 180 consecutive days.

6 2. Be fully licensed and ready for highway use (a recreational vehicle is ready
 7 for highway use if it is on its wheel or jacking system, is attached to the site only
 8 by quick disconnect type utilities and security devices and has no permanently
 9 attached additions), or

10 3. Meet all the requirements for new construction, including anchoring and
 11 elevation requirements of subsection 30-28894(3)(a) and (b)(1), (2) and (3),
 12 above.

13 (4) *Elevated buildings.* New construction or substantial improvements of elevated
 14 buildings that include fully enclosed areas formed by foundation and other exterior walls
 15 below the base flood elevation shall be designed to preclude finished living space in such
 16 areas and shall be designed to allow for the entry and exit of floodwaters to automatically
 17 equalize hydrostatic flood forces on exterior walls.

18 a. Designs for complying with this requirement must either be certified by a
 19 registered engineer or architect or meet the following minimum criteria:

20 1. Provide a minimum of two openings having a total net area of not less than
 21 one square inch for every square foot of enclosed area subject to flooding;

22 2. The bottom of all openings shall be no higher than one foot above grade;
 23 and

24 3. Openings may be equipped with screens, louvers, valves or other coverings
 25 or devices provided they permit the automatic flow of floodwaters in both
 26 directions.

27 b. Electrical, plumbing and other utility connections are prohibited below the base
 28 flood elevation.

29 c. Access to the enclosed area shall be the minimum necessary to allow for parking
 30 of vehicles (garage door) or limited storage of maintenance equipment used in
 31 connection with the premises (standard exterior door) or entry to the living area
 32 (stairway or elevator).

33 d. The interior portion of such enclosed area shall not be partitioned or finished into
 34 separate rooms in special flood hazard areas ~~including zone A~~ without established base
 35 flood elevations.

1 **Sec. 30-~~28992~~.** - **~~Regulatory floodways in floodplain areas.~~ Specific standards for**
 2 **floodways.**

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

6 (1) Prohibition of encroachments including fill, new construction, substantial
 7 improvements and other developments, unless certification (with supporting technical data)
 8 by a registered engineer or architect is provided demonstrating that encroachments shall not
 9 result in any increase in flood levels during occurrence of the base flood discharge.

10 (2) If subsection (1) of this section is satisfied, all new construction and substantial
 11 improvements shall comply with all applicable flood hazard reduction provisions of
 12 sections ~~30-28790~~ and ~~30-28891~~

13 (3) Prohibit the placement of any, manufactured homes except in an existing
 14 manufactured home park or existing manufactured home subdivision. A replacement
 15 manufactured home may be placed on a lot in an existing manufactured home park or
 16 subdivision providing the anchoring standards of subsection ~~30-28790~~(1) and elevation
 17 standards of subsection ~~30-28891~~(1) are met.

18 **Sec. 30-~~29093~~.** - **Standards for creeks without established base flood elevations and/or**
 19 **floodways.**

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

23 (1) Until a ~~regulatory~~ floodway is designated, ~~new construction, substantial improvements,~~
 24 ~~or other development (including fill)~~ shall not be permitted within ~~the areas of~~ special flood
 25 hazard areas, ~~designated as zones A1-30 and AE on the FIRM,~~ unless it is demonstrated that
 26 the cumulative effect of the proposed development, when combined with all other existing
 27 and anticipated development, will not increase the water surface elevation of the base flood
 28 more than one foot at any point within the City of Gainesville.

29 ~~(2) Development activities in zones A1-A30, AE, and AH on the FIRM which increase~~
 30 ~~the water surface elevation of the base flood by more than one foot may be allowed,~~
 31 ~~provided that the developer or applicant first applies with the Cities endorsement for a~~
 32 ~~conditional FIRM revision, and receives the approval of the Federal Emergency~~
 33 ~~Management Agency.~~

34 ~~(23)~~ When base flood elevation data is not available from any source for single lot
 35 construction in special flood hazard areas (~~zone A~~), the lowest floor of the structure shall be
 36 elevated to not lower than three feet above the highest adjacent grade.

1 **Secs. 30-291.4—30-299. - Reserved.**

2 **Section 3.** It is the intention of the City Commission that the provisions of Section 1 and
3 Section 2 of this ordinance shall become and be made a part of the Code of Ordinances of the
4 City of Gainesville, Florida, and that the sections and paragraphs of this ordinance may be
5 renumbered or relettered in order to accomplish such intentions.

6 **Section 4.** If any word, phrase, clause, paragraph, section or provision of this ordinance
7 or the application hereof to any person or circumstance is held invalid or unconstitutional, such
8 finding shall not affect the other provisions or applications of this ordinance that can be given
9 effect without the invalid or unconstitutional provisions or application, and to this end the
10 provisions of this ordinance are declared severable.

11 **Section 5.** All ordinances or parts of ordinances in conflict herewith are to the extent of
12 such conflict hereby repealed.

13 **Section 6.** This ordinance shall become effective immediately upon final adoption.

14

15 **PASSED AND ADOPTED** this ____ day of _____, 2012.

16

17

18

19

20

21

22

23

24

25

26

27

28

CRAIG LOWE
MAYOR

ATTEST:

Approved as to form and legality

KURT M. LANNON
CLERK OF THE COMMISSION

MARION J. RADSON
CITY ATTORNEY

This ordinance passed on first reading this ____ day of _____, 2012.

1
2 This ordinance passed on second reading this ___ day of _____, 2012.