

**LEGISLATIVE #**

**120209A**

ORDINANCE NO. 120209

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**An ordinance amending the City of Gainesville Comprehensive Plan; by amending Policy 3.1.5 in the Future Land Use Element; by amending Policies 1.1.1, 1.3.1, 1.3.5, 1.3.8, 1.3.10, 1.5.2, and by deleting Objective 1.11 and its Policies in the Stormwater Management Element; providing directions to the City Manager; providing a severability clause; providing a repealing clause; and providing an effective date.**

**WHEREAS**, publication of notice of a public hearing was given that the Future Land Use Element and Stormwater Management Element of the City of Gainesville Comprehensive Plan be amended, as more specifically described in this ordinance; and

**WHEREAS**, notice was given as required by law and a public hearing was then held by the City Plan Board on June 28, 2012; and

**WHEREAS**, pursuant to law, an advertisement no less than two columns wide by 10 inches long was placed in a newspaper of general circulation and provided the public with at least seven (7) days advance notice of the first public hearing (transmittal stage) to be held in the City Hall Auditorium, First Floor, City Hall, City of Gainesville; and

**WHEREAS**, pursuant to law, after the public hearing at the transmittal stage, the City of Gainesville transmitted copies of this proposed amendment to the reviewing agencies and any other local government unit or state agency that requested same; and

**WHEREAS**, a second advertisement no less than two columns wide by 10 inches long was placed in the aforesaid newspaper and provided the public with at least five (5) days advance notice of the second public hearing (adoption stage); and

**WHEREAS**, the public hearings were held pursuant to the published notices described above at which hearings the parties in interest and all others had an opportunity to

1 be and were, in fact, heard; and

2 WHEREAS, prior to adoption of this ordinance the City Commission has considered  
3 any written comments received concerning this plan amendment.

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

6 Section 1. Policy 3.1.5 of the Future Land Use Element of the City of Gainesville  
7 Comprehensive Plan is amended as stated below. Except as amended herein, Objective 3.1  
8 and its Policies remain in full force and effect.

9 Policy 3.1.5 The Master Flood Control Maps adopted by the City Commission and  
10 on file in the City's Public Works Department shall be used to  
11 designate floodplains and flood channels. Areas not shown on the  
12 Master Flood Control Maps are subject to the floodplain and flood  
13 channel delineations shown on the national flood insurance maps of  
14 the Federal Emergency Management Agency.  
15 Floodplains and flood channels shall be delineated by the most recent  
16 Flood Insurance Rate Map (FIRM) of the Federal Emergency  
17 Management Agency (FEMA) or a localized study that uses FEMA-  
18 approved analyses and that is reviewed and approved by the City of  
19 Gainesville Public Works Department.  
20

21 Section 2. Policy 1.1.1 of the Stormwater Management Element of the City of  
22 Gainesville Comprehensive Plan is amended as stated below. Except as amended herein,  
23 Objective 1.1 and its Policies remain in full force and effect.

24 Policy 1.1.1 The LOS standards ~~of~~ for all stormwater management facilities shall  
25 be the 100-year, critical duration storm. The LOS standard for water  
26 quality treatment shall be treatment of "first one (1) inch" of runoff,  
27 and compliance with the stormwater management facility design and  
28 performance standards established by the applicable water  
29 management district in Chapter 40C-42.025 F.A.C. and 42.035 F.A.C.  
30 to ensure that the receiving water quality standards of Chapter 62-  
31 302.500 F.A.C. are met and to ensure that receiving surface waters  
32 their water quality is not degraded below the minimum conditions

1 necessary to maintain their classifications as established in Chapter 62-  
 2 302 F.A.C. These standards shall apply to all new development and  
 3 redevelopment, ~~and a~~Any exemptions, exceptions, or thresholds in  
 4 these Florida Administrative Code (F.A.C.) citations are not  
 5 applicable. ~~Infill residential development within improved residential~~  
 6 ~~areas or subdivisions existing prior to the adoption of this~~  
 7 ~~comprehensive plan, must ensure that its post-development stormwater~~  
 8 ~~runoff will not contribute pollutants which will cause the runoff from~~  
 9 ~~the entire improved area or subdivision to degrade receiving water~~  
 10 ~~bodies and their water quality as stated above.~~

11  
 12 **Section 3.** Policies 1.3.1, 1.3.5, 1.3.8 and 1.3.10 of the Stormwater Management  
 13 Element of the City of Gainesville Comprehensive Plan are amended as stated below. Except  
 14 as amended herein, Objective 1.3 and its Policies remain in full force and effect.

15 Policy 1.3.1 The City shall continue to conduct assessments on an as needed basis,  
 16 to determine the performance of design standards and stormwater  
 17 management projects with regard to maintaining and/or reducing the  
 18 elevation of the 10-year flood channel ~~established in the Master Flood~~  
 19 ~~Control Planning Maps~~ and 100-year floodplain, ~~as established in the~~  
 20 ~~most recent FEMA Flood Insurance Rate Maps (FIRM) or locally~~  
 21 ~~determined Base Flood Elevations~~, especially where such elevations  
 22 would indicate inundation of existing developed areas. If the  
 23 assessment indicates that the flood potential has increased, new  
 24 development shall be restricted until such time as additional standards  
 25 are implemented and/or stormwater management improvements are  
 26 provided to meet the impact of such development.

27  
 28 Policy 1.3.5 The City shall continue to coordinate with Alachua County and other  
 29 governmental entities to maintain the existing capacity and function of  
 30 shared watersheds and to design floodplain elevation standards at or  
 31 below the 10-year flood channel ~~as established in the Master Flood~~  
 32 ~~Control Planning Maps~~ and 100-year floodplain as established by the  
 33 most recent Flood Insurance Rate Map (FIRM) of the Federal  
 34 Emergency Management Agency (FEMA) or a localized study that  
 35 uses FEMA-approved analyses and that is reviewed and approved by  
 36 the City of Gainesville Public Works Department~~in the most recent~~  
 37 ~~FEMA Flood Insurance Rate Maps (FIRM) or through locally~~  
 38 ~~determined Base Flood Elevations.~~

39  
 40 Policy 1.3.8 The City shall continue to comply with the procedure for amending the  
 41 ~~Master Flood Control Planning Maps in order to establish 10-year~~

1 flood-channel and 100-year floodplain elevations and the FEMA Flood  
 2 Insurance Rate Maps (FIRM) for the 100-year floodplain elevations as  
 3 may be determined by a site-specific engineering studies study that  
 4 uses FEMA-approved analyses and that is reviewed and approved by  
 5 the City of Gainesville Public Works Department.  
 6

7 Policy 1.3.10 In conjunction with the Record of Decision as finalized by the  
 8 Environmental Protection Agency (EPA) and the National Pollutant  
 9 Discharge Elimination System (NPDES) Stormwater Discharge Permit  
 10 issued by the Florida Department of Environmental Protection,  
 11 stormwater runoff from the Cabot-Koppers Superfund site shall be  
 12 treated on-site so that it does not pose a danger to the community.  
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14 **Section 4.** Policy 1.5.2 of the Stormwater Management Element of the City of  
 15 Gainesville Comprehensive Plan is amended as stated below. Except as amended herein,  
 16 Objective 1.5 and its Policies remain in full force and effect.

17 Policy 1.5.2 ~~Within the Enterprise Zone Area 3 (Downtown/Central City Business~~  
 18 ~~District) the City will may allow the an alternative means of~~  
 19 ~~stormwater treatment. If a project is to use of an off-site stormwater~~  
 20 ~~management facilities, applicable provisions of the Code of~~  
 21 ~~Ordinances will be considered satisfied upon issuance of a Water~~  
 22 ~~Management District permit for the project. to meet the applicable~~  
 23 ~~stormwater quality and/or quantity standards required by the Public~~  
 24 ~~Works Design Manual.~~  
 25

26 **Section 5.** Objective 1.11 and its Policies of the Stormwater Management  
 27 Element of the City of Gainesville Comprehensive Plan are deleted in their entirety.

28 ~~**Objective 1.11** The City shall continue to develop and update baseline data and~~  
 29 ~~shall inventory stormwater facilities for areas as they are annexed into the City.~~  
 30

31 ~~Policy 1.11.1~~ ~~The City shall update the Master Flood Control Planning Maps and~~  
 32 ~~continue to utilize the existing FEMA Flood Insurance Rate Maps and~~  
 33 ~~locally available Base Flood Elevations in all areas annexed on or~~  
 34 ~~before December 31, 2010.~~  
 35

36 ~~Policy 1.11.2~~ ~~The City shall update the Master Flood Control Planning Maps and~~  
 37 ~~shall inventory all channels and culverts in all areas annexed after~~  
 38 ~~December 31, 2010, within two years of annexation.~~  
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1           **Section 6.** It is the intent of the City Commission that the provisions of Sections 1  
2 through 5 shall become and be made a part of the City of Gainesville Comprehensive Plan  
3 and that the sections and paragraphs of this ordinance may be renumbered in order to  
4 accomplish such intentions.

5           **Section 7.** The City Manager is authorized and directed to make the necessary  
6 changes in the text, maps and other data in the City of Gainesville Comprehensive Plan, or  
7 element, or portion thereof in order to fully implement this ordinance.

8           **Section 8.** Within 10 working days of the transmittal (first) hearing, the City Manager  
9 is authorized and directed to transmit a comprehensive plan amendment package, including this  
10 ordinance, to the reviewing agencies and to any other local government unit or state agency that  
11 has filed a written request for same with the City. Within 10 working days of the adoption  
12 (second) hearing, the City Manager is authorized and directed to transmit a comprehensive plan  
13 amendment package, including this ordinance, to the state land planning agency and to any  
14 other reviewing agency, local government unit or state agency that filed written comments with  
15 the City.

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

21           **Section 10.** All ordinances or parts of ordinances in conflict herewith are to the  
22 extent of such conflict hereby repealed.

1           **Section 11.** This ordinance shall become effective immediately upon passage on  
2 second reading; however, the effective date of this plan amendment, if the amendment is not  
3 timely challenged, shall be 31 days after the state land planning agency notifies the City that the  
4 plan amendment package is complete in accordance with Section 163.3184, F.S. If timely  
5 challenged, this amendment shall become effective on the date the state land planning agency or  
6 the Administration Commission enters a final order determining this adopted amendment to be  
7 in compliance with Chapter 163, F.S. No development orders, development permits, or land  
8 uses dependent on this amendment may be issued or commenced before this plan amendment  
9 has become effective.

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

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

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

\_\_\_\_\_  
CRAIG LOWE  
MAYOR

ATTEST:

APPROVED AS TO FORM AND LEGALITY:

\_\_\_\_\_  
KURT M. LANNON  
CLERK OF THE COMMISSION

\_\_\_\_\_  
NICOLLE M. SHALLEY  
CITY ATTORNEY