

Problems:

- B = Prone to stem breakage or windthrow.
- D = Prone to disease problems.
- I = Prone to insect problems.
- L = Large (10-foot or more) bed required.
- P = Prolific reproduction (sucker or seed).
- T = Toxic to humans.
- F = Suffers freeze damage (not reliably cold-hardy).

Wildlife value:

- 0 = Low or none.
- 1 = Moderate.
- 2 = High.
- 3 = Very high.

Color:

- C = Color from flowers, fruit or foliage at some time of year.

ADDITIONAL COMMENTS:

All trees on the Gainesville Tree List except pines and palms are suitable for reforestation. When the crown spread at thirty-five (35) years of age is "O" or is followed by "O," this means that this species commonly dies before reaching thirty-five (35) years of age. The word "local" after the common name means that specimens derived from native Florida populations must be used. It is almost always best to use local seed sources for any species. The words "rust resistant" after slash and loblolly pine mean that sources of these species that are resistant to fusiform rust must be used. Trees requiring full sun or some shade or moist or fertile soil conditions may be planted only in such situations.

Trees already existing on the site that are preserved in good health during construction may be counted in the same manner as planted trees, except for the following species which aggressively invade natural forests, causing damage to wildlife: camphor tree (*Cinnamomum camphora*), Chinese tallow (*Sapium sebiferum*), mimosa (*Albizia julibrissin*), chinaberry (*Melia azedarach*), glossy privet (*Ligustrum lucidum*). Also, tropical species not reliably cold-hardy in Gainesville, such as Australian pine, queen palm and silk oak, do not count.

When planting pine trees, pot-bound specimens may not be used, and all the roots circling the sides and bottom of the container must be severed.

~~Diversity of plantings should be strived for. No more than 50 percent of any one tree genus shall be planted. There are several reasons for this. One is to reduce the danger of having a disease wipe out a large percentage of the tree cover. Another is that diversity of species provides much better habitat for most kinds of wildlife. Finally, an overabundance of one species is visually monotonous and uninteresting.~~

In order to encourage plant diversity, no more than 50 percent of the selected canopy trees shall be of the same genus, except for street tree plantings, which, on a given street should be uniform with respect to genus, size, and shape. Street tree diversity is to be attained city-wide in order to reduce the effect of loss of street tree species due to insect or disease outbreaks, even though street tree diversity may not be attained on an individual street.

No trees with a listed mature height of greater than 40 feet may be planted within the right-of-way of

overhead utility lines.

Section 4. Section 30-300, Land Development Code of the City of Gainesville, is amended to read:

Sec. 30-300. Reserved Definitions.

~~As regards the provisions of the surface water sections of this article, the following words are defined:~~

~~*Centerline of a regulated creek* means the center of the flood channels of such creek as shown on the city master flood control planning maps adopted pursuant to the flood control district provisions of article VIII.~~

~~*Development* means any alteration of land and/or vegetation except permanent reestablishment of native vegetation the requirements of the surface waters and wetlands.~~

Section 5. Section 30-301, Land Development Code of the City of Gainesville, is amended to read:

Sec. 30-301. Regulated surface waters and wetlands.

(a) The regulated creeks, lakes, and wetlands are as follows:

(1) Creeks and lakes delineated on the map entitled: "Surface Waters and Wetlands District", on file with the public works department, the department of community development and the clerk of the commission, and other creeks and lakes as determined by appropriate local, state or federal agencies.

(2) All regulated wetlands, as defined in Rule 62-340.200(19), Florida Administrative Code, and delineated pursuant to Rule 62-340.300, Florida Administrative Code or its successor, as amended from time to time. the location and extent of which are as defined or determined by the water management district with jurisdictional authority.

(b) In the event the city annexes property containing one or more creeks, lakes, or wetlands, the affected annexed property will be included in the district upon adoption of a new map by ordinance.

Section 6. Section 30-302, Land Development Code of the City of Gainesville, is amended to read:

Sec. 30-302. General requirements and procedures.

(a) ~~*Buffers and Setbacks.*~~ Except as otherwise provided, there shall be no development in, on or over a surface water or wetland, or within ~~35~~ 75 feet of the landward extent of a regulated lake ~~or wetland~~, or within 35 feet of the break in slope at the top of the bank of any regulated creek as referred to in section 30-301. ~~An exception is made for single family lots platted prior to May 1, 2000, when the 35 foot setbacks would create a hardship by precluding the right to build a single family structure on said lots.~~

A minimum buffer distance of 35 feet and an average minimum buffer distance of 50 feet shall be required between the developed area and the landward extent of any wetland or surface water, other than (as provided in the preceding paragraph) a regulated lake or creek. Wherever the buffer distance is less

than 50 feet, the amount of such encroachment along the 50-foot buffer line shall be mitigated along an equal length of buffer line contiguous to the encroachment. Such mitigation shall consist of increasing the minimum buffer distance so that the average minimum buffer distance of 50 feet is maintained at that location. The average minimum distance of 50 feet must be maintained under the permitted design, unless additional measures are needed for the protection of wetland functions. Buffers shall remain in an undisturbed condition except for drainage features and other minor structures that will not adversely affect wetland functions. Outfall structures from stormwater retention or detention basins can be allowed within required buffers. The buffer shall not apply to ~~permitted stormwater systems or surface waters or wetlands created by humans, except those wetlands that are created for mitigation.~~ The buffer shall be clearly delineated with permanent markers.

(b) Outstanding Florida Waters, as listed in Section 62-302.700, F.A.C. or its successor, as amended from time to time, shall have a minimum buffer of 200 feet.

(c**b**) For development activity between 35 and 150 feet from the break in slope at the top of the bank of any regulated creek, it is a rebuttable presumption the development is detrimental to the regulated creek and is therefore prohibited unless approval is granted as set forth below in subsection (e d).

(d**e**) Development plans for lots within 150 feet of any regulated creek must demonstrate compliance with the following standards (standards (2) and (3) shall not be applied to residential single-family lots):

- (1) The development will not increase erosion and sediment pollution to the creek both during and after construction;
- (2) The first one inch of runoff or appropriate water management district standards, whichever is greater, will either be retained or detained through filtration on the project site;
- (3) There will be no net increase in the rate of runoff from the site;
- (4) There is no threat to the stability of the creek bank;
- (5) There will be no placement of buildings, structures, impervious surfaces, or sod that would require the removal of vegetation integral to the creek's ecological value, including removal that would have an adverse impact on the viability of "special protection species" as determined and regulated by the water management district with jurisdictional responsibility. Natural vegetation shall be installed and/or retained to protect ~~designated~~ surface water or wetland environmental features.

(e**d**) Wetlands within and around the City of Gainesville provide environmental benefits such as water quality improvement, floodplain and erosion control, groundwater recharge and wildlife habitat, especially for species listed as endangered, threatened or of special concern by state and federal agencies, plus recreational, aesthetic and educational opportunities for people. These functions may be provided regardless of wetland size. Degradation of wetlands shall be mitigated in accordance with appropriate water management district standards, and as further regulated in this Code.

- (1) *Purpose and Intent.* The purpose of this section is to avoid loss or degradation of wetland functions, to minimize unavoidable degradation or loss of wetland functions and to require mitigation that fully offsets any unavoidable loss or degradation of wetland functions. In addition, it is the purpose of this ordinance to ensure that development activities that cause the unavoidable degradation or loss of wetland function are clearly in the public interest and fully offset any degradation or loss of wetland functions through sustainable mitigation. This ordinance should contribute to the restoration of wetlands functions in the Gainesville area.

- (2) Applicability. Except as provided below this ordinance shall be applicable to all wetlands within the City of Gainesville. This ordinance shall not apply to the maintenance of permitted stormwater systems.
- (3) Delineation. Wetlands shall be delineated pursuant to Rule 62-340.300, F.A.C., or its successor, as amended from time to time. Delineations performed by the State of Florida pursuant to Rule 62-340.300, F.A.C. shall be binding on the City for the purposes of this section.
- (4) Avoidance through Minimization. Avoidance of loss of wetland function and wetland habitat is of the highest priority. Except as provided in the following paragraph, the applicant must avoid loss of wetland function and wetland habitat by implementing practicable design alternatives to minimize adverse impacts to wetlands. A practicable design alternative is one that is technically capable of being done, is economically viable, and does not adversely affect public safety through endangerment of life or property.

The adverse impacts remaining after practicable design modifications have been made must be offset by mitigation as provided herein. A development activity cannot cause a net adverse impact on wetland functions, wetland habitat, or surface water functions, if such activity is not offset by mitigation.

The City will not require that avoidance be achieved through practicable design modifications when the ecological value of the function provided by the area of wetland is low and the proposed mitigation will provide greater long-term ecological value than the area of wetland to be affected. In this case, avoidance of loss is best achieved through the proposed mitigation.

- (5) Conditions for the issuance of development permits for property upon which wetlands are located. All permit applications shall be reviewed by the city manager or designee based on the conditions set forth below. No development of property containing wetlands shall be permitted unless the applicant provides reasonable assurance that the activity:
- a. Will not adversely impact the value of wetland functions provided to fish and wildlife and listed species;
 - b. Will not cause adverse secondary or cumulative impacts to water and wetland resources;
 - c. Will be capable, based on generally accepted engineering and scientific principles, of being performed and of functioning as proposed;
 - d. Will be conducted by an entity with the sufficient financial, legal and administrative capability to ensure that the activity will be undertaken in accordance with the terms and conditions of the permit, if issued;
 - e. Will comply with criteria for buffer zones set forth herein;
 - f. Is consistent with the applicant's stormwater management permit, if required; and
 - g. Is clearly in the public interest based on a balancing of the following criteria:
 1. Whether the development activity requires location in, on, or over wetlands or surface waters in order to fulfill its basic function;

2. The effect of the development activity on the public health, safety, or welfare or the property of others;
3. The effect of the development activity on fish, wildlife and native plant communities;
4. The effect of the development activity on recreation, open space and aesthetic values;
5. The effect of the development activity on significant historical and archaeological resources;
6. Whether the development activity will be of a temporary or permanent nature;
7. The current condition and relative value of wetland functions being performed by areas affected by the proposed activity;
8. The type, extent and geographic location of any mitigation proposed;
9. The extent to which the development furthers the goals of the Comprehensive Plan and the proximity of the development to existing infrastructure.

(6) Mitigation. This section applies to development activities in wetlands, which cannot be avoided or minimized, as determined by the criteria stated herein. Mitigation means an action or series of actions to offset the adverse impacts that would otherwise cause a regulated activity to fail to meet the criteria set forth herein.

- a. Types of mitigation; mitigation ratios. Mitigation consists of creation, preservation, enhancement, restoration, or a combination thereof in accordance with the descriptions and preferences set forth below. The wetland mitigation ratio for all wetland mitigation projects shall be not less than 5:1 (acres preserved, restored, or created: acres impacted). This 5:1 minimum ratio shall not apply to wetlands created by humans, the wetland mitigation ratio for which shall be not less than 1:1, except for wetlands created for purposes of mitigation, the wetland mitigation ratio for which shall be not less than 5:1.
 1. Preservation means the protection of wetlands, other surface waters or uplands from adverse impacts by placing a conservation easement or other comparable land use restriction over the property or by donation of fee simple interest in the property
 2. Enhancement is an improvement in the functional value of a wetland function.
 3. ~~Restoration means converting back to a historic condition those wetlands, surface waters, or uplands that currently exist as a land form which differs from the historic condition.~~ Restoration means converting existing wetlands, surface waters or uplands from a disturbed or altered condition to a previously existing natural condition to the maximum extent possible.
 4. Creation means the establishment of new wetlands or surface waters by conversion of other landforms. Wetland creation is the least acceptable mitigation alternative, and shall be considered only when preservation, restoration or enhancement within the sub-basin, basin or adjacent basin are infeasible at the ratios provided and when the applicant can

demonstrate that the proper hydrology and geology exists to make a created wetland sustainable.

The ratios and preferences set forth above shall apply to wetland mitigation projects unless or until preempted by state legislation or rule. Once the preempting state legislation or rule is implemented, the state legislation or rule will apply, but only to the extent to which the state legislation or rule preempts and this ordinance conflict.

b. Location of mitigation. Any mitigation required pursuant to this ordinance shall be performed within the basins and sub-basins described below, and may be performed on-site. These basins and sub-basins shall be specifically delineated on a map developed under the direction of the City Manager. Sub-basins include but are not limited to those drainage units within basins described below as determined by the City Manager or designee.

1. Newnans Lake Basin. This basin generally includes the areas east of the Hogtown Creek watershed and the Blues Creek watershed and north and east of the Paynes Prairie watershed. It includes Hatchet Creek, Little Hatchet Creek, Gum Root Swamp, Sunnyland Creek, Lake Forest Creek and the Newnans Lake watershed.

2. Paynes Prairie Basin. The Paynes Prairie Basin generally consists of the area west and south of the Newnans Lake Basin and south of the Hogtown Creek watershed flowing to Paynes Prairie and Alachua Sink. The Paynes Prairie Basin includes Sweetwater Branch, Rosewood Lateral, Tumblin Creek, Bivans Arm, Extension Ditch, Calf Pond Creek, Alachua Sink and the Paynes Prairie watershed.

3. Hogtown Creek Basin. The Hogtown Creek basin generally includes the watershed for Hogtown Creek and Haile Sink and includes the depression basins that are adjacent to the west side of the watershed and within the Gainesville Community Basin. This Basin includes Hogtown Creek, Rattle Snake Creek, Springstead Creek, Pine Forest Creek, Ridge View Creek, Glenn Springs Creek, Possum Creek, Three Lakes Creek, Millhopper Creek, Monterey Creek, Royal Park Creek, Beville Creek, and the Lake Alice watershed, Lake Kanapaha, Rutledge Drain, Liberty Drain, Unnamed Branch and Unnamed Drain.

4. Blues Creek Basin. The Blues Creek Basin generally includes the area northwest of the Hogtown Creek Basin. The Basin includes Blues Creek, Alachua Slough and Sanchez Prairie.

5. Sub-basins may be delineated for each basin.

(7) Order of Mitigation Preference. The order of preference for the location of the mitigation area in relation to the impacted area is as follows:

- a. In the same sub-basin;
- b. In the same basin;
- c. In another listed basin.

Deviation from this order of preference may be approved in writing by the City Manager or designee if mitigation in the required sub-basin or basin is not economically or technically feasible or if greater ecological benefits would be achieved.