

exception from compliance with the minimum buffer requirements to the requirements of these sections only to the extent necessary to accommodate such reasonable development. As part of the same proceedings, the board may also grant variances to the yard setbacks required by this chapter in order to facilitate compliance with these sections subject to a finding that such special permits will neither be injurious to adjacent property owners or the neighborhood nor detrimental to the public welfare.

- (1) Minimum requirement for special permits. Special permits may be granted for lots with a depth or width less than 120 feet from the landward extent of a regulated lake or wetland, or within 150 feet of the centerline of the break in slope at the top of the bank of any a regulated creek. Special permits may be granted by the Board of Adjustment for single-family lots with lot depth or lot width less than 120 feet. The special permit may be granted for lots located within the 75-foot required minimum buffer for regulated lakes, or within the required average minimum buffer distance of 50 feet from the landward extent of any wetland or surface water, or within 150 feet of the break in slope at the top of bank of a regulated creek.
- (2) *Criteria for granting of special permits.* The following criteria shall be used in deciding whether and to what extent a special permit exceptions should be granted:
 - a. The board of adjustment shall determine what is reasonable development of a single-family lot, accessory structures and drives and shall consider the following factors:
 1. The size of existing single-family dwellings in the immediate vicinity should serve as a guide to what is customary and reasonable for the property under review.
 2. No special permit shall be granted for the purpose of accommodating a swimming pool, tennis court, racquetball court or similar recreational structure, or to accommodate accessory uses that are not customary on single-family lots or exceed the customary size.
 - b. The board of adjustment shall consider features of the site, including its topography, the width of the creek bed, and the presence or absence of vegetation natural to the creek, lake or wetland, which indicate that a special permit would or would not further the goals of these sections.
 - c. The board of adjustment shall consider building code requirements, including building orientation requirements to meet energy efficiency standards that affect the design and/or orientation of structures on the lot.
 - d. The board of adjustment shall consider presence of trees eight inches or greater in diameter at a point 4¹/₂ feet above the ground level that can only be preserved if a special permit is granted.
- (2) Furthermore, the board of adjustment shall consider staff reports as needed in reaching its decision. In granting a special permit the board shall establish measures to ensure that the goals of these sections are substantially met, in particular maintaining natural vegetation where feasible, preventing sedimentation loading to the creek, lake or wetland, maintaining the stability of the creek or lake bank, and preventing the degradation of the water quality of the creek, lake or wetland. To achieve these aims, the board of adjustment shall attach such reasonable conditions and safeguards, such as construction control techniques and other mitigative measures, as it

deems necessary.

Section 8. Section 30-304, Land Development Code of the City of Gainesville, is amended to read:

Sec. 30-304. Exemptions.

(a) The provisions of the surface waters and wetlands sections of this article shall not apply to:

- (1) Unless otherwise provided herein, any construction, development or use initiated pursuant to any valid building permit or approved development plan issued or approved before March 9, 1987.
- (2) Any public works or utilities projects initiated by the city or by a property owner acting with the authorization of the city and state agencies (the state department of environmental protection or the appropriate water management district) to provide utility services or access to the property or to provide controlled stormwater discharge to the creek, lake or wetland.
- (3) Repairs or replacement to the site structure(s) that do not increase the external dimensions of site impervious surface. When such development does increase said dimensions, the development up to the point at which dimensions increase will be exempt.
- (4) Additions or accessory structures that do not add more than ~~one hundred (100)~~ square feet of impervious surface area cumulative from March 9, 1987, including any construction that does not require a building permit, and are at a distance greater than ~~thirty-five (35)~~ 50 feet from the landward extent of the ~~lake or wetland, or greater than seventy-five (75)~~ feet from the landward extent of the lake, or greater than thirty-five (35) feet from the break in slope at the top of the bank ~~creek centerline~~ of a regulated creek. However, the placement of limerock surface, irrespective of size, shall comply with the provisions of these sections.
- (5) Any construction or development initiated pursuant to the development plan of a planned development approved prior to June 10, 1992, if the development plan depicts the location of the buildings and structures on the site or if special consideration has been given to the issue of creek, lake or wetland protection as evidenced by specific limitations and/or restrictions having been placed on the lots or buildings during the approval process.
- (6) Construction of public or private nature trails if the proposed plan is consistent with the intent of these sections and complies with the following restrictions:
 - a. There is no significant alteration of creek, lake or wetland drainage patterns or special protection species population reduction or habitat alteration due to the trail.
 - b. The natural grade within the buffer area ~~setback zone~~ is maintained to the maximum feasible extent.
 - c. The maximum width for private trails within ~~thirty-five (35)~~ feet of the centerline ~~of lakes or~~ the break in slope at the top of the bank of a regulated creek ~~or landward extent of lakes~~ or within 50 feet of a wetlands is ~~fifty (50)~~ inches. The maximum width for private trails within 75 feet of a regulated lake is 50 inches. A private trail

greater than ~~fifty (50)~~ inches in width that is located between ~~thirty-five (35)-~~feet and ~~one hundred fifty (150)~~ feet from the break in slope at the top of the bank centerline of a the regulated creek, is presumed detrimental to the creek unless the trail plan demonstrates otherwise. The width of public trails shall be set during site plan review.

- d. Materials used for the trails construction are limited to asphaltic concrete, concrete, wood, compacted earth, mulch, crushed shells or other materials that ~~which~~ will not result in the creek receiving significant amounts of sediment or other adverse material harmful to the creek water quality. If materials other than asphaltic concrete or concrete are used, such materials shall be stabilized to prevent washouts or soil erosion.
 - e. Developers, their successors and assigns of private trails must provide the city with a maintenance agreement which is acceptable to the city attorney and provide for maintenance and preservation of the trail to ensure there is no adverse impact to creek, lake or wetland vegetation, water quality, or creek or lake bank soils.
- (7) The reestablishment of native vegetation. When the reestablishment of native vegetation is for any property other than single-family residential, a vegetative reestablishment plan shall be subject to the approval of the public works department and the county department of environmental protection to ensure the appropriateness of the vegetation proposed and to ensure the incorporation of proper sediment control measures.
- (8) All human-built impoundments, lakes, streams, ponds, and artificial or created wetlands, ~~and all stormwater management facilities~~, provided that development activities in these areas will not adversely impact natural or mitigation surface waters and wetlands. If these facilities were required as a mitigation project, they shall not be exempt from the provisions of these sections. If any surface waters or wetlands are part of a stormwater management facility approved by the city, the same functions must be provided and any modifications shall be subject to approval by the city public works department.
- (9) Stormwater management facilities are exempt from the buffer requirements of Sec. 30-302 (a) for wetlands provided that: the stormwater management facility will not adversely impact natural or mitigation surface waters and wetlands; the hydroperiod of the wetland will be maintained or restored; the stormwater management facility will have a maximum slope of 4:1; littoral zones will be established and maintained in all wet detention facilities; and that landscaping of stormwater management facilities will conform to Sec. 30-251 and all other applicable requirements of Chapter 30, and to the public works department design manual. Stormwater management facilities are *not* exempt from the buffer requirements of Sec. 30-302 (a) for regulated creeks or lakes. ~~as approved by the public works department within 150 feet of a lake or wetland for single family residences.~~
- (10) Backyards of single family residences within 150 feet of a lake or wetland.
- (b) All development, even if exempt or otherwise granted an exemption from any other provisions of these sections, must incorporate either the city's General Criteria for Controlling Erosion and Sediment or equivalent practices.

Section 9. Subsection (b) of Section 30-311, Land Development Code of the City of Gainesville, is amended to read:




Sec. 30-311. Violations, enforcement and penalty.

- (b) *Surface waters and wetlands district.* Should any person violate ~~As regards~~ the provisions of the surface waters and wetlands sections of this article, ~~and~~ in addition to the provisions, requirements, and penalties stated at of Article X, Division 4, of this Code, the City may require ~~in the case of destruction of vegetation within the thirty five foot setback or any greater or lesser setback imposed in development plan or compliance review,~~ appropriate corrective measures shall be taken by the violator required or the City may seek corrective action ~~be obtained~~ through injunctive relief.

ENVIRONMENTALLY SIGNIFICANT LAND & RESOURCES

Creeks, Lakes, and Wetlands

Legend

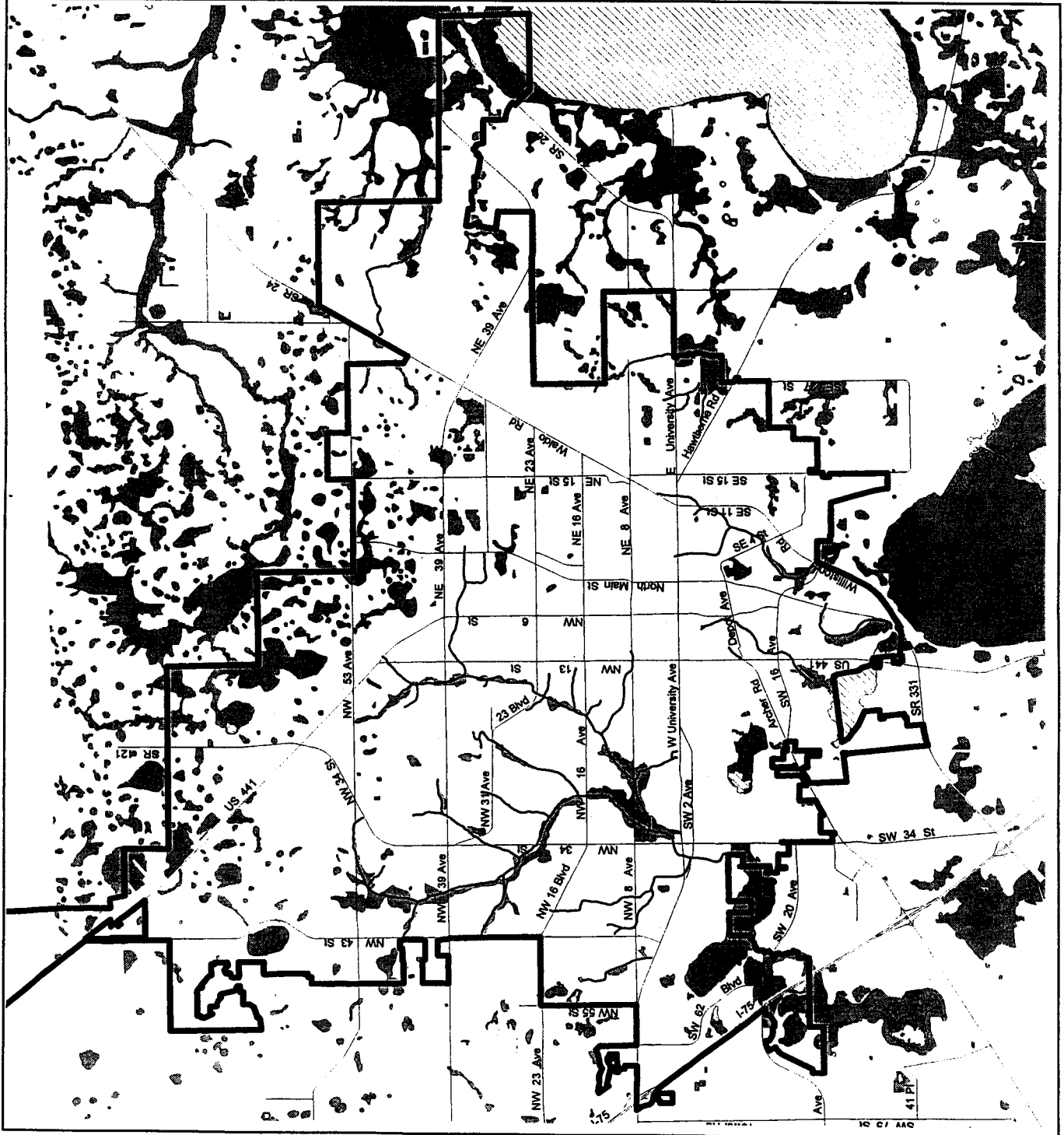
-  Regulated Creeks
-  Wetlands
-  Lakes
-  Gainesville City Limits

Source: Wetlands & Lakes: S.FRWMD digital files (sjl065.shp, wetlands=6000-6666, lakes=6200)
 Creeks: Regulated Creeks, Environmental Overlay District, Land Development Code

City of Gainesville Gainesville, Florida

Prepared by the
 Department of Community Development
 November 2000

0.7 0 0.7 1.4 Miles



Wetland Mitigation Basins

- Legend**
- City Limits
 - Mitigation Basin**
 - Blues Creek Basin
 - Hogtown Creek Basin
 - Newnans Lake Basin
 - Paynes Prairie Basin

Basins coverage from Florida Geographic Data Library

ORIGINAL SOURCE DATA:
 Florida Department of Environmental Protection District - Surface Water Basins
 Original Scale: 1:24,000

Supplemented by City of Gainesville Public Works Department.

DATA COMPILATION:
 City of Gainesville Department of Community Development. Basins have been combined to form City of Gainesville Wetland Mitigation Basins.

