

1 (1) The development will not introduce ~~increase~~ erosion and sediment pollution to the creek
2 both during and after construction;

3 (2) The first one inch of runoff or appropriate water management district standards,
4 whichever is greater, will either be retained or detained through filtration on the project
5 site;

6 (3) There will be no net increase in the rate of runoff from the site;

7 (4) There is no threat to the stability of the creek bank;

8 (5) There will be no placement of buildings, structures, impervious surfaces, or sod that
9 would require the removal of vegetation integral to the creek's ecological value, ~~including~~
10 ~~removal that would have an adverse impact on the viability of "special protection~~
11 ~~species" as determined and regulated by the water management district with jurisdictional~~
12 ~~responsibility. All invasive, non-native plant species listed in Sec. 30-251(7)g. shall be~~
13 ~~removed prior to issuance of the certificate of occupancy. All plants listed on the~~
14 ~~Noxious Weed List, Section 5B-57.007, Florida Administrative Code, shall be removed~~
15 ~~prior to issuance of the certificate of occupancy. Native Natural~~ vegetation shall be
16 installed and/or retained to protect ~~designated~~ surface water or wetland environmental
17 features.

18 ~~(d) Degradation of wetlands shall be mitigated in accordance with appropriate water management~~
19 ~~district standards, and as further regulated in this Code.~~

20 (f) The development will not modify groundwater levels so as to have an adverse
21 impact on the hydrological regime of a surface water or wetland. For the purposes of this
22 provision, adverse impact is defined as a change that prevents the surface water or wetland from
23 maintaining a structure and function equivalent to pre-development levels.

24 (g) If a proposed development requires development plan review pursuant to article
25 VII of this code, the showing of compliance with the requirements of the surface waters and
26 wetlands sections of article VIII shall be made in development plan review. The petition for
27 development plan review shall provide both a hydrological report and construction plans prepared
28 by a qualified engineer registered in the state.

29 (h) If a proposed development does not require development plan review, a showing of
30 compliance shall be certified by the city manager's designee prior to issuance of any building
31 permit. To demonstrate compliance with the requirements concerning quality and control of
32 erosion and sediment pollution, the development plan may employ the city's "General Criteria for
33 Controlling Erosion and Sediment," in the design manual, or equivalent practices, rather than
34 employing the more elaborate hydrological and soil reports used in development plan review.
35 Compliance with the measures required by "General Criteria for Controlling Erosion and
36 Sediment" shall be presumed sufficient to meet the standards in subsections 30-302 ~~(e)(1), (2)~~
37 and (3). The development plan shall provide enough information to demonstrate compliance with
38 the remaining standards, but need not ordinarily be prepared by a registered engineer. A
39 professional land surveyor certified by the state shall provide the lot boundaries survey and
40 topographical information.

41 (i) On-site transfer of development intensity and density. In order to protect
42 ~~designated~~ surface water ~~environmental~~ features of a site, development intensity and density for
43 building areas may be transferred from a lower to a higher elevation within the same property or
44 adjacent property under the same ownership and zoning category. Intensity and density may be
45 apportioned over the property by reserving the surface water and its buffer area as common open

1 space. If all of the intensity and density is transferred to the adjacent property, the owner shall
2 record a restriction in the chain of title of the transferor property, prior to issuance of a final
3 development order, to restrict the use of the land in perpetuity to non-development uses, with
4 such restrictions being expressly enforceable by the city.

5 (j) The installation of new septic tanks is prohibited within 150 feet of the landward extent
6 of a regulated lake or wetland, or within 150 feet from the break in slope at the top of the bank of
7 the centerline of a regulated creek.

8 Section 6. Section 30-302.1, Land Development Code of the City of Gainesville, is created to
9 read:

10 **Sec. 30-302.1. Avoiding Loss or Degradation of Wetlands.**

11 Wetlands within and around the City of Gainesville provide environmental benefits such as water
12 quality improvement, floodplain and erosion control, groundwater recharge and wildlife habitat,
13 especially for species listed as endangered, threatened or of special concern by state and federal
14 agencies, plus recreational, aesthetic and educational opportunities for people. These functions
15 may be provided regardless of wetland size. Wetlands damaged or degraded shall either be
16 restored to their function and condition prior to such damage, or mitigated pursuant to the
17 mitigation requirements in the Comprehensive Plan, this Code, and in accordance with
18 appropriate water management district standards.

19
20 (a) Purpose and Intent. The purpose of this section is to avoid loss or degradation of
21 wetland functions, to minimize unavoidable degradation or loss of wetland functions and
22 to require mitigation that fully offsets any unavoidable loss or degradation of wetland
23 functions. In addition, it is the purpose of this section to ensure that development
24 activities that cause the unavoidable degradation or loss of wetland function are clearly in
25 the public interest and fully offset any degradation or loss of wetland functions through
26 sustainable mitigation. This section should contribute to the restoration of wetlands
27 functions in the City.

28
29 (b) Applicability. Except as provided below this section shall be applicable to all wetlands
30 within the City of Gainesville. This section shall not apply to the maintenance of
31 permitted stormwater systems.

32
33 (c) Delineation. Wetlands shall be delineated pursuant to Rule 62-340.300, Florida
34 Administrative Code. Delineations performed by the State of Florida pursuant to Rule
35 62-340.300, Florida Administrative Code, shall be binding on the City for the purposes of
36 this section.

37
38 (d) Avoidance through Minimization. Avoidance of loss of wetland function and wetland
39 habitat is of the highest priority. The Owner shall avoid loss of wetland function and
40 wetland habitat by implementing practicable design alternatives to minimize adverse
41 impacts to wetlands, except as permitted in this section:

42
43 The adverse impacts remaining after practicable design modifications have been made
44 shall be offset by mitigation as provided herein. A development activity cannot cause a
45 net adverse impact on wetland functions, wetland habitat, or surface water functions, if
46 such activity is not offset by mitigation.
47

1 Avoidance through practicable design modifications is not required when the ecological
2 value of the function provided by the area of wetland is low and the proposed mitigation
3 will provide greater long-term ecological value than the area of wetland to be affected.
4

5 (e) Conditions for the issuance of a development permit for property upon which wetlands
6 are located. The City Manager or designee or appropriate reviewing board shall review
7 all permit applications based on the conditions set forth below. No development of
8 property containing wetlands shall be permitted unless the Owner provides reasonable
9 assurance that the activity:

- 10
- 11 1. Will not adversely impact the value of wetland functions provided to fish and wildlife
12 and listed species;
- 13
- 14 2. Will not cause adverse secondary or cumulative impacts to water and wetland
15 resources;
- 16
- 17 3. Will be capable, based on generally accepted engineering and scientific principles, of
18 being performed and of functioning as proposed;
- 19
- 20 4. Will be conducted by an entity with the sufficient financial, legal and administrative
21 capability to ensure that the activity will be undertaken in accordance with the terms
22 and conditions of the permit, if issued;
- 23
- 24 5. Will comply with criteria for buffer zones set forth herein;
- 25
- 26 6. Is consistent with the Owner's stormwater management permit, if required; and
27
- 28 7. Is clearly in the public interest based on a balancing of the following criteria:
29
 - 30 a. Whether the development activity requires location in, on, or over wetlands or
31 surface waters in order to fulfill its basic function;
 - 32
 - 33 b. The effect of the development activity on the public health, safety, or welfare or
34 the property of others;
 - 35
 - 36 c. The effect of the development activity on fish, wildlife and native plant
37 communities;
 - 38
 - 39 d. The effect of the development activity on recreation, open space and aesthetic
40 values;
 - 41
 - 42 e. The effect of the development activity on significant historical and
43 archaeological resources;
 - 44
 - 45 f. Whether the development activity will be of a temporary or permanent nature;
46
 - 47 g. The current condition and relative value of wetland functions being performed by
48 areas affected by the proposed activity;
 - 49
 - 50 h. The type, extent, and geographic location of any mitigation proposed;

1
2 i. The extent to which the development furthers the goals of the Comprehensive
3 Plan, and the proximity of the development to existing infrastructure.

4
5 (f) Mitigation. This section applies to development activities in wetlands, which cannot be
6 avoided or minimized, as determined by the criteria stated herein. Mitigation means an
7 action or series of actions to offset the adverse impacts that would otherwise cause a
8 regulated activity to fail to meet the criteria set forth herein.

9
10 1. Types of mitigation; mitigation ratios. Mitigation consists of creation, preservation,
11 enhancement, restoration, or a combination thereof in accordance with the ratios and
12 preferences set forth in Chapter 62-345, Florida Administrative Code (Uniform
13 Mitigation Assessment Method).

14
15 a. Preservation means the protection of wetlands, other surface waters or uplands
16 from adverse impacts by placing a conservation easement or other comparable
17 land use restriction over the property, in favor of the governmental entity with the
18 appropriate jurisdiction.

19
20 b. Enhancement is an improvement in wetland function.

21
22 c. Restoration means converting existing wetlands, surface waters or uplands
23 from a disturbed or altered condition to a previously existing natural condition to
24 the maximum extent possible.

25
26 d. Creation means the establishment of new wetlands or surface waters by
27 conversion of other landforms. Wetland creation is the least acceptable
28 mitigation alternative and shall be considered only when preservation, restoration
29 or enhancement within the sub-basin, basin or adjacent basin are infeasible at the
30 ratios provided and when the Owner can demonstrate that the proper hydrology
31 and geology exist to make a created wetland sustainable.

32
33 2. Location of mitigation. Any mitigation required pursuant to this Section shall be
34 performed within the basins and sub-basins described below, and may be performed
35 on-site. These basins and sub-basins shall be specifically delineated on a map in the
36 Data and Analysis section of the Conservation, Open Space and Groundwater
37 Recharge Element of the Comprehensive Plan. Sub-basins include but are not
38 limited to those drainage units within basins described below and as determined by
39 the City Manager or designee.

40
41 a. Newnans Lake Basin. This basin generally includes the areas east of the
42 Hogtown Creek watershed and the Blues Creek watershed and north and east of
43 the Paynes Prairie watershed. It includes Hatchet Creek, Little Hatchet Creek,
44 Gum Root Swamp, Sunnyland Creek, Lake Forest Creek and the Newnans Lake
45 watershed.

46
47 b. Paynes Prairie Basin. The Paynes Prairie Basin generally consists of the area
48 west and south of the Newnans Lake Basin and south of the Hogtown Creek
49 watershed flowing to Paynes Prairie and Alachua Sink. The Paynes Prairie Basin
50 includes Sweetwater Branch, Rosewood Lateral, Tumblin Creek, Bivans Arm,

Extension Ditch, Calf Pond Creek, Alachua Sink and the Paynes Prairie watershed.

c. 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.

d. 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.

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

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

- 1. In the same sub-basin;
- 2. In the same basin;
- 3. In another listed basin.

The appropriate reviewing board or City Manager or designee, in writing, may approve a deviation from this order of preference if greater ecological benefits would be achieved with another order.

(h) Mitigation Plan. Owners shall submit to the City Manager or designee detailed plans describing proposed construction, establishment, and management of mitigation areas. These plans shall include the following information, as appropriate for the type of mitigation proposed by the Owner:

- 1. A soils map of the mitigation area and other soils information pertinent to the specific mitigation actions proposed;
- 2. A topographic map of the mitigation area and adjacent hydrologic contributing and receiving areas;
- 3. A hydrologic features map of the mitigation area and adjacent hydrologic contributing and receiving areas;
- 4. A description of current hydrologic conditions affecting the mitigation area;
- 5. A map of plant communities in and around the mitigation area, including buffer areas;
- 6. Construction drawings detailing proposed topographic alterations and all structural components associated with proposed activities;

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50

- 7. Proposed construction activities, including a detailed schedule for implementation;
 - 8. Vegetation planting scheme and schedule for implementation, if planting is proposed;
 - 9. Sources of plants and soils used in wetland creation;
 - 10. Measures to be implemented during and after construction to avoid adverse impacts related to proposed activities;
 - 11. A management plan comprising all aspects of operation and maintenance, including water management practices, plant establishment, exotic and nuisance species control, fire management, and control of access;
 - 12. A proposed monitoring plan to demonstrate mitigation success;
 - 13. A description of the activities proposed to control exotic and nuisance species should these become established in the mitigation area. The mitigation proposal shall include reasonable measures to assure that these species do not invade the mitigation area in such numbers as to affect the likelihood of success of the project;
 - 14. A description of anticipated site conditions in and around the mitigation area after the mitigation plan is successfully implemented;
 - 15. A comparison of current fish and wildlife habitat to expected habitat after the mitigation plan is successfully implemented; and
 - 16. An itemized estimate of the cost of implementing mitigation, if applicable, as set forth herein.
- (i) Monitoring Requirements for Mitigation Areas. The owner shall monitor the progress of mitigation areas until success can be demonstrated as provided herein. Monitoring parameters, methods, schedules, and reporting requirements shall be specified as conditions within the appropriate permit. At a minimum, the Owner shall transmit to the city manager or designee monitoring reports certified by an environmental scientist, biologist, registered engineer or registered landscape architect. These reports shall be submitted no less frequently than every 12 months for at least 3 years, except as provided herein. At a minimum, the monitoring reports shall include the following:
- 1. An Executive Summary;
 - 2. A Table of Contents;
 - 3. A Map of the Site;
 - 4. Color photographs of the site and its important features;
 - 5. A description and analysis of water levels;
 - 6. A description and analysis of water quality;
 - 7. A description and analysis of the amount and types of nuisance and exotic plants;
 - 8. A description and analysis of the amount and types of intended and native plants;
 - 9. The survival rates of installed plants;
 - 10. Wildlife observations and
 - 11. A description of mitigating activities by Owner or agent.