

ORDINANCE NO. 110864

An ordinance of the City of Gainesville, Florida, amending the Land Development Code; by amending Section 30-270 *Stormwater management generally; erosion and sediment control; design and maintenance of facilities* to make it consistent with the Stormwater Management Element of the City of Gainesville Comprehensive Plan regarding the use and design of stormwater management facilities; 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 March 22, 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 notices 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. Subsections 30-270(b) and 30-270(d) of the Land Development Code are amended as follows. Except as amended herein, the remainder of Section 30-270 remains in full force and effect.

Sec. 30-270. - Stormwater management generally; erosion and sedimentation control; design and maintenance of facilities.

(b) *Design and maintenance standards for stormwater facilities.*

(1) *Design manual.* Stormwater management facilities shall be designed and constructed in accordance with this article and the design manual.

(2) *Design standards.*

1 a. *General standards.*

2 1. All drainage facilities shall provide a positive outfall to existing
3 watercourses, water bodies, wetlands or storm sewer systems unless it can be
4 proven that it is a closed system.

5 2. The property owner is fully responsible for compliance with all rules,
6 regulations and requirements of the county, the applicable water management
7 district, the state department of environmental protection, the U.S. Army Corps of
8 Engineers, and the United States Environmental Protection Agency.

9 3. All basins designed to be dry shall drain completely within 72 hours of the
10 storm event. Designs providing for longer drainage periods require approval by
11 the city manager or designee.

12 4. All development must provide on-site stormwater quality treatment for the
13 first one inch of stormwater runoff, except as provided in subsection e. of this
14 section. Infill residential development within improved residential areas or
15 subdivisions existing prior to November 18, 1991, must ensure that its post-
16 development runoff will not contribute pollutants which will cause the runoff
17 from the entire improved area or subdivision to degrade receiving water bodies
18 and their water quality.

19 5. All development must have on-site stormwater quantity control designed for
20 the 25100-year critical duration storm, except as provided in subsections (b)(2)d.
21 and e. of this section. A detention system shall be provided which will permit a
22 controlled outlet to receiving watercourses. The system shall be designed so that
23 the peak flow of stormwater off of the site, assuming full development, shall not
24 exceed the natural flow from the lands prior to the subdivision and/or any
25 development, based on the 25100-year critical duration storm.

26 6. The type, intensity and structural design of any development proposed for a
27 site shall be appropriate to the existing natural topographic characteristics of the
28 site, while recognizing that minimal grade changes are essential to site
29 development. Avoid disturbing steep slopes. Use terracing and diversions when
30 disturbance of slopes is unavoidable. Slopes created by fill for other than
31 landscape or buffering purposes shall be not steeper than three to one and must be
32 stabilized by vegetation or other approved methods. Excessive erosion of any cut
33 or fill slope shall require remediation by the property owner.

34 7. Drainage facilities designed within a closed system shall be evaluated on a
35 site-specific basis with the minimum design criteria being the 100-year critical
36 duration storm event.

37 b. *Erosion and sedimentation control.* The city may require the developer to limit
38 clearing and grubbing outside the proposed developed area to the site, control erosion
39 and sedimentation during and after construction, stabilize cleared areas, limit
40 stockpiles, protect stormwater inlets during construction, control construction access

1 routes, remove temporary control systems after construction, and limit the placement
2 of gutters and drains. The developer shall comply with the requirements of article VIII
3 of this chapter and the design manual. Wherever construction vehicle access routes
4 intersect paved public roads, provisions shall be made to minimize the transport of
5 sediment (mud), concrete and other construction materials onto the paved surface
6 (through runoff or vehicle tracking). Materials reaching the paved surface shall be
7 removed from the paved surface at the end of each day. Removal shall be by shoveling
8 or sweeping, and the materials shall be transported to a sediment-controlled disposal
9 area.

10 c. *Hogtown Creek Basin; additional standards.*

11 1. Within the Hogtown Creek Basin, systems must be designed to retain any
12 increase in volume of runoff over the predevelopment volume for a 72-hour
13 period.

14 2. The state department of transportation, Standards for Road and Bridge
15 Construction, latest edition, and the state department of transportation, Roadway
16 and Traffic Design Standards for Design, Construction, Maintenance and Utility
17 Operations for Streets and Highways on State Maintained Systems, latest edition,
18 shall be applied where standards are not specifically addressed in this chapter or
19 in the design manual.

20 d. *Requirements for master stormwater basins.* The requirements for stormwater
21 quantity and quality as listed above may be satisfied by a master stormwater plan
22 serving several properties. An easement must be provided between participating
23 landowners. The easement shall be recorded in the public records of the county and
24 submitted to the planning and development services department and to the public
25 works department prior to the issuance of any development permit. Any development
26 proposed for consideration utilizing an existing or planned master stormwater basin
27 shall provide the calculations and documentation necessary to establish the right to use
28 the facility and that the contribution of stormwater runoff of the proposed development
29 will be within the design parameters of the master basin. A maintenance agreement
30 among all the property owners that conforms to the provisions of this section shall be
31 executed subject to the approval of the city attorney as to form and legality and
32 recorded in the public records of the county.

33 e. *Off-site stormwater management facilities.* A development may use an off-site
34 stormwater management facility to meet the applicable stormwater quality and/or
35 quantity standards required by the public works design manual.

36 ~~e.f.~~ *Design standards for redevelopment of vehicular use area or building.* For the
37 purposes of this section, redevelopment is any demolition and/or reconstruction of the
38 vehicular use area (excluding resurfacing and restriping) or building. Any proposal for
39 a site on which the proposed redevelopment of building(s) or vehicular use area
40 involves the demolition and reconstruction of more than 80 percent of the area devoted
41 to existing building and vehicular use area shall be considered new development, and

1 shall be required to meet the standards for new development. This determination shall
2 be made by the city manager or designee.

3 Redevelopment shall conform to the following standards with regard to required
4 facilities:

5 1. Any redevelopment of existing impervious surfaces of a site, of less than
6 4,000 square feet, shall only require the continued maintenance of existing
7 facilities, including natural areas that provide storage. No additional stormwater
8 management shall be required, except that all development must be in
9 compliance with all state and water management district requirements. All
10 redevelopment of a particular lot or site governed by a final development order
11 shall be cumulative from June 10, 1992, and shall not exceed 4,000 square feet
12 unless the provisions of subsection (b)(2)e.2. of this section are met.

13 2. Any redevelopment of existing impervious surface of 4,000 square feet or
14 more shall be designed to accommodate stormwater quality treatment for the first
15 one-half inch of runoff from the proposed improvements in the disturbed area.
16 The city manager or designee may allow the design engineer to retain the first
17 one-half inch of runoff from an area of equal size as the disturbed area provided
18 that it can be proven that there would be greater water quality benefits to the
19 receiving surface water of equal size. Stormwater management facilities,
20 including natural areas that provide storage, shall continue to be provided. All
21 development must be in compliance with all state and water management district
22 requirements.

23 ~~f.g.~~ *Design standards for the subdivision of property.*

24 1. *Generally.* A complete stormwater system in conformance with the flood
25 control provisions of this article shall be provided for all areas of the subdivision
26 for managing stormwater runoff and providing water quality treatment within or
27 across subdivision lands. Soil borings shall be taken to establish soil type and
28 percolation rate. The design manual shall provide guidelines for determining the
29 appropriate number and location of soil borings. Full development shall be
30 assumed for selection of proper runoff coefficients. The system shall be designed
31 in accordance with the design manual of the public works department, to
32 accomplish the following results:

33 i. *Closed conduits.* A system of closed conduits (except where open
34 ditches are specifically permitted by the city commission) shall be provided
35 to collect and channel stormwater in such a fashion as to permit the
36 unimpeded use of public roads during a rainstorm of the maximum intensity
37 predicted for the city area at ten-year intervals.

38 ii. *Flood routing.* A route for stormwater runoff shall also be provided
39 which will function, when the system designed to handle the ten-year, 24-
40 hour storm has reached its capacity, so as to prevent flooding (water over the
41 curb level) and ensure access for emergency vehicles during a ten-year, 24-

1 hour storm event.

2 iii. *Detention/retention system.* A detention/retention system shall be
3 provided which will permit a controlled outlet to receiving watercourses.
4 The system shall be designed so that the peak flow of stormwater from the
5 subdivided lands, assuming full development, shall not exceed the natural
6 flow from the lands prior to the subdivision and any associated development
7 based on the ~~25~~100-year critical duration storm.

8 2. *Roadside swales.* Roadside swales may be provided in lieu of curb and
9 gutter as long as all the specific requirements of this article, article VII, and the
10 public works design manual can be met.

11 3. *Open drainageways.* Open drainageways (ditches) will not be permitted in
12 or within 100 feet of any land designated a residential district as defined in
13 section 30-41 and any land in actual use or zoned for use as a school, unless it can
14 be established to the satisfaction of the city commission that the open
15 drainageway will appear and function as a natural watercourse and will not
16 require significant maintenance. Any permitted open drainageway shall be
17 designed so as to present no unreasonable hazard to life, the health of the public
18 and nearby property residents and so as to be protected against scour and erosion.

19 (3) *Acceptance of facilities.* Acceptance of facilities for dedication to the public shall be in
20 accordance with the conditions and procedures in article VII, pertaining to subdivision
21 review.

22 (4) *Intergovernmental coordination.* Copies of all water management district, state
23 department of transportation, state department of environmental protection, and county
24 permits and permits of any other agency with jurisdiction shall be required prior to issuance
25 of any development permit.

26 (d) *Construction design requirements.*

27 (1) The public works design manual shall contain all construction design requirements.

28 (2) All stormwater basins shall be landscaped in such a manner as to promote safety and to
29 integrate the basin with the overall design of the site.

30 (3) Insofar as possible, the contour of retention and detention basins should promote
31 aesthetically pleasing site design and increased wildlife habitat.

32 (4) The public works design manual shall include guidelines for the design and operation
33 of facilities that discourage the breeding of mosquitoes.

34 (5) The design of retention and detention basins shall promote joint uses for habitat, open
35 space, passive recreation, and the establishment and integration of trails.

36 (6) Stormwater management facilities shall be designed to minimize the need for
37 maintenance in accordance with the public works design manual.

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

Section 3. If any word, phrase, clause, paragraph, section or provision of this ordinance or the application hereof to any person or circumstance is held invalid or unconstitutional, such finding shall not affect the other provisions or applications of this ordinance which can be given effect without the invalid or unconstitutional provisions or application, and to this end the provisions of this ordinance are declared severable.

Section 4. All ordinances, or parts of ordinances, in conflict herewith are to the extent of such conflict hereby repealed.

Section 5. This ordinance shall become effective immediately upon final adoption.

PASSED AND ADOPTED this 20th day of September, 2012.

By: Craig Lowe
CRAIGLOWE
MAYOR

ATTEST:
[Signature]
KURT M. LANNON
CLERK OF THE COMMISSION

APPROVED AS TO FORM AND LEGALITY:
[Signature]
MARION J. RADSON
CITY ATTORNEY

SEP 20 2012

This ordinance passed on first reading this 6th day of September, 2012.

This ordinance passed on second reading this 20th day of September, 2012.