



## Legislation Text

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**File #:** 050076, **Version:** 2

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### LAND DEVELOPMENT CODE AMENDMENT - STORMWATER MANAGEMENT REGULATIONS (B)

Ordinance No. 0-05-75; Petition 82TCH-05 PB

An ordinance of the City of Gainesville, Florida, amending subsection (a) of section 30-311 of the Land Development Code, relating to violations, enforcement and penalties pertaining to stormwater management regulations; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

The City Commission adopt the proposed ordinance.

### COMMUNITY DEVELOPMENT DEPARTMENT STAFF REPORT

This petition proposes amendments to subsection 30-311(a) of the Land Development Code by updating the violations, enforcement and penalty provisions that pertain to stormwater management. Adoption of the proposed changes will facilitate compliance with the City's stormwater management regulations by providing improved code enforcement provisions.

Public Works Department staff, Community Development Department staff, and the City Attorney's office drafted the proposed amendments to the current stormwater management ordinance to allow for expanded and improved enforcement options by the City. The proposed enforcement options are similar to those for wetlands and surface waters, and provide for increasing corrective measures depending on the severity and imminence of the violation. Corrective measures could include any or all of the following: issuance of a notice of violation; issuance of a cease and desist order; entering into a consent agreement; and the City seeking injunctive relief.

On May 9, 2005, the City Commission removed the item (no. 030126) from the City Attorney's referral list, and referred the proposed changes to the stormwater management ordinance to the City Plan Board for consideration as a petition.

The Plan Board heard this petition and recommended that it be approved with a modification that "promptly" be replaced by "immediately" in subsection 30-311(a)(4) for consistency with related provisions.

Public notice was published in the Gainesville Sun on June 1, 2005. The Plan Board held a public hearing June 16, 2005. Planning Division staff recommended that the Plan Board approve the petition. The Plan Board recommended that the City Commission approve Petition 82TCH-05 PB. Plan Board vote 6-0.

### CITY ATTORNEY MEMORANDUM

This ordinance requires two public hearings. Should the Commission adopt the ordinance on first reading, the second and final reading will be held on Monday, September 12, 2005.

None