

1 Introduced by Council Members Boyer and Love and Co-Sponsored by
2 Council Member Ferraro:

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4
5 **ORDINANCE 2019-331**

6 AN ORDINANCE AMENDING CHAPTER 652 (FLOODPLAIN
7 MANAGEMENT ORDINANCE), *ORDINANCE CODE*;
8 AMENDING PART 2 (APPLICABILITY), SECTION
9 652.202 (AREAS TO WHICH THIS CHAPTER APPLIES),
10 PART 5 (SITE PLANS AND CONSTRUCTION
11 DOCUMENTS), SECTIONS 652.501 (INFORMATION FOR
12 DEVELOPMENT IN FLOOD HAZARD AREAS), 652.503
13 (ADDITIONAL ANALYSES AND CERTIFICATION), AND
14 652.504 (SUBMISSION OF ADDITIONAL DATA AND
15 CONTINGENT APPROVALS), PART 7 (VARIANCE AND
16 APPEALS), SECTION 652.704 (RESTRICTIONS IN
17 FLOODWAYS), PART 9 (DEFINITIONS), SECTION
18 652.904 (DEFINITIONS), AND PART 10 (FLOOD
19 RESISTANT DEVELOPMENT), SECTIONS 652.1204
20 (LIMITATIONS ON SITES IN REGULATORY
21 FLOODWAYS), 652.1601 (GENERAL REQUIREMENTS FOR
22 OTHER DEVELOPMENT), 652.1602 (FENCES IN
23 REGULATED FLOODWAYS), 652.1603 (RETAINING
24 WALLS, SIDEWALKS AND DRIVEWAYS IN REGULATED
25 FLOODWAYS), AND 652.1604 (ROADS AND
26 WATERCOURSE CROSSINGS IN REGULATED FLOODWAYS)
27 TO PROVIDE 25-FOOT FLOODWAY SETBACK
28 REGULATIONS; AMENDING PART 5 (SITE PLANS AND
29 CONSTRUCTION DOCUMENTS), SECTION 652.502
30 (INFORMATION IN FLOOD HAZARD AREAS WITHOUT
31 BASE FLOOD ELEVATIONS (APPROXIMATE ZONE A)) TO

1 ADDRESS CERTAIN FINISHED FLOOR ELEVATIONS, AND
2 SECTION 652.503 (ADDITIONAL ANALYSES AND
3 CERTIFICATIONS) TO PROHIBIT INCREASE IN THE
4 BASE FLOOD ELEVATION IN RIVERINE FLOOD HAZARD
5 AREAS; AMENDING PART 7 (VARIANCES AND
6 APPEALS), SECTIONS 652.701 (GENERAL), 652.702
7 (APPEALS), 652.703 (LIMITATIONS ON AUTHORITY
8 TO GRANT VARIANCES), 652.707 (CONSIDERATIONS
9 FOR ISSUANCE OF VARIANCES), AND 652.708
10 (CONDITIONS FOR ISSUANCE OF VARIANCES) TO
11 AUTHORIZE THE PLANNING AND DEVELOPMENT
12 DEPARTMENT DIRECTOR AND THE COUNCIL TO HEAR
13 CERTAIN APPEALS AND VARIANCES; AMENDING PART 5
14 (SITE PLANS AND CONSTRUCTION DOCUMENTS),
15 SECTION 652.501, AND PART 10 (FLOOD RESISTANT
16 DEVELOPMENT), SECTION 652.1205 (LIMITATIONS ON
17 PLACEMENT OF FILL) TO PROVIDE FILL
18 REQUIREMENTS; AMENDING PART 10 (FLOOD
19 RESISTANT DEVELOPMENT) TO CREATE SECTION
20 652.1207 TO ADDRESS CERTAIN FINISHED FLOOR
21 ELEVATIONS; PROVIDING FOR SEVERABILITY;
22 PROVIDING AN EFFECTIVE DATE.

23
24 **WHEREAS**, the Storm Resiliency & Infrastructure Development
25 Review Committee has recommended certain changes to the City of
26 Jacksonville's floodplain management regulations regarding
27 requirements for fill, requirements for a floodway setback, and
28 requirements for the finished floor elevation in special flood
29 hazard areas, to protect the health, safety, and welfare of the
30 citizens of the City of Jacksonville; now, therefore

31 **BE IT ORDAINED** by the Council of the City of Jacksonville:

1 **Section 1. CHAPTER 652 (FLOODPLAIN MANAGEMENT ORDINANCE),**
2 **Ordinance Code, Amended.** CHAPTER 652 (FLOODPLAIN MANAGEMENT
3 ORDINANCE), *Ordinance Code*, is hereby amended to read as follows:

4 **CHAPTER 652 - FLOODPLAIN MANAGEMENT ORDINANCE**

5 * * *

6 **PART 2. - APPLICABILITY**

7 * * *

8 **Sec. 652.202 - Areas to which this Chapter applies.** This
9 Chapter shall apply to all flood hazard areas and Adjusted Special
10 Flood Hazard Areas within the City of Jacksonville as established
11 in Section 652.203 of this Chapter, and to all floodways and
12 floodway setbacks, as provided in this Chapter.

13 * * *

14 **PART 5. - SITE PLANS AND CONSTRUCTION DOCUMENTS**

15 **Sec. 652.501. - Information for development in flood hazard**
16 **areas.** The site plan or construction documents for any development
17 subject to the requirements of this Chapter shall be drawn to scale
18 and shall include, as applicable to the proposed development:

19 (a) Delineation of flood hazard areas, Adjusted SFHAs,
20 floodway boundaries, floodway setbacks and flood zone(s), base
21 flood elevation(s), and ground elevations if necessary for review
22 of the proposed development; if the proposed development will cause
23 a reconfiguration of the flood hazard area due to grading, filling,
24 channel alteration or relocation, development of a stormwater
25 management system, or the excavation of a lake, the Floodplain
26 Administrator shall require the applicant to submit and obtain
27 approval from FEMA of a Conditional Letter of Map Revision.

28 * * *

29 (i) Where the placement of fill is proposed, the amount,
30 type, and source of fill material; compaction specifications; a
31 description of the intended purpose of the fill areas; permeability

1 analysis; and evidence that the proposed fill areas are the minimum
2 necessary to achieve the intended purpose.

3 * * *

4 **Sec. 652.502. - Information in flood hazard areas without base**
5 **flood elevations (approximate Zone A).** Where flood hazard areas
6 are delineated on the FIRM and base flood elevation data have not
7 been provided, the Floodplain Administrator shall:

8 * * *

9 (c) Where base flood elevation and floodway data are not
10 available from another source, where the available data are deemed
11 by the Floodplain Administrator to not reasonably reflect flooding
12 conditions, or where the available data are known to be
13 scientifically or technically incorrect or otherwise inadequate:

14 * * *

15 (2) Specify that the base flood elevation is the higher
16 of three feet above the highest adjacent grade plus ~~one~~ two foot at
17 the location of the development, as required by Section 652.1207,
18 18 inches above the higher crown of an adjacent road, or three feet
19 above the highest known flood level.

20 * * *

21 **Sec. 652.503. - Additional analyses and certifications.** As
22 applicable to the location and nature of the proposed development
23 activity, and in addition to the requirements of this Section, the
24 applicant shall have the following analyses signed and sealed by a
25 Florida licensed engineer for submission with the site plan and
26 construction documents:

27 (a) For development activities proposed to be located in a
28 regulatory floodway, or a floodway setback, a floodway encroachment
29 analysis that demonstrates that the encroachment of the proposed
30 development will not cause any increase in base flood elevations;
31 where the applicant proposes to undertake development activities

1 that do increase base flood elevations, the applicant shall submit
2 such analysis to FEMA as specified in Section 652.504 of this
3 Chapter and shall submit the Conditional Letter of Map Revision, if
4 issued by FEMA, with the site plan and construction documents.

5 (b) For development activities proposed to be located in a
6 riverine flood hazard area for which base flood elevations are
7 included in the Flood Insurance Study or on the FIRM and floodways
8 have not been designated, hydrologic and hydraulic analyses that
9 demonstrate that the cumulative effect of the proposed development,
10 when combined with all other existing and anticipated flood hazard
11 area encroachments, will not increase the base flood elevation ~~more~~
12 ~~than one foot~~ at any point within the community. This requirement
13 does not apply in isolated flood hazard areas not connected to a
14 riverine flood hazard area or in flood hazard areas identified as
15 Zone AO or Zone AH.

16 * * *

17 **Sec. 652.504. - Submission of additional data and contingent**
18 **approvals.**

19 * * *

20 (b) Final acceptance of subdivision improvements shall not
21 occur, final construction plans for development in floodways, or in
22 floodway setbacks, shall not be approved, and Certificates of
23 Occupancy shall not be issued until such time as FEMA has issued a
24 Letter of Map Change, except in the case of Conditional Letters of
25 Map Revision issued by FEMA, in which case final acceptance of
26 subdivision improvements and Certificates of Occupancy shall not be
27 issued until such time as the permittee submits to FEMA the as-
28 built documentation and obtained a Letter of Map Revision.

29 (c) Except for development in a floodway, or in a floodway
30 setback, the Floodplain Administrator may grant an extension or
31 extension for the time frame for obtaining a Letter of Map Change

1 where the applicant demonstrates that such letters have been
2 diligently pursued but not obtained due to circumstances beyond the
3 control of the applicant.

4 * * *

5 **PART 7. - VARIANCES AND APPEALS**

6 **Sec. 652.701. - General.**

7 The ~~Subdivision Standards Policy and Advisory Committee~~
8 ~~("SSPAC")~~ Director of the Planning and Development Department
9 shall hear and decide on requests for appeals and requests for
10 variances from the strict application of this Chapter. Pursuant to
11 F.S. § 553.73(5), the ~~SSPAC~~ Director of the Planning and
12 Development Department shall hear and decide on requests for
13 appeals and requests for variances from the strict application of
14 the flood resistant construction requirements of the Florida
15 Building Code. This Section does not apply to Section 3109 of the
16 Florida Building Code, Building.

17 **Sec. 652.702. - Appeals.** The ~~SSPAC~~ Director of the Planning
18 and Development Department shall hear and decide appeals when it
19 is alleged there is an error in any requirement, decision, or
20 determination made by the Floodplain Administrator in the
21 administration and enforcement of this Chapter. Any person
22 aggrieved by the decision of ~~SSPAC~~ the Director of the Planning
23 and Development Department may appeal such decision to the ~~Circuit~~
24 ~~Court,~~ as provided by Florida Statutes Council using the
25 procedures, timeframes, and standard of review in Section 656.135,
26 Ordinance Code.

27 **Sec. 652.703. - Limitations on authority to grant variances.**

28 The ~~SSPAC~~ Director of the Planning and Development Department
29 shall base its decisions on variances on technical justifications
30 submitted by applicants, the considerations for issuance in
31 Section 652.707, Ordinance Code, the conditions ~~of~~ for issuance

1 set forth in Section 652.708, Ordinance Code, and the comments and
2 recommendations of the Floodplain Administrator and the Building
3 Official. The ~~SSPAC~~ Director of the Planning and Development
4 Department has the right to attach such conditions as ~~it~~ the
5 Director deems necessary to further the purposes and objectives of
6 this Chapter.

7 **Sec. 652.704. - Restrictions in floodways and floodway**
8 **setbacks.** A variance shall not be issued for any proposed
9 development in a floodway, or in a floodway setback, if any
10 increase in base flood elevations would result, as evidenced by the
11 applicable analyses and certifications required in Section 652.503,
12 Ordinance Code.

13 * * *

14 **Sec. 652.707. - Considerations for issuance of variances.** In
15 reviewing requests for variances, the ~~SSPAC~~ Director of the
16 Planning and Development Department shall consider all technical
17 evaluations, all relevant factors, all other applicable provisions
18 of the Florida Building Code, this Chapter, and the following:

19 * * *

20 **Sec. 652.708. - Conditions for issuance of variances.**
21 Variances shall be issued only upon:

22 * * *

23 (b) Determination by the ~~SSPAC~~ Director of the Planning and
24 Development Department that:

25 * * *

26 **PART 9. - DEFINITIONS**

27 **SECTION 652.900. - GENERAL**

28 * * *

29 **Sec. 652.904. - Definitions.**

30 * * *

31 *Floodway encroachment analysis.* An engineering analysis of the

1 impact that a proposed encroachment into a floodway, or into a
2 floodway setback, is expected to have on the floodway boundaries
3 and base flood elevations; the evaluation shall be prepared by a
4 qualified Florida licensed engineer using standard engineering
5 methods and models.

6 Floodway setback. The area between the outer boundary of the
7 regulatory floodway associated with natural named wetland systems
8 shown on the FIRM and a line parallel thereto at a distance of 25
9 feet. The purpose of this 25-foot floodway setback is to minimize
10 encroachments, and to protect floodplain storage and natural
11 floodplain functions.

12 * * *

13 **PART 10. - FLOOD RESISTANT DEVELOPMENT**

14 * * *

15 **SECTION 652.1100. - SUBDIVISIONS**

16 * * *

17 **Sec. 652.1102. - Subdivision plats.** Where any portion of
18 proposed subdivisions, including manufactured home parks and
19 subdivisions, lies within a flood hazard area, the following shall
20 be required:

21 (a) Delineation of flood hazard areas, Adjusted SFHAs,
22 floodway boundaries, floodway setbacks and flood zones, and design
23 flood elevations, as appropriate, shall be shown on preliminary
24 plats;

25 * * *

26 **SECTION 652.1200. - SITE IMPROVEMENTS, UTILITIES AND LIMITATIONS**

27 * * *

28 **Sec. 652.1204. - Limitations on sites in regulatory floodways,**
29 **and floodway setbacks.**

30 No development, including but not limited to site improvements, and
31 land disturbing activity involving fill or regrading, shall be

1 authorized in the regulatory floodway, or in the floodway setback,
2 unless the floodway encroachment analysis required in Section
3 652.503(a), Ordinance Code, demonstrates that the proposed
4 development or land disturbing activity will not result in any
5 increase in the base flood elevation.

6 **Sec. 652.1205. - Limitations on placement of fill.** All fill
7 shall be AASHTO Class A-3 Soil unless a Certified Geotechnical
8 Engineer provides a pre-development vs. post-development analysis
9 showing that alternative fill will not adversely impact groundwater
10 levels on adjacent property. Subject to the limitations of this
11 Chapter, fill shall be designed to be stable under conditions of
12 flooding including rapid rise and rapid drawdown of floodwaters,
13 prolonged inundation, and protection against flood-related erosion
14 and scour. In addition to these requirements, if intended to
15 support buildings and structures (Zone A only), fill shall comply
16 with the requirements of the Florida Building Code.

17 * * *

18 **Sec. 652.1207. - Finished floor elevation in special flood**
19 **hazard areas.** The finished floor elevation in special flood
20 hazard areas shall be two feet above the base flood elevation. If
21 there is a conflict between this Section and any other provisions
22 of the City of Jacksonville Ordinance Code, this Section shall
23 supersede such other provisions.

24 * * *

25 **SECTION 652.1600. - OTHER DEVELOPMENT**

26 **Sec. 652.1601. - General requirements for other development.**

27 All development, including man-made changes to improved or
28 unimproved real estate for which specific provisions are not
29 specified in this Chapter or the Florida Building Code, shall:

30 * * *

31 (b) Meet the limitations of Section 652.1204, Ordinance Code

1 if located in a regulated floodway, or in a floodway setback;

2 * * *

3 **Sec. 652.1602. - Fences in regulated floodways, or in floodway**
4 **setbacks**. Fences in regulated floodways, or in floodway setbacks,
5 that have the potential to block the passage of floodwaters, such
6 as stockade fences and wire mesh fences, shall meet the limitations
7 of Section 652.1204, Ordinance Code.

8 **Sec. 652.1603. - Retaining walls, sidewalks and driveways in**
9 **regulated floodways, or in floodway setbacks**. Retaining walls and
10 sidewalks and driveways that involve the placement of fill in
11 regulated floodways, or in floodway setbacks, shall meet the
12 limitations of Section 652.1204, Ordinance Code.

13 **Sec. 652.1604. - Roads and watercourse crossings in regulated**
14 **floodways, or in floodway setbacks**. Roads and watercourse
15 crossings, including roads, bridges, culverts, low-water crossings
16 and similar means for vehicles or pedestrians to travel from one
17 side of a watercourse to the other side, that encroach into
18 regulated floodways, or into floodway setbacks, shall meet the
19 limitations of Section 652.1204, Ordinance Code. Alteration of a
20 watercourse that is part of a road or watercourse crossing shall
21 meet the requirements of Section 652.503(c), Ordinance Code.

22 * * *

23 **Section 2. Severability.** The provisions of this Ordinance
24 are intended to be severable and if any provision is declared
25 invalid or unenforceable by a court of competent jurisdiction, such
26 provision shall be severed and the remainder shall continue in full
27 force and effect with the Ordinance being deemed amended to the
28 least degree legally permissible.

29 **Section 3. Effective Date.** This Ordinance shall become
30 effective upon signature by the Mayor or upon becoming effective
31 without the Mayor's signature.

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Form Approved:

 /s/ Shannon K. Eller

Office of General Counsel

Legislation Prepared By: Shannon K. Eller

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