

1 Introduced by Council Members Boyer and Love and amended by the
2 Neighborhoods, Community Services, Public Health & Safety
3 Committee:
4
5

6 **ORDINANCE 2019-331-E**

7 AN ORDINANCE AMENDING CHAPTER 652 (FLOODPLAIN
8 MANAGEMENT ORDINANCE), *ORDINANCE CODE*;
9 AMENDING PART 2 (APPLICABILITY), SECTION
10 652.202 (AREAS TO WHICH THIS CHAPTER APPLIES),
11 PART 5 (SITE PLANS AND CONSTRUCTION
12 DOCUMENTS), SECTIONS 652.501 (INFORMATION FOR
13 DEVELOPMENT IN FLOOD HAZARD AREAS), 652.503
14 (ADDITIONAL ANALYSES AND CERTIFICATION), AND
15 652.504 (SUBMISSION OF ADDITIONAL DATA AND
16 CONTINGENT APPROVALS), PART 7 (VARIANCES AND
17 APPEALS), SECTION 652.704 (RESTRICTIONS IN
18 FLOODWAYS), PART 9 (DEFINITIONS), SECTION
19 652.904 (DEFINITIONS), AND PART 10 (FLOOD
20 RESISTANT DEVELOPMENT), SECTIONS 652.1102
21 (SUBDIVISION PLATS), 652.1204 (LIMITATIONS ON
22 SITES IN REGULATORY FLOODWAYS), 652.1601
23 (GENERAL REQUIREMENTS FOR OTHER DEVELOPMENT),
24 652.1602 (FENCES IN REGULATED FLOODWAYS),
25 652.1603 (RETAINING WALLS, SIDEWALKS AND
26 DRIVEWAYS IN REGULATED FLOODWAYS), AND
27 652.1604 (ROADS AND WATERCOURSE CROSSINGS IN
28 REGULATED FLOODWAYS) TO PROVIDE 25-FOOT
29 FLOODWAY SETBACK REGULATIONS; AMENDING PART 5
30 (SITE PLANS AND CONSTRUCTION DOCUMENTS),

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

21
22 **WHEREAS**, the Storm Resiliency & Infrastructure Development
23 Review Committee has recommended certain changes to the City of
24 Jacksonville's floodplain management regulations regarding
25 requirements for fill, requirements for a floodway setback, and
26 requirements for the finished floor elevation in special flood
27 hazard areas, to protect the health, safety, and welfare of the
28 citizens of the City of Jacksonville; now, therefore

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

30 **Section 1. CHAPTER 652 (FLOODPLAIN MANAGEMENT ORDINANCE),**

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

3 **CHAPTER 652 - FLOODPLAIN MANAGEMENT ORDINANCE**

4 * * *

5 **PART 2. - APPLICABILITY**

6 * * *

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

12 * * *

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

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

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

27 * * *

28 (i) Where the placement of fill is proposed, the amount,
29 type, and source of fill material; compaction specifications; a
30 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. 652.503. - Additional analyses and certifications.** As
5 applicable to the location and nature of the proposed development
6 activity, and in addition to the requirements of this Section, the
7 applicant shall have the following analyses signed and sealed by a
8 Florida licensed engineer for submission with the site plan and
9 construction documents:

10 (a) For development activities proposed to be located in a
11 regulatory floodway, or a floodway setback, a floodway encroachment
12 analysis that demonstrates that the encroachment of the proposed
13 development will not cause any increase in base flood elevations;
14 where the applicant proposes to undertake development activities
15 that do increase base flood elevations, the applicant shall submit
16 such analysis to FEMA as specified in Section 652.504 of this
17 Chapter and shall submit the Conditional Letter of Map Revision, if
18 issued by FEMA, with the site plan and construction documents.

19 (b) For development activities proposed to be located in a
20 riverine flood hazard area for which base flood elevations are
21 included in the Flood Insurance Study or on the FIRM and floodways
22 have not been designated, hydrologic and hydraulic analyses that
23 demonstrate that the cumulative effect of the proposed development,
24 when combined with all other existing and anticipated flood hazard
25 area encroachments, will not increase the base flood elevation ~~more~~
26 ~~than one foot~~ at any point within the community. This requirement
27 does not apply in isolated flood hazard areas not connected to a
28 riverine flood hazard area or in flood hazard areas identified as
29 Zone AO or Zone AH.

30 * * *

1 **Sec. 652.504. - Submission of additional data and contingent**
2 **approvals.**

3 * * *

4 (b) Final acceptance of subdivision improvements shall not
5 occur, final construction plans for development in floodways, or in
6 floodway setbacks, shall not be approved, and Certificates of
7 Occupancy shall not be issued until such time as FEMA has issued a
8 Letter of Map Change, except in the case of Conditional Letters of
9 Map Revision issued by FEMA, in which case final acceptance of
10 subdivision improvements and Certificates of Occupancy shall not be
11 issued until such time as the permittee submits to FEMA the as-
12 built documentation and obtained a Letter of Map Revision.

13 (c) Except for development in a floodway, or in a floodway
14 setback, the Floodplain Administrator may grant an extension or
15 extension for the time frame for obtaining a Letter of Map Change
16 where the applicant demonstrates that such letters have been
17 diligently pursued but not obtained due to circumstances beyond the
18 control of the applicant.

19 * * *

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

21 **Sec. 652.701. - General.**

22 The ~~Subdivision Standards Policy and Advisory Committee~~
23 ~~("SSPAC")~~ Chief of Building Inspection, the Chief of the
24 Engineering and Construction Management Division, and the Chief of
25 the Development Services Division (Chiefs) shall hear and decide
26 on requests for appeals and requests for variances from the strict
27 application of this Chapter. Pursuant to F.S. § 553.73(5), the
28 ~~SSPAC~~ Chiefs shall hear and decide on requests for appeals and
29 requests for variances from the strict application of the flood
30 resistant construction requirements of the Florida Building Code.

1 This Section does not apply to Section 3109 of the Florida
2 Building Code, Building.

3 **Sec. 652.702. - Appeals.** The ~~SSPAC~~ Chiefs shall hear and
4 decide appeals when it is alleged there is an error in any
5 requirement, decision, or determination made by the Floodplain
6 Administrator in the administration and enforcement of this
7 Chapter. Any person aggrieved by the decision of ~~SSPAC~~ the Chiefs
8 may appeal such decision to the Circuit Court, as provided by
9 Florida Statutes.

10 **Sec. 652.703. - Limitations on authority to grant variances.**
11 The ~~SSPAC~~ Chiefs shall base its decisions on variances on
12 technical justifications submitted by applicants, the
13 considerations for issuance in Section 652.707, Ordinance Code,
14 the conditions ~~of~~ for issuance set forth in Section 652.708,
15 Ordinance Code, and the comments and recommendations of the
16 Floodplain Administrator and the Building Official. The ~~SSPAC~~
17 Chiefs ~~has~~ have the right to attach such conditions as ~~it~~ the
18 Chiefs ~~deems~~ deem necessary to further the purposes and objectives
19 of this Chapter.

20 **Sec. 652.704. - Restrictions in floodways and floodway**
21 **setbacks.** A variance shall not be issued for any proposed
22 development in a floodway, or in a floodway setback, if any
23 increase in base flood elevations would result, as evidenced by the
24 applicable analyses and certifications required in Section 652.503,
25 Ordinance Code.

26 * * *

27 **Sec. 652.707. - Considerations for issuance of variances.** In
28 reviewing requests for variances, the ~~SSPAC~~ Chiefs shall consider
29 all technical evaluations, all relevant factors, all other
30 applicable provisions of the Florida Building Code, this Chapter,

1 and the following:

2 * * *

3 **Sec. 652.708. - Conditions for issuance of variances.**

4 Variances shall be issued only upon:

5 * * *

6 (b) Determination by the ~~SSPAC~~ Chiefs that:

7 * * *

8 **PART 9. - DEFINITIONS**

9 **SECTION 652.900. - GENERAL**

10 * * *

11 **Sec. 652.904. - Definitions.**

12 * * *

13 *Floodway encroachment analysis.* An engineering analysis of the
14 impact that a proposed encroachment into a floodway, or into a
15 floodway setback, is expected to have on the floodway boundaries
16 and base flood elevations; the evaluation shall be prepared by a
17 qualified Florida licensed engineer using standard engineering
18 methods and models.

19 *Floodway setback.* The area between the outer boundary of the
20 regulatory floodway associated with a natural named river or
21 riverine watercourse shown on the FIRM and a line parallel thereto
22 at a distance of 25 feet. The purpose of this 25-foot floodway
23 setback is to minimize encroachments and to protect the timely
24 discharge of the base flood taking into account the dynamic nature
25 of natural watercourses.

26 * * *

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

28 * * *

29 **SECTION 652.1100. - SUBDIVISIONS**

30 * * *

1 **Sec. 652.1102. - Subdivision plats.** Where any portion of
2 proposed subdivisions, including manufactured home parks and
3 subdivisions, lies within a flood hazard area, the following shall
4 be required:

5 (a) Delineation of flood hazard areas, Adjusted SFHAs,
6 floodway boundaries, floodway setbacks and flood zones, and design
7 flood elevations, as appropriate, shall be shown on preliminary
8 plats;

9 * * *

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

11 * * *

12 **Sec. 652.1204. - Limitations on sites in regulatory floodways,**
13 **and floodway setbacks.**

14 No development, including but not limited to site improvements, and
15 land disturbing activity involving fill or regrading, shall be
16 authorized in the regulatory floodway, or in the floodway setback,
17 unless the floodway encroachment analysis required in Section
18 652.503(a), Ordinance Code, demonstrates that the proposed
19 development or land disturbing activity will not result in any
20 increase in the base flood elevation.

21 **Sec. 652.1205. - Limitations on placement of fill.** All fill
22 shall be AASHTO Class A-3 Soil unless a Certified Geotechnical
23 Engineer provides a pre-development vs. post-development analysis
24 showing that alternative fill will not adversely impact groundwater
25 levels on adjacent property. Subject to the limitations of this
26 Chapter, fill shall be designed to be stable under conditions of
27 flooding including rapid rise and rapid drawdown of floodwaters,
28 prolonged inundation, and protection against flood-related erosion
29 and scour. In addition to these requirements, if intended to
30 support buildings and structures (Zone A only), fill shall comply

1 with the requirements of the Florida Building Code.

2 * * *

3 **Sec. 652.1207. - Elevation requirements.** Buildings and
4 structures in special flood hazard areas shall have the lowest
5 floors elevated to or above the base flood elevation plus 2 feet,
6 or the design flood elevation, whichever is higher. In order to
7 elevate the finished floor to this level, off-grade or stem wall
8 construction techniques shall be used such that the lot itself is
9 not filled more than 1 foot above base flood elevation at the site
10 of any structure. This Section 652.1207 shall not be effective
11 until the City of Jacksonville adopts a Local Amendment to the
12 Florida Building Code, pursuant to Section 553.73, Florida
13 Statutes.

14 * * *

15 **SECTION 652.1600. - OTHER DEVELOPMENT**

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

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

20 * * *

21 (b) Meet the limitations of Section 652.1204, Ordinance Code
22 if located in a regulated floodway, or in a floodway setback;

23 * * *

24 **Sec. 652.1602. - Fences in regulated floodways, or in floodway**
25 **setbacks.** Fences in regulated floodways, or in floodway setbacks,
26 that have the potential to block the passage of floodwaters, such
27 as stockade fences and wire mesh fences, shall meet the limitations
28 of Section 652.1204, Ordinance Code.

29 **Sec. 652.1603. - Retaining walls, sidewalks and driveways in**
30 **regulated floodways, or in floodway setbacks.** Retaining walls and

1 sidewalks and driveways that involve the placement of fill in
2 regulated floodways, or in floodway setbacks, shall meet the
3 limitations of Section 652.1204, Ordinance Code.

4 **Sec. 652.1604. - Roads and watercourse crossings in regulated**
5 **floodways, or in floodway setbacks.** Roads and watercourse
6 crossings, including roads, bridges, culverts, low-water crossings
7 and similar means for vehicles or pedestrians to travel from one
8 side of a watercourse to the other side, that encroach into
9 regulated floodways, or into floodway setbacks, shall meet the
10 limitations of Section 652.1204, Ordinance Code. Alteration of a
11 watercourse that is part of a road or watercourse crossing shall
12 meet the requirements of Section 652.503(c), Ordinance Code.

13 * * *

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

20 **Section 3. Effective Date.** This Ordinance shall become
21 effective upon signature by the Mayor or upon becoming effective
22 without the Mayor's signature.

23
24 Form Approved:

25
26 /s/ Shannon K. Eller

27 Office of General Counsel

28 Legislation Prepared By: Shannon K. Eller

29 GC-#1287140-v1-2019-331-E