

1 Introduced by Council Members Boyer and Love:
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4 **ORDINANCE 2019-331**

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

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 THE PLANNING AND DEVELOPMENT
11 DEPARTMENT DIRECTOR AND THE COUNCIL TO HEAR
12 CERTAIN APPEALS AND VARIANCES; AMENDING PART 5
13 (SITE PLANS AND CONSTRUCTION DOCUMENTS),
14 SECTION 652.501, AND PART 10 (FLOOD RESISTANT
15 DEVELOPMENT), SECTION 652.1205 (LIMITATIONS ON
16 PLACEMENT OF FILL) TO PROVIDE FILL
17 REQUIREMENTS; AMENDING PART 10 (FLOOD
18 RESISTANT DEVELOPMENT) TO CREATE SECTION
19 652.1207 TO ADDRESS CERTAIN FINISHED FLOOR
20 ELEVATIONS; PROVIDING FOR SEVERABILITY;
21 PROVIDING AN EFFECTIVE DATE.

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

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

31 **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
31 analysis; and evidence that the proposed fill areas are the minimum

1 necessary to achieve the intended purpose.

2 * * *

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

7 * * *

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

13 * * *

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

19 * * *

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

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

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

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

15 * * *

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

18 * * *

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

28 (c) Except for development in a floodway, or in a floodway
29 setback, the Floodplain Administrator may grant an extension or
30 extension for the time frame for obtaining a Letter of Map Change
31 where the applicant demonstrates that such letters have been

1 diligently pursued but not obtained due to circumstances beyond the
2 control of the applicant.

3 * * *

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

5 **Sec. 652.701. - General.**

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

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

26 **Sec. 652.703. - Limitations on authority to grant variances.**
27 The ~~SSPAC~~ Director of the Planning and Development Department
28 shall base its decisions on variances on technical justifications
29 submitted by applicants, the considerations for issuance in
30 Section 652.707, Ordinance Code, the conditions ~~of~~ for issuance
31 set forth in Section 652.708, Ordinance Code, and the comments and

1 recommendations of the Floodplain Administrator and the Building
2 Official. The SSPAC Director of the Planning and Development
3 Department has the right to attach such conditions as ~~it~~ the
4 Director deems necessary to further the purposes and objectives of
5 this Chapter.

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

12 * * *

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

18 * * *

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

21 * * *

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

24 * * *

25 PART 9. - DEFINITIONS

26 SECTION 652.900. - GENERAL

27 * * *

28 **Sec. 652.904. - Definitions.**

29 * * *

30 *Floodway encroachment analysis.* An engineering analysis of the
31 impact that a proposed encroachment into a floodway, or into a

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

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

11 * * *

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

13 * * *

14 **SECTION 652.1100. - SUBDIVISIONS**

15 * * *

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

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

24 * * *

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

26 * * *

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

29 No development, including but not limited to site improvements, and
30 land disturbing activity involving fill or regrading, shall be
31 authorized in the regulatory floodway, or in the floodway setback,

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

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

16 * * *

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

23 * * *

24 **SECTION 652.1600. - OTHER DEVELOPMENT**

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

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

29 * * *

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

1 Form Approved:

2

3 /s/ Shannon K. Eller

4 Office of General Counsel

5 Legislation Prepared By: Shannon K. Eller

6 GC-#1276259-v1-CHAPTER_652_FLOODPLAIN_MANAGEMENT_UPDATE