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2  
3 **ORDINANCE NO. 130984**

4 **An ordinance of the City of Gainesville, Florida, amending the Code of**  
5 **Ordinances relating to floodplain management; by repealing the existing**  
6 **Subdivision II. – *Flood Control District*, Sections 30-280 through 30-290**  
7 **within Article VIII, Division 3 of Chapter 30; adopting a new Subdivision II.**  
8 **– *Floodplain Management District*, Sections 30-280 through 30-295 within**  
9 **Article VIII, Division 3 of Chapter 30; adopting a new Section 6-16 - *Local***  
10 ***Administrative Amendments to the Florida Building Code* and a new Section 6-**  
11 **17 – *Local Technical Amendments to the Florida Building Code* within**  
12 **Chapter 6 to coordinate with the Florida Building Code and implement the**  
13 **National Flood Insurance Program; providing a fiscal impact statement;**  
14 **providing directions to the codifier; providing a severability clause;**  
15 **providing a repealing clause; and providing an immediate effective date.**

16 **WHEREAS**, the Legislature of the State of Florida has, in Chapter 166 – Municipalities,  
17 Florida Statutes, conferred upon local governments the authority to adopt regulations designed to  
18 promote the public health, safety, and general welfare of its citizenry; and

19 **WHEREAS**, the Federal Emergency Management Agency has identified special flood  
20 hazard areas within the boundaries of the City of Gainesville that may be subject to periodic  
21 inundation, which may result in loss of life and property, health and safety hazards, disruption of  
22 commerce and governmental services, extraordinary public expenditures for flood protection and  
23 relief, and impairment of the tax base, all of which adversely affect the public health, safety and  
24 general welfare, and

25 **WHEREAS**, the City of Gainesville was accepted for participation in the National Flood  
26 Insurance Program on October 1, 1971, and the City Commission desires to continue to meet the  
27 requirements of Title 44 Code of Federal Regulations, Sections 59 and 60, necessary for such  
28 participation; and

29 **WHEREAS**, Chapter 553, Florida Statutes, was adopted by the Florida Legislature to  
30 provide a mechanism for the uniform adoption, updating, amendment, interpretation and  
31 enforcement of a state building code, called the *Florida Building Code*; and

1           **WHEREAS**, Section 553.73(5), Florida Statutes, allows adoption of local administrative  
2 amendments to the *Florida Building Code* to implement the National Flood Insurance Program;  
3 and

4           **WHEREAS**, the City Commission has determined that it is in the public interest to adopt  
5 the proposed floodplain management regulations that are coordinated with the *Florida Building*  
6 *Code*; and

7           **WHEREAS**, the City Commission previously adopted a requirement to increase the  
8 minimum elevation requirement for buildings and structures in flood hazard areas and, pursuant  
9 to Section 553.73(5), Florida Statutes, is adopting that requirement as a technical amendment to  
10 the Florida Building Code; and

11           **WHEREAS**, the City Commission, based upon review of local conditions and as  
12 demonstrated by evidence, has determined that there is a local need to limit new installations of  
13 manufactured homes in certain high risk flood hazard areas; and

14           **WHEREAS**, the City Plan Board, which acts as the local planning agency pursuant to  
15 Section 163.3174, Florida Statutes, held a public hearing on April 24, 2014, and voted to  
16 recommend that the City Commission approve this ordinance; and

17           **WHEREAS**, at least ten (10) days' notice has been given once by publication in a  
18 newspaper of general circulation notifying the public of this proposed ordinance and of public  
19 hearings in the City Hall Auditorium located on the first floor of City Hall, in the City of  
20 Gainesville; and

21           **WHEREAS**, public hearings were held pursuant to the notice described above at which  
22 hearings the parties in interest and all others had an opportunity to be and were, in fact, heard.

1           **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE**  
2 **CITY OF GAINESVILLE, FLORIDA:**

3           **Section 1.** Subdivision II. – *Flood Control District* within Article VIII. – *Environmental*  
4 *Management*, Division 3. – *Environmental Overlays* of the Land Development Code is deleted in  
5 its entirety and replaced with a new Subdivision II. – *Floodplain Management District* as  
6 follows.

7 **Subdivision II. Flood Control District**

8 **~~Sec. 30-280. Definitions.~~**

9           ~~In addition to the general definitions in section 30-23 of this Code, the following~~  
10 ~~definitions relate specifically to the flood control sections of article VIII:~~

11           ~~*Best available data* means a floodplain study provided by the Federal Emergency~~  
12 ~~Management Agency (FEMA) or by a public/private entity in accordance with FEMA approved~~  
13 ~~detailed hydrologic and hydraulic analyses and that is reviewed and accepted by the City of~~  
14 ~~Gainesville public works department.~~

15           ~~*Drainage basin district* means that geographic area that drains only to a designated creek,~~  
16 ~~lake, pond, sink or swamp or other designated drainage sink, excluding floodplain district areas.~~  
17 ~~All of the territory within the city limits is within a drainage basin, excluding floodplain district~~  
18 ~~areas. (Example: the Hogtown drainage basin comprises all the geographic area that ultimately~~  
19 ~~drains into Hogtown Creek.)~~

20           ~~*Existing manufactured home park or manufactured home subdivision* means a parcel (or~~  
21 ~~contiguous parcels) of land divided into two or more manufactured home lots for rent or sale for~~  
22 ~~which the construction of facilities for servicing the lot on which the manufactured homes are to~~  
23 ~~be affixed (including the installation of utilities, either final site grading or pouring of concrete or~~  
24 ~~the construction of streets) is completed before October 3, 1971.~~

25           ~~*Expansion to an existing manufactured home park or manufactured home subdivision*~~  
26 ~~means the preparation of additional sites by the construction of facilities for servicing the lots on~~  
27 ~~which the manufactured homes are to be affixed (including the installation of utilities, either~~  
28 ~~final site grading or pouring of concrete pads, or the construction of streets).~~

29           ~~*Flood channel district* means the geographic area that has a ten percent chance of being~~  
30 ~~equaled or exceeded in any single year with flooding (i.e., the ten year flood), as determined by~~  
31 ~~best available data. The flood channel district falls within a special flood hazard area.~~

1 ~~Flood insurance rate map (FIRM) means an official map of a community on which the~~  
2 ~~Federal Emergency Management Agency (FEMA) has delineated both the special flood hazard~~  
3 ~~areas and the risk premium zones applicable to the community.~~

4 ~~Flood insurance study (FIS) means the official report provided by the Federal Emergency~~  
5 ~~Management Agency (FEMA). The report contains flood profiles and water surface elevation of~~  
6 ~~the base flood. It may include the flood boundary floodway map.~~

7 ~~Floodplain district means the geographic area subject to the base flood, as determined by~~  
8 ~~best available data. The floodplain district falls within a special flood hazard area.~~

9 ~~Floodproofing means structural changes or adjustments incorporated in the design or~~  
10 ~~construction of a building, so as to make the building watertight with walls substantially~~  
11 ~~impermeable to the passage of water and with structural components having the capacity of~~  
12 ~~resisting hydrostatic and hydrodynamic loads and effects of buoyancy for the reduction or~~  
13 ~~elimination of flood damages.~~

14 ~~Floodwater detention and retention areas means areas found in any flood control~~  
15 ~~planning district that, because of their natural formation, are or can readily be made to be areas~~  
16 ~~of significant potential for use as places of detention or retention of floodwaters as part of a~~  
17 ~~comprehensive flood control plan. Flood detention and retention areas are not limited to sites~~  
18 ~~abutting or near flood channels.~~

19 ~~Floodway means the channel of a river or other watercourse and the adjacent land areas~~  
20 ~~that must be reserved in order to discharge the base flood without cumulatively increasing the~~  
21 ~~water surface elevation more than the designated height. Consult "The City of Gainesville,~~  
22 ~~Department of Public Works Engineering Design and Construction Manual" for the designated~~  
23 ~~height. The floodway falls within a special flood hazard area.~~

24 ~~Floor means the top surface of an enclosed area in a building, including basements (i.e.,~~  
25 ~~top of slab in concrete slab construction or top of wood flooring in wood frame construction).~~  
26 ~~The term does not include the floor of a garage used solely for parking vehicles.~~

27 ~~Lowest floor means the lowest floor of the lowest enclosed area, including basements. An~~  
28 ~~unfinished or flood resistant enclosure used solely for parking of vehicles, building access, or~~  
29 ~~storage in an area other than a basement is not considered the lowest floor, provided that such~~  
30 ~~enclosure is not built so as to render the structure in violation of the non elevation design~~  
31 ~~standards as further described in sections 30-287, 30-288 and 30-289 of this Code.~~

32 ~~Manufactured home means a structure that is transportable in one or more sections, built~~  
33 ~~on a permanent chassis, and designed to be used with or without a permanent foundation when~~  
34 ~~connected to the required utilities. The term also includes park trailers, travel trailers and similar~~  
35 ~~transportable structures placed on a site for 180 consecutive days or longer and intended to be~~  
36 ~~improved property.~~

37 ~~Mean sea level (MSL) means the average height of the sea for all stages of the tide. It is~~  
38 ~~used as a reference for establishing varying elevations within the floodplain.~~

1 ~~New manufactured home park or manufactured home subdivision~~ means a parcel (or  
2 contiguous parcels) of land divided into two or more home lots for rent or sale, for which the  
3 construction of facilities for servicing the lot (including, at a minimum, the installation of  
4 utilities, either final site grading or the pouring of concrete pads, and the construction of streets)  
5 is completed on or after October 3, 1971.

6 ~~Special flood hazard area (SFHA)~~ means the land in the floodplain district within a  
7 community, as determined by best available data. Such areas are designated as zones A, AE, or  
8 AH on the community's flood insurance rate map (FIRM).

9 ~~Structure~~ means a walled and roofed building, including a gas or liquid storage tank, that  
10 is principally above ground, as well as a manufactured home.

11 ~~Substantial improvement~~ means any repair, reconstruction or improvement of a structure,  
12 the cost of which equals or exceeds 50 percent of the tax assessed or certified appraised value of  
13 the structure either:

14 (1) ~~Before the improvement or repair is started; or~~

15 (2) ~~If the structure has been damaged and is being restored, before the damage occurred.~~

16 For the purpose of this definition, substantial improvement is considered to occur when  
17 the first alteration of any wall, ceiling, floor or other structural part of the building commences,  
18 whether or not that alteration affects the external dimensions of the structure. The term does not,  
19 however, include: Any project for improvement of a structure to comply with existing state or  
20 local health sanitary or safety code specifications which are solely necessary to ensure safe  
21 living.

22 ~~Water surface elevation~~ means the projected heights, in relation to mean sea level,  
23 reached by floods of various magnitudes and frequencies in the floodplain of coastal or riverine  
24 areas.

25 **~~Sec. 30-281. Warning and disclaimer of liability.~~**

26 The degree of flood protection required by this article is considered reasonable for  
27 regulatory purposes and is based on scientific and engineering considerations. Larger floods can  
28 and will occur on rare occasions. Flood heights may be increased by manmade or natural causes.  
29 This article does not imply that land outside special flood hazard areas or uses permitted within  
30 such areas will be free from flooding or flood damages. These flood control sections shall not  
31 create liability on the part of the city or by any officer or employee thereof for any flood  
32 damages that result from reliance on this article or any administrative decision lawfully made  
33 thereunder.

34 **~~Sec. 30-282. Flood insurance rate maps.~~**

35 (a) ~~Adoption.~~ The most recently published version, including published revisions, of the Federal  
36 Emergency Management Agency (FEMA) Alachua County Flood Insurance Study and the

1 Flood Insurance Rate Map (FIRM) are hereby adopted by reference and declared to be a part  
2 of this chapter.

3 ~~(b) *Amendment.* Proposed amendments to a community's flood insurance rate map (FIRM) shall~~  
4 ~~be reviewed and approved by the city manager or designee based on best available data.~~

5 **~~Sec. 30-283. Duties and responsibilities of city manager.~~**

6 Duties of the city manager or designee in flood control shall include, but not be limited to:

7 ~~(1) Reviewing all development permits to ensure that the permit requirements of these sections~~  
8 ~~have been satisfied.~~

9 ~~(2) Advising permittee that additional federal or state permits may be required, and if specific~~  
10 ~~federal or state permit requirements are known, requiring that copies of such permits be~~  
11 ~~provided and maintained on file with the development permit.~~

12 ~~(3) Notifying adjacent communities, the relevant state agencies, the U.S. Army Corps of~~  
13 ~~Engineers, and the St. Johns River Water Management District and the Suwannee River~~  
14 ~~Water Management District prior to any alteration or relocation of a watercourse, and~~  
15 ~~submitting evidence of such notification to the Federal Emergency Management Agency.~~

16 ~~(4) Ensuring that maintenance is provided within the altered or relocated portion of the~~  
17 ~~watercourse so that the flood carrying capacity is not diminished.~~

18 ~~(5) Verifying and recording the actual elevation (in relation to mean sea level) of the lowest~~  
19 ~~floor (including basement) of all new or substantially improved structures, in accordance~~  
20 ~~with section 30-284(b)(2).~~

21 ~~(6) Verifying and recording the actual elevation (in relation to mean sea level) to which new or~~  
22 ~~substantially improved structures have been floodproofed, in accordance with section 30-~~  
23 ~~284(b)(2).~~

24 ~~(7) When floodproofing is utilized for a particular structure, the city manager or designee shall~~  
25 ~~obtain certification from a registered engineer or architect, in accordance with sections 30-~~  
26 ~~284(b)(1)e. and (b)(2).~~

27 ~~(8) Where interpretation is needed as to the exact location of the boundaries of special flood~~  
28 ~~hazard areas (for example, where there appears to be a conflict between a mapped boundary~~  
29 ~~and actual field conditions), the city manager or designee shall make the necessary~~  
30 ~~interpretation.~~

31 ~~(9) When base flood elevation data or floodway data is not available on the FIRM, a base flood~~  
32 ~~elevation shall be determined by an engineer registered in the state based on professional~~  
33 ~~evaluation of the site and relevant data subject to review by the city manager or designee.~~  
34 ~~The city manager or designee may reasonably utilize any base flood elevation and floodway~~  
35 ~~data available from a federal, state, or other source in order to administer the provisions of~~  
36 ~~section 30-288(1) and (2).~~

37 **~~Sec. 30-284. Administration.~~**

1 ~~(a) The city manager or designee is hereby appointed to administer and implement the~~  
2 ~~provisions of the flood control sections of this article.~~

3 ~~(b) Application for a permit to build shall be made to the city manager or designee in duplicate~~  
4 ~~on forms specified by the city manager prior to any development activities. Specifically, the~~  
5 ~~following information in duplicate is required:~~

6 ~~(1) *Application stage.*~~

7 ~~a. The applicant's name and address and the owner or owners of the property involved.~~

8 ~~b. A map showing the property containing the area for which the permit is being sought,~~  
9 ~~including an accurate designation of floodplain and flood channel districts affected by~~  
10 ~~this application and the exact boundaries of the proposed development.~~

11 ~~c. The elevation in relation to mean sea level of the proposed lowest floor (including~~  
12 ~~basement) of all structures.~~

13 ~~d. The elevation in relation to mean sea level to which any structure will be floodproofed.~~

14 ~~e. The certification by a registered engineer or architect that the floodproofing methods~~  
15 ~~for any nonresidential structure meet the floodproofing criteria in section 30-288(2).~~

16 ~~f. The description of the extent to which any watercourse will be altered or relocated is a~~  
17 ~~result of proposed development.~~

18 ~~g. A description of the proposed activity in sufficient detail to determine the propriety of~~  
19 ~~the activity under sections 30-285 and 30-286. This description may include, but not~~  
20 ~~be limited to, the above plans drawn to scale showing the nature, location, dimensions~~  
21 ~~and elevations of the area in question; existing and proposed structures, fill, storage of~~  
22 ~~materials, drainage facilities, and the location of the foregoing.~~

23 ~~(2) *Construction stage.* A floor elevation or floodproofing certificate after the lowest floor is~~  
24 ~~completed. Within 21 calendar days of establishment of the lowest floor elevation, or~~  
25 ~~floodproofing by whatever construction means, it shall be the duty of the permit holder to~~  
26 ~~submit to the city manager or designee a certificate of the elevation of the lowest floor or~~  
27 ~~floodproofed elevation as built, in relation to mean sea level. Such certification shall be~~  
28 ~~prepared by or under the direct supervision of a registered land surveyor or engineer and~~  
29 ~~certified by same. When floodproofing is utilized for a particular building, such~~  
30 ~~certification shall be prepared by or under the direct supervision of a registered engineer~~  
31 ~~or architect and certified by same. Any work done within the 21 calendar day period and~~  
32 ~~prior to submission of the certification shall be at the permit holder's risk.~~

33 ~~(3) *City manager or designee action.*~~

34 ~~a. *Application stage.* The city manager or designee shall examine all engineering and~~  
35 ~~planning information supplied by the applicant and by city staff to determine~~  
36 ~~conformity with the above requirements. Permits shall be issued for conforming~~  
37 ~~applications. Where in the opinion of the city manager or designee additional~~  
38 ~~engineering or other studies or information are needed to determine the effects of a~~  
39 ~~proposed use on flooding or any criterion contained in these sections, the city manager~~  
40 ~~shall require the applicant to have the additional studies and information prepared by~~

1 qualified engineers or other appropriate qualified professionals and submitted prior to  
2 making a final decision on the application.

3 ~~b. Construction stage.~~ The city manager or designee shall review the flood elevation  
4 survey data submitted. Deficiencies detected by such review shall be corrected by the  
5 permit holder immediately and prior to further progressive work being permitted to  
6 proceed. Failure to submit the survey, or failure to make the corrections required  
7 hereby, shall be cause to issue a stop work order for the project.

8 **Sec. 30-285. Prohibited uses.**

9 ~~(a) Flood channel districts.~~ Hereafter it shall be unlawful for any person, natural, corporate,  
10 governmental or otherwise, to erect, remodel or alter any permanent structure or other  
11 development or to dredge or fill in any flood channel without a permit issued by the city  
12 manager. Filling with junk, trash, garbage or offal shall not be permitted. No permanent  
13 structures or fills shall be allowed except structures and fills designed for flood prevention  
14 and control, streets, bridges and sanitary sewer lift stations and utility lines. No dredging  
15 shall be allowed except to maintain or enhance the flood control capacity of the entire  
16 channel. Storage of materials that are buoyant, flammable, explosive, toxic or otherwise  
17 potentially harmful to human, animal, or plant life and health, such as chemicals and  
18 poisons, is prohibited. Where a flood channel is stagnant water (i.e., an area of the flood  
19 channel where water leaves only through percolation and/or evapotranspiration), the  
20 floodplain district regulations shall apply. In those flood channel district areas inundated by  
21 backwater created by reverse flows of waters (flowing upgrade), floodplain district  
22 regulations shall apply, provided the developer provides artificial or alternate means to  
23 convey during the 100 year storm, the same peak discharges of water as the natural  
24 drainage way and at the same energy gradient.

25 ~~(b) Floodplain districts.~~ Hereafter, it shall be unlawful for any person, natural, corporate,  
26 governmental or otherwise, to erect, remodel or alter any permanent structure, manufactured  
27 home, manufactured home park, or other development, or to dredge or fill in any floodplain  
28 district, without a permit issued by the city manager. No such permit shall be issued if the  
29 proposed activity shall reduce the capacity of the floodplain district to which the application  
30 applies as it exists at the date of the application for the permit. For the purposes of this  
31 subsection, any development which effectively raises the average ground or improvement  
32 surface shall be taken to reduce the floodplain district portion of the property. In no event  
33 shall any institution or place of assembly for the mentally or physically ill, the young or  
34 aged, such as a school, or any place of incarceration be permitted.

35 ~~(c) Drainage basin district.~~

36 ~~(1) This subsection applies to all development of property. The applicant seeking plan~~  
37 ~~approval shall provide a hydrological study performed by an engineer registered in the~~  
38 ~~State of Florida, demonstrating that any work on the site will not increase the rate of~~  
39 ~~discharge of stormwater runoff to downstream property beyond what would occur~~  
40 ~~before the alteration based on the 25-year critical duration storm. If such a study shows~~  
41 ~~that the rate would increase, the applicant's plans must show what provisions are to be~~  
42 ~~made to contain this increase on the developed land or that the applicant will participate~~



1 in the proportionate costs of necessitated means of controlling the rate of discharge of  
2 the stormwater runoff and that such facilities will be in place at the time the increased  
3 runoff occurs.

4 (2) Subsection (c)(1) of this section shall not apply to the exceptional cases where  
5 hydrological calculations show the flood hydrographic peak would be raised at any  
6 downstream point by adhering to these provisions.

7 (3) In those watershed basins in which the volume as well as the rate of discharge could  
8 result in downstream flooding of existing developed areas, the volume of discharge from  
9 new development shall be limited to the pre-development volume.

10 (d) ~~Floodwater detention and retention areas.~~ Hereafter, it shall be unlawful for any person,  
11 natural, corporate, governmental or otherwise, to erect, remodel or alter any permanent  
12 structure or other development or dredge or fill in any floodwater detention or retention area  
13 without a permit issued by the city manager. No such permit shall be issued if the proposed  
14 activity would create a flooding hazard to the structure or other development so created or if  
15 the retention or detention capacity of the affected area were reduced to less than its original  
16 capacity when first officially designated as a detention or retention area, or unless equivalent  
17 detention or retention capacity to the total of that being eliminated is otherwise provided.

18 (e) ~~General standards.~~ Notwithstanding other provisions of these sections, no permit to  
19 excavate or fill, build in, obstruct or alter any flood channel district or any floodplain district  
20 or any drainage basin district shall be issued, if to do so would create:

21 (1) Harmful soil erosion from the land and shoaling in a watercourse. Sediment migration  
22 from the developed area should at no time prior, during or after construction exceed the  
23 rate and character which is natural to any area. Sediment migration shall be measured by  
24 turbidity measurements in Jackson's units.

25 (2) Stagnant areas of water adjacent to or on nearby property unless they are specifically  
26 designed for flood or sedimentation control.

27 (3) An irreversible adverse impact on the existing flora and fauna in a flood channel.

28 (4) Otherwise uncontrolled danger to life and property as a result of increased flood heights  
29 or velocities caused by proposed uses.

30 (5) Otherwise uncontrolled danger to life or property caused by lack of access to the  
31 property in times of flood by ordinary or emergency vehicles.

32 (6) Any condition incompatible with the flood control and protection purposes of these  
33 sections.

34 **Sec. 30-286. Permitted uses.**

35 (a) ~~Flood channel districts.~~ Within the limitations of section 30-285(a) and (e) and other  
36 applicable zoning regulations, and the surface water district provisions of article VIII, the  
37 following uses are permitted:

38 (1) Agricultural uses such as pasture, grazing and wild crop harvesting.

1 ~~(2) Private and public recreational uses such as golf courses, tennis courts, driving ranges,~~  
2 ~~archery ranges, picnic grounds, launching areas for boats, swimming areas, parks,~~  
3 ~~wildlife and nature preserves, fishing areas, hiking, bicycling and horseback riding~~  
4 ~~trails.~~

5 ~~(3) Uses such as lawns, gardens, parking areas and play areas.~~

6 ~~(4) Temporary structures and fills for the purpose of constructing legal developments in a~~  
7 ~~non flood channel district. No temporary structure or fill may be permitted for more~~  
8 ~~time than is reasonably required for completion of the legal development and none may~~  
9 ~~be permitted if a serious temporary flooding hazard would be created. Temporary~~  
10 ~~structures or fills may not be permitted unless firmly anchored against flotation or~~  
11 ~~erosion in the event of unexpected flooding. All expenses of removing the temporary~~  
12 ~~structure and fills and restoring the flood channel to its original condition shall be borne~~  
13 ~~by the permittee.~~

14 ~~(5) Governmental and public utility projects such as flood control filling and dredging,~~  
15 ~~streets, bridges and utility transmission lines and pipes under the following restrictions:~~

16 ~~a. Any fill or dredge must be shown to have a beneficial flood control purpose or~~  
17 ~~otherwise protect the public welfare and any fill shall be protected against erosion~~  
18 ~~by riprap, vegetation or bulkheading, or other acceptable means.~~

19 ~~b. Structures shall be constructed so as to minimize obstruction to the flow of the~~  
20 ~~channel, unless flow control is intended. Structures shall be firmly anchored to~~  
21 ~~prevent flotation which may result in damage to other property, or restriction of~~  
22 ~~bridge openings and other narrow sections of the creek.~~

23 ~~(b) Floodplain districts. Within the limitations of sections 30-285(b), (c) and (e), 30-287, 30-~~  
24 ~~288, 30-289, the surface water district provision of article VIII and other applicable~~  
25 ~~regulations, the following uses are permitted:~~

26 ~~(1) Uses permitted in subsection (a) of this section and general farming, outdoor plant~~  
27 ~~nurseries, horticulture, silviculture and viticulture.~~

28 ~~(2) Launching areas for power boats, marinas, boat rentals, docks, piers and wharves.~~

29 ~~(3) Structures for uses permitted by the existing zoning ordinances and meeting the~~  
30 ~~standards set forth in sections 30-287, 30-288 and 30-289 may be constructed on stilts,~~  
31 ~~piles or interrupted masonry foundations or conventional foundations, if retention is~~  
32 ~~provided for the volume displaced at the same elevation of centroid of volume, so that~~  
33 ~~the first floor or basement floor is not less than one foot above the base flood elevation~~  
34 ~~at each point. Utility services such as sewer, water and electricity must be installed to~~  
35 ~~function properly in a base flood.~~

36 ~~(4) Storage of materials shall be allowed in structures satisfying the requirements of~~  
37 ~~subsection (b)(3) of this section. Flammable, poisonous, toxic, explosive and other~~  
38 ~~materials potentially harmful to human, animal or plant life and health must be~~  
39 ~~adequately sealed and anchored to prevent rupture, collapse or flotation caused by the~~  
40 ~~presence of floodwaters or floating debris.~~

41 ~~(5) Uses such as parking lots and loading areas.~~

1 ~~(c) Drainage basin districts and floodwater detention and retention areas. Any use within the~~  
2 ~~limitations of section 30-285(c), (d) and (e) and other applicable zoning regulations is~~  
3 ~~permitted.~~

4 **Sec. 30-287. General standards for special flood hazard areas.**

5 In all special flood hazard areas, the following standards are required:

6 ~~(1) Anchoring.~~

7 a. ~~All new construction and substantial improvements shall be anchored to prevent~~  
8 ~~flotation, collapse or lateral movement of the structure.~~

9 b. ~~All manufactured homes shall be anchored to resist flotation, collapse or lateral~~  
10 ~~movement. Methods of anchoring may include, but are not limited to, use of over-~~  
11 ~~the-top or frame ties to ground anchors. This standard shall be in addition to and~~  
12 ~~consistent with applicable state requirements for resisting wind forces.~~

13 ~~(2) Construction materials and methods.~~

14 a. ~~All new construction and substantial improvements shall be constructed with~~  
15 ~~materials and utility equipment resistant to flood damage.~~

16 b. ~~All new construction and substantial improvements shall be constructed using~~  
17 ~~methods and practices that minimize flood damage.~~

18 c. ~~Any alteration, repair, reconstruction or improvements to a structure which is in~~  
19 ~~compliance with the provisions of these sections shall meet the requirements of~~  
20 ~~new construction as contained in the flood control sections of this article.~~

21 ~~(3) Utilities.~~

22 a. ~~All new and replacement water supply systems shall be designed to minimize or~~  
23 ~~eliminate infiltration of floodwaters into the system;~~

24 b. ~~New and replacement sanitary sewage systems shall be designed to minimize or~~  
25 ~~eliminate infiltration of floodwaters into the systems and discharge from the~~  
26 ~~systems into floodwaters;~~

27 c. ~~On-site waste disposal systems shall be located to avoid impairment to them or~~  
28 ~~contamination from them during flooding; and~~

29 d. ~~Electrical, heating, ventilation, plumbing, air conditioning equipment, ductwork,~~  
30 ~~and other service facilities shall be designed and/or located so as to prevent water~~  
31 ~~from entering or accumulating within the components during conditions of~~  
32 ~~flooding.~~

33 ~~(4) Subdivision proposals.~~

34 a. ~~All subdivision proposals shall be consistent with the need to minimize flood~~  
35 ~~damage;~~

- 1 ~~b. All subdivision proposals shall have public utilities and facilities such as sewer,~~  
2 ~~gas, electrical and water systems located and constructed to minimize flood~~  
3 ~~damage;~~
- 4 ~~e. All subdivision proposals shall have adequate drainage provided to reduce~~  
5 ~~exposure to flood damage; and~~
- 6 ~~d. Base flood elevation data shall be provided for subdivision proposals and other~~  
7 ~~proposed development in special flood hazard areas without established base flood~~  
8 ~~elevations.~~

9 ~~(5) Access.~~

- 10 ~~a. Residential access. All residential development in special flood hazard areas after~~  
11 ~~September 17, 1990, shall provide vehicular access (from the road to the house)~~  
12 ~~raised at least to the base flood elevation for access by emergency vehicles during~~  
13 ~~the base flood. However, where access constructed to this elevation would require~~  
14 ~~the removal of mature trees as determined by the city arborist, or would cause other~~  
15 ~~serious damage as determined by the city manager or designee upon inspection and~~  
16 ~~evidence provided by the property owner, the access shall be raised as high as~~  
17 ~~reasonably possible without doing damage as above described; in addition,~~  
18 ~~permanent markers projecting above the base flood elevation and marking both~~  
19 ~~sides of the access shall be installed. Neither the elevated vehicular access nor the~~  
20 ~~permanent access markers shall be required to be more than 42 inches higher than~~  
21 ~~the adjacent access road.~~
- 22 ~~b. Subdivision access. Subdivisions developed after September 17, 1990, shall include~~  
23 ~~at least one route of access to each residential lot by means of a road raised to or~~  
24 ~~above the base flood elevation.~~

25 **~~Sec. 30-288. Specific standards for special flood hazard areas.~~**

26 ~~In all special flood hazard areas where base flood elevation data have been provided as~~  
27 ~~set forth in section 30-283 or subsection 30-287(4), the following standards are required:~~

- 28 ~~(1) Residential development. Residential development shall have the lowest floor, including~~  
29 ~~basement, elevated to one foot above the base flood elevation. Should solid foundation~~  
30 ~~perimeter walls be used to elevate a structure, openings sufficient to facilitate the~~  
31 ~~unimpeded movements of floodwaters shall be provided in accordance with the~~  
32 ~~standards of subsection 30-288(4).~~
- 33 ~~(2) Nonresidential development. Nonresidential development shall either have the lowest~~  
34 ~~floor, including basement, elevated to one foot above the base flood elevation or,~~  
35 ~~together with attendant utility and sanitary facilities, shall be:~~
- 36 ~~a. Floodproofed to a minimum of one foot above the base flood elevation with a~~  
37 ~~watertight structure below the flood elevation with walls substantially impermeable~~  
38 ~~to the passage of water;~~
- 39 ~~b. Developed with structural components capable of resisting hydrostatic and~~  
40 ~~hydrodynamic loads and effects of buoyancy; and~~

1 e.—~~Certified by a registered engineer or architect that the standards of this subsection~~  
2 ~~are met. Such certification shall be provided to the official, as set forth in section~~  
3 ~~30-283(7).~~

4 ~~(3) *Manufactured homes and recreational vehicles*~~

5 a.—~~All manufactured homes placed on substantially improved or individual lots or~~  
6 ~~parcels, in expansions to existing manufactured home parks or subdivisions, or in a~~  
7 ~~new manufactured home park or subdivision must be elevated on a permanent~~  
8 ~~foundation such that the lowest floor of the manufactured homes is elevated one~~  
9 ~~foot above the base flood elevation and be securely anchored to an adequately~~  
10 ~~anchored foundation system to resist flotation, collapse, and lateral movement.~~

11 b.—~~All manufactured homes placed or substantially improved in an existing~~  
12 ~~manufactured home park or subdivision must be elevated so that:~~

13 1.—~~The lowest floor of the manufactured home is elevated no lower than one foot~~  
14 ~~above the base flood elevation.~~

15 2.—~~The manufactured home chassis is supported by reinforced piers or other~~  
16 ~~foundation elements of at least the equivalent strength, of no less than 36~~  
17 ~~inches in height above the grade and is securely anchored.~~

18 3.—~~The manufactured home must be securely anchored to an adequately anchored~~  
19 ~~foundation system to resist floatation, collapse and lateral movement.~~

20 c.—~~On sites in an existing manufactured home park or subdivision on which a~~  
21 ~~manufactured home has incurred substantial damage as the result of a flood, any~~  
22 ~~manufactured home place or substantially improved must meet the anchoring~~  
23 ~~standards and the elevation requirements for new construction (see subsection (3)a-~~  
24 ~~above). For purposes of this paragraph, substantial damage is defined to mean~~  
25 ~~damage of any origin sustained by a structure when the cost of restoring the~~  
26 ~~structure to its pre damaged condition would equal or exceed 50 percent of the tax~~  
27 ~~assessed or certified appraised value of the structure before the damage occurred.~~

28 d.—~~All recreational vehicles placed on sites must either:~~

29 1.—~~Be on the site for fewer than 180 consecutive days.~~

30 2.—~~Be fully licensed and ready for highway use (a recreational vehicle is ready for~~  
31 ~~highway use if it is on its wheel or jacking system, is attached to the site only~~  
32 ~~by quick disconnect type utilities and security devices and has no permanently~~  
33 ~~attached additions), or~~

34 3.—~~Meet all the requirements for new construction, including anchoring and~~  
35 ~~elevation requirements of subsection 30-288(3)(a) and (b)(1), (2) and (3),~~  
36 ~~above.~~

37 ~~(4) *Elevated buildings.* New construction or substantial improvements of elevated buildings~~  
38 ~~that include fully enclosed areas formed by foundation and other exterior walls below~~  
39 ~~the base flood elevation shall be designed to preclude finished living space in such areas~~  
40 ~~and shall be designed to allow for the entry and exit of floodwaters to automatically~~  
41 ~~equalize hydrostatic flood forces on exterior walls.~~

- 1 a. ~~Designs for complying with this requirement must either be certified by a~~  
2 ~~registered engineer or architect or meet the following minimum criteria:~~
- 3 1. ~~Provide a minimum of two openings having a total net area of not less than one~~  
4 ~~square inch for every square foot of enclosed area subject to flooding;~~
  - 5 2. ~~The bottom of all openings shall be no higher than one foot above grade; and~~
  - 6 3. ~~Openings may be equipped with screens, louvers, valves or other coverings or~~  
7 ~~devices provided they permit the automatic flow of floodwaters in both~~  
8 ~~directions.~~
- 9 b. ~~Electrical, plumbing and other utility connections are prohibited below the base~~  
10 ~~flood elevation.~~
- 11 c. ~~Access to the enclosed area shall be the minimum necessary to allow for parking of~~  
12 ~~vehicles (garage door) or limited storage of maintenance equipment used in~~  
13 ~~connection with the premises (standard exterior door) or entry to the living area~~  
14 ~~(stairway or elevator).~~
- 15 d. ~~The interior portion of such enclosed area shall not be partitioned or finished into~~  
16 ~~separate rooms in special flood hazard areas without established base flood~~  
17 ~~elevations.~~

18 **Sec. 30-289. Specific standards for floodways.**

19 Since the floodway is an extremely hazardous area due to the velocity of floodwaters that  
20 may carry debris, potential projectiles and erosion potential, the following provisions shall apply:

- 21 (1) ~~Prohibition of encroachments including fill, new construction, substantial improvements~~  
22 ~~and other developments, unless certification (with supporting technical data) by a~~  
23 ~~registered engineer or architect is provided demonstrating that encroachments shall not~~  
24 ~~result in any increase in flood levels during occurrence of the base flood discharge.~~
- 25 (2) ~~If subsection (1) of this section is satisfied, all new construction and substantial~~  
26 ~~improvements shall comply with all applicable flood hazard reduction provisions of~~  
27 ~~sections 30-287 and 30-288~~
- 28 (3) ~~Prohibit the placement of any manufactured homes except in an existing manufactured~~  
29 ~~home park or existing manufactured home subdivision. A replacement manufactured~~  
30 ~~home may be placed on a lot in an existing manufactured home park or subdivision~~  
31 ~~providing the anchoring standards of section 30-287(1) and elevation standards of~~  
32 ~~section 30-288(1) are met.~~

33 **Sec. 30-290. Standards for creeks without established base flood elevations and/or**  
34 **floodways.**

35 Located within special flood hazard areas where streams exist for which base flood  
36 elevation data has been provided in accordance with section 30-283 but without the delineation  
37 of the floodway, the following provisions shall apply:

1 (1) ~~Until a floodway is designated, development shall not be permitted within special flood~~  
2 ~~hazard areas unless it is demonstrated that the cumulative effect of the proposed~~  
3 ~~development, when combined with all other existing and anticipated development, will~~  
4 ~~not increase the water surface elevation of the base flood more than one foot at any~~  
5 ~~point within the City of Gainesville.~~

6 (2) ~~When base flood elevation data is not available from any source for single lot~~  
7 ~~construction in special flood hazard areas, the lowest floor of the structure shall be~~  
8 ~~elevated to not lower than three feet above the highest adjacent grade.~~

9 ~~Secs. 30-291 – 30-299. Reserved.~~

10  
11 **Subdivision II. Floodplain Management District**

12 **Sec. 30-280. Administration.**

13  
14 (a) Title. These regulations shall be known as the Floodplain Management Ordinance of the City  
15 of Gainesville, hereinafter referred to as “this ordinance.”

16  
17 (b) Scope. The provisions of this ordinance shall apply to all development that is wholly within or  
18 partially within any flood hazard area, including but not limited to the subdivision of land; filling,  
19 grading, and other site improvements and utility installations; construction, alteration,  
20 remodeling, enlargement, improvement, replacement, repair, relocation or demolition of  
21 buildings, structures, and facilities that are exempt from the Florida Building Code; placement,  
22 installation, or replacement of manufactured homes and manufactured buildings; installation or  
23 replacement of tanks; placement of recreational vehicles; installation of swimming pools; and  
24 any other development.

25  
26 (c) Intent. The purposes of this ordinance and the flood load and flood resistant construction  
27 requirements of the Florida Building Code are to establish minimum requirements to  
28 safeguard the public health, safety, and general welfare and to minimize public and private  
29 losses due to flooding through regulation of development in flood hazard areas to:

30 (1) Minimize unnecessary disruption of commerce, access and public service during times of  
31 flooding;

32 (2) Require the use of appropriate construction practices in order to prevent or minimize  
33 future flood damage;

34 (3) Manage filling, grading, dredging, mining, paving, excavation, drilling operations,  
35 storage of equipment or materials, and other development which may increase flood  
36 damage or erosion potential;

37 (4) Manage the alteration of flood hazard areas, watercourses, and shorelines to minimize the  
38 impact of development on the natural and beneficial functions of the floodplain;

39 (5) Minimize damage to public and private facilities and utilities;

- 1 (6) Help maintain a stable tax base by providing for the sound use and development of flood  
2 hazard areas;
- 3 (7) Minimize the need for future expenditure of public funds for flood control projects and  
4 response to and recovery from flood events; and
- 5 (8) Meet the requirements of the National Flood Insurance Program for community  
6 participation as set forth in the Title 44 Code of Federal Regulations, Section 59.22.

7  
8 (d) Coordination with the Florida Building Code. This ordinance is intended to be administered  
9 and enforced in conjunction with the Florida Building Code. Where cited, ASCE 24 refers to  
10 the edition of the standard that is referenced by the Florida Building Code.

11  
12 (e) Warning. The degree of flood protection required by this ordinance and the Florida Building  
13 Code, as amended by the City of Gainesville, is considered the minimum reasonable for  
14 regulatory purposes and is based on scientific and engineering considerations. Larger floods can  
15 and will occur. Flood heights may be increased by man-made or natural causes. This ordinance  
16 does not express or imply that land outside of mapped special flood hazard areas, or that uses  
17 permitted within such flood hazard areas, will be free from flooding or flood damage. The flood  
18 hazard areas and base flood elevations contained in the Flood Insurance Study and shown on  
19 Flood Insurance Rate Maps and the requirements of Title 44 Code of Federal Regulations,  
20 Sections 59 and 60 may be revised by the Federal Emergency Management Agency, requiring  
21 the City to revise these regulations to remain eligible for participation in the National Flood  
22 Insurance Program. No guaranty of vested use, existing use, or future use is implied or  
23 expressed by compliance with this ordinance.

24  
25 (f) Disclaimer of Liability. This ordinance shall not create liability on the part of the City of  
26 Gainesville or by any officer or employee thereof for any flood damage that occurs,  
27 notwithstanding compliance with this ordinance or any administrative decision lawfully  
28 made thereunder.

29  
30 **Sec. 30-281. Definitions.**

31  
32 Unless otherwise expressly stated, the following words and terms shall, for the purposes of this  
33 ordinance, have the meanings stated in this section. Where terms are not defined in this  
34 ordinance and are defined in the Florida Building Code, such terms shall have the meanings  
35 ascribed to them in the Florida Building Code. Where terms are not defined in this ordinance or  
36 the Florida Building Code, such terms shall have ordinarily accepted meanings such as the  
37 context implies.

38  
39 Alteration of a watercourse means a dam, impoundment, channel relocation, change in  
40 channel alignment, channelization, or change in cross-sectional area of the channel or the  
41 channel capacity, or any other form of modification which may alter, impede, retard or change  
42 the direction and/or velocity of the riverine flow of water during conditions of the base flood.

43  
44 Appeal means a request for a review of the Floodplain Administrator's interpretation of  
45 any provision of this ordinance or a request for a variance.



1  
2 ASCE 24 means a standard titled Flood Resistant Design and Construction that is  
3 referenced by the Florida Building Code. ASCE 24 is developed and published by the American  
4 Society of Civil Engineers, Reston, VA.

5  
6 Base flood means a flood having a 1-percent chance of being equaled or exceeded in any  
7 given year. The base flood is commonly referred to as the "100-year flood" or the "1-percent-  
8 annual chance flood."

9  
10 Base flood elevation means the elevation of the base flood, including wave height,  
11 relative to the National Geodetic Vertical Datum (NGVD), North American Vertical Datum  
12 (NAVD) or other datum specified on the Flood Insurance Rate Map (FIRM).

13  
14 Basement means the portion of a building having its floor subgrade (below ground level)  
15 on all sides.

16  
17 Design flood means the flood associated with the greater of the following two areas:

- 18 (1) Area with a floodplain subject to a 1-percent or greater chance of flooding in any year; or  
19 (2) Area designated as a flood hazard area on the community's flood hazard map, or otherwise  
20 legally designated.

21  
22 Design flood elevation means the elevation of the "design flood," including wave height,  
23 relative to the datum specified on the community's legally designated flood hazard map. In areas  
24 designated as Zone AO, the design flood elevation shall be the elevation of the highest existing  
25 grade of the building's perimeter plus the depth number (in feet) specified on the flood hazard  
26 map. In areas designated as Zone AO where the depth number is not specified on the map, the  
27 depth number shall be taken as being equal to 2 feet.

28  
29 Development means any man-made change to improved or unimproved real estate,  
30 including but not limited to, buildings or other structures, tanks, temporary structures, temporary  
31 or permanent storage of equipment or materials, mining, dredging, filling, grading, paving,  
32 excavations, drilling operations or any other land disturbing activities.

33  
34 Encroachment means the placement of fill, excavation, buildings, permanent structures or  
35 other development into a flood hazard area which may impede or alter the flow capacity of  
36 riverine flood hazard areas.

37  
38 Existing building and existing structure mean any buildings and structures for which the  
39 "start of construction" commenced before October 1, 1971.

40  
41 Existing manufactured home park or subdivision means a manufactured home park or  
42 subdivision for which the construction of facilities for servicing the lots on which the  
43 manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the  
44 construction of streets, and either final site grading or the pouring of concrete pads) is completed  
45 before October 1, 1971.

1  
2 Expansion to an existing manufactured home park or subdivision means the preparation  
3 of additional sites by the construction of facilities for servicing the lots on which the  
4 manufactured homes are to be affixed (including the installation of utilities, the construction of  
5 streets, and either final site grading or the pouring of concrete pads).

6  
7 Federal Emergency Management Agency (FEMA) means the federal agency that, in  
8 addition to carrying out other functions, administers the National Flood Insurance Program.

9  
10 Flood or flooding means a general and temporary condition of partial or complete  
11 inundation of normally dry land from:

- 12 (1) The overflow of inland or tidal waters.  
13 (2) The unusual and rapid accumulation or runoff of surface waters from any source.

14  
15 Flood damage-resistant materials means any construction material capable of  
16 withstanding direct and prolonged contact with floodwaters without sustaining any damage that  
17 requires more than cosmetic repair.

18  
19 Flood hazard area means the greater of the following two areas:

- 20 (1) The area within a floodplain subject to a 1-percent or greater chance of flooding in any year.  
21 (2) The area designated as a flood hazard area on the community's flood hazard map, or  
22 otherwise legally designated.

23  
24 Flood Insurance Rate Map (FIRM) means the official map of the community on which  
25 the Federal Emergency Management Agency has delineated both special flood hazard areas and  
26 the risk premium zones applicable to the community.

27  
28 Flood Insurance Study (FIS) means the official report provided by the Federal  
29 Emergency Management Agency that contains the Flood Insurance Rate Map, the Flood  
30 Boundary and Floodway Map (if applicable), the water surface elevations of the base flood, and  
31 supporting technical data.

32  
33 Floodplain Administrator means the office or position designated and charged with the  
34 administration and enforcement of this ordinance (may be referred to as the Floodplain  
35 Manager).

36  
37 Floodplain development permit or approval means an official document or certificate  
38 issued by the City, or other evidence of approval or concurrence, which authorizes performance  
39 of specific development activities that are located in flood hazard areas and that are determined  
40 to be compliant with this ordinance.

41  
42 Floodway means the channel of a river or other riverine watercourse and the adjacent  
43 land areas that must be reserved in order to discharge the base flood without cumulatively  
44 increasing the water surface elevation more than one (1) foot.

1  
2 Floodway encroachment analysis means an engineering analysis of the impact that a  
3 proposed encroachment into a floodway is expected to have on the floodway boundaries and  
4 base flood elevations; the evaluation shall be prepared by a qualified Florida licensed engineer  
5 using standard engineering methods and models.  
6

7 Florida Building Code means the family of codes adopted by the Florida Building  
8 Commission, including: Florida Building Code, Building; Florida Building Code, Residential;  
9 Florida Building Code, Existing Building; Florida Building Code, Mechanical; Florida Building  
10 Code, Plumbing; Florida Building Code, Fuel Gas.  
11

12 Functionally dependent use means a use which cannot perform its intended purpose  
13 unless it is located or carried out in close proximity to water, including only docking facilities,  
14 port facilities that are necessary for the loading and unloading of cargo or passengers, and ship  
15 building and ship repair facilities; the term does not include long-term storage or related  
16 manufacturing facilities.  
17

18 Highest adjacent grade means the highest natural elevation of the ground surface prior to  
19 construction next to the proposed walls or foundation of a structure.  
20

21 Historic structure means any structure that is determined eligible for the exception to the  
22 flood hazard area requirements of the Florida Building Code, Existing Building, Chapter 11  
23 Historic Buildings.  
24

25 Letter of Map Change (LOMC) means an official determination issued by FEMA that  
26 amends or revises an effective Flood Insurance Rate Map or Flood Insurance Study. Letters of  
27 Map Change include:

- 28 (1) Letter of Map Amendment (LOMA): An amendment based on technical data showing that a  
29 property was incorrectly included in a designated special flood hazard area. A LOMA  
30 amends the current effective Flood Insurance Rate Map and establishes that a specific  
31 property, portion of a property, or structure is not located in a special flood hazard area.  
32 (2) Letter of Map Revision (LOMR): A revision based on technical data that may show changes  
33 to flood zones, flood elevations, special flood hazard area boundaries and floodway  
34 delineations, and other planimetric features.  
35 (3) Letter of Map Revision Based on Fill (LOMR-F): A determination that a structure or parcel  
36 of land has been elevated by fill above the base flood elevation and is, therefore, no longer  
37 located within the special flood hazard area. In order to qualify for this determination, the fill  
38 must have been permitted and placed in accordance with the City's floodplain management  
39 regulations.  
40 (4) Conditional Letter of Map Revision (CLOMR): A formal review and comment as to whether  
41 a proposed flood protection project or other project complies with the minimum NFIP  
42 requirements for such projects with respect to delineation of special flood hazard areas. A  
43 CLOMR does not revise the effective Flood Insurance Rate Map or Flood Insurance Study;  
44 upon submission and approval of certified as-built documentation, a Letter of Map Revision

1 may be issued by FEMA to revise the effective FIRM.

2  
3 Light-duty truck means, as defined in 40 C.F.R. 86.082-2, any motor vehicle rated at  
4 8,500 pounds Gross Vehicular Weight Rating or less which has a vehicular curb weight of 6,000  
5 pounds or less and which has a basic vehicle frontal area of 45 square feet or less, which is:

6 (1) Designed primarily for purposes of transportation of property or is a derivation of such a  
7 vehicle, or

8 (2) Designed primarily for transportation of persons and has a capacity of more than 12 persons;  
9 or

10 (3) Available with special features enabling off-street or off-highway operation and use.

11  
12 Lowest floor means the lowest floor of the lowest enclosed area of a building or structure,  
13 including basement, but excluding any unfinished or flood-resistant enclosure, other than a  
14 basement, usable solely for vehicle parking, building access or limited storage provided that such  
15 enclosure is not built so as to render the structure in violation of the non-elevation requirements  
16 of the Florida Building Code or ASCE 24.

17  
18 Manufactured home means a structure, transportable in one or more sections, which is  
19 eight (8) feet or more in width and greater than four hundred (400) square feet, and which is built  
20 on a permanent, integral chassis and is designed for use with or without a permanent foundation  
21 when attached to the required utilities. The term "manufactured home" does not include a  
22 "recreational vehicle" or "park trailer."

23  
24 Manufactured home park or subdivision means a parcel (or contiguous parcels) of land  
25 divided into two or more manufactured home lots for rent or sale.

26  
27 Market value means the price at which a property will change hands between a willing  
28 buyer and a willing seller, neither party being under compulsion to buy or sell and both having  
29 reasonable knowledge of relevant facts. As used in this ordinance, the term refers to the market  
30 value of buildings and structures, excluding the land and other improvements on the parcel.  
31 Market value may be established by a qualified independent appraiser, actual cash value  
32 (replacement cost depreciated for age and quality of construction), or tax assessment value  
33 adjusted to approximate market value by a factor provided by the Property Appraiser.

34  
35 New construction means, for the purposes of administration of this ordinance and the  
36 flood resistant construction requirements of the Florida Building Code, structures for which the  
37 "start of construction" commenced on or after October 1, 1971, and includes any subsequent  
38 improvements to such structures.

39  
40 New manufactured home park or subdivision means a manufactured home park or  
41 subdivision for which the construction of facilities for servicing the lots on which the  
42 manufactured homes are to be affixed (including at a minimum, the installation of utilities, the  
43 construction of streets, and either final site grading or the pouring of concrete pads) is completed  
44 on or after October 3, 1971.

1  
2 Park trailer means a transportable unit which has a body width not exceeding fourteen  
3 (14) feet and which is built on a single chassis and is designed to provide seasonal or temporary  
4 living quarters when connected to utilities necessary for operation of installed fixtures and  
5 appliances.

6  
7 Recreational vehicle means a vehicle, including a park trailer, which is:

- 8 (1) Built on a single chassis;  
9 (2) Four hundred (400) square feet or less when measured at the largest horizontal projection;  
10 (3) Designed to be self-propelled or permanently towable by a light-duty truck; and  
11 (4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for  
12 recreational, camping, travel, or seasonal use.

13  
14 Special flood hazard area means an area in the floodplain subject to a 1 percent or greater  
15 chance of flooding in any given year. Special flood hazard areas are shown on FIRMs as Zone  
16 A, AO, A1-A30, AE, A99, AH, V1-V30, VE or V.

17  
18 Start of construction means the date of development permit issuance for new construction  
19 and substantial improvements to existing structures, provided the actual start of construction,  
20 repair, reconstruction, rehabilitation, addition, placement, or other improvement is within 180  
21 days of the date of the issuance. The actual start of construction means either the first placement  
22 of permanent construction of a building (including a manufactured home) on a site, such as the  
23 pouring of slab or footings, the installation of piles, or the construction of columns. Permanent  
24 construction does not include land preparation (such as clearing, grading, or filling), the  
25 installation of streets or walkways, excavation for a basement, footings, piers, or foundations, the  
26 erection of temporary forms or the installation of accessory buildings such as garages or sheds  
27 not occupied as dwelling units or not part of the main buildings. For a substantial improvement,  
28 the actual "start of construction" means the first alteration of any wall, ceiling, floor or other  
29 structural part of a building, whether or not that alteration affects the external dimensions of the  
30 building.

31  
32 Substantial damage means damage of any origin sustained by a building or structure  
33 whereby the cost of restoring the building or structure to its before-damaged condition would  
34 equal or exceed 50 percent of the market value of the building or structure before the damage  
35 occurred.

36  
37 Substantial improvement means any repair, reconstruction, rehabilitation, addition, or  
38 other improvement of a building or structure, the cost of which equals or exceeds 50 percent of  
39 the market value of the building or structure before the improvement or repair is started. If the  
40 structure has incurred "substantial damage," any repairs are considered substantial improvement  
41 regardless of the actual repair work performed. The term does not, however, include either:

- 42 (1) Any project for improvement of a building required to correct existing health, sanitary, or  
43 safety code violations identified by the building official and that are the minimum necessary  
44 to assure safe living conditions.

1 (2) Any alteration of a historic structure provided the alteration will not preclude the structure's  
2 continued designation as a historic structure.

3  
4 Variance means a grant of relief from the requirements of this ordinance, or the flood  
5 resistant construction requirements of the Florida Building Code, which permits construction in a  
6 manner that would not otherwise be permitted by this ordinance or the Florida Building Code.

7  
8 Watercourse means a river, creek, stream, channel or other topographic feature in, on,  
9 through, or over which water flows at least periodically.

10  
11  
12 **Sec. 30-282. Applicability.**

13  
14 (a) General. Where there is a conflict between a general requirement and a specific requirement,  
15 the specific requirement shall be applicable.

16  
17 (b) Areas to which this ordinance applies. This ordinance shall apply to all flood hazard areas  
18 within the City of Gainesville, as established in Section 30-282(c) of this ordinance.

19  
20 (c) Basis for establishing flood hazard areas. The Flood Insurance Study for Alachua County,  
21 Florida and Incorporated Areas dated June 16, 2006, and all subsequent amendments and  
22 revisions, and the accompanying Flood Insurance Rate Maps (FIRM), and all subsequent  
23 amendments and revisions to such maps, are adopted by reference as a part of this ordinance  
24 and shall serve as the minimum basis for establishing flood hazard areas. Studies and maps  
25 that establish flood hazard areas are on file at the:

26  
27 City of Gainesville Public Works  
28 405 NW 39<sup>th</sup> Avenue  
29 Gainesville, FL 32609

30  
31 Alachua County Public Library  
32 Downtown Headquarters  
33 401 East University Avenue  
34 Gainesville, FL 32601

35  
36 (d) Submission of additional data to establish flood hazard areas. To establish flood hazard  
37 areas and base flood elevations, pursuant to Section 30-285 of this ordinance, the Floodplain  
38 Administrator may require submission of additional data.

39  
40 (1) Where field surveyed topography prepared by a Florida licensed professional surveyor or  
41 digital topography accepted by the City indicates that ground elevations are below the  
42 closest applicable base flood elevation, even in areas not delineated as a special flood  
43 hazard area on a FIRM, the area shall be considered as flood hazard area and subject to  
44 the requirements of this ordinance and, as applicable, the requirements of the Florida  
45 Building Code.

1 (2) Where field surveyed topography prepared by a Florida licensed professional surveyor or  
2 digital topography accepted by the City indicates that ground elevations are above the  
3 closest applicable base flood elevation, the area shall be regulated as special flood hazard  
4 area unless the applicant obtains a Letter of Map Change that removes the area from the  
5 special flood hazard area.

6  
7 (e) Other laws. The provisions of this ordinance shall not be deemed to nullify any provisions of  
8 local, state or federal law.

9  
10 (f) Abrogation and greater restrictions. This ordinance supersedes any ordinance in effect for  
11 management of development in flood hazard areas. However, it is not intended to repeal or  
12 abrogate any existing ordinances including but not limited to land development regulations,  
13 zoning ordinances, stormwater management regulations, or the Florida Building Code. In the  
14 event of a conflict between this ordinance and any other ordinance, the more restrictive shall  
15 govern.

16  
17 (g) Interpretation. In the interpretation and application of this ordinance, all provisions shall be:

18 (1) Considered as minimum requirements;

19 (2) Liberally construed in favor of the governing body; and

20 (3) Deemed neither to limit nor repeal any other powers granted under state statutes.

21  
22 **Sec. 30-283. Duties and Powers of the Floodplain Administrator.**

23  
24 (a) Designation. The City Manager or designee is designated as the Floodplain Administrator.  
25 The Floodplain Administrator may delegate performance of certain duties to other  
26 employees.

27  
28 (b) General. The Floodplain Administrator is authorized and directed to administer and enforce  
29 the provisions of this ordinance. The Floodplain Administrator shall have the authority to  
30 render interpretations of this ordinance consistent with the intent and purpose of this  
31 ordinance and may establish policies and procedures in order to clarify the application of its  
32 provisions. Such interpretations, policies, and procedures shall not have the effect of waiving  
33 requirements specifically provided in this ordinance without the granting of a variance  
34 pursuant to Section 30-287 of this ordinance.

35  
36 (c) Applications and permits. The Floodplain Administrator, in coordination with other pertinent  
37 offices of the City, shall:

38 (1) Review applications and plans to determine whether proposed new development will be  
39 located in flood hazard areas;

40 (2) Review applications for modification of any existing development in flood hazard areas  
41 for compliance with the requirements of this ordinance;

42 (3) Interpret flood hazard area boundaries where such interpretation is necessary to  
43 determine the exact location of boundaries; a person contesting the determination shall  
44 have the opportunity to appeal the interpretation;

- 1 (4) Provide available flood elevation and flood hazard information;
- 2 (5) Determine whether additional flood hazard data shall be obtained from other sources or  
3 shall be developed by an applicant;
- 4 (6) Review applications to determine whether proposed development will be reasonably safe  
5 from flooding;
- 6 (7) Issue floodplain development permits or approvals for development other than buildings  
7 and structures that are subject to the Florida Building Code, including buildings,  
8 structures and facilities exempt from the Florida Building Code, when compliance with  
9 this ordinance is demonstrated, or disapprove the same in the event of noncompliance;  
10 and
- 11 (8) Coordinate with and provide comments to the Building Official to assure that  
12 applications, plan reviews, and inspections for buildings and structures in flood hazard  
13 areas comply with the applicable provisions of this ordinance.
- 14
- 15 (d) Substantial improvement and substantial damage determinations. For applications for  
16 building permits to improve buildings and structures, including alterations, movement,  
17 enlargement, replacement, repair, change of occupancy, additions, rehabilitations,  
18 renovations, substantial improvements, repairs of substantial damage, and any other  
19 improvement of or work on such buildings and structures, the Floodplain Administrator, in  
20 coordination with the Building Official, shall:
- 21 (1) Estimate the market value, or require the applicant to obtain an appraisal of the market  
22 value prepared by a qualified independent appraiser, of the building or structure before  
23 the start of construction of the proposed work; in the case of repair, the market value of  
24 the building or structure shall be the market value before the damage occurred and before  
25 any repairs are made;
- 26 (2) Compare the cost to perform the improvement, the cost to repair a damaged building to  
27 its pre-damaged condition, or the combined costs of improvements and repairs, if  
28 applicable, to the market value of the building or structure;
- 29 (3) Determine and document whether the proposed work constitutes substantial improvement  
30 or repair of substantial damage; and
- 31 (4) Notify the applicant if it is determined that the work constitutes substantial improvement  
32 or repair of substantial damage and that compliance with the flood resistant construction  
33 requirements of the Florida Building Code and this ordinance is required.
- 34
- 35 (e) Modifications of the strict application of the requirements of the Florida Building Code. The  
36 Floodplain Administrator shall review requests submitted to the Building Official that seek  
37 approval to modify the strict application of the flood load and flood resistant construction  
38 requirements of the Florida Building Code to determine whether such requests require the  
39 granting of a variance pursuant to Section 30-287 of this ordinance.
- 40
- 41 (f) Notices and orders. The Floodplain Administrator shall coordinate with appropriate local  
42 agencies for the issuance of all necessary notices or orders to promote compliance with this  
43 ordinance.



1  
2 (g) Inspections. The Floodplain Administrator shall make the required inspections as specified in  
3 Section 30-286 of this ordinance for development that is not subject to the Florida Building  
4 Code, including buildings, structures and facilities exempt from the Florida Building Code.  
5 The Floodplain Administrator shall inspect flood hazard areas to determine if development is  
6 undertaken without issuance of a permit.

7  
8 (h) Other duties of the Floodplain Administrator. The Floodplain Administrator shall have other  
9 duties, including but not limited to:

10 (1) Establish, in coordination with the Building Official, procedures for administering and  
11 documenting determinations of substantial improvement and substantial damage made  
12 pursuant to Section 30-283(d) of this ordinance;

13 (2) Require that applicants proposing alteration of a watercourse notify adjacent communities  
14 and the Florida Division of Emergency Management, State Floodplain Management  
15 Office, and submit copies of such notifications to the Federal Emergency Management  
16 Agency (FEMA);

17 (3) Require applicants who submit hydrologic and hydraulic engineering analyses to support  
18 permit applications to submit to FEMA the data and information necessary to maintain  
19 the Flood Insurance Rate Maps if the analyses propose to change base flood elevations,  
20 flood hazard area boundaries, or floodway designations; such submissions shall be made  
21 within 6 months of such data becoming available;

22 (4) Review required design certifications and documentation of elevations specified by this  
23 ordinance and the Florida Building Code and this ordinance to determine that such  
24 certifications and documentations are complete; and

25 (5) Notify the Federal Emergency Management Agency when the corporate boundaries of  
26 the City of Gainesville are modified.

27  
28 (i) Floodplain management records. Regardless of any limitation on the period required for  
29 retention of public records, the Floodplain Administrator shall maintain and permanently  
30 keep and make available for public inspection records that are necessary for the  
31 administration of this ordinance and the flood resistant construction requirements of the  
32 Florida Building Code, which shall include: Flood Insurance Rate Maps; Letters of Map  
33 Change; records of issuance of permits and denial of permits; determinations of whether  
34 proposed work constitutes substantial improvement or repair of substantial damage; required  
35 design certifications and documentation of elevations specified by the Florida Building Code  
36 and this ordinance; notifications to adjacent communities, FEMA, and the state related to  
37 alterations of watercourses; assurances that the flood carrying capacity of altered  
38 watercourses will be maintained; documentation related to appeals and variances, including  
39 justification for issuance or denial; and records of enforcement actions taken pursuant to this  
40 ordinance and the flood resistant construction requirements of the Florida Building Code.  
41 These records shall be available for public inspection at:

42  
43 City of Gainesville Public Works  
44 405 NW 39th Avenue

2  
3 **Sec. 30-284. Permits.**

- 4  
5 (a) Permits required. Any owner or authorized agent who intends to undertake any development  
6 within the scope of this ordinance, including buildings, structures and facilities exempt from  
7 the Florida Building Code, which is wholly or partially within any flood hazard area shall first  
8 apply to the Floodplain Administrator, and the Building Official if applicable, and shall  
9 obtain the required permit(s) and approval(s). No such permit or approval shall be issued until  
10 compliance with the requirements of this ordinance and all other applicable codes and regulations  
11 of the City of Gainesville has been satisfied.
- 12  
13 (b) Floodplain development permits or approvals. Floodplain development permits or approvals  
14 shall be issued pursuant to this ordinance for any development not subject to the requirements of  
15 the Florida Building Code, including buildings, structures and facilities exempt from the  
16 Florida Building Code. Depending on the nature and extent of proposed development that  
17 includes a building or structure, the Floodplain Administrator may determine that a floodplain  
18 development permit or approval is required in addition to a building permit.
- 19  
20 (c) Buildings, structures and facilities exempt from the Florida Building Code. Pursuant to the  
21 requirements of federal regulation for participation in the National Flood Insurance Program  
22 (44 C.F.R. Sections 59 and 60), floodplain development permits or approvals shall be  
23 required for the following buildings, structures and facilities that are exempt from the Florida  
24 Building Code:
- 25 (1) Railroads and ancillary facilities associated with the railroad.
- 26 (2) Nonresidential farm buildings on farms, as provided in Section 604.50, F.S.
- 27 (3) Temporary buildings or sheds used exclusively for construction purposes.
- 28 (4) Mobile or modular structures used as temporary offices.
- 29 (5) Those structures or facilities of electric utilities, as defined in Section 366.02, F.S., which  
30 are directly involved in the generation, transmission, or distribution of electricity.
- 31 (6) Chickees constructed by the Miccosukee Tribe of Indians of Florida or the Seminole  
32 Tribe of Florida. As used in this paragraph, the term "chickee" means an open-sided  
33 wooden hut that has a thatched roof of palm or palmetto or other traditional materials,  
34 and that does not incorporate any electrical, plumbing, or other non-wood features.
- 35 (7) Family mausoleums not exceeding 250 square feet in area which are prefabricated and  
36 assembled on site or preassembled and delivered on site and have walls, roofs, and a floor  
37 constructed of granite, marble, or reinforced concrete.
- 38 (8) Temporary housing provided by the Department of Corrections to any prisoner in the  
39 state correctional system.
- 40 (9) Structures identified in Section 553.73(10)(k), F.S., are not exempt from the Florida  
41 Building Code if such structures are located in flood hazard areas established on Flood  
42 Insurance Rate Maps.

- 1  
2 (d) Application for a permit or approval. To obtain a floodplain development permit or approval  
3 the applicant shall first file an application in writing on a form furnished by the City. The  
4 information provided shall:
- 5 (1) Identify and describe the development to be covered by the permit or approval.
  - 6 (2) Describe the land on which the proposed development is to be conducted by legal  
7 description, street address or similar description that will readily identify and definitively  
8 locate the site.
  - 9 (3) Indicate the use and occupancy for which the proposed development is intended.
  - 10 (4) Be accompanied by a site plan or construction documents as specified in Section 30-285  
11 of this ordinance.
  - 12 (5) State the valuation of the proposed work.
  - 13 (6) Be signed by the applicant or the applicant's authorized agent.
  - 14 (7) Give such other data and information as required by the Floodplain Administrator.
- 15  
16 (e) Validity of permit or approval. The issuance of a floodplain development permit or approval  
17 pursuant to this ordinance shall not be construed to be a permit for, or approval of, any  
18 violation of this ordinance, the Florida Building Code, or any other ordinance of the City.  
19 The issuance of permits based on submitted applications, construction documents, and  
20 information shall not prevent the Floodplain Administrator from requiring the correction of  
21 errors and omissions.
- 22  
23 (f) Expiration. A floodplain development permit or approval shall become invalid unless the  
24 work authorized by such permit is commenced within 180 days after its issuance, or if the  
25 work authorized is suspended or abandoned for a period of 180 days after the work  
26 commences. Extensions for periods of not more than 180 days each shall be requested in  
27 writing and justifiable cause shall be demonstrated.
- 28  
29 (g) Suspension or revocation. The Floodplain Administrator is authorized to suspend or revoke a  
30 floodplain development permit or approval if the permit was issued in error, on the basis of  
31 incorrect, inaccurate or incomplete information, or in violation of this ordinance or any other  
32 ordinance, regulation or requirement of the City.
- 33  
34 (h) Other permits required. Floodplain development permits and building permits shall include  
35 a condition that all other applicable state or federal permits be obtained before  
36 commencement of the permitted development, including but not limited to the following:
- 37 (1) The St. Johns River Water Management District (SJRWMD), or Suwannee River Water  
38 Management District (SRWMD), whichever is applicable; Section 373.036, F.S.
  - 39 (2) Florida Department of Health for onsite sewage treatment and disposal systems; Section  
40 381.0065, F.S. and Chapter 64E-6, F.A.C.
  - 41 (3) Florida Department of Environmental Protection for activities subject to the Joint Coastal

1 Permit; Section 161.055, F.S.

2 (4) Florida Department of Environmental Protection for activities that affect wetlands and  
3 alter surface water flows, in conjunction with the U.S. Army Corps of Engineers; Section  
4 404 of the Clean Water Act.

5 (5) Federal permits and approvals.

6  
7 **Sec. 30-285. Site Plans and Construction Documents.**

8  
9 (a) Information for development in flood hazard areas. The site plan or construction documents  
10 for any development subject to the requirements of this ordinance shall be drawn to scale and  
11 shall include, as applicable to the proposed development:

12 (1) Delineation of flood hazard areas, floodway boundaries and flood zone(s), base flood  
13 elevation(s), and ground elevations if necessary for review of the proposed development.

14 (2) Where base flood elevations, or floodway data are not included on the FIRM or in the  
15 Flood Insurance Study, they shall be established in accordance with Section 30-285(b)(2)  
16 or (3) of this ordinance.

17 (3) Where the parcel on which the proposed development will take place will have more than  
18 50 lots or is larger than 5 acres and the base flood elevations are not included on the  
19 FIRM or in the Flood Insurance Study, such elevations shall be established in accordance  
20 with Section 30-285(b)(1) of this ordinance.

21 (4) Location of the proposed activity and proposed structures, and locations of existing  
22 buildings and structures.

23 (5) Location, extent, amount, and proposed final grades of any filling, grading, or excavation.

24 (6) Where the placement of fill is proposed, the amount, type, and source of fill material;  
25 compaction specifications; a description of the intended purpose of the fill areas; and  
26 evidence that the proposed fill areas are the minimum necessary to achieve the intended  
27 purpose.

28 (7) Existing and proposed alignment of any proposed alteration of a watercourse.

29  
30 The Floodplain Administrator is authorized to waive the submission of site plans, construction  
31 documents, and other data that are required by this ordinance but that are not required to be  
32 prepared by a registered design professional if it is found that the nature of the proposed  
33 development is such that the review of such submissions is not necessary to ascertain compliance  
34 with this ordinance.

35  
36 (b) Information in flood hazard areas without base flood elevations (approximate Zone A).  
37 Where flood hazard areas are delineated on the FIRM and base flood elevation data have not  
38 been provided, the Floodplain Administrator shall:

39 (1) Require the applicant to include base flood elevation data prepared in accordance with  
40 currently accepted engineering practices; or

41 (2) Obtain, review, and provide to applicants base flood elevation and floodway data

1 available from a federal or state agency or other source or require the applicant to obtain  
2 and use base flood elevation and floodway data available from a federal or state agency  
3 or other source; or

4 (3) Where base flood elevation and floodway data are not available from another source,  
5 where the available data are deemed by the Floodplain Administrator to not reasonably  
6 reflect flooding conditions, or where the available data are known to be scientifically or  
7 technically incorrect or otherwise inadequate:

8 (a) Require the applicant to include base flood elevation data prepared in  
9 accordance with currently accepted engineering practices; or

10 (b) Specify that the base flood elevation is two (2) feet above the highest adjacent  
11 grade at the location of the development, provided there is no evidence  
12 indicating flood depths have been or may be greater than two (2) feet.

13  
14 (c) Additional analyses and certifications. As applicable to the location and nature of the  
15 proposed development activity, and in addition to the requirements of this section, the  
16 applicant shall have the following analyses signed and sealed by a Florida licensed engineer  
17 for submission with the site plan and construction documents:

18 (1) For development activities proposed to be located in a regulatory floodway, a floodway  
19 encroachment analysis that demonstrates that the encroachment of the proposed  
20 development will not cause any increase in base flood elevations; where the applicant  
21 proposes to undertake development activities that do increase base flood elevations, the  
22 applicant shall submit such analysis to FEMA as specified in Section 30-285(d) of this  
23 ordinance and shall submit the Conditional Letter of Map Revision, if issued by FEMA,  
24 with the site plan and construction documents.

25 (2) For development activities proposed to be located in a riverine flood hazard area for  
26 which base flood elevations are included in the Flood Insurance Study or on the FIRM  
27 and floodways have not been designated, hydrologic and hydraulic analyses that  
28 demonstrate that the cumulative effect of the proposed development, when combined  
29 with all other existing and anticipated flood hazard area encroachments, will not increase  
30 the base flood elevation more than one (1) foot at any point within the City. This  
31 requirement does not apply in isolated flood hazard areas not connected to a riverine  
32 flood hazard area or in flood hazard areas identified as Zone AO or Zone AH.

33 (3) For alteration of a watercourse, an engineering analysis prepared in accordance with  
34 standard engineering practices which demonstrates that the flood-carrying capacity of the  
35 altered or relocated portion of the watercourse will not be decreased, and certification that  
36 the altered watercourse shall be maintained in a manner which preserves the channel's  
37 flood-carrying capacity; the applicant shall submit the analysis to FEMA as specified in  
38 Section 30-285(d) of this ordinance.

39  
40 (d) Submission of additional data. When additional hydrologic, hydraulic or other engineering  
41 data, studies, and additional analyses are submitted to support an application, the applicant  
42 has the right to seek a Letter of Map Change from FEMA to change the base flood  
43 elevations, change floodway boundaries, or change boundaries of flood hazard areas shown  
44 on FIRMs, and to submit such data to FEMA for such purposes. The analyses shall be

1 prepared by a Florida licensed engineer in a format required by FEMA. Submittal  
2 requirements and processing fees shall be the responsibility of the applicant.  
3

4 **Sec. 30-286. Inspections.**  
5

- 6 (c) General. Development for which a floodplain development permit or approval is required  
7 shall be subject to inspection.  
8
- 9 (d) Development other than buildings and structures. The Floodplain Administrator shall  
10 inspect all development to determine compliance with the requirements of this ordinance and  
11 the conditions of issued floodplain development permits or approvals.  
12
- 13 (e) Buildings, structures and facilities exempt from the Florida Building Code. The Floodplain  
14 Administrator shall inspect buildings, structures and facilities exempt from the Florida  
15 Building Code to determine compliance with the requirements of this ordinance and the  
16 conditions of issued floodplain development permits or approvals.  
17
- 18 (f) Buildings, structures and facilities exempt from the Florida Building Code, lowest floor  
19 inspection. Upon placement of the lowest floor, including basement, and prior to further  
20 vertical construction, the owner of a building, structure or facility exempt from the Florida  
21 Building Code, or the owner's authorized agent, shall submit to the Floodplain  
22 Administrator:
- 23 (1) If a design flood elevation was used to determine the required elevation of the lowest  
24 floor, the certification of elevation of the lowest floor prepared and sealed by a Florida  
25 licensed professional surveyor; or
- 26 (2) If the elevation used to determine the required elevation of the lowest floor was  
27 determined in accordance with Section 30-285(b)(3)(b) of this ordinance, the  
28 documentation of height of the lowest floor above highest adjacent grade, prepared by the  
29 owner or the owner's authorized agent.  
30
- 31 (g) Buildings, structures and facilities exempt from the Florida Building Code, final inspection.  
32 As part of the final inspection, the owner or owner's authorized agent shall submit to the  
33 Floodplain Administrator a final certification of elevation of the lowest floor or final  
34 documentation of the height of the lowest floor above the highest adjacent grade; such  
35 certifications and documentations shall be prepared as specified in Section 30-286(d) of this  
36 ordinance.  
37
- 38 (h) Manufactured homes. The Building Official shall inspect manufactured homes that are  
39 installed or replaced in flood hazard areas to determine compliance with the requirements of  
40 this ordinance and the conditions of the issued permit. Upon placement of a manufactured  
41 home, certification of the elevation of the lowest floor shall be submitted to the Building  
42 Official.  
43

44 **Sec. 30-287. Variances and Appeals.**  
45

- 1 (a) General. The appropriate reviewing board shall hear and decide on requests for appeals and  
2 requests for variances from the strict application of this ordinance and, pursuant to Section  
3 553.73(5), F.S., the flood resistant construction requirements of the Florida Building Code.  
4
- 5 (b) Appeals. The appropriate reviewing board shall hear and decide appeals when it is alleged  
6 there is an error in any requirement, decision, or determination made by the Floodplain  
7 Administrator in the administration and enforcement of this ordinance. Any person  
8 aggrieved by the decision of the reviewing board may appeal such decision to the Circuit  
9 Court, as provided by Florida Statutes.  
10
- 11 (c) Limitations on authority to grant variances. The appropriate reviewing board shall base its  
12 decisions on variances on technical justifications submitted by applicants, the considerations  
13 for issuance in Section 30-287(g) of this ordinance, the conditions of issuance set forth in  
14 Section 30-287(h) of this ordinance, and the comments and recommendations of the  
15 Floodplain Administrator and the Building Official. The appropriate reviewing board has the  
16 right to attach such conditions as it deems necessary to further the purposes and objectives of  
17 this ordinance.  
18
- 19 (d) Restrictions in floodways. A variance shall not be issued for any proposed development in a  
20 floodway if any increase in base flood elevations would result, as evidenced by the  
21 applicable analyses and certifications required in Section 30-285(c) of this ordinance.  
22
- 23 (e) Historic buildings. A variance is authorized to be issued for the repair, improvement, or  
24 rehabilitation of a historic building that is determined eligible for the exception to the flood  
25 resistant construction requirements of the Florida Building Code, Existing Building, Chapter  
26 11 Historic Buildings, upon a determination that the proposed repair, improvement, or  
27 rehabilitation will not preclude the building's continued designation as a historic building and  
28 the variance is the minimum necessary to preserve the historic character and design of the  
29 building. If the proposed work precludes the building's continued designation as a historic  
30 building, a variance shall not be granted and the building and any repair, improvement, and  
31 rehabilitation shall be subject to the requirements of the Florida Building Code.  
32
- 33 (f) Functionally dependent uses. A variance is authorized to be issued for the construction or  
34 substantial improvement necessary for the conduct of a functionally dependent use, provided  
35 the variance meets the requirements of Section 30-287(d), is the minimum necessary  
36 considering the flood hazard, and all due consideration has been given to use of methods and  
37 materials that minimize flood damage during occurrence of the base flood.  
38
- 39 (g) Considerations for issuance of variances. In reviewing requests for variances, the  
40 appropriate reviewing board shall consider all technical evaluations, all relevant factors, all  
41 other applicable provisions of the Florida Building Code, this ordinance, and the following:
- 42 (1) The danger that materials and debris may be swept onto other lands resulting in further  
43 injury or damage;
- 44 (2) The danger to life and property due to flooding or erosion damage;
- 45 (3) The susceptibility of the proposed development, including contents, to flood damage and

1 the effect of such damage on current and future owners;

2 (4) The importance of the services provided by the proposed development to the community;

3 (5) The availability of alternate locations for the proposed development that are subject to  
4 lower risk of flooding or erosion;

5 (6) The compatibility of the proposed development with existing and anticipated  
6 development;

7 (7) The relationship of the proposed development to the comprehensive plan and floodplain  
8 management program for the area;

9 (8) The safety of access to the property in times of flooding for ordinary and emergency  
10 vehicles;

11 (9) The expected heights, velocity, duration, rate of rise and debris and sediment transport of  
12 the floodwaters and the effects of wave action, if applicable, expected at the site; and

13 (10) The costs of providing governmental services during and after flood conditions  
14 including maintenance and repair of public utilities and facilities such as sewer, gas,  
15 electrical and water systems, streets and bridges.

16  
17 (h) Conditions for issuance of variances. Variances shall be issued only upon:

18 (1) Submission by the applicant, of a showing of good and sufficient cause that the unique  
19 characteristics of the size, configuration, or topography of the site limit compliance with  
20 any provision of this ordinance or the required elevation standards;

21 (2) Determination by the appropriate reviewing board that:

22 a. Failure to grant the variance would result in exceptional hardship due to the  
23 physical characteristics of the land that render the lot undevelopable; increased  
24 costs to satisfy the requirements or inconvenience do not constitute hardship;

25 b. The granting of a variance will not result in increased flood heights, additional  
26 threats to public safety, extraordinary public expense, nor create nuisances, cause  
27 fraud on or victimization of the public or conflict with existing local laws and  
28 ordinances; and

29 c. The variance is the minimum necessary, considering the flood hazard, to afford  
30 relief.

31 (3) Receipt of a signed statement by the applicant that the variance, if granted, shall be  
32 recorded in the Office of the Clerk of the Court in such a manner that it appears in the  
33 chain of title of the affected parcel of land; and

34 (4) If the request is for a variance to allow construction of the lowest floor of a new building,  
35 or substantial improvement of a building, below the required elevation, a copy in the  
36 record of a written notice from the Floodplain Administrator to the applicant specifying  
37 the difference between the base flood elevation and the proposed elevation of the lowest  
38 floor, stating that the cost of federal flood insurance will be commensurate with the  
39 increased risk resulting from the reduced floor elevation, and stating that construction  
40 below the base flood elevation increases risks to life and property.



1  
2 **Sec. 30-288. Violations.**  
3

- 4 (a) Violations. Any development that is not within the scope of the Florida Building Code but  
5 that is regulated by this ordinance that is performed without an issued permit, that is in  
6 conflict with an issued permit, or that does not fully comply with this ordinance, shall be  
7 deemed a violation of this ordinance. A building or structure without the documentation of  
8 elevation of the lowest floor, other required design certifications, or other evidence of  
9 compliance required by this ordinance or the Florida Building Code is presumed to be a  
10 violation until such time as that documentation is provided.  
11
- 12 (b) Authority. For development that is not within the scope of the Florida Building Code but that  
13 is regulated by this ordinance and that is determined to be a violation, the Floodplain  
14 Administrator is authorized to serve notices of violation or stop work orders to owners of the  
15 property involved, to the owner's agent, or to the person or persons performing the work.  
16
- 17 (c) Unlawful continuance. No person shall continue any work after having been served with a  
18 notice of violation or a stop work order, except such work as that person is directed to  
19 perform to remove or remedy a violation or unsafe condition.  
20

21 **Sec. 30-289. Buildings and Structures.**  
22

- 23 (a) Design and construction of buildings, structures and facilities exempt from the Florida  
24 Building Code. Pursuant to Section 30-284(c) of this ordinance, buildings, structures, and  
25 facilities that are exempt from the Florida Building Code, including substantial improvement or  
26 repair of substantial damage of such buildings, structures and facilities, shall be designed and  
27 constructed in accordance with the flood load and flood resistant construction requirements of  
28 ASCE 24. Structures exempt from the Florida Building Code that are not walled and roofed  
29 buildings shall comply with the requirements of Section 30-295 of this ordinance.  
30

31 **Sec. 30-290. Subdivisions.**  
32

- 33 (a) Minimum requirements. Subdivision proposals, including proposals for manufactured home  
34 parks and subdivisions, shall be reviewed to determine that:
- 35 (1) Such proposals are consistent with the need to minimize flood damage and will be  
36 reasonably safe from flooding;
- 37 (2) All public utilities and facilities such as sewer, gas, electric, communications, and water  
38 systems are located and constructed to minimize or eliminate flood damage; and
- 39 (3) Adequate drainage is provided to reduce exposure to flood hazards; in Zones AH and  
40 AO, adequate drainage paths shall be provided to guide floodwaters around and away  
41 from proposed structures.  
42
- 43 (b) Subdivision plats. Where any portion of proposed subdivisions, including manufactured  
44 home parks and subdivisions, lies within a flood hazard area, the following shall be required:

- 1 (1) Delineation of flood hazard areas, floodway boundaries and flood zones, and design flood  
2 elevations, as appropriate, shall be shown on preliminary plats and final plats;
- 3 (2) Where the subdivision has more than 50 lots or is larger than 5 acres and base flood  
4 elevations are not included on the FIRM, the base flood elevations determined in  
5 accordance with Section 30-285(b)(1) of this ordinance; and
- 6 (3) Compliance with the site improvement and utilities requirements of Section 30-291 of  
7 this ordinance.

8  
9 **Sec. 30-291. Site Improvements, Utilities, and Limitations.**

- 10  
11 (a) Minimum requirements. All proposed new development shall be reviewed to determine that:
  - 12 (1) Such proposals are consistent with the need to minimize flood damage and will be  
13 reasonably safe from flooding;
  - 14 (2) All public utilities and facilities such as sewer, gas, electric, communications, and water  
15 systems are located and constructed to minimize or eliminate flood damage; and
  - 16 (3) Adequate drainage is provided to reduce exposure to flood hazards; in Zones AH and  
17 AO, adequate drainage paths shall be provided to guide floodwaters around and away  
18 from proposed structures.
- 19  
20 (b) Sanitary sewage facilities. All new and replacement sanitary sewage facilities, private  
21 sewage treatment plants (including all pumping stations and collector systems), and on-site  
22 waste disposal systems shall be designed in accordance with the standards for onsite sewage  
23 treatment and disposal systems in Chapter 64E-6, F.A.C. and ASCE 24 Chapter 7 to  
24 minimize or eliminate infiltration of floodwaters into the facilities and discharge from the  
25 facilities into flood waters, and impairment of the facilities and systems.
- 26  
27 (c) Water supply facilities. All new and replacement water supply facilities shall be designed in  
28 accordance with the water well construction standards in Chapter 62-532.500, F.A.C. and  
29 ASCE 24 Chapter 7 to minimize or eliminate infiltration of floodwaters into the systems.
- 30  
31 (d) Limitations on sites in regulatory floodways. No development, including but not limited to  
32 site improvements, and land disturbing activity involving fill or regrading, shall be  
33 authorized in the regulatory floodway unless the floodway encroachment analysis required in  
34 Section 30-285(c)(1) of this ordinance demonstrates that the proposed development or land  
35 disturbing activity will not result in any increase in the base flood elevation.
- 36  
37 (e) Limitations on placement of fill. Subject to the limitations of this ordinance, fill shall be  
38 designed to be stable under conditions of flooding including rapid rise and rapid drawdown  
39 of floodwaters, prolonged inundation, and protection against flood-related erosion and scour.  
40 In addition to these requirements, if intended to support buildings and structures (Zone A  
41 only), fill shall comply with the requirements of the Florida Building Code.

42  
43 **Sec. 30-292. Manufactured Homes.**

- 1 (a) General. All manufactured homes installed in flood hazard areas shall be installed by an  
2 installer that is licensed pursuant to Section 320.8249, F.S., and shall comply with the  
3 requirements of Chapter 15C-1, F.A.C. and the requirements of this ordinance.  
4
- 5 (b) Foundations. All new manufactured homes and replacement manufactured homes installed in  
6 flood hazard areas shall be installed on permanent, reinforced foundations that are designed  
7 in accordance with the foundation requirements of the Florida Building Code, Residential  
8 Section R322.2 and this ordinance.  
9
- 10 (c) Anchoring. All new manufactured homes and replacement manufactured homes shall be  
11 installed using methods and practices which minimize flood damage and shall be securely  
12 anchored to an adequately anchored foundation system to resist flotation, collapse or lateral  
13 movement. Methods of anchoring include, but are not limited to, use of over-the-top or frame  
14 ties to ground anchors. This anchoring requirement is in addition to applicable state and local  
15 anchoring requirements for wind resistance.  
16
- 17 (d) Elevation. Manufactured homes that are placed, replaced, or substantially improved shall  
18 comply with Section 30-292(e) or 30-292(f) of this ordinance, as applicable.  
19
- 20 (e) General elevation requirement. Unless subject to the requirements of Section 30-292(f) of  
21 this ordinance, all manufactured homes that are placed, replaced, or substantially improved  
22 on sites located: (a) outside of a manufactured home park or subdivision; (b) in a new  
23 manufactured home park or subdivision; (c) in an expansion to an existing manufactured  
24 home park or subdivision; or (d) in an existing manufactured home park or subdivision  
25 within which a manufactured home has incurred "substantial damage" as the result of a flood,  
26 shall be elevated such that the bottom of the frame is at or above the elevation required, as  
27 applicable to the flood hazard area, in the Florida Building Code, Residential Section R322.2  
28 (Zone A).  
29
- 30 (f) Elevation requirement for certain existing manufactured home parks and subdivisions.  
31 Manufactured homes that are not subject to Section 30-292(e) of this ordinance, including  
32 manufactured homes that are placed, replaced, or substantially improved on sites located in  
33 an existing manufactured home park or subdivision, unless on a site where substantial  
34 damage as result of flooding has occurred, shall be elevated such that either the:
- 35 (1) Bottom of the frame of the manufactured home is at or above the elevation required in the  
36 Florida Building Code, Residential Section R322.2 (Zone A); or
- 37 (2) Bottom of the frame is supported by reinforced piers or other foundation elements of at  
38 least equivalent strength that are not less than 36 inches in height above grade.  
39
- 40 (g) Enclosures. Enclosed areas below elevated manufactured homes shall comply with the  
41 requirements of the Florida Building Code, Residential Section R322 for such enclosed areas.  
42
- 43 (h) Utility equipment. Utility equipment that serves manufactured homes, including electric,  
44 heating, ventilation, plumbing, and air conditioning equipment and other service facilities,  
45 shall comply with the requirements of the Florida Building Code, Residential Section R322.

1  
2 **Sec. 30-293. Recreational Vehicles and Park Trailers.**  
3

4 (a) Temporary placement. Recreational vehicles and park trailers placed temporarily in flood  
5 hazard areas shall:

6 (1) Be on the site for fewer than 180 consecutive days; or

7 (2) Be fully licensed and ready for highway use, which means the recreational vehicle or  
8 park model is on wheels or jacking system, is attached to the site only by quick-  
9 disconnect type utilities and security devices, and has no permanent attachments such as  
10 additions, rooms, stairs, decks and porches.

11  
12 (b) Permanent placement. Recreational vehicles and park trailers that do not meet the limitations  
13 in Section 30-293(a) of this ordinance for temporary placement shall meet the requirements  
14 of Section 30-292 of this ordinance for manufactured homes.  
15

16 **Sec. 30-294. Tanks.**  
17

18 (a) Underground tanks. Underground tanks in flood hazard areas shall be anchored to prevent  
19 flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads  
20 during conditions of the design flood, including the effects of buoyancy assuming the tank is  
21 empty.  
22

23 (b) Above-ground tanks, not elevated. Above-ground tanks that do not meet the elevation  
24 requirements of Section 30-294(c) of this ordinance shall be permitted in flood hazard areas  
25 provided the tanks are anchored or otherwise designed and constructed to prevent flotation,  
26 collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during  
27 conditions of the design flood, including the effects of buoyancy assuming the tank is empty  
28 and the effects of flood-borne debris.  
29

30 (c) Above-ground tanks, elevated. Above-ground tanks in flood hazard areas shall be attached to  
31 and elevated to or above the design flood elevation on a supporting structure that is designed  
32 to prevent flotation, collapse or lateral movement during conditions of the design flood.  
33 Tank-supporting structures shall meet the foundation requirements of the applicable flood  
34 hazard area.  
35

36 (d) Tank inlets and vents. Tank inlets, fill openings, outlets and vents shall be:

37 (1) At or above the design flood elevation or fitted with covers designed to prevent the  
38 inflow of floodwater or outflow of the contents of the tanks during conditions of the  
39 design flood; and

40 (2) Anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic  
41 loads, including the effects of buoyancy, during conditions of the design flood.  
42

43 **Sec. 30-295. Other Development.**  
44

- 1 (a) General requirements for other development. All development, including man-made changes  
2 to improved or unimproved real estate for which specific provisions are not specified in this  
3 ordinance or the Florida Building Code, shall:
- 4 (1) Be located and constructed to minimize flood damage;  
5 (2) Meet the limitations of Section 30-291(d) of this ordinance if located in a regulated  
6 floodway;  
7 (3) Be anchored to prevent flotation, collapse or lateral movement resulting from hydrostatic  
8 loads, including the effects of buoyancy, during conditions of the design flood;  
9 (4) Be constructed of flood damage-resistant materials; and  
10 (5) Have mechanical, plumbing, and electrical systems above the design flood elevation,  
11 except that minimum electric service required to address life safety and electric code  
12 requirements is permitted below the design flood elevation provided it conforms to the  
13 provisions of the electrical part of building code for wet locations.
- 14
- 15 (b) Fences in regulated floodways. Fences in regulated floodways that have the potential to  
16 block the passage of floodwaters, such as stockade fences and wire mesh fences, shall meet  
17 the limitations of Section 30-291(d) of this ordinance.
- 18
- 19 (c) Retaining walls, sidewalks and driveways in regulated floodways. Retaining walls and  
20 sidewalks and driveways that involve the placement of fill in regulated floodways shall meet  
21 the limitations of Section 30-291(d) of this ordinance.
- 22
- 23 (d) Roads and watercourse crossings in regulated floodways. Roads and watercourse crossings,  
24 including roads, bridges, culverts, low-water crossings and similar means for vehicles or  
25 pedestrians to travel from one side of a watercourse to the other side, that encroach into  
26 regulated floodways shall meet the limitations of Section 30-291(d) of this ordinance.  
27 Alteration of a watercourse that is part of a road or watercourse crossing shall meet the  
28 requirements of Section 30-285(c)(3) of this ordinance.
- 29

30 **Sec. 30-296 – 30.299. Reserved.**

31

32

33 **Section 2.** A new Section 6-16 of the City of Gainesville Code of Ordinances is created  
34 to add the following administrative amendments to the Florida Building Code, Building, to read  
35 as follows:

36

37 **Sec. 6-16. Local Administrative Amendments to the Florida Building Code.**

38

39 A new Section 107.6.1 is created and added to the Florida Building Code, Building, as follows:

40

41 **107.6.1 Building permits issued on the basis of an affidavit.** Pursuant to the requirements of  
42 federal regulation for participation in the National Flood Insurance Program (44 C.F.R. Sections

1 59 and 60), the authority granted to the Building Official to issue permits, to rely on inspections,  
2 and to accept plans and construction documents on the basis of affidavits and plans submitted  
3 pursuant to Section 105.14 and Section 107.6, shall not extend to the flood load and flood  
4 resistance construction requirements of the *Florida Building Code*.

5  
6 A new Section 117 is created and added to the Florida Building Code, Building, as follows:

7  
8 **SECTION 117 VARIANCES IN FLOOD HAZARD AREAS**

9  
10 **117.1 Flood hazard areas.** Pursuant to Section 553.73(5), F.S., the variance procedures adopted  
11 in the local floodplain management ordinance shall apply to requests submitted to the Building  
12 Official for variances to the provisions of Section 1612.4 of the *Florida Building Code, Building*  
13 or, as applicable, the provisions of R322 of the *Florida Building Code, Residential*. This section  
14 shall not apply to Section 3109 of the *Florida Building Code, Building*.

15  
16  
17  
18 **Section 3.** A new Section 6-17 of the City of Gainesville Code of Ordinances is created  
19 to add the following technical amendments to the Florida Building Code, Residential, to read as  
20 follows:

21  
22 **Sec. 6-17. Local Technical Amendments to the Florida Building Code.**

23  
24 Section R322.2.1 of the Florida Building Code, Residential, is amended as follows:

25  
26 **R322.2.1 Elevation requirements.**

- 27  
28 1. Buildings and structures in flood hazard areas not designated as Coastal A Zones shall have  
29 the lowest floors elevated to or above the base flood elevation plus 1 foot or the design flood  
30 elevation, whichever is higher.  
31  
32 2. In areas of shallow flooding (AO Zones), buildings and structures shall have the lowest floor  
33 (including basement) elevated at least as high above the highest adjacent grade as the depth  
34 number specified in feet on the FIRM plus 1 foot, or at least 3 feet if a depth number is not  
35 specified.  
36  
37 3. Basement floors that are below grade on all sides shall be elevated to or above the base flood  
38 elevation plus 1 foot or the design flood elevation, whichever is higher.

39  
40 **Exception:** Enclosed areas below the design flood elevation, including basements whose floors  
41 are not below grade on all sides, shall meet the requirements of Section R322.2.2.

1           **Section 4.** In terms of design, plan application review, construction and inspection of  
2 buildings and structures, the cost impact as an overall average is negligible in regard to the local  
3 technical amendments because all development has been subject to the requirements of the local  
4 floodplain management ordinance adopted for participation in the National Flood Insurance  
5 Program. In terms of lower potential for flood damage, there will be continued savings and  
6 benefits to consumers.

7           **Section 5.** It is the intention of the City Commission that the provisions of Sections 1  
8 through 3 of this ordinance shall become and be made a part of the Code of Ordinances of the  
9 City of Gainesville, Florida, and that the sections and paragraphs of this ordinance may be  
10 renumbered or relettered in order to accomplish such intentions.


11           **Section 6.** If any word, phrase, clause, paragraph, section or provision of this ordinance  
12 or the application hereof to any person or circumstance is held invalid or unconstitutional, such  
13 finding shall not affect the other provisions or applications of this ordinance that can be given  
14 effect without the invalid or unconstitutional provision or application, and to this end the  
15 provisions of this ordinance are declared severable.

16           **Section 7.** All ordinances or parts of ordinances in conflict herewith are to the extent of  
17 such conflict hereby repealed.

18           **Section 8.** This ordinance shall become effective immediately upon adoption.  
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**PASSED AND ADOPTED** this 20th day of November, 2014.

  
EDWARD B. BRADDY  
MAYOR

Attest:

Approved as to form and legality:

  
KURT M. LANNON  
CLERK OF THE COMMISSION

  
NICOLLE M. SHALLEY  
CITY ATTORNEY

This ordinance passed on first reading this 6th day of November, 2014.

This ordinance passed on second reading this 20th day of November, 2014.