

1 **ORDINANCE NO. 171056**

2 **An ordinance of the City of Gainesville, Florida, amending Chapter 6 – *Buildings***
3 ***and Building Regulations* in the City of Gainesville Code of Ordinances and**
4 **amending Appendix A – *Schedule of Fees, Rates and Charges* of the Code of**
5 **Ordinances relating to Buildings and Building Regulations; providing directions**
6 **to the codifier; providing a severability clause; providing a repealing clause;**
7 **and providing an effective date.**
8

9 **WHEREAS**, the Municipal Home Rule Powers Act, Chapter 166, Florida Statutes, secures for
10 municipalities the broad exercise of home rule powers granted by Article VIII, Section 2 of the
11 Florida Constitution, including the exercise of any power for municipal purposes not expressly
12 prohibited by law; and

13 **WHEREAS**, the Florida Building Codes Act, Chapter 553, Part IV, Florida Statutes, gives local
14 governments the power to inspect all buildings, structures, and facilities pursuant to the
15 adopted statewide Florida Building Code; and

16 **WHEREAS**, the City of Gainesville has codified its buildings and building regulations in Chapter 6
17 of the Code of Ordinances; and

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

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

23 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF GAINESVILLE,**

24 **FLORIDA:**

25 **SECTION 1.** Chapter 6 – BUILDINGS AND BUILDING REGULATIONS of the City of Gainesville

26 Code of Ordinances is deleted in its entirety and replaced as follows.

27 ~~Chapter 6 – BUILDINGS AND BUILDING REGULATIONS~~

28 ~~ARTICLE I. – IN GENERAL~~

29 ~~Sec. 6-1. Recording of orders requiring vacation or demolition of structures.~~

30 ~~(a) *Recording of statement.* Whenever, under the provisions of any ordinance or law, the city~~
31 ~~or any of its officers or agents issues any notice to vacate or notice to demolish any~~
32 ~~structure within the city and the notice becomes an order following an appeal or in the~~
33 ~~absence of a timely appeal the city manager shall cause to be recorded in the public~~
34 ~~records of the county a statement indicating the existence of the order.~~

35 ~~(b) *Form of statement.* The recorded statement shall include the name of the owner of the real~~
36 ~~property upon which the structure is located, as shown on the tax rolls at the time of~~
37 ~~recording, the tax parcel number and a legal description of the real property, the nature of~~
38 ~~the outstanding order and what is required to comply with the order, and the possible~~
39 ~~consequences if the order is not complied with.~~

40 ~~(c) *Cancellation of statement.* When an order to vacate or to demolish a structure is no longer~~
41 ~~effective, because the situation causing the required vacation or demolition has been~~
42 ~~corrected by the owner, or because a demolition has been accomplished by the property~~
43 ~~owner, or because the city has corrected the situation or demolished the structure and~~
44 ~~recorded a lien for the correction or demolition, or for any other reason, the city manager~~
45 ~~shall enter a notation on the recorded statement that the outstanding order is no longer~~
46 ~~effective. The notation shall include the date made and the signature and title of the~~
47 ~~person making same.~~

48 ~~Sec. 6-2. Violations.~~

49 ~~Except as otherwise provided in this Code of Ordinances, any person violating~~
50 ~~any of the provisions of this chapter, including the technical codes, shall be subject to~~
51 ~~the penalties of section 1-9.~~

52 ~~Sec. 6-3. Administration chapter adopted.~~

53 ~~(a) Chapter 1, Administration, of the Florida Building Code, 2004 Edition, as developed by the~~
54 ~~Florida Building Commission is hereby adopted for use with the Florida Building Code and~~
55 ~~this Chapter 6 of the City of Gainesville Code of Ordinances, and from the date upon which~~
56 ~~this section shall take effect, the provisions thereof, except as changed or altered in this~~
57 ~~article, shall be controlling within the corporate limits of the city.~~

58 ~~(b) The administration chapter adopted above is hereby amended (the succeeding section~~
59 ~~numbers in this section refer to Chapter 1, Administration, as contained in the Florida~~
60 ~~Building Code, 2004 Edition, unless otherwise indicated).~~

61 Section 101.2.2 is hereby created and added to read as follows:

62 ~~101.2.2 Scope: Permitting and inspection. The inspection or permitting of any~~
63 ~~building, system or plan by the jurisdiction under the requirements of this code shall not~~
64 ~~be construed in any court as a warranty of the physical condition of such building,~~
65 ~~system or plan or their adequacy. Neither the jurisdiction nor any employee thereof~~
66 ~~shall be liable in tort for damages for any defect or hazardous or illegal condition or~~
67 ~~inadequacy in such building, system or plan, nor for any failure of any component of~~
68 ~~such, which may occur subsequent to such inspection or permitting, unless the~~
69 ~~employee or jurisdiction is found to have acted in bad faith or with malicious purpose in~~
70 ~~a manner exhibiting wanton and willful disregard of the safety, health and welfare of~~
71 ~~the public.~~

72 Section 102.8 is hereby created and added to read as follows:

73 ~~Section 102.8 Wind Line. 1-75 is hereby established as the physical landmark of~~
74 ~~the wind speed line for the City of Gainesville. All structures constructed East of the~~
75 ~~established line shall be designed for 100 MPH. All structures constructed West of the~~
76 ~~line shall be designed for 110 MPH. Interpolation shall be allowed.~~

77 Section 103 is hereby created and added to read as follows:

78 ~~Section 103. Building Inspection Department~~

79 ~~103.1 Establishment. There is hereby established a department to be called the~~
80 ~~Building Inspection Department and the person in charge shall be known as the~~
81 ~~Building Official.~~

82 ~~103.2 Records. The Building Official shall keep, or cause to be kept, a record of~~
83 ~~the business of the department. The records of the department shall be open to~~
84 ~~public inspection as required by law.~~

85 Sections 104.1 through 104.6 are hereby created and added to read as follows:

86 ~~104.1 General. The building official is hereby authorized and directed to enforce~~
87 ~~the provisions of this code. The building official shall have the authority to render~~
88 ~~interpretations of this code and to adopt policies and procedures in order to clarify the~~
89 ~~application of its provisions. Such interpretations, policies and procedures shall be in~~

90 compliance with the intent and purpose of this code, and shall not have the effect of
91 waiving requirements specifically provided for in this code.

92 *~~104.2 Right of entry~~*

93 ~~104.2.1 Whenever necessary to make an inspection to enforce any of the~~
94 ~~provisions of this code, or whenever the building official has reasonable cause to~~
95 ~~believe that there exists in any building or upon any premises any condition or~~
96 ~~code violation which makes such building, structure, premises, electrical, gas,~~
97 ~~mechanical or plumbing systems unsafe, dangerous or hazardous, the building~~
98 ~~official may enter such building, structure or premises at all reasonable times to~~
99 ~~inspect the same or to perform any duty imposed upon the building official by~~
100 ~~this code. If such building or premises are occupied, the building official shall first~~
101 ~~present proper credentials and request entry. If such building, structure, or~~
102 ~~premises are unoccupied, the building official shall first make a reasonable effort~~
103 ~~to locate the owner or other persons having charge or control of such and~~
104 ~~request entry. If entry is refused, the building official shall have recourse to every~~
105 ~~remedy provided by law to secure entry.~~

106 ~~104.2.2 When the building official shall have first obtained a proper inspection~~
107 ~~warrant or other remedy provided by law to secure entry, no owner or occupant~~
108 ~~or any other persons having charge, care or control of any building, structure, or~~
109 ~~premises shall fail or neglect, after proper request is made as herein provided, to~~
110 ~~promptly permit entry therein by the building official for the purpose of~~
111 ~~inspection and examination pursuant to this code.~~

112 ~~104.3 Stop work orders. Upon notice from the building official, work on any~~
113 ~~building, structure, electrical, gas, mechanical or plumbing system that is being done~~
114 ~~contrary to the provisions of this code or in a dangerous or unsafe manner, shall~~
115 ~~immediately cease. Such notice shall be in writing and shall be given to the owner of the~~
116 ~~property, or to his agent, or to the person doing the work, and shall state the conditions~~
117 ~~under which work may be resumed. Where an emergency exists, the building official~~
118 ~~shall not be required to give a written notice prior to stopping the work.~~

119 ~~104.4 Revocation of permits. The building official is authorized to suspend or~~
120 ~~revoke a permit issued under the provisions of this code whenever the permit is issued~~
121 ~~in error or on the basis of incorrect, inaccurate or incomplete information, or in~~
122 ~~violation of any ordinance or regulation or any provisions of this code.~~

123 ~~104.4.1 Misrepresentation of application. The building official may revoke a~~
124 ~~permit or approval, issued under the provisions of this code, in case there has~~

125 ~~been any false statement or misrepresentation as to the material fact in the~~
126 ~~application or plans on which the permit or approval was based.~~

127 ~~104.4.2 Violation of code provisions. The building official may revoke a permit~~
128 ~~upon determination by the building official that the construction, erection,~~
129 ~~alteration, repair, moving, demolition, installation, or replacement of the~~
130 ~~building, structure, electrical, gas, mechanical or plumbing systems for which the~~
131 ~~permit was issued is in violation of, or not in conformity with, the provisions of~~
132 ~~this code.~~

133 ~~104.5 Unsafe buildings or systems. All buildings, structures, electrical, gas,~~
134 ~~mechanical or plumbing systems which are unsafe, unsanitary, or do not provide~~
135 ~~adequate egress, or which constitute a fire hazard, or are otherwise dangerous to~~
136 ~~human life, or which in relation to existing use, constitute a hazard to safety or health,~~
137 ~~are considered unsafe buildings or service systems. All such unsafe buildings, structures~~
138 ~~or service systems are hereby declared illegal and shall be abated by repair and~~
139 ~~rehabilitation or by demolition in accordance with the provisions of the Code of~~
140 ~~Ordinances.~~

141 ~~104.6 Requirements not covered by code. Any requirements necessary for the~~
142 ~~strength, stability or proper operation of any existing or proposed building, structure,~~
143 ~~electrical, gas, mechanical or plumbing system, or for the public safety, health and~~
144 ~~general welfare, not specifically covered by this or other technical codes, shall be~~
145 ~~determined by the building official.~~

146 ~~Section 105.1, is hereby amended to read as follows:~~

147 ~~105.1 When required. Any owner, authorized agent, or contractor who desires to~~
148 ~~construct, enlarge, alter, repair, move, demolish, or change the occupancy or occupant~~
149 ~~content of a building or structure, or any outside area being used as part of the~~
150 ~~building's designated occupancy (single or mixed) or to erect, install, enlarge, alter,~~
151 ~~repair, remove, convert or replace any electrical, gas, mechanical or plumbing system,~~
152 ~~the installation of which is regulated by the technical codes, or to cause any such work~~
153 ~~to be done, shall first make application to the building official and obtain the required~~
154 ~~permit for the work.~~

155 ~~Section 105.2 is hereby amended to read as follows:~~

156 ~~105.2 Work exempt from permit. Exemptions from permit requirements of this~~
157 ~~code shall not be deemed to grant authorization for any work to be done in any manner~~
158 ~~in violation of the provisions of this code. Permits shall not be required for the~~
159 ~~following:~~

- 160 ~~1. Permits shall not be required for the following mechanical work.~~
- 161 ~~1.1 Any portable heating appliance;~~
- 162 ~~1.2 any portable ventilation equipment;~~
- 163 ~~1.3 any portable cooling unit;~~
- 164 ~~1.4 any steam, hot or chilled water piping within any heating or cooling equipment~~
- 165 ~~regulated by this code.~~
- 166 ~~1.5 replacement of any part which does not alter its approval or make it unsafe;~~
- 167 ~~1.6 any portable evaporative cooler;~~
- 168 ~~1.7 any self-contained refrigeration system containing 10 lb (4.54 kg) or less of~~
- 169 ~~refrigerant and actuated by motors of 1 horsepower (746 W) or less; and~~
- 170 ~~1.8 the installation, replacement, removal, or metering of any load management~~
- 171 ~~control device.~~

172 ~~2. Permits shall not be required for the following work.~~

- 173 ~~2.1 Pre-engineered and pre-manufactured structures of 100 square feet or less only in~~
- 174 ~~single family residential and residential conservation zoning districts; and~~
- 175 ~~2.2 Individual doll houses, play houses, animal or bird houses that are neither to be~~
- 176 ~~used for human habitation, i.e., a place of permanent or temporary residence, nor~~
- 177 ~~storage as a principal use.~~

178 ~~Section 105.3.2, is hereby amended to read as follows:~~

179 ~~*105.3.2 Time Limitations.* Except as otherwise provided, an application for a~~

180 ~~permit for any proposed work shall be deemed to have been abandoned, and shall~~

181 ~~expire by limitation and become null and void 180 consecutive days after the date of~~

182 ~~filing for the permit, unless before then a permit has been issued. One or more~~

183 ~~extensions of time for periods of not more than 90 consecutive days each may be~~

184 ~~allowed by the building official for the application, provided the extension is requested~~

185 ~~in writing and justifiable cause is demonstrated.~~

186 ~~Section 105.4.1 is hereby created and added to read as follows.~~

187 ~~*105.4.1 Permit limitations.* A permit issued shall be construed to be a license to~~

188 ~~proceed with the work and not as authority to violate, cancel, alter or set aside any of~~

189 ~~the provisions of the technical codes, nor shall issuance of a permit prevent the building~~

190 ~~official from thereafter requiring a correction of errors in plans, construction, or~~

191 ~~violations of this code. Except as provided below, every permit issued shall become~~

192 ~~invalid unless the work authorized by such permit is commenced within 180 consecutive~~

193 ~~days after its issuance, or if the work authorized by such permit is suspended or~~

194 ~~abandoned for a period of 180 consecutive days after the time the work is commenced.~~
195 ~~Failure to obtain an approved inspection within 180 consecutive days of the previous~~
196 ~~approved inspection shall constitute suspension or abandonment. One or more~~
197 ~~extensions of time, for periods not more than 180 consecutive days each, may be~~
198 ~~allowed by the building official for the permit, provided the extension is requested in~~
199 ~~writing and justifiable cause is demonstrated prior to the expiration date. The building~~
200 ~~official shall record the extension of time granted.~~

201 ~~Section 105.4.1.2 is hereby created and added to read as follows:~~

202 ~~105.4.1.2 If a new permit is not obtained within 180 consecutive days from the~~
203 ~~date the initial permit became null and void, was revoked, or abandoned, the building~~
204 ~~official is authorized to require that any work which has been commenced or completed~~
205 ~~be removed from the building site. Alternately, a new permit may be issued on~~
206 ~~application, providing the work in place and required to complete the structure meets~~
207 ~~all applicable regulations in effect at the time the initial permit became null and void,~~
208 ~~was revoked, or abandoned, and any regulations which may have become effective~~
209 ~~between the date of expiration and the date of issuance of the new permit.~~

210 ~~Section 105.4.1.3 is hereby created and added to read as follows:~~

211 ~~105.4.1.3. Work shall be considered to be in active progress when the permit has~~
212 ~~received an approved inspection within 180 consecutive days; however, in all cases a~~
213 ~~building permit issued for a structure classified as residential, as described in chapter 3~~
214 ~~of the Florida Building Code (2004), shall be closed, all work completed, and a certificate~~
215 ~~of occupancy issued within two and one half years or 30 consecutive months from the~~
216 ~~date of initial issuance of the permit. In all cases a building permit issued for a structure~~
217 ~~classified as other than residential, per chapter 3 of the Florida Building Code (2004),~~
218 ~~shall be closed, all work completed, and a certificate of occupancy issued within three~~
219 ~~years or 36 consecutive months from date of initial issuance of the permit. In the event~~
220 ~~said buildings are not completed, the permit shall expire and be deemed null and void,~~
221 ~~and no further work shall be permitted under said permit. This provision shall not be~~
222 ~~applicable in case of civil commotion or strike or when the building work is halted due~~
223 ~~directly to judicial injunction, order, or similar process.~~

224 ~~Section 105.4.1.4 is hereby created and added to read as follows:~~

225 ~~105.4.1.4 The fee for renewal, re-issuance and extension of a permit shall be set~~
226 ~~forth in Appendix A to the City of Gainesville Code of Ordinances.~~

227 ~~Section 105.4.1.5 is hereby created and added to read as follows:~~

228 ~~105.4.1.5 Except as provided in this section, permits issued for the demolition of~~
229 ~~a structure shall expire sixty (60) consecutive days from the date of issuance unless work~~
230 ~~has commenced on the site. In the case of a permit issued for demolition of a structure~~
231 ~~that has a currently pending notice of violation or order to repair or demolish the~~
232 ~~structure issued under Chapter 16 of the City of Gainesville Code of Ordinances or an~~
233 ~~outstanding order of the Code Enforcement Board requiring such, the permit shall~~
234 ~~expire 14 consecutive days from the date of issuance unless work has commenced on~~
235 ~~the site. For a justifiable cause, one (1) extension of time for a period not 12 exceeding~~
236 ~~thirty (30) consecutive days may be allowed. Such request shall be submitted in writing~~
237 ~~to the building official prior to the expiration of the demolition permit.~~

238 Section 105.12 is hereby created and added to read as follows.

239 ~~105.12 Work starting before permit issuance. My person who commences any~~
240 ~~work on a building, structure, electrical, gas, mechanical or plumbing system before~~
241 ~~obtaining the building official's approval or the necessary permits shall be subject to a~~
242 ~~penalty of 100 percent of the usual permit fee in addition to the required permit fees or~~
243 ~~as provided by Appendix A of the City of Gainesville Code of Ordinances. This provision~~
244 ~~shall not apply to emergency work when delay would clearly have placed life or property~~
245 ~~in imminent danger. But in all such causes the required permit(s) must be obtained~~
246 ~~within three business days and any unreasonable delay in obtaining those permit(s) shall~~
247 ~~result in the charge of a double fee. The payment of a double fee shall not preclude or~~
248 ~~be deemed a substitute for prosecution for commencing work without first obtaining a~~
249 ~~permit nor preclude the imposition of any other remedy or penalty provided by law. The~~
250 ~~building official may grant extensions of time or waive fees when justifiable cause has~~
251 ~~been demonstrated in writing.~~

252 Section 105.15 is hereby created and added to read as follows:

253 ~~105.15 Schedule of permit fees. On all buildings, structures, electrical, plumbing,~~
254 ~~mechanical and gas systems or alterations requiring a permit, a fee for each permit shall~~
255 ~~be paid as required at the time of filing application, in accordance with the schedule as~~
256 ~~established by Appendix A to the City Code.~~

257 Section 106.1.2 is hereby created and added to read as follows:

258 ~~106.1.2 Additional data. The building official shall be allowed to require details,~~
259 ~~computations, stress diagrams, and other data necessary to describe the construction or~~
260 ~~installation and basis of calculations.~~

261 Section 106.1.3 is hereby created and added to read as follows:

262 ~~106.1.3 Site drawings.~~ Drawings shall show the location of the proposed building
263 ~~or structure and of every existing building or structure on the site or lot. The building~~
264 ~~official shall be permitted to require a boundary line survey prepared by a qualified~~
265 ~~surveyor.~~

266 Section 106.3.3 is hereby created and added to read as follows:

267 106.3.3 Hazardous occupancies. The building official may require the following:

268 1. ~~General site plan.~~ A general site plan drawn at a legible scale which shall include, but
269 ~~not be limited to, the location of all buildings, exterior storage facilities, permanent~~
270 ~~access ways, evacuation routes, parking lots, internal roads, chemical loading areas,~~
271 ~~equipment cleaning areas, storm and sanitary sewer accesses, emergency equipment~~
272 ~~and adjacent property uses. The exterior storage areas shall be identified with the~~
273 ~~hazard classes and the maximum quantities per hazard class of hazardous materials~~
274 ~~stored.~~

275 2. ~~Building floor plan.~~ A building floor plan drawn to a legible scale, which shall include,
276 ~~but not be limited to, all hazardous materials storage facilities within the building and~~
277 ~~shall indicate rooms, doorways, corridors, exits, fire rated assemblies with their hourly~~
278 ~~rating, location of liquid tight rooms, and evacuation routes.~~

279 ~~Each hazardous materials storage facility shall be identified on the plan~~
280 ~~with the hazard classes and quantity range per hazard class of the~~
281 ~~hazardous materials stored.~~

282 Section 109.3 is amended by adding a new subsection entitled "Site Debris" to
283 read as follows:

284 1. ~~The contractor and/or owner of any active or inactive construction project shall be~~
285 ~~responsible for the cleanup and removal of all construction debris or any other~~
286 ~~miscellaneous discarded articles prior to receiving final inspection approval.~~
287 ~~Construction job sites must be kept clean, such that accumulation of construction~~
288 ~~debris must not remain on the property for a period of time exceeding 14 consecutive~~
289 ~~days.~~

290 2. ~~All debris shall be kept in such a manner as to prevent it from being spread by any~~
291 ~~means.~~

292 Sections 109.7 through 109.9 are hereby created and added to read as follows:

293 109.7 Existing building inspections. Before issuing a permit, the building official
294 ~~may examine or cause to be examined any building, electrical, gas, mechanical, or~~
295 ~~plumbing systems for which an application has been received for a permit to enlarge,~~
296 ~~alter, repair, move demolish, install, or change the occupancy. The building official shall~~

297 inspect all buildings, structures, electrical, gas, mechanical and plumbing systems, from
298 time to time, during and upon completion of the work for which a permit was issued.
299 The building official shall make a record of every such examination and inspection and
300 of all violations of the technical codes.

301 ~~109.8 Manufacturers and fabricators.~~ When deemed necessary by the building
302 official, the building official shall make, or cause to be made, an inspection of materials
303 or assemblies at the point of manufacture or fabrication. A record shall be made of
304 every such examination and inspection and of all violations of the technical codes.

305 ~~109.9 Inspection service.~~ The building official may make, or cause to be made,
306 the inspections required by Section 109. He or she may accept reports of department
307 inspectors, independent inspectors or of recognized inspection services, provided that
308 after investigation he/she is satisfied as to their licensure, qualifications and reliability. A
309 certificate required by any provision of this code shall not be based on such reports
310 unless the same are recorded by the building code inspector or the architect or engineer
311 performing building code inspections in a manner specified by the building official. The
312 building official shall ensure that all persons making such inspections shall be certified in
313 accordance to Chapter 468, Florida Statutes.

314 Section 110.2 is hereby amended to read as follows.

315 ~~110.2 Issuing Certificate of Occupancy.~~ Upon completion of construction of a
316 building or structure and installation of electrical, gas, mechanical and plumbing systems
317 in accordance with the technical codes, reviewed plans and specifications, and after the
318 final inspection, and after verification that all other permits have received an approved
319 final inspection where applicable, the building official shall issue a Certificate of
320 Occupancy stating:

- 321 ~~1. The building permit number.~~
- 322 ~~2. The address of the structure.~~
- 323 ~~3. The name and address of the owner.~~
- 324 ~~4. A description of that portion of the structure for which the certificate is issued.~~
- 325 ~~5. A statement that the described portion of the structure has been inspected for~~
326 ~~compliance with the requirements of this code for the occupancy and divisions of~~
327 ~~occupancy and the use for which the proposed occupancy is classified.~~
- 328 ~~6. The name of the building official.~~
- 329 ~~7. The edition of the code under which the permit was issued.~~
- 330 ~~8. The use and occupancy, in accordance with the provisions of Chapter 3.~~

- 331 ~~9. The type of construction as defined in Chapter 6.~~
332 ~~10. The design occupant load.~~
333 ~~11. If an automatic sprinkler system is provided, whether the sprinkler system is required.~~
334 ~~12. Any special stipulations and conditions of the building permit.~~

335 Section 112.1 is hereby created and added to read as follows:

336 ~~112.1 For products not covered under the statewide product evaluation and~~
337 ~~approval system, the building official may require tests or test reports as proof of~~
338 ~~compliance. Required tests are to be made at the expense of the owner, or his agent, by~~
339 ~~an approved testing laboratory or other approved agency.~~

340 ~~Sec. 6-4. Exception to Alachua County land development road impact fee.~~

341 ~~(a) The city commission finds that the imposition of the Alachua County land development~~
342 ~~road impact fee in district 3 as described in the Alachua County "Road Impact Fee~~
343 ~~Administrative Procedures Manual" (district 3) is detrimental to and in conflict with the~~
344 ~~city's policies and goals relating to economic development, infill and redevelopment of~~
345 ~~slum and blighted areas, development in enterprise zones, multi-modal traffic access, and~~
346 ~~industrial/commercial development and redevelopment; and that exempting district 3 of~~
347 ~~the city from the road impact fee will promote the city's policies and goals and discourage~~
348 ~~urban sprawl.~~

349 ~~(b) The city manager or designee shall issue a building permit or mobile home permit for~~
350 ~~property within the limits of the city located in district 3 without complying with the~~
351 ~~requirements imposed by the Alachua County land development road impact fee~~
352 ~~ordinance.~~

353 ~~(c) The city manager or designee shall approve electrical energizing for property within the~~
354 ~~limits of the city located in district 3 without complying with the requirements imposed by~~
355 ~~the Alachua County land development road impact fee ordinance.~~

356 ~~(d) As of the effective date of this ordinance, the "fee payer", as that term is defined in the~~
357 ~~Alachua County land development road impact fee ordinance, shall not be required to~~
358 ~~comply with the Alachua County land development road impact fee ordinance with regard~~
359 ~~to any land development activity taking place within the boundaries of district 3 in the city.~~

360 ~~(e) Neither the city manager or designee nor the "fee payer", as that term is defined in the~~
361 ~~Alachua County land development road impact fee ordinance, nor any other person~~
362 ~~owning or developing land within the limits of the city located in district 3 shall be subject~~
363 ~~to any penalty provided for by the Alachua County land development road impact fee~~
364 ~~ordinance for acts or omissions in accordance with this section.~~

365 ~~ARTICLE I.5. GAINESVILLE GREEN BUILDING PROGRAM~~

366 ~~Sec. 6-5. Definitions.~~

367 ~~The following words, terms and phrases, when used in this chapter, shall have~~
368 ~~the meanings ascribed to them in this section, except where the context clearly~~
369 ~~indicates a different meaning.~~

370 ~~City means the City of Gainesville, Florida.~~

371 ~~City commission means the City Commission of the City of Gainesville, Florida.~~

372 ~~City-owned civic or office construction project means city-owned buildings~~
373 ~~providing a public gathering place or office facilities.~~

374 ~~Construction means any project associated with the creation, development, or~~
375 ~~erection of any building eligible for the program.~~

376 ~~FGBC means the Florida Green Building Coalition.~~

377 ~~GHDS means the Green Home Designation Standard of the Florida Green~~
378 ~~Building Coalition.~~

379 ~~Green building means generally the resource efficient design, construction, and~~
380 ~~operation of buildings by employing environmentally sensible construction practices,~~
381 ~~systems, and materials.~~

382 ~~Independent or independent of the city means not employed by, or acting as~~
383 ~~agents of, the city.~~

384 ~~L.E.E.D. 2.0 means the Leadership in Energy and Environmental Design Rating~~
385 ~~System, Version 2.0, of the U.S. Green Building Council.~~

386 ~~Municipal means owned by the city.~~

387 ~~Private means property not owned by the city.~~

388 ~~Program means the city green building program.~~

389 ~~Program certification means the final designation awarded to a program~~
390 ~~participant for satisfying all requirements associated with the program for a particular~~
391 ~~project.~~

392 ~~Program participant means any person or entity seeking program certification~~
393 ~~for a particular project.~~

394 ~~Project means any construction associated with the creation, development, or~~
395 ~~erection of any building eligible for the program.~~

396 ~~Project application form means the form submitted to the building inspection~~
397 ~~department indicating that a program participant is interested in participating in the~~
398 ~~program for a particular project.~~

399 ~~Sub-program means any area of construction covered by the program.~~

400 ~~USGBC means the U.S. Green Building Council.~~

401 ~~Sec. 6-6. Intent and purpose.~~

402 ~~The purpose of the program shall be to provide the city community with a~~
403 ~~certification-based "green building" program. It is expected that city owned civic or~~
404 ~~office construction projects will follow the program guidelines, upon review by the city~~
405 ~~commission. This program will be voluntary for all others. This program will promote~~
406 ~~sustainable and environmentally friendly practices of construction and design.~~

407 ~~Sec. 6-7. Designation of responsibility for administration and implementation.~~

408 ~~The program shall be jointly administered by the building inspection department~~
409 ~~and city regional utilities, which shall be responsible for:~~

410 ~~(1) Funding the program through annual funds budgeted and appropriated by the city~~
411 ~~commission;~~

412 ~~(2) Marketing the program to the Gainesville community by any reasonably effective~~
413 ~~means, including but not limited to print advertising, press releases, television~~
414 ~~advertising, or advertising in monthly mailers;~~

415 ~~(3) Developing any appropriate or necessary application procedures, including but not~~
416 ~~limited to, the program application form;~~

417 ~~(4) Providing an incentive award to any program participant who has successfully satisfied~~
418 ~~the requirements associated with that incentive; and~~

419 ~~(5) Resolving disputes that may arise from implementing the program.~~

420 ~~Sec. 6-8. Program.~~

421 ~~(a) For all non-city projects, the program shall be voluntary.~~

422 ~~(b) For any city owned civic or office construction project, the city is expected to participate in~~
423 ~~the program unless the city commission determines that the cost (e.g., time, function, or~~
424 ~~funding) associated with participating in the program significantly outweighs the benefits~~
425 ~~of participating in the program to the city.~~

426 ~~(c) The city manager and the general manager for utilities or their designees shall develop~~
427 ~~policies and procedures to implement the green building program.~~

428 ~~Sec. 6-9. Scope.~~

429 ~~The program shall be administered on a per unit basis. For the purpose of this~~
430 ~~section of the program, "per unit" means each unit built, except that any multi-family~~
431 ~~dwelling or similarly clustered structure may count as one unit, as determined by the~~
432 ~~city manager or general manager for utilities or their designee(s).~~

433 ~~Sec. 6-10. Coverage.~~

434 ~~The program shall be comprised of the following sub-programs:~~

435 ~~(1) New residential construction;~~

436 ~~(2) Residential retrofitting/remodeling;~~

437 ~~(3) New commercial/non-city construction, not including any expansions or remodeling;~~
438 ~~and~~

439 ~~(4) City owned civic or office construction, not including any expansions or remodeling.~~

440 ~~Sec. 6-11. Standards.~~

441 ~~The program shall be administered using standards developed by the city for~~
442 ~~certification of retrofitting/remodeling of existing residential units and standards~~
443 ~~developed by 1) the Florida Green Building Coalition and 2) the U.S. Green Building~~
444 ~~Council for certification of all other building certifications. These standards shall apply to~~
445 ~~each sub-program as follows:~~

446 ~~(1) GHDS. For any program participant seeking program certification for new residential~~
447 ~~construction the program participant must satisfy all of the requirements associated~~
448 ~~with the current Green Home Designation Standard of the FGBC, including but not~~
449 ~~limited to, any monetary or certification requirements. For the purpose of this section~~
450 ~~of the program, "current" means at the time a program participant submits a project~~
451 ~~application form with the building inspection department. A set of standards~~
452 ~~developed by the city will be used for certification of residential~~
453 ~~retrofitting/remodeling.~~

454 ~~(2) L.E.E.D. 2.0. For any program participant seeking program certification for new~~
455 ~~commercial/non-city construction or new municipal civic or office construction, the~~
456 ~~program participant must satisfy all of the requirements associated with the L.E.E.D.~~
457 ~~2.0, including but not limited to any monetary or certification requirements.~~

458 ~~(3) Review. For the purpose of this section of the program, a program participant shall be~~
459 ~~bound by the standard designated for a particular sub-program unless the program~~

460 participant both requests to be certified under a more current version of a designated
461 standard and the request is approved by the city department responsible for
462 administering the particular program.

463 ~~Sec. 6-12. Incentives.~~

464 The program shall consist of incentives designed to encourage the use of the
465 program.

466 (1) ~~All sub programs.~~ For any program participant seeking program certification for new
467 residential construction, residential retrofitting/remodeling, new commercial/non-city
468 construction, or new city owned civic or office construction, the city's general
469 government shall provide the following incentives:

470 a. ~~Fast track permitting for building permits.~~

471 b. ~~Reduced permitting fee, which shall equal 50 percent of the fee required for a~~
472 ~~non-program participant, subject to availability of funds; if program participant is~~
473 ~~building in a designated enterprise zone, then the reduced permitting fee shall be~~
474 ~~50 percent off the usual permitting fee in the enterprise zone.~~

475 c. ~~For one and two family residential projects, there shall be reduced building permit~~
476 ~~fee, which shall equal 75 percent of the fee required for a non-program~~
477 ~~participant.~~

478 d. ~~For all projects other than one and two family residential projects, there shall be a~~
479 ~~reduced development plan review fee, which shall equal 50 percent of the fee~~
480 ~~required for a non-program participant.~~

481 (2) ~~Sub program of retrofitting/remodeling.~~ Any program participant meeting program
482 certification criteria for multi-family residential retrofitting/remodeling, shall be
483 eligible for the following incentives provided by GRU.

484 a. ~~A cash renovation incentive, subject to availability of funds; and~~

485 b. ~~A solar water heater incentive, subject to availability of funds and meeting other~~
486 ~~solar rebate program requirements.~~

487 (3) ~~Marketing for all sub programs.~~ For any program participant seeking program
488 certification for new residential construction, residential retrofitting/remodeling, new
489 commercial/non-municipal construction, or new city owned civic or office construction
490 projects, the city's general government shall provide the following marketing
491 incentives, including but not limited to:

492 a. ~~The erection of building site signs designating a project under the program;~~

493 b. ~~The inclusion of program participants on a city webpage dedicated to the~~
494 ~~program;~~

495 ~~e. The creation of promotional packages such as a program logo for a program~~
496 ~~participant's advertisements or brochures;~~

497 ~~d. Press releases; and~~

498 ~~e. Information about available financial programs, including but not limited to, those~~
499 ~~associated with Fannie Mae/Freddie Mac.~~

500 ~~(4) Green building award. For the purpose of publicly recognizing outstanding~~
501 ~~commitment to "green building," the program shall provide for an award called the~~
502 ~~"green building award" to be awarded annually by the city's general government to~~
503 ~~one program participant in each sub-program.~~

504 ~~Sec. 6-13. Certification.~~

505 ~~The program shall be subject to certification by a qualified third party who has~~
506 ~~been trained and certified as a green building rater. For the purpose of this section of~~
507 ~~the program, "third party" means any person or entity authorized by the FGBC or the~~
508 ~~USGBC to verify that a program participant has satisfied any or all of the requirements~~
509 ~~associated with the standard designated for a particular project.~~

510 ~~Sec. 6-14. Training.~~

511 ~~The building inspection department in conjunction with FGBC shall conduct at~~
512 ~~least one training workshop per year for the purpose of educating potential or current~~
513 ~~program participants about the program.~~

514 ~~Sec. 6-15. Program review.~~

515 ~~(a) Staff review. The building inspection department shall initiate a review of the program with~~
516 ~~the assistance of GRU as necessary to determine the need for changes in the program to~~
517 ~~increase its effectiveness.~~

518 ~~(b) Frequency. The program shall be subject to review one year after the effective date of this~~
519 ~~ordinance and thereafter at a frequency of no more than once per year.~~

520 ~~(c) Purpose. The purpose of reviewing the program includes but is not limited to updating~~
521 ~~program incentives, recommending program or marketing changes to the city, reviewing~~
522 ~~suggestions made by program participants, and annually awarding the green building~~
523 ~~award in accordance with section 6-12(d) of the program.~~

524

525 ~~ARTICLE II. BUILDING CODE~~

526 ~~Sec. 6-16. Local administrative amendments to the Florida Building Code.~~

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

529 ~~107.6.1 Building permits issued on the basis of an affidavit.~~ Pursuant to the
530 requirements of federal regulation for participation in the National Flood
531 Insurance Program (44 CFR Sections 59 and 60), the authority granted to the
532 Building Official to issue permits, to rely on inspections, and to accept plans and
533 construction documents on the basis of affidavits and plans submitted pursuant
534 to Section 105.14 and Section 107.6, shall not extend to the flood load and flood
535 resistance construction requirements of the *Florida Building Code*.

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

538 **SECTION 117 VARIANCES IN FLOOD HAZARD AREAS**

539 ~~117.1 Flood hazard areas.~~ Pursuant to Section 553.73(5), F.S., the variance
540 procedures adopted in the local floodplain management ordinance shall apply to
541 requests submitted to the Building Official for variances to the provisions of
542 Section 1612.4 of the *Florida Building Code, Building* or, as applicable, the
543 provisions of R322 of the *Florida Building Code, Residential*. This section shall not
544 apply to Section 3109 of the *Florida Building Code, Building*.

545 ~~Sec. 6-17. Local technical amendments to the Florida Building Code.~~

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

547 ~~R322.2.1 Elevation requirements.~~

548 ~~1. Buildings and structures in flood hazard areas not designated as Coastal A Zones~~
549 ~~shall have the lowest floors elevated to or above the base flood elevation plus 1~~
550 ~~foot or the design flood elevation, whichever is higher.~~

551 ~~2. In areas of shallow flooding (AO Zones), buildings and structures shall have the~~
552 ~~lowest floor (including basement) elevated at least as high above the highest~~
553 ~~adjacent grade as the depth number specified in feet on the FIRM plus 1 foot, or~~
554 ~~at least 3 feet if a depth number is not specified.~~

555 ~~3. Basement floors that are below grade on all sides shall be elevated to or above the~~
556 ~~base flood elevation plus 1 foot or the design flood elevation, whichever is higher.~~

557 ~~Exception: Enclosed areas below the design flood elevation, including basements~~
558 ~~whose floors are not below grade on all sides, shall meet the requirements of~~
559 ~~Section R322.2.2.~~

560 ~~Sec. 6-18. Reserved.~~

561 ~~Sec. 6-19. Waiting period for certain demolition permits.~~

562 ~~(a) Permits to demolish structures which have a Florida master site file and/or are 45 years of~~
563 ~~age or older shall not be issued until the expiration of 90 days from the date of the permit~~
564 ~~application. The purpose of this restriction shall be to enable the historic preservation~~
565 ~~board to pursue alternatives to demolition and to assemble and document information~~
566 ~~pertaining to the appearance and history of the structure prior to its demolition. Upon the~~
567 ~~filing with the city manager or designee of an application to demolish a structure which has~~
568 ~~a Florida master site file and/or is 45 years of age or older, the city manager or designee~~
569 ~~shall immediately notify the historic preservation planner.~~

570 ~~(b) A demolition permit for a structure that has a Florida master site file and/or is 45 years of~~
571 ~~age or older may not be issued prior to the expiration of 90 days from the date of the~~
572 ~~demolition permit application unless the city historic preservation planner finds no cause~~
573 ~~to refer the permit application to the historic preservation board based on the following~~
574 ~~standards:~~

575 ~~(1) The structure:~~

576 ~~a. Is not located in a historic neighborhood as identified by the ERLA Survey, entitled~~
577 ~~*City of Gainesville Comprehensive Preservation and Conservation Plan*, available in~~
578 ~~the department of planning and development services; and~~

579 ~~b. Is not, in the opinion of the historic preservation planner, a "landmark" structure~~
580 ~~in that it is not designed in an architectural "high style" or a recognized vernacular~~
581 ~~building pattern, and it does not have historic events or persons associated with it;~~
582 ~~or~~

583 ~~(2) The structure has been substantially burned or damaged by an event not within the~~
584 ~~landowner's control with more than 50 percent of the structure affected.~~

585 ~~(c) If the demolition request does not meet the above standards and the delay is imposed, the~~
586 ~~application will be referred by the historic preservation planner to the historic preservation~~
587 ~~board for consideration, and the applicant will be notified by mail of the delay and the date~~
588 ~~of the next regularly scheduled historic preservation board meeting not less than ten days~~
589 ~~after the referral, and the process for appeal due to economic hardship. The historic~~
590 ~~preservation board and its authorized designees shall be permitted access to the premises~~
591 ~~and to the subject structure during the 90-day period at reasonable times by appointment~~
592 ~~with the owner or proprietor for the purpose of photographing, measuring, and~~
593 ~~documenting information concerning the structure or site.~~

594 ~~(d) At the next regularly scheduled meeting not less than ten days after the referral is~~
595 ~~received, the historic preservation board may waive the demolition delay if the applicant~~
596 ~~can demonstrate economic hardship, with consideration given to the economic impact of~~