

LEGISLATIVE #

210195A

1 **ORDINANCE NO. 210195**

2 **An ordinance of the City of Gainesville, Florida, amending the Land Development**
3 **Code (Chapter 30 of the City of Gainesville Code of Ordinances) relating to**
4 **floodplain management regulations provided in Sections 30-8.23 through 30-**
5 **8.38; providing directions to the codifier; providing a severability clause;**
6 **providing a repealing clause; and providing an effective date.**

7
8 **WHEREAS**, the Municipal Home Rule Powers Act, Chapter 166, Florida Statutes, secures for
9 municipalities the broad exercise of home rule powers granted by Article VIII, Section 2 of the
10 Florida Constitution, including the exercise of any power for municipal purposes not expressly
11 prohibited by law; and

12 **WHEREAS**, Sections 163.3167 and 163.3177(1), Florida Statutes, requires the City of Gainesville
13 to maintain a Comprehensive Plan to guide the future development and growth of the city by
14 providing the principles, guidelines, standards, and strategies for the orderly and balanced future
15 economic, social, physical, environmental, and fiscal development of the city; and

16 **WHEREAS**, the City of Gainesville is required by Section 163.3202, Florida Statutes, to adopt or
17 amend and enforce land development regulations that are consistent with and implement the
18 Comprehensive Plan, and that are combined and compiled into a single land development code
19 for the city (the City of Gainesville’s Land Development Code is Chapter 30 of the Code of
20 Ordinances); and

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

24 **WHEREAS**, the Federal Emergency Management Agency released FEMA Policy #104-008-003
25 Floodplain Management Requirements for Agriculture Structures and Accessory Structures; and

26 **WHEREAS**, the City Commission has determined it appropriate to adopt regulations that are
27 consistent with the FEMA Policy to allow issuance of permits for wet floodproofed accessory
28 structures that are not larger than the sizes specified in the FEMA Policy.

29 **WHEREAS**, the City of Gainesville participates in the National Flood Insurance Program and
30 participates in the NFIP's Community Rating System, a voluntary incentive program that
31 recognizes and encourages community floodplain management activities that exceed the
32 minimum program requirements, achieving a CRS rating of Class 7; and

33 **WHEREAS**, in 2020 the NFIP Community Rating System established certain minimum
34 prerequisites for communities to qualify for or maintain class ratings of Class 8 or better and to
35 satisfy the prerequisite and for community to maintain the current CRS rating, all manufactured
36 homes installed or replaced in special flood hazard areas must be elevated such that the lowest
37 floors are at or above at least the base flood elevations plus 1 foot, which necessitates
38 modification of the existing requirements; and

39 **WHEREAS**, the City Commission determined that it is in the public interest to amend the
40 floodplain management regulations to better protect owners and occupants of manufactured
41 homes and to continue participating in the Community Rating System at the current class rating.

42 **WHEREAS**, this ordinance, which was noticed as required by law, will amend the text of the Land
43 Development Code as described herein; and

44 **WHEREAS**, the City Plan Board, which acts pursuant to the authority granted in Section 4.02 of
45 the Charter Laws of the City of Gainesville and which acts as the Local Planning Agency pursuant
46 to Section 163.3174, Florida Statutes, held a public hearing on July 22, 2021, and voted to make
47 a recommendation to the City Commission; and

48 **WHEREAS**, at least ten days' notice has been given once by publication in a newspaper of general
49 circulation notifying the public of this proposed ordinance and of public hearings before the City
50 Commission of the City of Gainesville; and

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

53 **WHEREAS**, the City Commission finds that the Land Development Code text amendment
54 described herein is consistent with the City of Gainesville Comprehensive Plan.

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

56 **FLORIDA:**

57 **SECTION 1.** Sections 30-8.23 through 30-8.38 of Article VIII, Division 5 of the Land Development
58 Code are amended as follows.

59 **DIVISION 5. - FLOODPLAINS**

60 **Sec. 30-8.23. Administration.**

- 61 A. *Title.* These regulations shall be known as the Floodplain Management Ordinance (FPO) of
62 the City of Gainesville, hereinafter referred to as "~~this subdivision.~~ FPO Division 5."
- 63 B. *Scope.* The provisions of ~~this subdivision~~ FPO Division 5 shall apply to all development that is
64 wholly within or partially within any flood hazard area, including but not limited to the
65 subdivision of land; filling, grading, and other site improvements and utility installations;
66 construction, alteration, remodeling, enlargement, improvement, replacement, repair,
67 relocation or demolition of buildings, structures, and facilities that are exempt from the
68 Florida Building Code; placement, installation, or replacement of manufactured homes and
69 manufactured buildings; installation or replacement of tanks; placement of recreational
70 vehicles; installation of swimming pools; and any other development.
- 71 C. *Intent.* The purposes of ~~this subdivision~~ FPO Division 5 and the flood load and flood resistant
72 construction requirements of the Florida Building Code are to establish minimum
73 requirements to safeguard the public health, safety, and general welfare and to minimize
74 public and private losses due to flooding through regulation of development in flood hazard
75 areas to:

- 76 1. Minimize unnecessary disruption of commerce, access and public service during times of
77 flooding;
- 78 2. Require the use of appropriate construction practices in order to prevent or minimize
79 future flood damage;
- 80 3. Manage filling, grading, dredging, mining, paving, excavation, drilling operations, storage
81 of equipment or materials, and other development which may increase flood damage or
82 erosion potential;
- 83 4. Manage the alteration of flood hazard areas, watercourses, and shorelines to minimize
84 the impact of development on the natural and beneficial functions of the floodplain;
- 85 5. Minimize damage to public and private facilities and utilities;
- 86 6. Help maintain a stable tax base by providing for the sound use and development of flood
87 hazard areas;
- 88 7. Minimize the need for future expenditure of public funds for flood control projects and
89 response to and recovery from flood events; and
- 90 8. Meet the requirements of the National Flood Insurance Program for community
91 participation as set forth in the 44 CFR 59.22.
- 92 D. *Coordination with the Florida Building Code.* ~~This subdivision~~ FPO Division 5 is intended to be
93 administered and enforced in conjunction with the Florida Building Code. Where cited, ASCE
94 24 refers to the edition of the standard that is referenced by the Florida Building Code.
- 95 E. *Warning.* The degree of flood protection required by ~~this subdivision~~ FPO Division 5 and the
96 Florida Building Code, as amended by the City of Gainesville, is considered the minimum
97 reasonable for regulatory purposes and is based on scientific and engineering considerations.
98 Larger floods can and will occur. Flood heights may be increased by man-made or natural
99 causes. ~~This subdivision~~ FPO Division 5 does not express or imply that land outside of mapped
100 special flood hazard areas, or that uses permitted within such flood hazard areas, will be free
101 from flooding or flood damage. The flood hazard areas and base flood elevations contained
102 in the flood insurance study and shown on flood insurance rate maps and the requirements
103 of 44 CFR 59 and 60 may be revised by the Federal Emergency Management Agency, requiring
104 the city to revise these regulations to remain eligible for participation in the National Flood
105 Insurance Program. No guaranty of vested use, existing use, or future use is implied or
106 expressed by compliance with ~~this subdivision~~ FPO Division 5.
- 107 F. *Disclaimer of liability.* ~~This subdivision~~ FPO Division 5 shall not create liability on the part of
108 the City of Gainesville or by any officer or employee thereof for any flood damage that occurs,
109 notwithstanding compliance with ~~this subdivision~~ FPO Division 5 or any administrative
110 decision lawfully made thereunder.

111

112 **Sec. 30-8.24. Definitions.**

113 Unless otherwise expressly stated, the following words and terms shall, for the purposes of ~~this~~
114 ~~subdivision~~ FPO Division 5, have the meanings stated in this section. Where terms are not defined
115 in ~~this subdivision~~ FPO Division 5 and are defined in the Florida Building Code, such terms shall
116 have the meanings ascribed to them in the Florida Building Code. Where terms are not defined

117 in ~~this subdivision~~ FPO Division 5 or the Florida Building Code, such terms shall have ordinarily
118 accepted meanings such as the context implies.

119 **Accessory structure** means a structure on the same parcel of property as a principal structure
120 and the use of which is incidental to the use of the principal structure. For the floodplain
121 management purposes, the term includes only accessory structures used for parking and storage.

122 **Alteration of a watercourse** means a dam, impoundment, channel relocation, change in channel
123 alignment, channelization, or change in cross-sectional area of the channel or the channel
124 capacity, or any other form of modification that may alter, impede, retard or change the direction
125 or velocity of the riverine flow of water during conditions of the base flood.

126 **Appeal** means a request for a review of the floodplain administrator's interpretation of any
127 provision of ~~this subdivision~~ FPO Division 5 or a request for a variance.

128 **ASCE 24** means a standard titled Flood Resistant Design and Construction that is referenced by
129 the Florida Building Code. ASCE 24 is developed and published by the American Society of Civil
130 Engineers, Reston, VA.

131 **Base flood** means a flood having a 1% chance of being equaled or exceeded in any given year.
132 The base flood is commonly referred to as the "100-year flood" or the "1% annual chance flood."

133 **Base flood elevation** means the elevation of the base flood, including wave height, relative to
134 the National Geodetic Vertical Datum (NGVD), North American Vertical Datum (NAVD) or other
135 datum specified on the flood insurance rate map (FIRM).

136 **Basement** means the portion of a building having its floor subgrade (below ground level) on all
137 sides.

138 **Design flood** means the flood associated with the greater of the following two areas:
139 1. Area with a floodplain subject to a 1% or greater chance of flooding in any year; or
140 2. Area designated as a flood hazard area on the community's flood hazard map, or
141 otherwise legally designated.

142 **Design flood elevation** means the elevation of the "design flood," including wave height, relative
143 to the datum specified on the community's legally designated flood hazard map. In areas
144 designated as zone AO, the design flood elevation shall be the elevation of the highest existing
145 grade of the building's perimeter plus the depth number (in feet) specified on the flood hazard
146 map. In areas designated as Zone AO where the depth number is not specified on the map, the
147 depth number shall be taken as being equal to two feet.

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

152 **Encroachment** means the placement of fill, excavation, buildings, permanent structures or other
153 development into a flood hazard area which may impede or alter the flow capacity of riverine
154 flood hazard areas.

155 **Existing building and existing structure** mean any buildings and structures for which the "start
156 of construction" commenced before October 1, 1971.

157 ~~**Existing manufactured home park or subdivision** means a manufactured home park or
158 subdivision for which the construction of facilities for servicing the lots on which the
159 manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the
160 construction of streets, and either final site grading or the pouring of concrete pads) is completed
161 before October 1, 1971.~~

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

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

168 **Flood or flooding** means a general and temporary condition of partial or complete inundation of
169 normally dry land from:

- 170 1. The overflow of inland or tidal waters.
- 171 2. The unusual and rapid accumulation or runoff of surface waters from any source.

172 **Flood damage-resistant materials** means any construction material capable of withstanding
173 direct and prolonged contact with floodwaters without sustaining any damage that requires
174 more than cosmetic repair.

175 **Flood hazard area** means the greater of the following two areas:

- 176 1. The area within a floodplain subject to a 1% or greater chance of flooding in any year.
- 177 2. The area designated as a flood hazard area on the community's flood hazard map, or
178 otherwise legally designated.

179 **Flood insurance rate map (FIRM)** means the official map of the community on which the Federal
180 Emergency Management Agency has delineated both special flood hazard areas and the risk
181 premium zones applicable to the community.

182 **Flood insurance study (FIS)** means the official report provided by the Federal Emergency
183 Management Agency that contains the flood insurance rate map, the flood boundary and
184 floodway map (if applicable), the water surface elevations of the base flood, and supporting
185 technical data.

186 **Floodplain administrator** means the office or position designated and charged with the
187 administration and enforcement of ~~this subdivision~~ FPO Division 5 (may be referred to as the
188 floodplain manager).

189 **Floodplain development permit or approval** means an official document or certificate issued by
190 the city, or other evidence of approval or concurrence, which authorizes performance of specific
191 development activities that are located in flood hazard areas and that are determined to be
192 compliant with ~~this subdivision~~ FPO Division 5.

193 **Floodway** means the channel of a river or other riverine watercourse and the adjacent land areas
194 that shall be reserved in order to discharge the base flood without cumulatively increasing the
195 water surface elevation more than one foot.

196 **Floodway encroachment analysis** means an engineering analysis of the impact that a proposed
197 encroachment into a floodway is expected to have on the floodway boundaries and base flood
198 elevations; the evaluation shall be prepared by a qualified Florida licensed engineer using
199 standard engineering methods and models.

200 **Florida Building Code** means the family of codes adopted by the Florida Building Commission,
201 including: Florida Building Code, Building; Florida Building Code, Residential; Florida Building
202 Code, Existing Building; Florida Building Code, Mechanical; Florida Building Code, Plumbing;
203 Florida Building Code, Fuel Gas.

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

209 **Highest adjacent grade** means the highest natural elevation of the ground surface prior to
210 construction next to the proposed walls or foundation of a structure.

211 **Historic structure** means any structure that is determined eligible for the exception to the flood
212 hazard area requirements of the Florida Building Code, Existing Building, Chapter ~~11~~ 12, Historic
213 Buildings.

214 **Letter of map change (LOMC)** means an official determination issued by FEMA that amends or
215 revises an effective flood insurance rate map or flood insurance study. Letters of map change
216 include:

- 217 1. **Letter of map amendment (LOMA):** An amendment based on technical data showing that
218 a property was incorrectly included in a designated special flood hazard area. A LOMA
219 amends the current effective flood insurance rate map and establishes that a specific
220 property, portion of a property, or structure is not located in a special flood hazard area.
- 221 2. **Letter of map revision (LOMR):** A revision based on technical data that may show changes
222 to flood zones, flood elevations, special flood hazard area boundaries and floodway
223 delineations, and other planimetric features.
- 224 3. **Letter of map revision based on fill (LOMR-F):** A determination that a structure or parcel
225 of land has been elevated by fill above the base flood elevation and is, therefore, no
226 longer located within the special flood hazard area. In order to qualify for this
227 determination, the fill shall have been permitted and placed in accordance with the city's
228 floodplain management regulations.
- 229 4. **Conditional letter of map revision (CLOMR):** A formal review and comment as to whether
230 a proposed flood protection project or other project complies with the minimum NFIP
231 requirements for such projects with respect to delineation of special flood hazard areas.
232 A CLOMR does not revise the effective flood insurance rate map or flood insurance study;

233 upon submission and approval of certified as-built documentation, a letter of map
234 revision may be issued by FEMA to revise the effective FIRM.

235 **Light-duty truck** means, as defined in 40 CFR 86.082-2, any motor vehicle rated at 8,500 pounds
236 gross vehicular weight rating or less which has a vehicular curb weight of 6,000 pounds or less
237 and which has a basic vehicle frontal area of 45 square feet or less, which is:

- 238 1. Designed primarily for purposes of transportation of property or is a derivation of such a
239 vehicle;
- 240 2. Designed primarily for transportation of persons and has a capacity of more than 12
241 persons; or
- 242 3. Available with special features enabling off-street or off-highway operation and use.

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

248 **Manufactured home** means a structure, transportable in one or more sections, which is eight
249 feet or more in width and greater than 400 square feet, and which is built on a permanent,
250 integral chassis and is designed for use with or without a permanent foundation when attached
251 to the required utilities. The term "manufactured home" does not include a "recreational vehicle"
252 or "park trailer."

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

255 **Market value** means the price at which a property will change hands between a willing buyer
256 and a willing seller, neither party being under compulsion to buy or sell and both having
257 reasonable knowledge of relevant facts. As used in ~~this subdivision~~ FPO Division 5, the term refers
258 to the market value of buildings and structures, excluding the land and other improvements on
259 the parcel. Market value may be established by a qualified independent appraiser, actual cash
260 value (replacement cost depreciated for age and quality of construction), or tax assessment value
261 adjusted to approximate market value by a factor provided by the property appraiser.

262 **New construction** means, for the purposes of administration of ~~this subdivision~~ FPO Division 5
263 and the flood resistant construction requirements of the Florida Building Code, structures for
264 which the "start of construction" commenced on or after October 1, 1971, and includes any
265 subsequent improvements to such structures.

266 ~~**New manufactured home park or subdivision** means a manufactured home park or subdivision
267 for which the construction of facilities for servicing the lots on which the manufactured homes
268 are to be affixed (including at a minimum, the installation of utilities, the construction of streets,
269 and either final site grading or the pouring of concrete pads) is completed on or after October 3,
270 1971.~~

271 **Park trailer** means a transportable unit which has a body width not exceeding 14 feet and which
272 is built on a single chassis and is designed to provide seasonal or temporary living quarters when
273 connected to utilities necessary for operation of installed fixtures and appliances.

274 **Recreational vehicle** means a vehicle, including a park trailer, which is:

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

280 **Special flood hazard area** means an area in the floodplain subject to a 1% or greater chance of
281 flooding in any given year. Special flood hazard areas are shown on FIRMs as zone A, AO, A1-A30,
282 AE, A99, AH, V1-V30, VE or V.

283 **Start of construction** means the date of development permit issuance for new construction and
284 substantial improvements to existing structures, provided the actual start of construction, repair,
285 reconstruction, rehabilitation, addition, placement, or other improvement is within 180 calendar
286 days of the date of the issuance. The actual start of construction means either the first placement
287 of permanent construction of a building (including a manufactured home) on a site, such as the
288 pouring of slab or footings, the installation of piles, or the construction of columns. Permanent
289 construction does not include land preparation (such as clearing, grading, or filling), the
290 installation of streets or walkways, excavation for a basement, footings, piers, or foundations,
291 the erection of temporary forms or the installation of accessory buildings such as garages or
292 sheds not occupied as dwelling units or not part of the main buildings. For a substantial
293 improvement, the actual "start of construction" means the first alteration of any wall, ceiling,
294 floor or other structural part of a building, whether or not that alteration affects the external
295 dimensions of the building.

296 **Substantial damage** means damage of any origin sustained by a building or structure whereby
297 the cost of restoring the building or structure to its before-damaged condition would equal or
298 exceed 50 percent of the market value of the building or structure before the damage occurred.

299 **Substantial improvement** means any repair, reconstruction, rehabilitation, addition, or other
300 improvement of a building or structure, the cost of which equals or exceeds 50 percent of the
301 market value of the building or structure before the improvement or repair is started. If the
302 structure has incurred "substantial damage," any repairs are considered substantial
303 improvement regardless of the actual repair work performed. The term does not, however,
304 include either:

- 305 1. Any project for improvement of a building required to correct existing health, sanitary, or
306 safety code violations identified by the building official and that are the minimum
307 necessary to assure safe living conditions.
- 308 2. Any alteration of a historic structure provided the alteration will not preclude the
309 structure's continued designation as a historic structure.

310 **Variance** means a grant of relief from the requirements of ~~this subdivision~~ FPO Division 5, or the
311 flood resistant construction requirements of the Florida Building Code, which permits

312 construction in a manner that would not otherwise be permitted by ~~this subdivision~~ FPO Division
313 5 or the Florida Building Code.

314 **Watercourse** means a river, creek, stream, channel or other topographic feature in, on, through,
315 or over which water flows at least periodically.

316

317 **Sec. 30-8.25. Applicability.**

318 A. *General.* Where there is a conflict between a general requirement and a specific requirement,
319 the specific requirement shall be applicable.

320 B. *Areas to which ~~this subdivision~~ FPO Division 5 applies.* ~~This subdivision~~ FPO Division 5 shall
321 apply to all flood hazard areas within the City of Gainesville, as established in subsection C.
322 below.

323 C. *Basis for establishing flood hazard areas.* The Flood Insurance Study for Alachua County,
324 Florida and Incorporated Areas dated ~~June 16, 2006~~ September 24, 2021, and all subsequent
325 amendments and revisions, and the accompanying flood insurance rate maps (FIRM), and all
326 subsequent amendments and revisions to such maps, are adopted by reference as a part of
327 ~~this subdivision~~ FPO Division 5 and shall serve as the minimum basis for establishing flood
328 hazard areas. Studies and maps that establish flood hazard areas are on file at the:

329 City of Gainesville Public Works
330 405 NW 39th Avenue
331 Gainesville, FL 32609

332

333 Alachua County Public Library
334 Downtown Headquarters
335 401 East University Avenue
336 Gainesville, FL 32601

337

338 D. *Submission of additional data to establish flood hazard areas.* To establish flood hazard areas
339 and base flood elevations, pursuant to section 30-8.28 of ~~this subdivision~~ FPO Division 5, the
340 floodplain administrator may require submission of additional data.

341 1. Where field surveyed topography prepared by a Florida licensed professional surveyor or
342 digital topography accepted by the city indicates that ground elevations are below the
343 closest applicable base flood elevation, even in areas not delineated as a special flood
344 hazard area on a FIRM, the area shall be considered as flood hazard area and subject to
345 the requirements of ~~this subdivision~~ FPO Division 5 and, as applicable, the requirements
346 of the Florida Building Code.

347 2. Where field surveyed topography prepared by a Florida licensed professional surveyor or
348 digital topography accepted by the city indicates that ground elevations are above the
349 closest applicable base flood elevation, the area shall be regulated as special flood hazard
350 area unless the applicant obtains a letter of map change that removes the area from the
351 special flood hazard area.

- 352
- 353 E. *Other laws.* The provisions of ~~this subdivision~~ FPO Division 5 shall not be deemed to nullify
354 any provisions of local, state or federal law.
- 355 F. *Abrogation and greater restrictions.* ~~This subdivision~~ FPO Division 5 supersedes any ordinance
356 in effect for management of development in flood hazard areas. However, it is not intended
357 to repeal or abrogate any existing ordinances including but not limited to land development
358 regulations, zoning ordinances, stormwater management regulations, or the Florida Building
359 Code. In the event of a conflict between ~~this subdivision~~ FPO Division 5 and any other
360 ordinance, the more restrictive shall govern.
- 361 G. *Interpretation.* In the interpretation and application of ~~this subdivision~~ FPO Division 5, all
362 provisions shall be:
- 363 1. Considered as minimum requirements;
364 2. Liberally construed in favor of the governing body; and
365 3. Deemed neither to limit nor repeal any other powers granted under state statutes.
366

367 **Sec. 30-8.26. Duties and powers of the floodplain administrator.**

- 368 A. *Designation.* The city manager or designee is designated as the floodplain administrator. The
369 floodplain administrator may delegate performance of certain duties to other employees.
- 370 B. *General.* The floodplain administrator is authorized and directed to administer and enforce
371 the provisions of ~~this subdivision~~ FPO Division 5. The floodplain administrator shall have the
372 authority to render interpretations of ~~this subdivision~~ FPO Division 5 consistent with the
373 intent and purpose of ~~this subdivision~~ FPO Division 5 and may establish policies and
374 procedures in order to clarify the application of its provisions. Such interpretations, policies,
375 and procedures shall not have the effect of waiving requirements specifically provided in ~~this~~
376 ~~subdivision~~ FPO Division 5 without the granting of a variance pursuant to section 30-8.30 of
377 ~~this subdivision~~ FPO Division 5.
- 378 C. *Applications and permits.* The floodplain administrator, in coordination with other pertinent
379 offices of the city, shall:
- 380 1. Review applications and plans to determine whether proposed new development will be
381 located in flood hazard areas;
382 2. Review applications for modification of any existing development in flood hazard areas
383 for compliance with the requirements of ~~this subdivision~~ FPO Division 5;
384 3. Interpret flood hazard area boundaries where such interpretation is necessary to
385 determine the exact location of boundaries; a person contesting the determination shall
386 have the opportunity to appeal the interpretation;
387 4. Provide available flood elevation and flood hazard information;
388 5. Determine whether additional flood hazard data shall be obtained from other sources or
389 shall be developed by an applicant;
390 6. Review applications to determine whether proposed development will be reasonably safe
391 from flooding;

- 392 7. Issue floodplain development permits or approvals for development other than buildings
393 and structures that are subject to the Florida Building Code, including buildings, structures
394 and facilities exempt from the Florida Building Code, when compliance with ~~this~~
395 ~~subdivision~~ FPO Division 5 is demonstrated, or disapprove the same in the event of
396 noncompliance; and
- 397 8. Coordinate with and provide comments to the building official to assure that applications,
398 plan reviews, and inspections for buildings and structures in flood hazard areas comply
399 with the applicable provisions of ~~this subdivision~~ FPO Division 5.
- 400 D. *Substantial improvement and substantial damage determinations.* For applications for
401 building permits to improve buildings and structures, including alterations, movement,
402 enlargement, replacement, repair, change of occupancy, additions, rehabilitations,
403 renovations, substantial improvements, repairs of substantial damage, and any other
404 improvement of or work on such buildings and structures, the floodplain administrator, in
405 coordination with the building official, shall:
- 406 1. Estimate the market value, or require the applicant to obtain an appraisal of the market
407 value prepared by a qualified independent appraiser, of the building or structure before
408 the start of construction of the proposed work; in the case of repair, the market value of
409 the building or structure shall be the market value before the damage occurred and
410 before any repairs are made;
- 411 2. Compare the cost to perform the improvement, the cost to repair a damaged building to
412 its pre-damaged condition, or the combined costs of improvements and repairs, if
413 applicable, to the market value of the building or structure;
- 414 3. Determine and document whether the proposed work constitutes substantial
415 improvement or repair of substantial damage; and
- 416 4. Notify the applicant if it is determined that the work constitutes substantial improvement
417 or repair of substantial damage and that compliance with the flood resistant construction
418 requirements of the Florida Building Code and ~~this subdivision~~ FPO Division 5 is required.
- 419 E. *Modifications of the strict application of the requirements of the Florida Building Code.* The
420 floodplain administrator shall review requests submitted to the building official that seek
421 approval to modify the strict application of the flood load and flood resistant construction
422 requirements of the Florida Building Code to determine whether such requests require the
423 granting of a variance pursuant to section 30-8.30 of ~~this subdivision~~ FPO Division 5.
- 424 F. *Notices and orders.* The floodplain administrator shall coordinate with appropriate local
425 agencies for the issuance of all necessary notices or orders to promote compliance with ~~this~~
426 ~~subdivision~~ FPO Division 5.
- 427 G. *Inspections.* The floodplain administrator shall make the required inspections as specified in
428 section 30-8.29 of ~~this subdivision~~ FPO Division 5 for development that is not subject to the
429 Florida Building Code, including buildings, structures and facilities exempt from the Florida
430 Building Code. The floodplain administrator shall inspect flood hazard areas to determine if
431 development is undertaken without issuance of a permit.
- 432 H. *Other duties of the floodplain administrator.* The floodplain administrator shall have other
433 duties, including but not limited to:

- 434 1. Establish, in coordination with the building official, procedures for administering and
435 documenting determinations of substantial improvement and substantial damage made
436 pursuant to subsection D. above;
- 437 2. Require that applicants proposing alteration of a watercourse notify adjacent
438 communities and the Florida Division of Emergency Management, State Floodplain
439 Management Office, and submit copies of such notifications to the Federal Emergency
440 Management Agency (FEMA);
- 441 3. Require applicants who submit hydrologic and hydraulic engineering analyses to support
442 permit applications to submit to FEMA the data and information necessary to maintain
443 the flood insurance rate maps if the analyses propose to change base flood elevations,
444 flood hazard area boundaries, or floodway designations; such submissions shall be made
445 within six months of such data becoming available;
- 446 4. Review required design certifications and documentation of elevations specified by ~~this~~
447 ~~subdivision~~ FPO Division 5 and the Florida Building Code and ~~this subdivision~~ FPO Division
448 5 to determine that such certifications and documentations are complete; and
- 449 5. Notify the Federal Emergency Management Agency when the corporate boundaries of
450 the City of Gainesville are modified.

451 I. *Floodplain management records.* Regardless of any limitation on the period required for
452 retention of public records, the floodplain administrator shall maintain and permanently
453 keep and make available for public inspection records that are necessary for the
454 administration of ~~this subdivision~~ FPO Division 5 and the flood resistant construction
455 requirements of the Florida Building Code, which shall include: flood insurance rate maps;
456 letters of map change; records of issuance of permits and denial of permits; determinations
457 of whether proposed work constitutes substantial improvement or repair of substantial
458 damage; required design certifications and documentation of elevations specified by the
459 Florida Building Code and ~~this subdivision~~ FPO Division 5; notifications to adjacent
460 communities, FEMA, and the state related to alterations of watercourses; assurances that
461 the flood carrying capacity of altered watercourses will be maintained; documentation
462 related to appeals and variances, including justification for issuance or denial; and records
463 of enforcement actions taken pursuant to ~~this subdivision~~ FPO Division 5 and the flood
464 resistant construction requirements of the Florida Building Code. These records shall be
465 available for public inspection at:

466
467 City of Gainesville Public Works
468 405 NW 39th Avenue
469 Gainesville, FL 32609
470

471 **Sec. 30-8.27. Permits.**

472 A. *Permits required.* Any owner or authorized agent who intends to undertake any development
473 within the scope of ~~this subdivision~~ FPO Division 5, including buildings, structures and
474 facilities exempt from the Florida Building Code, which is wholly or partially within any flood
475 hazard area shall first apply to the floodplain administrator, and the building official if
476 applicable, and shall obtain the required permit(s) and approval(s). No such permit or

477 approval shall be issued until compliance with the requirements of ~~this subdivision~~ FPO
478 Division 5 and all other applicable codes and regulations of the City of Gainesville has been
479 satisfied.

480 B. *Floodplain development permits or approvals.* Floodplain development permits or approvals
481 shall be issued pursuant to ~~this subdivision~~ FPO Division 5 for any development not subject
482 to the requirements of the Florida Building Code, including buildings, structures and facilities
483 exempt from the Florida Building Code. Depending on the nature and extent of proposed
484 development that includes a building or structure, the floodplain administrator may
485 determine that a floodplain development permit or approval is required in addition to a
486 building permit.

487 C. *Buildings, structures and facilities exempt from the Florida Building Code.* Pursuant to the
488 requirements of federal regulation for participation in the National Flood Insurance Program
489 (44 CFR 59 and 60), floodplain development permits or approvals shall be required for the
490 following buildings, structures and facilities that are exempt from the Florida Building Code:

- 491 1. Railroads and ancillary facilities associated with the railroad.
- 492 2. Nonresidential farm buildings on farms, as provided in F.S. § 604.50.
- 493 3. Temporary buildings or sheds used exclusively for construction purposes.
- 494 4. Mobile or modular structures used as temporary offices.
- 495 5. Those structures or facilities of electric utilities, as defined in F.S. § 366.02, which are
496 directly involved in the generation, transmission, or distribution of electricity.
- 497 6. Chickees constructed by the Miccosukee Tribe of Indians of Florida or the Seminole Tribe
498 of Florida. As used in this paragraph, the term "chickee" means an open-sided wooden
499 hut that has a thatched roof of palm or palmetto or other traditional materials, and that
500 does not incorporate any electrical, plumbing, or other non-wood features.
- 501 7. Family mausoleums not exceeding 250 square feet in area which are prefabricated and
502 assembled on site or preassembled and delivered on site and have walls, roofs, and a floor
503 constructed of granite, marble, or reinforced concrete.
- 504 8. Temporary housing provided by the department of corrections to any prisoner in the state
505 correctional system.
- 506 9. Structures identified in F.S. § 553.73(10)(k), are not exempt from the Florida Building Code
507 if such structures are located in flood hazard areas established on flood insurance rate
508 maps.

509 D. *Application for a permit or approval.* To obtain a floodplain development permit or approval
510 the applicant shall first file an application in writing on a form furnished by the city. The
511 information provided shall:

- 512 1. Identify and describe the development to be covered by the permit or approval.
- 513 2. Describe the land on which the proposed development is to be conducted by legal
514 description, street address or similar description that will readily identify and definitively
515 locate the site.
- 516 3. Indicate the use and occupancy for which the proposed development is intended.
- 517 4. Be accompanied by a site plan or construction documents as specified in section 30-8.28
518 of ~~this subdivision~~ FPO Division 5.

- 519 5. State the valuation of the proposed work.
- 520 6. Be signed by the applicant or the applicant's authorized agent.
- 521 7. Give such other data and information as required by the floodplain administrator.
- 522
- 523 E. *Validity of permit or approval.* The issuance of a floodplain development permit or approval
- 524 pursuant to ~~this subdivision~~ FPO Division 5 shall not be construed to be a permit for, or
- 525 approval of, any violation of ~~this subdivision~~ FPO Division 5, the Florida Building Code, or any
- 526 other subdivision of the city. The issuance of permits based on submitted applications,
- 527 construction documents, and information shall not prevent the floodplain administrator from
- 528 requiring the correction of errors and omissions.
- 529 F. *Expiration.* A floodplain development permit or approval shall become invalid unless the work
- 530 authorized by such permit is commenced within 180 calendar days after its issuance, or if the
- 531 work authorized is suspended or abandoned for a period of 180 calendar days after the work
- 532 commences. Extensions for periods of not more than 180 calendar days each shall be
- 533 requested in writing and justifiable cause shall be demonstrated.
- 534 G. *Suspension or revocation.* The floodplain administrator is authorized to suspend or revoke a
- 535 floodplain development permit or approval if the permit was issued in error, on the basis of
- 536 incorrect, inaccurate or incomplete information, or in violation of ~~this subdivision~~ FPO
- 537 Division 5 or any other ordinance, regulation or requirement of the city.
- 538 H. *Other permits required.* Floodplain development permits and building permits shall include a
- 539 condition that all other applicable state or federal permits be obtained before
- 540 commencement of the permitted development, including but not limited to the following:
- 541 1. The St. Johns River Water Management District (SJRWMD), or Suwannee River Water
- 542 Management District (SRWMD), whichever is applicable; F.S. § 373.036.
- 543 2. Florida Department of Health for onsite sewage treatment and disposal systems; F.S. §
- 544 381.0065, and Chapter 64E-6, Florida Administrative Code
- 545
- 546 3. Florida Department of Environmental Protection for activities subject to the Joint Coastal
- 547 Permit; F.S. § 161.055.
- 548 4. Florida Department of Environmental Protection for activities that affect wetlands and
- 549 alter surface water flows, in conjunction with the U.S. Army Corps of Engineers; Section
- 550 404 of the Clean Water Act.
- 551 5. Federal permits and approvals.
- 552

553 **Sec. 30-8.28. Site plans and construction documents.**

- 554 A. *Information for development in flood hazard areas.* The site plan or construction documents
- 555 for any development subject to the requirements of ~~this subdivision~~ FPO Division 5 shall be
- 556 drawn to scale and shall include, as applicable to the proposed development:
- 557 1. Delineation of flood hazard areas, floodway boundaries and flood zone(s), base flood
- 558 elevation(s), and ground elevations if necessary for review of the proposed development.

- 559 2. Where base flood elevations, or floodway data are not included on the FIRM or in the
560 flood insurance study, they shall be established in accordance with subsection 30-
561 8.28.B.2. or 3. of ~~this subdivision~~ FPO Division 5.
- 562 3. Where the parcel on which the proposed development will take place will have more than
563 50 lots or is larger than five acres and the base flood elevations are not included on the
564 FIRM or in the flood insurance study, such elevations shall be established in accordance
565 with subsection 30-8.28.B.1. of ~~this subdivision~~ FPO Division 5.
- 566 4. Location of the proposed activity and proposed structures, and locations of existing
567 buildings and structures.
- 568 5. Location, extent, amount, and proposed final grades of any filling, grading, or excavation.
- 569 6. Where the placement of fill is proposed, the amount, type, and source of fill material;
570 compaction specifications; a description of the intended purpose of the fill areas; and
571 evidence that the proposed fill areas are the minimum necessary to achieve the intended
572 purpose.
- 573 7. Existing and proposed alignment of any proposed alteration of a watercourse.

574 The floodplain administrator is authorized to waive the submission of site plans, construction
575 documents, and other data that are required by ~~this subdivision~~ FPO Division 5 but that are
576 not required to be prepared by a registered design professional if it is found that the nature
577 of the proposed development is such that the review of such submissions is not necessary to
578 ascertain compliance with ~~this subdivision~~ FPO Division 5.

579 B. *Information in flood hazard areas without base flood elevations (approximate zone A)*. Where
580 flood hazard areas are delineated on the FIRM and base flood elevation data have not been
581 provided, the floodplain administrator shall:

- 582 1. Require the applicant to include base flood elevation data prepared in accordance with
583 currently accepted engineering practices; or
- 584 2. Obtain, review, and provide to applicants base flood elevation and floodway data
585 available from a federal or state agency or other source or require the applicant to obtain
586 and use base flood elevation and floodway data available from a federal or state agency
587 or other source; or
- 588 3. Where base flood elevation and floodway data are not available from another source,
589 where the available data are deemed by the floodplain administrator to not reasonably
590 reflect flooding conditions, or where the available data are known to be scientifically or
591 technically incorrect or otherwise inadequate:
- 592 a. Require the applicant to include base flood elevation data prepared in accordance
593 with currently accepted engineering practices; or
- 594 b. Specify that the base flood elevation is two feet above the highest adjacent grade at
595 the location of the development, provided there is no evidence indicating flood
596 depths have been or may be greater than two feet.

597 C. *Additional analyses and certifications*. As applicable to the location and nature of the
598 proposed development activity, and in addition to the requirements of this section, the
599 applicant shall have the following analyses signed and sealed by a Florida licensed engineer
600 for submission with the site plan and construction documents:

- 601 1. For development activities proposed to be located in a regulatory floodway, a floodway
602 encroachment analysis that demonstrates that the encroachment of the proposed
603 development will not cause any increase in base flood elevations; where the applicant
604 proposes to undertake development activities that do increase base flood elevations, the
605 applicant shall submit such analysis to FEMA as specified in subsection 30-8.28.D. of ~~this~~
606 ~~subdivision~~ FPO Division 5 and shall submit the conditional letter of map revision, if issued
607 by FEMA, with the site plan and construction documents.
- 608 2. For development activities proposed to be located in a riverine flood hazard area for
609 which base flood elevations are included in the flood insurance study or on the FIRM and
610 floodways have not been designated, hydrologic and hydraulic analyses that demonstrate
611 that the cumulative effect of the proposed development, when combined with all other
612 existing and anticipated flood hazard area encroachments, will not increase the base
613 flood elevation more than one foot at any point within the city. This requirement does
614 not apply in isolated flood hazard areas not connected to a riverine flood hazard area or
615 in flood hazard areas identified as zone AO or Zone AH.
- 616 3. For alteration of a watercourse, an engineering analysis prepared in accordance with
617 standard engineering practices which demonstrates that the flood-carrying capacity of
618 the altered or relocated portion of the watercourse will not be decreased, and
619 certification that the altered watercourse shall be maintained in a manner which
620 preserves the channel's flood-carrying capacity; the applicant shall submit the analysis to
621 FEMA as specified in subsection 30-8.28.D. of ~~this subdivision~~ FPO Division 5.
- 622 D. *Submission of additional data.* When additional hydrologic, hydraulic or other engineering
623 data, studies, and additional analyses are submitted to support an application, the applicant
624 has the right to seek a letter of map change from FEMA to change the base flood elevations,
625 change floodway boundaries, or change boundaries of flood hazard areas shown on FIRMs,
626 and to submit such data to FEMA for such purposes. The analyses shall be prepared by a
627 Florida licensed engineer in a format required by FEMA. Submittal requirements and
628 processing fees shall be the responsibility of the applicant.

629

630 **Sec. 30-8.29. Inspections.**

- 631 A. *General.* Development for which a floodplain development permit or approval is required
632 shall be subject to inspection.
- 633 B. *Development other than buildings and structures.* The floodplain administrator shall inspect
634 all development to determine compliance with the requirements of ~~this subdivision~~ FPO
635 Division 5 and the conditions of issued floodplain development permits or approvals.
- 636 C. *Buildings, structures and facilities exempt from the Florida Building Code.* The floodplain
637 administrator shall inspect buildings, structures and facilities exempt from the Florida
638 Building Code to determine compliance with the requirements of ~~this subdivision~~ FPO
639 Division 5 and the conditions of issued floodplain development permits or approvals.
- 640 D. *Buildings, structures and facilities exempt from the Florida Building Code, lowest floor*
641 *inspection.* Upon placement of the lowest floor, including basement, and prior to further

642 vertical construction, the owner of a building, structure or facility exempt from the Florida
643 Building Code, or the owner's authorized agent, shall submit to the floodplain administrator:

644 1. If a design flood elevation was used to determine the required elevation of the lowest
645 floor, the certification of elevation of the lowest floor prepared and sealed by a Florida
646 licensed professional surveyor; or

647 2. If the elevation used to determine the required elevation of the lowest floor was
648 determined in accordance with subsection 30-8.28.B.3.b. of ~~this subdivision~~ FPO Division
649 5, the documentation of height of the lowest floor above highest adjacent grade,
650 prepared by the owner or the owner's authorized agent.

651 E. *Buildings, structures and facilities exempt from the Florida Building Code, final inspection.* As
652 part of the final inspection, the owner or owner's authorized agent shall submit to the
653 floodplain administrator a final certification of elevation of the lowest floor or final
654 documentation of the height of the lowest floor above the highest adjacent grade; such
655 certifications and documentations shall be prepared as specified in subsection 30-8.29.D. of
656 ~~this subdivision~~ FPO Division 5.

657 F. *Manufactured homes.* The building official shall inspect manufactured homes that are
658 installed or replaced in flood hazard areas to determine compliance with the requirements
659 of ~~this subdivision~~ FPO Division 5 and the conditions of the issued permit. Upon placement of
660 a manufactured home, certification of the elevation of the lowest floor shall be submitted to
661 the building official.

662

663 **Sec. 30-8.30. Variances and appeals.**

664 A. *General.* The appropriate reviewing authority shall hear and decide on requests for appeals
665 and requests for variances from the strict application of ~~this subdivision~~ FPO Division 5 and,
666 pursuant to F.S. § 553.73(5), the flood resistant construction requirements of the Florida
667 Building Code.

668 B. *Appeals.* The appropriate reviewing authority shall hear and decide appeals, as provided in
669 this chapter, when it is alleged there is an error in any requirement, decision, or
670 determination made by the floodplain administrator in the administration and enforcement
671 of ~~this subdivision~~ FPO Division 5.

672 C. *Limitations on authority to grant variances.* The appropriate reviewing board shall base its
673 decisions on variances on technical justifications submitted by applicants, the considerations
674 for issuance in subsection 30-8.30.G. of ~~this subdivision~~ FPO Division 5, the conditions of
675 issuance set forth in subsection 30-8.30.H. of ~~this subdivision~~ FPO Division 5, and the
676 comments and recommendations of the floodplain administrator and the building official.
677 The appropriate reviewing board has the right to attach such conditions as it deems necessary
678 to further the purposes and objectives of ~~this subdivision~~ FPO Division 5.

679 D. *Restrictions in floodways.* A variance shall not be issued for any proposed development in a
680 floodway if any increase in base flood elevations would result, as evidenced by the applicable

681 analyses and certifications required in subsection 30-8.28.C. of ~~this subdivision~~ FPO Division
682 5.

683 E. *Historic buildings.* A variance is authorized to be issued for the repair, improvement, or
684 rehabilitation of a historic building that is determined eligible for the exception to the flood
685 resistant construction requirements of the Florida Building Code, Existing Building, Chapter
686 ~~11~~ 12, Historic Buildings, upon a determination that the proposed repair, improvement, or
687 rehabilitation will not preclude the building's continued designation as a historic building and
688 the variance is the minimum necessary to preserve the historic character and design of the
689 building. If the proposed work precludes the building's continued designation as a historic
690 building, a variance shall not be granted and the building and any repair, improvement, and
691 rehabilitation shall be subject to the requirements of the Florida Building Code.

692 F. *Functionally dependent uses.* A variance is authorized to be issued for the construction or
693 substantial improvement necessary for the conduct of a functionally dependent use,
694 provided the variance meets the requirements of subsection 30-8.30.D., is the minimum
695 necessary considering the flood hazard, and all due consideration has been given to use of
696 methods and materials that minimize flood damage during occurrence of the base flood.

697 G. *Considerations for issuance of variances.* In reviewing requests for variances, the appropriate
698 reviewing board shall consider all technical evaluations, all relevant factors, all other
699 applicable provisions of the Florida Building Code, ~~this subdivision~~ FPO Division 5, and the
700 following:

- 701 1. The danger that materials and debris may be swept onto other lands resulting in further
702 injury or damage;
- 703 2. The danger to life and property due to flooding or erosion damage;
- 704 3. The susceptibility of the proposed development, including contents, to flood damage and
705 the effect of such damage on current and future owners;
- 706 4. The importance of the services provided by the proposed development to the
707 community;
- 708 5. The availability of alternate locations for the proposed development that are subject to
709 lower risk of flooding or erosion;
- 710 6. The compatibility of the proposed development with existing and anticipated
711 development;
- 712 7. The relationship of the proposed development to the Comprehensive Plan and floodplain
713 management program for the area;
- 714 8. The safety of access to the property in times of flooding for ordinary and emergency
715 vehicles;
- 716 9. The expected heights, velocity, duration, rate of rise and debris and sediment transport
717 of the floodwaters and the effects of wave action, if applicable, expected at the site; and
718 10. The costs of providing governmental services during and after flood conditions including
719 maintenance and repair of public utilities and facilities such as sewer, gas, electrical and
720 water systems, streets and bridges.

721 H. *Conditions for issuance of variances.* Variances shall be issued only upon:

- 722 1. Submission by the applicant, of a showing of good and sufficient cause that the unique
723 characteristics of the size, configuration, or topography of the site limit compliance with
724 any provision of ~~this subdivision~~ FPO Division 5 or the required elevation standards;
- 725 2. Determination by the appropriate reviewing board that:
- 726 a. Failure to grant the variance would result in exceptional hardship due to the physical
727 characteristics of the land that render the lot undevelopable; increased costs to satisfy
728 the requirements or inconvenience do not constitute hardship;
- 729 b. The granting of a variance will not result in increased flood heights, additional threats
730 to public safety, extraordinary public expense, nor create nuisances, cause fraud on
731 or victimization of the public or conflict with existing local laws and ordinances; and
- 732 c. The variance is the minimum necessary, considering the flood hazard, to afford relief.
- 733 3. Receipt of a signed statement by the applicant that the variance, if granted, shall be
734 recorded in the office of the clerk of the court in such a manner that it appears in the
735 chain of title of the affected parcel of land; and
- 736 4. If the request is for a variance to allow construction of the lowest floor of a new building,
737 or substantial improvement of a building, below the required elevation, a copy in the
738 record of a written notice from the floodplain administrator to the applicant specifying
739 the difference between the base flood elevation and the proposed elevation of the lowest
740 floor, stating that the cost of federal flood insurance will be commensurate with the
741 increased risk resulting from the reduced floor elevation, and stating that construction
742 below the base flood elevation increases risks to life and property.
- 743

744 **Sec. 30-8.31. Violations.**

- 745 A. *Violations.* Any development that is not within the scope of the Florida Building Code but that
746 is regulated by ~~this subdivision~~ FPO Division 5 that is performed without an issued permit,
747 that is in conflict with an issued permit, or that does not fully comply with ~~this subdivision~~
748 FPO Division 5, shall be deemed a violation of ~~this subdivision~~ FPO Division 5. A building or
749 structure without the documentation of elevation of the lowest floor, other required design
750 certifications, or other evidence of compliance required by ~~this subdivision~~ FPO Division 5 or
751 the Florida Building Code is presumed to be a violation until such time as that documentation
752 is provided.
- 753 B. *Authority.* For development that is not within the scope of the Florida Building Code but that
754 is regulated by ~~this subdivision~~ FPO Division 5 and that is determined to be a violation, the
755 floodplain administrator is authorized to serve notices of violation or stop work orders to
756 owners of the property involved, to the owner's agent, or to the person or persons
757 performing the work.
- 758 C. *Unlawful continuance.* No person shall continue any work after having been served with a
759 notice of violation or a stop work order, except such work as that person is directed to
760 perform to remove or remedy a violation or unsafe condition.

761

762 **Sec. 30-8.32. Buildings and structures.**

763 A. *Design and construction of buildings, structures and facilities exempt from the Florida Building*
764 *Code.* Pursuant to subsection 30-8.27.C. of ~~this subdivision~~ FPO Division 5, buildings,
765 structures, and facilities that are exempt from the Florida Building Code, including substantial
766 improvement or repair of substantial damage of such buildings, structures and facilities, shall
767 be designed and constructed in accordance with the flood load and flood resistant
768 construction requirements of ASCE 24. Structures exempt from the Florida Building Code that
769 are not walled and roofed buildings shall comply with the requirements of section 30-8.38 of
770 ~~this subdivision~~ FPO Division 5.

771 B. Accessory structures. Accessory structures are permitted below the base flood elevation
772 provided the accessory structures are used only for parking or storage and;

- 773 1. Are one-story and not larger than 600 sq. ft.
- 774 2. Have flood openings in accordance with Section R322.2 of the Florida Building Code,
775 Residential.
- 776 3. Are anchored to resist flotation, collapse or lateral movement resulting from flood loads.
- 777 4. Have flood damage-resistant materials used below the base flood elevation plus one (1)
778 foot.
- 779 5. Have mechanical, plumbing and electrical systems, including plumbing fixtures, elevated
780 to or above the base flood elevation plus one (1) foot.

781

782 **Sec. 30-8.33. Subdivisions.**

783 A. *Minimum requirements.* Subdivision proposals, including proposals for manufactured home
784 parks and subdivisions, shall be reviewed to determine that:

- 785 1. Such proposals are consistent with the need to minimize flood damage and will be
786 reasonably safe from flooding;
- 787 2. All public utilities and facilities such as sewer, gas, electric, communications, and water
788 systems are located and constructed to minimize or eliminate flood damage; and
- 789 3. Adequate drainage is provided to reduce exposure to flood hazards; in zones AH and AO,
790 adequate drainage paths shall be provided to guide floodwaters around and away from
791 proposed structures.

792 B. *Subdivision plats.* Where any portion of proposed subdivisions, including manufactured home
793 parks and subdivisions, lies within a flood hazard area, the following shall be required:

- 794 1. Delineation of flood hazard areas, floodway boundaries and flood zones, and design flood
795 elevations, as appropriate, shall be shown on preliminary plats and final plats;
- 796 2. Where the subdivision has more than 50 lots or is larger than five acres and base flood
797 elevations are not included on the FIRM, the base flood elevations determined in
798 accordance with subsection 30-8.28.B.1. of ~~this subdivision~~ FPO Division 5; and
- 799 3. Compliance with the site improvement and utilities requirements of section 30-8.34 of
800 ~~this subdivision~~ FPO Division 5.

801

802 **Sec. 30-8.34. Site improvements, utilities, and limitations.**

- 803 A. *Minimum requirements.* All proposed new development shall be reviewed to determine that:
- 804 1. Such proposals are consistent with the need to minimize flood damage and will be
805 reasonably safe from flooding;
- 806 2. All public utilities and facilities such as sewer, gas, electric, communications, and water
807 systems are located and constructed to minimize or eliminate flood damage; and
- 808 3. Adequate drainage is provided to reduce exposure to flood hazards; in zones AH and AO,
809 adequate drainage paths shall be provided to guide floodwaters around and away from
810 proposed structures.
- 811 B. *Sanitary sewage facilities.* All new and replacement sanitary sewage facilities, private sewage
812 treatment plants (including all pumping stations and collector systems), and on-site waste
813 disposal systems shall be designed in accordance with the standards for onsite sewage
814 treatment and disposal systems in Chapter 64E-6, Florida Administrative Code and ASCE 24
815 Chapter 7 to minimize or eliminate infiltration of floodwaters into the facilities and discharge
816 from the facilities into flood waters, and impairment of the facilities and systems.
- 817 C. *Water supply facilities.* All new and replacement water supply facilities shall be designed in
818 accordance with the water well construction standards in Chapter 62-532.500, Florida
819 Administrative Code and ASCE 24 Chapter 7 to minimize or eliminate infiltration of
820 floodwaters into the systems.
- 821 D. *Limitations on sites in regulatory floodways.* No development, including but not limited to
822 site improvements, and land disturbing activity involving fill or regrading, shall be authorized
823 in the regulatory floodway unless the floodway encroachment analysis required in subsection
824 30-8.28.C.1. of ~~this subdivision~~ FPO Division 5 demonstrates that the proposed development
825 or land disturbing activity will not result in any increase in the base flood elevation.
- 826 E. *Limitations on placement of fill.* Subject to the limitations of ~~this subdivision~~ FPO Division 5,
827 fill shall be designed to be stable under conditions of flooding including rapid rise and rapid
828 drawdown of floodwaters, prolonged inundation, and protection against flood-related
829 erosion and scour. In addition to these requirements, if intended to support buildings and
830 structures (zone A only), fill shall comply with the requirements of the Florida Building Code.

831

832 **Sec. 30-8.35. Manufactured homes.**

- 833 A. *General.* All manufactured homes installed in flood hazard areas shall be installed by an
834 installer that is licensed pursuant to F.S. § 320.8249, and shall comply with the requirements
835 of Chapter 15C-1, Florida Administrative Code and the requirements of ~~this subdivision~~ FPO
836 Division 5.
- 837 B. *Foundations.* All new manufactured homes and replacement manufactured homes installed
838 in flood hazard areas shall be installed on permanent, reinforced foundations that are
839 designed in accordance with the foundation requirements of the Florida Building Code,
840 Residential Section R322.2 and ~~this subdivision~~ FPO Division 5.

841 C. *Anchoring.* All new manufactured homes and replacement manufactured homes shall be
842 installed using methods and practices which minimize flood damage and shall be securely
843 anchored to an adequately anchored foundation system to resist flotation, collapse or lateral
844 movement. Methods of anchoring include, but are not limited to, use of over-the-top or
845 frame ties to ground anchors. This anchoring requirement is in addition to applicable state
846 and local anchoring requirements for wind resistance.

847 D. *Elevation.* All manufactured homes that are placed, replaced, or substantially improved in
848 flood hazard areas shall be elevated such that the bottom of the frame is at or above the
849 elevation required, as applicable to the flood hazard area, in the Florida Building Code,
850 Residential Section R322.2 (Zone A). ~~Manufactured homes that are placed, replaced, or~~
851 ~~substantially improved shall comply with subsection 30-8.35.E. or 30-8.35.F. of this~~
852 ~~subdivision, as applicable.~~

853 ~~E. *General elevation requirement.* Unless subject to the requirements of subsection 30-8.35.F.~~
854 ~~of this subdivision, all manufactured homes that are placed, replaced, or substantially~~
855 ~~improved on sites located: (a) outside of a manufactured home park or subdivision; (b) in a~~
856 ~~new manufactured home park or subdivision; (c) in an expansion to an existing manufactured~~
857 ~~home park or subdivision; or (d) in an existing manufactured home park or subdivision within~~
858 ~~which a manufactured home has incurred "substantial damage" as the result of a flood, shall~~
859 ~~be elevated such that the bottom of the frame is at or above the elevation required, as~~
860 ~~applicable to the flood hazard area, in the Florida Building Code, Residential Section R322.2~~
861 ~~(Zone A).~~

862 ~~F. *Elevation requirement for certain existing manufactured home parks and subdivisions.*~~
863 ~~Manufactured homes that are not subject to subsection 30-8.35.E. of this subdivision,~~
864 ~~including manufactured homes that are placed, replaced, or substantially improved on sites~~
865 ~~located in an existing manufactured home park or subdivision, unless on a site where~~
866 ~~substantial damage as result of flooding has occurred, shall be elevated such that either the:~~
867 ~~1. Bottom of the frame of the manufactured home is at or above the elevation required in~~
868 ~~the Florida Building Code, Residential Section R322.2 (Zone A); or~~
869 ~~2. Bottom of the frame is supported by reinforced piers or other foundation elements of at~~
870 ~~least equivalent strength that are not less than 36 inches in height above grade.~~

871 ~~EG. *Enclosures.* Enclosed areas below elevated manufactured homes shall comply with the~~
872 ~~requirements of the Florida Building Code, Residential Section R322 for such enclosed areas.~~

873 ~~FH. *Utility equipment.* Utility equipment that serves manufactured homes, including electric,~~
874 ~~heating, ventilation, plumbing, and air conditioning equipment and other service facilities,~~
875 ~~shall comply with the requirements of the Florida Building Code, Residential Section R322.~~

876

877 **Sec. 30-8.36. Recreational vehicles and park trailers.**

878 A. *Temporary placement.* Recreational vehicles and park trailers placed temporarily in flood
879 hazard areas shall:

880 1. Be on the site for fewer than 180 consecutive days; or

- 881 2. Be fully licensed and ready for highway use, which means the recreational vehicle or park
882 model is on wheels or jacking system, is attached to the site only by quick disconnect type
883 utilities and security devices, and has no permanent attachments such as additions,
884 rooms, stairs, decks and porches.
- 885 B. *Permanent placement.* Recreational vehicles and park trailers that do not meet the
886 limitations in subsection 30-8.36.A. of ~~this subdivision~~ FPO Division 5 for temporary
887 placement shall meet the requirements of section 30-8.35 of ~~this subdivision~~ FPO Division 5
888 for manufactured homes.

889

890 **Sec. 30-8.37. Tanks.**

- 891 A. *Underground tanks.* Underground tanks in flood hazard areas shall be anchored to prevent
892 flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads
893 during conditions of the design flood, including the effects of buoyancy assuming the tank is
894 empty.
- 895 B. *Above-ground tanks, not elevated.* Above-ground tanks that do not meet the elevation
896 requirements of subsection 30-8.37.C. of ~~this subdivision~~ FPO Division 5 shall be permitted in
897 flood hazard areas provided the tanks are anchored or otherwise designed and constructed
898 to prevent flotation, collapse or lateral movement resulting from hydrodynamic and
899 hydrostatic loads during conditions of the design flood, including the effects of buoyancy
900 assuming the tank is empty and the effects of flood-borne debris.
- 901 C. *Above-ground tanks, elevated.* Above-ground tanks in flood hazard areas shall be attached to
902 and elevated to or above the design flood elevation on a supporting structure that is designed
903 to prevent flotation, collapse or lateral movement during conditions of the design flood.
904 Tank-supporting structures shall meet the foundation requirements of the applicable flood
905 hazard area.
- 906 D. *Tank inlets and vents.* Tank inlets, fill openings, outlets and vents shall be:
- 907 1. At or above the design flood elevation or fitted with covers designed to prevent the inflow
908 of floodwater or outflow of the contents of the tanks during conditions of the design
909 flood; and
- 910 2. Anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic
911 loads, including the effects of buoyancy, during conditions of the design flood.

912

913 **Sec. 30-8.38. Other development.**

- 914 A. *General requirements for other development.* All development, including man-made changes
915 to improved or unimproved real estate for which specific provisions are not specified in ~~this~~
916 ~~subdivision~~ FPO Division 5 or the Florida Building Code, shall:
- 917 1. Be located and constructed to minimize flood damage;
- 918 2. Meet the limitations of subsection 30-8.34.D. of ~~this subdivision~~ FPO Division 5 if located
919 in a regulated floodway;

- 920 3. Be anchored to prevent flotation, collapse or lateral movement resulting from hydrostatic
921 loads, including the effects of buoyancy, during conditions of the design flood;
922 4. Be constructed of flood damage-resistant materials; and
923 5. Have mechanical, plumbing, and electrical systems above the design flood elevation,
924 except that minimum electric service required to address life safety and electric code
925 requirements is permitted below the design flood elevation provided it conforms to the
926 provisions of the electrical part of building code for wet locations.
- 927 B. *Fences in regulated floodways.* Fences in regulated floodways that have the potential to block
928 the passage of floodwaters, such as stockade fences and wire mesh fences, shall meet the
929 limitations of subsection 30-8.34.D. of ~~this subdivision~~ FPO Division 5.
- 930 C. *Retaining walls, sidewalks and driveways in regulated floodways.* Retaining walls and
931 sidewalks and driveways that involve the placement of fill in regulated floodways shall meet
932 the limitations of subsection 30-8.34.D. of ~~this subdivision~~ FPO Division 5.
- 933 D. *Roads and watercourse crossings in regulated floodways.* Roads and watercourse crossings,
934 including roads, bridges, culverts, low-water crossings and similar means for vehicles or
935 pedestrians to travel from one side of a watercourse to the other side, that encroach into
936 regulated floodways shall meet the limitations of subsection 30-8.34.D. of ~~this subdivision~~
937 FPO Division 5. Alteration of a watercourse that is part of a road or watercourse crossing shall
938 meet the requirements of subsection 30-8.28.C.3. of ~~this subdivision~~ FPO Division 5.

939
940 **SECTION 2.** It is the intent of the City Commission that the provisions of Section 1 of this
941 ordinance become and be made a part of the Code of Ordinances of the City of Gainesville,
942 Florida, and that the sections and paragraphs of the Code of Ordinances may be renumbered or
943 relettered in order to accomplish such intent.

944 **SECTION 3.** If any word, phrase, clause, paragraph, section, or provision of this ordinance or the
945 application hereof to any person or circumstance is held invalid or unconstitutional, such finding
946 will not affect the other provisions or applications of this ordinance that can be given effect
947 without the invalid or unconstitutional provision or application, and to this end the provisions of
948 this ordinance are declared severable.

949 **SECTION 4.** All ordinances or parts of ordinances in conflict herewith are to the extent of such
950 conflict hereby repealed.

951 **SECTION 5.** This ordinance will become effective immediately upon adoption and it shall apply
952 to all applications for development, including building permit applications and subdivision
953 applications, submitted after the effective date of this ordinance.

954
955 **PASSED AND ADOPTED** this ____ day of _____, 2021.
956

957
958

959 _____
960 LAUREN POE
961 MAYOR

962
963 Attest:
964

Approved as to form and legality:

965 _____
966 OMICHELE D. GAINEY
967 CITY CLERK

NICOLLE M. SHALLEY
CITY ATTORNEY

968 This ordinance passed on first reading this ____ day of _____, 2021.

969

970 This ordinance passed on second reading this ____ day of _____, 2021.