

ORDINANCE 18-05

AN ORDINANCE OF THE CITY OF ALACHUA, FLORIDA, RELATING TO THE AMENDMENT OF SUBPART B, LAND DEVELOPMENT REGULATIONS (“LDRS”), OF THE CITY’S CODE OF ORDINANCES, AND RELATING TO THE AMENDMENT OF SUBPART A, GENERAL ORDINANCES, CHAPTER 8, OF THE CITY’S CODE OF ORDINANCES; ADOPTING PROCEDURES AND CRITERIA FOR DEVELOPMENT IN FLOOD HAZARD AREAS AND FOR OTHER PURPOSES; AMENDING SECTION 2.4.7, VARIANCE PERMITS; AMENDING SECTION 2.4.15, CERTIFICATE OF LDR COMPLIANCE; REPEALING SECTION 6.9.4, FLOODPRONE AREA STANDARDS; ADOPTING A NEW SECTION 6.9.4, FLOODPRONE AREA STANDARDS, ADOPTING FLOOD HAZARD MAPS AND DESIGNATING A FLOODPLAIN ADMINISTRATOR; MODIFYING SECTION 10.2, DEFINITIONS, TO AMEND, DELETE, AND ADD DEFINITIONS RELATED TO THE REGULATIONS ESTABLISHED IN THE NEW SECTION 6.9.4, FLOODPRONE AREA STANDARDS; AMENDING SUBPART A, CHAPTER 8, SECTION 8-29, OF THE CITY’S CODE OF ORDINANCES; PROVIDING A REPEALING CLAUSE; PROVIDING SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

RECITALS

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

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

WHEREAS, the City of Alachua was accepted for participation in the National Flood Insurance Program on February 21, 1994 and the City Commission of the City of Alachua desires to continue to meet the requirements of Title 44 Code of Federal Regulations, Sections 59 and 60, necessary for such participation; and

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

WHEREAS, the City Commission of the City of Alachua previously adopted requirements to limit partitioning of and access to enclosed areas below elevated buildings in flood hazard areas prior to July 1, 2010 and, pursuant to Section 553.73(5), Florida Statutes, is formatting that requirement to coordinate with the *Florida Building Code*;

WHEREAS, the City Commission of the City of Alachua has determined that it is in the public interest to adopt the proposed floodplain management regulations that are coordinated with the *Florida Building Code*.

NOW THEREFORE BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF ALACHUA, FLORIDA:

Section 1. Interpretation of Recitals

The above recitals are true and correct and incorporated in this ordinance.

Section 2. Findings of Fact and Conclusions of Law

The authority for the enactment of this ordinance is Chapter 163, Part I, Florida Statutes; Sections 166.021 and 166.041; and the City's Comprehensive Plan.

Section 3. Amendments to the Subpart B, Land Development Regulations, of the City's Code of Ordinances

The amendments to Subpart B, Land Development Regulations, of the City's Code of Ordinances are attached as Exhibit "A" and are hereby incorporated herein by reference.

Section 4. Local Technical Amendments to Subpart A, Chapter 8, Section 8-29 of the City's Code of Ordinances, Relating to the *Florida Building Code, Residential* and to the *Florida Building Code, Building*

The local technical amendments to Subpart A, Chapter 8, Section 8-29 of the City's Code of Ordinances, relating to the *Florida Building Code, Residential* and to the *Florida Building Code, Building* are attached as Exhibit "B" and are hereby incorporated herein by reference.

Section 5. Fiscal Impact Statement

In terms of design, plan application review, construction and inspection of buildings and structures, the cost impact as an overall average is negligible in regard to the local technical amendments attached as Exhibit "B" and hereby incorporated herein by reference because all development has been subject to the requirements of the local floodplain management ordinance adopted for participation in the National Flood Insurance Program. In terms of lower potential for flood damage, there will be continued savings and benefits to consumers.

Section 6. Applicability

For the purposes of jurisdictional applicability, this ordinance shall apply in the City of Alachua. This ordinance shall apply to all applications for development, including building permit applications and subdivision proposals, submitted on or after the effective date of this ordinance

Section 7. Inclusion into the City of Alachua Code of Ordinances

It is the intent of the City Commission of the City of Alachua that the provisions of this ordinance shall become and be made a part of the City of Alachua Code of Ordinances, and that the sections of this ordinance may be renumbered or relettered and the word "ordinance" may be changed to "section," "article," "regulation," or such other appropriate word or phrase in order to accomplish such intentions.

Section 8. Codification of and Correction of Scrivener's Errors

The City Manager or designee, without public hearing, is authorized to correct any typographical errors which do not affect the intent of this ordinance. A corrected copy shall be posted in the public record.

Section 9. Ordinance to be Construed Liberally

This ordinance shall be liberally construed in order to effectively carry out the purposes hereof which are deemed to be in the best interest of the public health, safety, and welfare of the citizens and residents of the City of Alachua, Florida.

Section 10. Repealing Clause

All ordinances or parts of ordinances in conflict herewith are, to the extent of the conflict, hereby repealed.

Section 11. Severability

It is the declared intent of the City Commission of the City of Alachua that, if any section, sentence, clause, phrase, or provision of this ordinance is for any reason held or declared to be unconstitutional, void, or inoperative by any court or agency of competent jurisdiction, such holding of invalidity or unconstitutionality shall not affect the remaining provisions of this ordinance, and the remainder of the ordinance after the exclusions of such part or parts shall be deemed to be valid.

Section 12. Effective Date

This ordinance shall take effect immediately upon its adoption by the City Commission and the signature of the Mayor.

Passed on First Reading the 22nd day of January 2018.

PASSED and ADOPTED, in regular session, with a quorum present and voting, by the City Commission, upon second and final reading this 12th day of February 2018.

CITY COMMISSION OF THE
CITY OF ALACHUA, FLORIDA

Gib Coerper, Mayor
SEAL

ATTEST:

APPROVED AS TO FORM

Traci L. Gresham, City Manager/Clerk

Marian B. Rush, City Attorney

EXHIBIT “A”

Section 2.4.7 of the City’s LDRs is amended to read as follows (text that is underlined is to be added and text that is shown as ~~struckthrough~~ is to be removed). Except as amended herein, the remainder of Section 2.4.7 remains in full force and effect:

2.4.7 Variance permits.

- (A) *Overview.* These LDRs include ~~two~~three types of variance permits: zoning variance permits (Subsection 2.4.7(C) of this section); ~~and~~ subdivision variance permits (Subsection 2.4.7(D) of this section); and floodplain development variances (Section 2.4.7(E) of these LDRs).
- (B) *Purpose.* The purpose of a variance is to allow certain deviations from the standards of these LDRs, including variance from the dimensional zoning standards (such as height, parking, landscaping, lot dimensions, and signage standards), and subdivision standards (such as deviations from subdivision layout or public improvement standards) when the applicant demonstrates that, owing to special circumstances or conditions beyond the applicant's control (such as exceptional topographical conditions, narrowness, shallowness, or the shape of a specific parcel of land), the literal application of the standards in these LDRs would result in undue and unique hardship to the landowner and the deviation would not be contrary to the public interest.
- (E) Floodplain development variances. The procedures and requirements for submission and review of an application for a floodplain development variance are established in Section 6.9.4(G), Floodplain development variances and appeals, of these LDRs.

Section 2.4.15 of the City’s LDRs is amended to read as follows (text that is underlined is to be added and text that is shown as ~~struckthrough~~ is to be removed). Except as amended herein, the remainder of Section 2.4.15 remains in full force and effect:

2.4.15 Certificate of LDR compliance.

- (A) *Purpose.* A certificate of LDR compliance shall be required in accordance with the provisions of this section in order to ensure that proposed development complies with the standards of these LDRs, and to otherwise protect the public health, safety, and welfare of the citizens of the City.
- (B) *Applicability.* The requirements of this section shall apply to any development that requires a building permit, ~~and~~ any change of use, and for any buildings, structures or facilities for which a floodplain development permit or approval is required by Section 6.9.4(D)(3) of these LDRs.
- (C) *Certificate of LDR compliance requirement.* No building permit shall be issued, ~~or~~ change of use occur, or development occur wholly or partially within any flood hazard area when a floodplain development permit or approval is required by Section 6.9.4 of these LDRs without approval of a certificate of LDR compliance by the LDR Administrator in accordance with this section.
- (G) *Expiration.* When a building permit is required, such building permit shall be issued within six months of the date of issuance of the certificate of LDR compliance. If a building permit is not issued within six months of the date of issuance of the certificate of LDR compliance a certificate of occupancy shall not be issued, and the certificate of LDR compliance shall expire and be void.

Section 6.9.4 is repealed in its entirety and replaced as follows:

6.9.4 Floodprone area standards.

(A) General.

- (1) Title. This subsection shall be known as the *Floodprone Area Standards* of the City of Alachua, hereinafter referred to as “these regulations”, “this subsection”, or “Section 6.9.4”.
- (2) Scope. The provisions of this subsection shall apply to all development that is wholly within or partially within any flood hazard area, including but not limited to the subdivision of land; filling, grading, and other site improvements and utility installations; construction, alteration, remodeling, enlargement, improvement, replacement, repair, relocation or demolition of buildings, structures, and facilities that are exempt from the *Florida Building Code*, as amended; placement, installation, or replacement of manufactured homes and manufactured buildings; installation or replacement of tanks; placement of recreational vehicles; installation of swimming pools; and any other development. Section 6.9.4(J)(1) and Section 6.9.4 (K)(4) shall apply to areas outside of the flood hazard area established in Section 6.9.4(B)(3).
- (3) Purpose. The purposes of this subsection and the flood load and flood resistant construction requirements of the *Florida Building Code*, as amended, are to establish minimum requirements to safeguard the public health, safety, and general welfare and to minimize public and private losses due to flooding through regulation of development in flood hazard areas to:
 - (a) Minimize unnecessary disruption of commerce, access and public service during times of flooding;
 - (b) Require the use of appropriate construction practices in order to prevent or minimize future flood damage;
 - (c) Manage filling, grading, dredging, mining, paving, excavation, drilling operations, storage of equipment or materials, and other development which may increase flood damage or erosion potential;
 - (d) Manage the alteration of flood hazard areas, watercourses, and shorelines to minimize the impact of development on the natural and beneficial functions of the floodplain;
 - (e) Minimize damage to public and private facilities and utilities;
 - (f) Help maintain a stable tax base by providing for the sound use and development of flood hazard areas;
 - (g) Minimize the need for future expenditure of public funds for flood control projects and response to and recovery from flood events;
 - (h) Meet the requirements of the National Flood Insurance Program for community participation as set forth in the Title 44 Code of Federal Regulations, Section 59.22
 - (i) Protect the hydraulic characteristics of the small watercourses, including gulches, sloughs and artificial water channels used for conveying floodwaters; and,

- (j) Protect individuals from purchasing flood prone lands for purposes that are not suitable.
- (4) Coordination with the Florida Building Code. This subsection is intended to be administered and enforced in conjunction with the *Florida Building Code*, as amended. Where cited, ASCE 24 refers to the edition of the standard that is referenced by the *Florida Building Code*, as amended.
- (5) Warning. The degree of flood protection required by this subsection and the *Florida Building Code*, as amended by the City and from time-to-time, is considered the minimum reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur. Flood heights may be increased by man-made or natural causes. This subsection does not imply that land outside of mapped special flood hazard areas, or that uses permitted within such flood hazard areas, will be free from flooding or flood damage. The flood hazard areas and base flood elevations contained in the Flood Insurance Study and shown on Flood Insurance Rate Maps and the requirements of Title 44 Code of Federal Regulations, Sections 59 and 60 may be revised by the Federal Emergency Management Agency ("FEMA"), requiring the City to revise these regulations to remain eligible for participation in the National Flood Insurance Program. No guaranty of vested use, existing use, or future use is implied or expressed by compliance with this subsection.
- (6) Disclaimer of Liability. This subsection shall not create liability on the part of the City Commission of the City of Alachua or by any officer or employee thereof for any flood damage that results from reliance on or compliance with this subsection or any administrative decision lawfully made thereunder.
- (B) Applicability.
- (1) General. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.
- (2) Areas to which this subsection applies. This subsection shall apply to all flood hazard areas within the City of Alachua, as established in Section 6.9.4(B)(3).
- (3) Basis for establishing flood hazard areas. The Flood Insurance Study for Alachua County, Florida and Incorporated Areas dated June 16, 2006, and all subsequent amendments and revisions, and the accompanying Flood Insurance Rate Maps (FIRM), and all subsequent amendments and revisions to such maps, are adopted by reference as a part of this subsection and shall serve as the minimum basis for establishing flood hazard areas. Studies and maps that establish flood hazard areas are on file in the Planning & Community Development Department.
- (4) Submission of additional data to establish flood hazard areas. To establish flood hazard areas and base flood elevations, pursuant to Section 6.9.4(E) the Floodplain Administrator may require submission of additional data. Where field surveyed topography prepared by a Florida licensed professional surveyor or digital topography accepted by the City indicates that ground elevations:
- (a) Are below the closest applicable base flood elevation, even in areas not delineated as a special flood hazard area on a FIRM, the area shall be considered as flood hazard area and subject to the requirements of this subsection and, as applicable, the requirements of the *Florida Building Code*, as amended.
- (b) Are above the closest applicable base flood elevation, the area shall be regulated as special flood hazard area unless the owner or owner's authorized agent (the "applicant") obtains a Letter of Map Change that removes the area from the special flood hazard area.

- (5) Other laws. The provisions of this subsection shall not be deemed to nullify any provisions of local, state or federal law.
- (6) Abrogation and greater restrictions. These regulations supersede any ordinances or regulations previously in effect for management of development in flood hazard areas. However, it is not intended to repeal or abrogate any existing ordinances including but not limited to these LDRs, zoning ordinances, stormwater management regulations, or the *Florida Building Code*, as amended. In the event of a conflict between the requirements of this subsection and any other ordinances, the more restrictive shall govern. These regulations shall not impair any deed restriction, covenant or easement, but any land that is subject to such interests shall also be governed by this subsection.
- (7) Interpretation. In the interpretation and application of this subsection, all provisions shall be:
 - (a) Considered as minimum requirements;
 - (b) Liberal construed in favor of the governing body; and
 - (c) Deemed neither to limit nor repeal any other powers granted under state statutes.

(C) Duties and powers of the floodplain administrator.

- (1) Designation. The LDR Administrator is designated as the Floodplain Administrator. The Floodplain Administrator may delegate performance of certain duties to other employees.
- (2) General. The Floodplain Administrator is authorized and directed to administer and enforce the provisions of this subsection. The Floodplain Administrator shall have the authority to render interpretations of this subsection consistent with the intent and purpose of this subsection and may establish policies and procedures in order to clarify the application of its provisions. Such interpretations shall be made pursuant to Section 2.4.19, Interpretation by LDR Administrator. Such interpretations, policies, and procedures shall not have the effect of waiving requirements specifically provided in this subsection without the granting of a floodplain development variance pursuant to Section 6.9.4(G).
- (3) Applications, permits, and approvals. The Floodplain Administrator, in coordination with other pertinent offices of the City, shall:
 - (a) Review applications and plans to determine whether proposed new development will be located in flood hazard areas;
 - (b) Review applications for modification of any existing development in flood hazard areas for compliance with the requirements of this subsection;
 - (c) Interpret flood hazard area boundaries where such interpretation is necessary to determine the exact location of boundaries; a person contesting the determination shall have the opportunity to appeal the interpretation;
 - (d) Provide available flood elevation and flood hazard information;
 - (e) Determine whether additional flood hazard data shall be obtained from other sources or shall be developed by an applicant;
 - (f) Review applications to determine whether proposed development will be reasonably safe from flooding;

- (g) Issue floodplain development permits or approvals for development other than buildings and structures that are subject to the *Florida Building Code*, as amended, including buildings, structures and facilities exempt from the *Florida Building Code*, as amended, when compliance with this subsection is demonstrated, or disapprove the same in the event of noncompliance; and
- (h) Coordinate with and provide comments to the Building Official to assure that applications, plan reviews, and inspections for buildings and structures in flood hazard areas comply with the applicable provisions of this subsection.
- (4) *Substantial improvement and substantial damage determinations.* For applications for building permits to improve buildings and structures, including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures, the Floodplain Administrator, in coordination with the Building Official, shall:
 - (a) Estimate the market value of the building or structure using the building value less any miscellaneous improvements or accessory structures from the appraised value as assessed by the Alachua County Property Appraiser's office, plus 20 percent before the start of construction of the proposed work, or require the applicant to obtain an appraisal of the market value prepared by a qualified independent appraiser, of the building or structure before the start of construction of the proposed work; in the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made;
 - (b) Compare the cost to perform the improvement, the cost to repair a damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, if applicable, to the market value of the building or structure. Upon the request of the Floodplain Administrator, the applicant shall provide a detailed valuation of all labor and materials for the construction project and all costs necessary to evaluate the substantial improvement and substantial damage requirements;
 - (c) Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; and,
 - (d) Notify the applicant if it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood resistant construction requirements of the *Florida Building Code*, as amended, and this subsection is required.
- (5) *Modifications of the strict application of the requirements of the Florida Building Code.* The Floodplain Administrator shall review requests submitted to the Building Official that seek approval to modify the strict application of the flood load and flood resistant construction requirements of the *Florida Building Code*, as amended, to determine whether such requests require the granting of a floodplain development variance pursuant to Section 6.9.4(G).
- (6) *Notices and orders.* The Floodplain Administrator shall coordinate with appropriate local agencies for the issuance of all necessary notices or orders to ensure compliance with this subsection.
- (7) *Inspections.* The Floodplain Administrator shall make the required inspections as specified in Section 6.9.4(F) for development that is not subject to the *Florida Building Code*, as amended,

including buildings, structures and facilities exempt from the *Florida Building Code*, as amended. The Floodplain Administrator shall inspect flood hazard areas to determine if development is undertaken without issuance of a permit.

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

- (a) Establish, in coordination with the Building Official, procedures for administering and documenting determinations of substantial improvement and substantial damage made pursuant to Section 6.9.4(C)(4);
- (b) Require that applicants proposing alteration of a watercourse notify adjacent communities and the Florida Division of Emergency Management, State Floodplain Management Office, and submit copies of such notifications to FEMA;
- (c) Require applicants who submit hydrologic and hydraulic engineering analyses to support permit applications to submit to FEMA the data and information necessary to maintain the Flood Insurance Rate Maps if the analyses propose to change base flood elevations, flood hazard area boundaries, or floodway designations; such submissions shall be made within 6 months of such data becoming available;
- (d) Review required design certifications and documentation of elevations specified by this subsection and the *Florida Building Code*, as amended, to determine that such certifications and documentations are complete; and
- (e) Notify FEMA when the corporate boundaries of the City of Alachua are modified. stopped here

(9) *Floodplain management records.* Regardless of any limitation on the period required for retention of public records, the Floodplain Administrator shall maintain and permanently keep and make available for public inspection all records that are necessary for the administration of this subsection and the flood resistant construction requirements of the *Florida Building Code*, as amended, including Flood Insurance Rate Maps; Letters of Map Change; records of issuance of permits or approval and denial of permits or approvals; determinations of whether proposed work constitutes substantial improvement or repair of substantial damage; required design certifications and documentation of elevations specified by the *Florida Building Code*, as amended, and this subsection; notifications to adjacent communities, FEMA, and the state related to alterations of watercourses; assurances that the flood carrying capacity of altered watercourses will be maintained; documentation related to appeals and variances from floodplain development requirements, including justification for issuance or denial; and records of enforcement actions taken pursuant to this subsection and the flood resistant construction requirements of the *Florida Building Code*, as amended. These records shall be available for public inspection in the Planning & Community Development Department.

(D) *Permits or approvals.*

(1) *Permits or approvals required.* Any applicant who intends to undertake any development activity within the scope of this subsection, including buildings, structures and facilities exempt from the *Florida Building Code*, as amended, which is wholly within or partially within any flood hazard area shall first make application to the Floodplain Administrator, and the Building Official if applicable, and shall obtain the required permit(s) or approval(s). No such permit or approval shall be issued until

compliance with the requirements of this subsection and all other applicable codes and regulations has been satisfied.

(2) Floodplain development permits or approvals. Floodplain development permits or approvals shall be issued pursuant to this subsection for any development activities not subject to the requirements of the Florida Building Code, as amended, including buildings, structures and facilities exempt from the Florida Building Code, as amended. Depending on the nature and extent of proposed development that includes a building or structure, the Floodplain Administrator may determine that a floodplain development permit or approval is required in addition to a building permit.

(3) Buildings, structures and facilities exempt from the Florida Building Code. Pursuant to the requirements of federal regulation for participation in the National Flood Insurance Program (44 C.F.R. Sections 59 and 60), floodplain development permits or approvals shall be required for the following buildings, structures and facilities that are exempt from the Florida Building Code, as amended, and any further exemptions provided by law, which are subject to the requirements of this subsection:

- (a) Railroads and ancillary facilities associated with the railroad;
- (b) Nonresidential farm buildings on farms, as provided in Section 604.50, Florida Statutes;
- (c) Temporary buildings or sheds used exclusively for construction purposes;
- (d) Mobile or modular structures used as temporary offices;
- (e) Those structures or facilities of electric utilities, as defined in Section 366.02, Florida Statutes, which are directly involved in the generation, transmission, or distribution of electricity;
- (f) Chickees constructed by the Miccosukee Tribe of Indians of Florida or the Seminole Tribe of Florida. As used in this paragraph, the term “chickee” means an open-sided wooden hut that has a thatched roof of palm or palmetto or other traditional materials, and that does not incorporate any electrical, plumbing, or other non-wood features;
- (g) Family mausoleums not exceeding 250 square feet in area which are prefabricated and assembled on site or preassembled and delivered on site and have walls, roofs, and a floor constructed of granite, marble, or reinforced concrete;
- (h) Temporary housing provided by the Department of Corrections to any prisoner in the state correctional system; or,
- (i) Structures identified in Section 553.73(10)(k), Florida Statutes, are not exempt from the Florida Building Code, as amended, if such structures are located in flood hazard areas established on Flood Insurance Rate Maps.

(4) Application for a permit or approval. To obtain a floodplain development permit or approval the applicant shall first file an application in writing on a form furnished by the City. The information provided shall:

- (a) Identify and describe the development to be covered by the permit or approval.

- (b) Describe the land on which the proposed development is to be conducted by legal description, street address or similar description that will readily identify and definitively locate the site.
 - (c) Indicate the use and occupancy for which the proposed development is intended.
 - (d) Be accompanied by a site plan or construction documents as specified in Section 6.9.4(E).
 - (e) State the valuation of the proposed work.
 - (f) Be signed by the applicant.
 - (g) Give such other data and information as required by the Floodplain Administrator.
- (5) Validity of permit or approval. The issuance of a floodplain development permit or approval for development located in a flood hazard area pursuant to this subsection shall not be construed to be a permit for, or approval of, any violation of this subsection, the *Florida Building Code*, as amended, or any other ordinances or regulations of the City. The issuance of permits or approvals based on submitted applications, construction documents, and information shall not prevent the Floodplain Administrator from requiring the correction of errors and omissions.
- (6) Expiration. Approval for development located in a flood hazard area shall become invalid unless the work authorized by such permit or approval is commenced within 180 days after its issuance, or if the work authorized is suspended or abandoned for a period of 180 days after the work commences. Extensions for periods of not more than 180 days each shall be submitted to the LDR Administrator in writing and good cause shall be demonstrated.
- (7) Suspension or revocation. The Floodplain Administrator is authorized to suspend or revoke a floodplain development permit or approval if the permit or approval was issued in error, on the basis of incorrect, inaccurate or incomplete information, or in violation of this subsection or any other ordinance, regulation or requirement of the City.
- (8) Other permits or approvals required. Floodplain development permits or approvals shall include a condition that all other applicable state or federal permits be obtained before commencement of the permitted development, including but not limited to the following:
- (a) The Suwannee River Water Management District; Section 373.036, Florida Statutes.
 - (b) Florida Department of Health for onsite sewage treatment and disposal systems; Section 381.0065, Florida Statutes, and Chapter 64E-6, Florida Administrative Code.
 - (c) Florida Department of Environmental Protection for activities subject to the Joint Coastal Permit; Section 161.055, Florida Statutes.
 - (d) Florida Department of Environmental Protection for activities that affect wetlands and alter surface water flows, in conjunction with the U.S. Army Corps of Engineers; Section 404 of the Clean Water Act.
 - (e) Federal permits and approvals.

(E) Site plans and construction documents.

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

- (a) Delineation of flood hazard areas, floodway boundaries and flood zone(s), base flood elevation(s), and ground elevations if necessary for review of the proposed development.
- (b) Where base flood elevations or floodway data are not included on the FIRM or in the Flood Insurance Study, they shall be established in accordance with Section 6.9.4(E)(2)(b) or Section 6.9.4(E)(2)(c).
- (c) Where the parcel on which the proposed development will take place will have more than 50 lots or is larger than 5 acres and the base flood elevations are not included on the FIRM or in the Flood Insurance Study, such elevations shall be established in accordance with Section 6.9.4(E)(2)(a).
- (d) Location of the proposed activity and proposed structures, and locations of existing buildings and structures.
- (e) Location, extent, amount, and proposed final grades of any filling, grading, or excavation.
- (f) Where the placement of fill is proposed, the amount, type, and source of fill material; compaction specifications; a description of the intended purpose of the fill areas; and evidence that the proposed fill areas are the minimum necessary to achieve the intended purpose.
- (g) Existing and proposed alignment of any proposed alteration of a watercourse.
- (h) The Floodplain Administrator is authorized to waive the submission of site plans, construction documents, and other data that are required by this subsection but that are not required to be prepared by a registered design professional if it is found that the nature of the proposed development is such that the review of such submissions is not necessary to ascertain compliance with this subsection.

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

- (a) Require the applicant to include base flood elevation data prepared in accordance with currently accepted engineering practices.
- (b) Obtain, review, and provide to applicants base flood elevation and floodway data available from a federal or state agency or other source, such as the U.S. Army Corps of Engineers or the Suwannee River Water Management District, or require the applicant to obtain and use base flood elevation and floodway data available from a federal or state agency or other source.
- (c) Where base flood elevation and floodway data are not available from another source, where the available data are deemed by the Floodplain Administrator to not reasonably reflect

flooding conditions, or where the available data are known to be scientifically or technically incorrect or otherwise inadequate:

- i. Require the applicant to include base flood elevation data prepared in accordance with currently accepted engineering practices; or
- ii. Specify that the base flood elevation is four (4) feet above the highest adjacent grade at the location of the development, provided there is no evidence indicating flood depths have been or may be greater than two (2) feet.
- iii. Where the base flood elevation data are to be used to support a Letter of Map Change from FEMA, advise the applicant that the analyses shall be prepared by a Florida licensed engineer in a format required by FEMA, and that it shall be the responsibility of the applicant to satisfy the submittal requirements and pay the processing fees.

(3) Additional analyses and certifications. As applicable to the location and nature of the proposed development activity, and in addition to the requirements of this section, the applicant shall submit the following analyses signed and sealed by a Florida licensed engineer at such time the site plan and construction documents are submitted to the City:

- (a) For development activities proposed to be located in a regulatory floodway, a floodway encroachment analysis that demonstrates that the encroachment of the proposed development will not cause any increase in base flood elevations; where the applicant proposes to undertake development activities that do increase base flood elevations, the applicant shall submit such analysis to FEMA as specified in Section 6.9.4(E)(4) and shall submit the Conditional Letter of Map Revision, if issued by FEMA, with the site plan and construction documents.
- (b) For development activities proposed to be located in a riverine flood hazard area for which base flood elevations are included in the Flood Insurance Study or on the FIRM and floodways have not been designated, hydrologic and hydraulic analyses that demonstrate that the cumulative effect of the proposed development, when combined with all other existing and anticipated flood hazard area encroachments, will not increase the base flood elevation more than one (1) foot at any point within the City. This requirement does not apply in isolated flood hazard areas not connected to a riverine flood hazard area or in flood hazard areas identified as Zone AO or Zone AH.
- (c) For alteration of a watercourse, an engineering analysis prepared in accordance with standard engineering practices which demonstrates that the flood-carrying capacity of the altered or relocated portion of the watercourse will not be decreased, and certification that the altered watercourse shall be maintained in a manner which preserves the channel's flood-carrying capacity; the applicant shall submit the analysis to FEMA as specified in Section 6.9.4(E)(4).

(4) Submission of additional data. When additional hydrologic, hydraulic or other engineering data, studies, and additional analyses are submitted to support an application, the applicant has the right to seek a Letter of Map Change from FEMA to change the base flood elevations, change floodway boundaries, or change boundaries of flood hazard areas shown on FIRMs, and to submit such data to FEMA for such purposes. The analyses shall be prepared by a Florida licensed engineer in a format

required by FEMA. Submittal requirements and processing fees shall be the responsibility of the applicant.

(F) *Inspections.*

- (1) *General.* Development for which a floodplain development permit or approval is required shall be subject to inspection.
- (2) *Development other than buildings and structures.* The Floodplain Administrator shall inspect all development to determine compliance with the requirements of this subsection and the conditions of issued floodplain development permits or approvals.
- (3) *Buildings, structures and facilities exempt from the Florida Building Code.* The Floodplain Administrator shall inspect buildings, structures and facilities exempt from the *Florida Building Code*, as amended, to determine compliance with the requirements of this subsection and the conditions of issued floodplain development permits or approvals.
- (4) *Buildings, structures and facilities exempt from the Florida Building Code, lowest floor inspection.* Upon placement of the lowest floor, including basement, and prior to further vertical construction, the owner of a building, structure or facility exempt from the *Florida Building Code*, as amended, or the owner's authorized agent, shall submit to the Floodplain Administrator:
 - (a) *If a design flood elevation was used to determine the required elevation of the lowest floor, the certification of elevation of the lowest floor prepared and sealed by a Florida licensed professional surveyor; or*
 - (b) *If the elevation used to determine the required elevation of the lowest floor was determined in accordance with Section 6.9.4(E)(2)(c)(ii), the documentation of height of the lowest floor above highest adjacent grade, prepared by the owner or the owner's authorized agent.*
- (5) *Buildings, structures and facilities exempt from the Florida Building Code, final inspection.* As part of the final inspection, the owner or owner's authorized agent shall submit to the Floodplain Administrator a final certification of elevation of the lowest floor or final documentation of the height of the lowest floor above the highest adjacent grade; such certifications and documentations shall be prepared as specified in Section 6.9.4(F)(4).
- (6) *Manufactured homes.* The Floodplain Administrator shall inspect manufactured homes that are installed or replaced in flood hazard areas to determine compliance with the requirements of this subsection and the conditions of the issued permit or approval. Upon placement of a manufactured home, certification of the elevation of the lowest floor shall be submitted to the Floodplain Administrator.

(G) *Floodplain development variances and appeals.*

- (1) *General.* The Board of Adjustment shall hear and decide on requests for appeals and requests for variances from the strict application of this subsection. Pursuant to Section 553.73(5), Florida Statutes, the Board of Adjustment shall hear and decide on requests for appeals and requests for variances from the strict application of the flood resistant construction requirements of the *Florida Building Code*, as amended.
- (2) *Appeals.* The Board of Adjustment shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the

administration and enforcement of this subsection. Any person aggrieved by the decision may appeal such decision to the Circuit Court, as provided by Florida Statutes.

- (3) *Limitations on authority to grant floodplain development variances.* The Board of Adjustment shall base its decisions on floodplain development variances on technical justifications submitted by applicants, the considerations for issuance in Section 6.9.4(G)(7), the conditions of issuance set forth in Section 6.9.4(G)(8), and the comments and recommendations of the Floodplain Administrator and the Building Official. The Board of Adjustment has the right to attach such conditions as it deems necessary to further the purposes and objectives of this subsection.
- (4) *Restrictions in floodways.* A floodplain development variance shall not be issued for any proposed development in a floodway if any increase in base flood elevations would result, as evidenced by the applicable analyses and certifications required in Section 6.9.4(E)(3).
- (5) *Historic buildings.* A floodplain development variance may be granted for the repair, improvement, or rehabilitation of a historic building that is determined eligible for the exception to the flood resistant construction requirements of the *Florida Building Code, Existing Building*, Chapter 12 Historic Buildings, as amended, upon a determination that the proposed repair, improvement, or rehabilitation will not preclude the building's continued designation as a historic building and the floodplain development variance is the minimum necessary to preserve the historic character and design of the building. If the proposed work precludes the building's continued designation as a historic building, a floodplain development variance shall not be granted and the building and any repair, improvement, and rehabilitation shall be subject to the requirements of the *Florida Building Code*, as amended.
- (6) *Functionally dependent uses.* A floodplain development variance may be granted for the construction or substantial improvement necessary for the conduct of a functionally dependent use, as defined in this subsection, provided the floodplain development variance meets the requirements of Section 6.9.4(G)(4), is the minimum necessary considering the flood hazard, and all due consideration has been given to use of methods and materials that minimize flood damage during occurrence of the base flood.
- (7) *Standards for issuance of floodplain development variances.* In reviewing requests for floodplain development variances, the Board of Adjustment shall consider all technical evaluations, all relevant factors, all other applicable provisions of the *Florida Building Code*, as amended, this subsection, and the following:

 - (a) *The danger that materials and debris may be swept onto other lands resulting in further injury or damage;*
 - (b) *The danger to life and property due to flooding or erosion damage;*
 - (c) *The susceptibility of the proposed development, including contents, to flood damage and the effect of such damage on current and future owners;*
 - (d) *The importance of the services provided by the proposed development to the City;*
 - (e) *The availability of alternate locations for the proposed development that are subject to lower risk of flooding or erosion;*
 - (f) *The compatibility of the proposed development with existing and anticipated development;*

- (g) The relationship of the proposed development to the comprehensive plan and floodplain management program for the area;
 - (h) The safety of access to the property in times of flooding for ordinary and emergency vehicles;
 - (i) The expected heights, velocity, duration, rate of rise and debris and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and,
 - (j) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, streets and bridges.
- (8) Conditions for issuance of floodplain development variances. Floodplain development variances shall be issued only upon all of the following conditions being met:
- (a) Submission by the applicant, of a showing of good cause that the unique characteristics of the size, configuration, or topography of the site limit compliance with any provision of this subsection or the required elevation standards;
 - (b) Determination and finding by the Board of Adjustment that the standards for issuance of a floodplain development permit or approval provided in Section 6.9.4(G)(7) cannot be met, and that:
 - i. Failure to grant the floodplain development variance would result in exceptional hardship due to the physical characteristics of the land that render the lot undevelopable; increased costs to satisfy the requirements or inconvenience do not constitute hardship;
 - ii. The granting of a floodplain development variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, nor create nuisances, cause fraud on or victimization of the public or conflict with existing local laws and ordinances; and
 - iii. The floodplain development variance is the minimum necessary, considering the flood hazard, to afford relief;
 - (c) Receipt of a signed statement by the applicant that the floodplain development variance, if granted, shall be recorded in the Office of the Clerk of the Court, and the recording fees incurred by the applicant, in such a manner that it appears in the chain of title of the affected parcel of land; and
 - (d) If the request is for a floodplain development variance to allow construction of the lowest floor of a new building, or substantial improvement of a building, below the required elevation, a copy in the record of a written notice from the Floodplain Administrator to the applicant for the floodplain development variance, specifying the difference between the base flood elevation and the proposed elevation of the lowest floor, stating that the cost of federal flood insurance will be commensurate with the increased risk resulting from the reduced floor elevation (up to amounts as high as \$25 for \$100 of insurance coverage), and stating that construction below the base flood elevation increases risks to life and property.

(H) Violations.

- (1) Violations. Any development that is not within the scope of the *Florida Building Code*, as amended, but that is regulated by this subsection that is performed without an issued permit or approval, that is in conflict with an issued permit or approval, or that does not fully comply with this subsection, shall be deemed a violation of this subsection. A building or structure without the documentation of elevation of the lowest floor, other required design certifications, or other evidence of compliance required by this subsection or the *Florida Building Code*, as amended is presumed to be a violation until such time as that documentation is provided.
- (2) Authority. For development that is not within the scope of the *Florida Building Code*, as amended, but that is regulated by this subsection and that is determined to be a violation, the Floodplain Administrator is authorized to serve notices of violation or stop work orders to owners of the property involved, to the owner's agent, or to the person or persons performing the work.
- (3) Unlawful continuance. Any person who shall continue any work after having been served with a notice of violation or a stop work order, except such work as that person is directed to perform to remove or remedy a violation or unsafe condition, shall be subject to penalties as prescribed by law.
- (4) Enforcement, remedies, and penalties. Any violations of this subsection shall be subject to the enforcement, remedies, and penalties as set forth in Article 9 of these LDRs.

(I) Design and construction of buildings, structures and facilities exempt from the *Florida Building Code*. Pursuant to Section 6.9.4(D)(3), buildings, structures, and facilities that are exempt from the *Florida Building Code*, as amended, including substantial improvement or repair of substantial damage of such buildings, structures and facilities, shall be designed and constructed in accordance with the flood load and flood resistant construction requirements of ASCE 24. Structures exempt from the *Florida Building Code*, as amended, that are not walled and roofed buildings shall comply with the requirements of Section 6.9.4(O).

(J) Subdivisions.

- (1) Minimum requirements. Subdivision proposals, including proposals for manufactured home parks and subdivisions, shall be reviewed to determine that all of the following are met:
 - (a) No building or structure shall not be located in flood hazard areas where other alternatives for the location of such structures exist on the site;
 - (b) Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding;
 - (c) All public utilities and facilities such as sewer, gas, electric, communications, and water systems are located and constructed to minimize or eliminate flood damage;
 - (d) Adequate drainage is provided to reduce exposure to flood hazards; in Zones AH and AO, adequate drainage paths shall be provided to guide floodwaters around and away from proposed structures; and,
 - (e) In any area outside of the flood hazard area where a perennial watercourse is present, no building or fill shall be located within a distance of the stream bank equal to five times the width of the watercourse at the top of the bank or 35 feet, whichever is greater.

- (2) Subdivision plats. Where any portion of proposed subdivisions, including manufactured home parks and subdivisions, lies within a flood hazard area, the following shall be required:
- (a) Delineation of flood hazard areas, floodway boundaries and flood zones, and design flood elevations, as appropriate, shall be shown on preliminary plats and final plats;
 - (b) Where the subdivision has more than 50 lots or is larger than 5 acres and base flood elevations are not included on the FIRM, the base flood elevations determined in accordance with Section 6.9.4(E)(2)(a);
 - (c) The elevation of proposed structures and pads;
 - (d) If the site is filled above the base flood elevation, the final pad elevation shall be certified by a Florida licensed professional surveyor;
 - (e) Compliance with the site improvement and utilities requirements of Section 6.9.4(K); and,
 - (f) The following flood hazard warning is displayed on the plat: "FLOOD HAZARD WARNING: This property may be subject to flooding. You should contact the City LDR Administrator and obtain the latest information about flood elevations and restrictions before making plans for the use of this land."

(K) Site improvements, utilities and limitations.

- (1) Minimum requirements. All proposed new development shall be reviewed to determine that all of the following are met:
- (a) No building or structure shall be located in flood hazard areas where other alternatives for the location of such structures exist on the site;
 - (b) Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding;
 - (c) All public utilities and facilities such as sewer, gas, electric, communications, and water systems are located and constructed to minimize or eliminate flood damage; and
 - (d) Adequate drainage is provided to reduce exposure to flood hazards; in Zones AH and AO, adequate drainage paths shall be provided to guide floodwaters around and away from proposed structures.
- (2) Sanitary sewage facilities. All new and replacement sanitary sewage facilities, private sewage treatment plants (including all pumping stations and collector systems), and on-site waste disposal systems shall be designed in accordance with the standards for onsite sewage treatment and disposal systems in Chapter 64E-6, F.A.C. and ASCE 24 Chapter 7 to minimize or eliminate infiltration of floodwaters into the facilities and discharge from the facilities into flood waters, and impairment of the facilities and systems.
- (3) Water supply facilities. All new and replacement water supply facilities shall be designed in accordance with the water well construction standards in Chapter 62-532.500, F.A.C. and ASCE 24 Chapter 7 to minimize or eliminate infiltration of floodwaters into the systems.
- (4) Encroachment limitations. In flood hazard areas without base flood elevations (approximate Zone A), no encroachments including fill material and structures shall be located within a distance of the

stream bank equal to five times the width of the watercourse at the top of the bank or 35 feet for all perennial watercourses, whichever is greater. In any area outside of a flood hazard area (Zone B, C, or X) where a perennial water course is present, no building or fill shall be located within a distance of the bank equal to 35 feet.

(5) *Limitations on sites in regulatory floodways.* No development, including but not limited to site improvements, and land disturbing activity involving fill or regrading, shall be authorized in the regulatory floodway unless the floodway encroachment analysis required in Section 6.9.4(E)(3)(a) demonstrates that the proposed development or land disturbing activity will not result in any increase in the base flood elevation.

(6) *Limitations on placement of fill.* Subject to the limitations of this subsection, fill shall be designed to be stable under conditions of flooding including rapid rise and rapid drawdown of floodwaters, prolonged inundation, and protection against flood-related erosion and scour. In addition to these requirements, if intended to support buildings and structures (Zone A only), fill shall comply with the requirements of the *Florida Building Code*, as amended.

(L) *Manufactured homes.*

(1) *General.* All manufactured homes permitted in flood hazard areas shall be installed by an installer that is licensed pursuant to Section 320.8249, Florida Statutes, and shall comply with the requirements of Chapter 15C-1, F.A.C. and the requirements of this subsection.

(2) *Foundations.* All new manufactured homes and replacement manufactured homes installed in flood hazard areas shall be installed on permanent, reinforced foundations that are designed in accordance with the foundation requirements of the *Florida Building Code Residential* Section R322.2, as amended, and this subsection. Foundations for manufactured homes subject to Section 6.9.4(L)(6) are permitted to be reinforced piers or other foundation elements of at least equivalent strength.

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

(4) *Elevation.* Manufactured homes that are placed, replaced, or substantially improved shall comply with Section 6.9.4(L)(5) or Section 6.9.4(L)(6), as applicable.

(5) *General elevation requirement.* Unless subject to the requirements of Section 6.9.4(L)(6), all manufactured homes that are placed, replaced, or substantially improved shall be elevated such that the bottom of the frame is at or above the elevation required, as applicable to the flood hazard area, in the *Florida Building Code, Residential* Section R322.2 (Zone A), as amended on sites located:

(a) In an expansion to an existing manufactured home park or subdivision; or,

(b) In an existing manufactured home park or subdivision upon which a manufactured home has incurred "substantial damage" as the result of a flood.

(6) *Elevation requirement for certain existing manufactured home parks and subdivisions.* Manufactured homes that are not subject to Section 6.9.4(L)(5), including manufactured homes that are placed, replaced, or substantially improved on sites located in an existing manufactured home

park or subdivision, unless on a site where substantial damage as result of flooding has occurred, shall be elevated such that either the:

(a) Bottom of the frame of the manufactured home is at or above the elevation required in the *Florida Building Code, Residential Section R322.2 (Zone A)* , as amended; or

(b) Bottom of the frame is supported by reinforced piers or other foundation elements of at least equivalent strength that are not less than 36 inches in height above grade.

(7) *Enclosures.* Enclosed areas below elevated manufactured homes shall comply with the requirements of the *Florida Building Code, Residential Section R322.2*, as amended, for such enclosed areas.

(8) *Utility equipment.* Utility equipment that serves manufactured homes, including electric, heating, ventilation, plumbing, and air conditioning equipment and other service facilities, shall comply with the requirements of the *Florida Building Code, Residential Section R322*, as amended.

(M) *Recreational vehicles and park trailers.*

(1) *Temporary placement.* Recreational vehicles and park trailers placed temporarily in flood hazard areas shall:

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

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

(2) *Permanent placement.* Recreational vehicles and park trailers that do not meet the limitations in Section 6.9.4(M)(1) for temporary placement shall meet the requirements of Section 6.9.4(L) for manufactured homes.

(N) *Tanks.*

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

(2) *Above-ground tanks, not elevated.* Above-ground tanks that do not meet the elevation requirements of Section 6.9.4(N)(3) shall be permitted in flood hazard areas provided the tanks are anchored or otherwise designed and constructed to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty and the effects of flood-borne debris.

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

(4) *Tank inlets and vents.* Tank inlets, fill openings, outlets and vents shall be:

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

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

(O) Other development.

- (1) General requirements for other development. All development, including man-made changes to improved or unimproved real estate for which specific provisions are not specified in this subsection or the Florida Building Code, as amended, shall:
 - (a) Be located and constructed to minimize flood damage;
 - (b) Meet the limitations of Section 6.9.4(K)(5) if located in a regulated floodway;
 - (c) Be anchored to prevent flotation, collapse or lateral movement resulting from hydrostatic loads, including the effects of buoyancy, during conditions of the design flood;
 - (d) Be constructed of flood damage-resistant materials; and,
 - (e) Have mechanical, plumbing, and electrical systems above the design flood elevation or meet the requirements of ASCE 24, except that minimum electric service required to address life safety and electric code requirements is permitted below the design flood elevation provided it conforms to the provisions of the electrical part of building code for wet locations.
- (2) Residential accessory structures. The anchoring requirements of Section 6.9.4(O)(1) may be satisfied by bolting the structure to a concrete slab or by over-the-top ties. When bolted to a concrete slab, one-half inch bolts shall be installed six feet on center, with a minimum of two bolts per side, with a force adequate to secure the structure.
- (3) Fences in regulated floodways. Fences in regulated floodways that have the potential to block the passage of floodwaters, such as stockade fences and wire mesh fences, shall meet the limitations of Section 6.9.4(K)(5).
- (4) Retaining walls, sidewalks and driveways in regulated floodways. Retaining walls and sidewalks and driveways that involve the placement of fill in regulated floodways shall meet the limitations of Section 6.9.4(K)(5).
- (5) Roads and watercourse crossings in regulated floodways. Roads and watercourse crossings, including roads, bridges, culverts, low-water crossings and similar means for vehicles or pedestrians to travel from one side of a watercourse to the other side, that encroach into regulated floodways shall meet the limitations of Section 6.9.4(K)(5). Alteration of a watercourse that is part of a road or watercourse crossing shall meet the requirements of Section 6.9.4(E)(3)(c).

Section 10.2 of the City's LDRs is amended to read as follows (text that is underlined is to be added and text that is shown as ~~strikethrough~~ is to be removed). Except as amended herein, the remainder of Section 2.4.15 remains in full force and effect:

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

~~Area of shallow flooding means a designated A zone on a FEMA FIRM, with base flood depths from one to three feet, where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.~~

~~Area of special flood hazard means the area so designated on the Federal Emergency Management Agency Official Flood Insurance Rate Map (FEMA FIRM).~~

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

Base flood elevation has the meaning as defined in Section 202, *Florida Building Code*, as amended.

Basement means that portion of a building between the floor and ceiling, which is partly below and partly above grade, but located so that the vertical distance from the grade to the floor below is less than the vertical distance from the grade to the ceiling; provided, however, that the distance from the grade to the ceiling shall be at least four feet six inches; provided however, for purposes of Section 6.9.4, *Floodprone area standards*, basement has the meaning as defined in Section 202, *Florida Building Code*, as amended, for flood loads.

~~Breakaway wall means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or the supporting foundation system.~~

Construction documents has the meaning as defined in Section 202 of the *Florida Building Code*, as amended.

Design flood has the meaning as defined in Section 202, *Florida Building Code*, as amended.

Design flood elevation has the meaning as defined in Section 202, *Florida Building Code*, as amended.

~~Development means~~ has the meaning as defined in F.S. §§ 163.3164 and 380.04, as amended; provided, however, for the purposes of Section 6.9.4, *Floodprone area standards*, means any man-made change to improved or unimproved real estate, including but not limited to, buildings or other structures, tanks, temporary structures, temporary or permanent storage of equipment or materials, mining, dredging, filling, grading, paving, excavations, drilling operations or any other land disturbing activities.

Dwelling, manufactured home, means a structure building on an integral chassis designed to be used as a dwelling unit when connected to the required utilities, fabricated in an off-site manufacturing facility after June 15, 1976, in one or more sections, which includes the plumbing, heating, air conditioning and electrical systems contained therein, with each section bearing the HUD Code Seal certifying compliance with the Federal Manufactured Home Construction and Safety Standards Act, designed to be transported for installation or assembly at the building site, also known as a "HUD-Code Home." This definition does not include recreational

vehicles, mobile home dwellings or modular home dwellings; provided however, for the purposes of Section 6.9.4, Floodprone area standards, has the meaning as defined in Chapter 15C-1.0101, Florida Administrative Code.

Encroachment means, for the purposes of Section 6.9.4, Floodprone area standards, the placement of fill, excavation, buildings, permanent structures or other development into a flood hazard area which may impede or alter the flow capacity of riverine flood hazard areas.

Elevated building means a nonecellar building built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, columns (posts and piers), shear walls or breakaway walls.

Elevation means, for the purposes of Section 6.9.4, Floodprone area standards, height in feet above mean sea level as established by the National Geodetic Vertical Datum (NGVD) of 1988.

Existing building or existing structure means, for the purposes of Section 6.9.4, Floodprone area standards, any buildings and structures for which the “start of construction” commenced before February 21, 1994.

Existing manufactured home park or subdivision means, for the purposes of Section 6.9.4, Floodprone area standards, a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) was completed before February 21, 1994.

Expansion to an existing manufactured home park or subdivision means, for the purposes of Section 6.9.4, Floodprone area standards, the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

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

Flood damage-resistant materials has the meaning as defined in Section 202, Florida Building Code, as amended.

Flood hazard area has the meaning as defined in Section 202, Florida Building Code, as amended.

Flood area, 100 year, means, for the purposes of Section 6.9.4, Floodprone area standards, those areas that have a land elevation less than the official 100 year flood elevations.

Flood, base, means, for the purposes of Section 6.9.4, Floodprone area standards, the flood having a one percent chance of being equaled or exceeded in any given year.

Flood elevation of record means, for the purposes of Section 6.9.4, Floodprone area standards, the maximum flood elevation for which historical records exist.

Flood elevations, official 10 year, means, for the purposes of Section 6.9.4, Floodprone area standards, the most recent and reliable flood elevations based on a Log Pearson Type III Probability Distribution produced by the United States Geological Survey and based on historical data.

Flood Map, Official 100 Year, means, for the purposes of Section 6.9.4, Floodprone area standards, the map issued by FEMA that delineates the areas having ground elevations that are less than the official 100 year flood elevations.

Floodplain means an area inundated during a 100-year flood event and identified by the Federal Emergency Management Agency (FEMA) on Flood Insurance Rate Maps (FIRMs).

Floodplain Administrator means, for the purposes of Section 6.9.4, *Floodprone area standards*, the office or position designated and charged with the administration and enforcement of Section 6.9.4, (may also be referred to as the Floodplain Manager).

Floodplain development permit or approval means, for the purposes of Section 6.9.4, *Floodprone area standards*, an official document or certificate, including but not limited to a building permit or a Certificate of LDR Compliance, issued by the City, or other evidence of approval or concurrence, which authorizes performance of specific development activities that are located in flood hazard areas and that are determined to be compliant with Section 6.9.4.

Floodplain development variance means a grant of relief from the requirements of Section 6.9.4, *Floodprone area standards*, or the flood resistant construction requirements of the *Florida Building Code*, as amended, which permits construction in a manner that would not otherwise be permitted by Section 6.9.4, or the *Florida Building Code*, as amended.

Floodway encroachment analysis means, for the purposes of Section 6.9.4, *Floodprone area standards*, an engineering analysis of the impact that a proposed encroachment into a floodway is expected to have on the floodway boundaries and base flood elevations; the evaluation shall be prepared by a qualified Florida licensed engineer using standard engineering methods and models.

Florida Building Code means those codes adopted by the Florida Building Commission, including: *Florida Building Code, Building*; *Florida Building Code, Residential*; *Florida Building Code, Existing Building*; *Florida Building Code, Mechanical*; *Florida Building Code, Plumbing*; *Florida Building Code, Fuel Gas*; which are incorporated into Florida Statutes, as amended.

Functionally dependent use means, for the purposes of Section 6.9.4, *Floodprone area standards*, a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water, including only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities; the term does not include long-term storage or related manufacturing facilities.

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

Historic structure means, for the purposes of Section 6.9.4, *Floodprone area standards*, any structure that is determined eligible for the exception to the flood hazard area requirements of the *Florida Building Code, Existing Building*, Chapter 12 Historic Buildings, as amended.

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

Letter of Map Amendment (LOMA): An amendment based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property, portion of a property, or structure is not located in a special flood hazard area.

Letter of Map Revision (LOMR): A revision based on technical data that may show changes to flood zones, flood elevations, special flood hazard area boundaries and floodway delineations, and other planimetric features.

Letter of Map Revision Based on Fill (LOMR-F): A determination that a structure or parcel of land has been elevated by fill above the base flood elevation and is, therefore, no longer located within the special flood hazard area. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the City's floodplain management regulations.

Conditional Letter of Map Revision (CLOMR): A formal review and comment as to whether a proposed flood protection project or other project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective Flood Insurance Rate Map or Flood Insurance Study; upon submission and approval of certified as-built documentation, a Letter of Map Revision may be issued by FEMA to revise the effective FIRM.

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

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

Lowest floor, for the purposes of Section 6.9.4, Floodprone area standards, has the meaning as defined in Section 202, Florida Building Code, as amended.

Manufactured home park or subdivision means, for the purposes of Section 6.9.4, Floodprone area standards, a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Market value means, for the purposes of Section 6.9.4, Floodprone area standards, the price at which a property will change hands between a willing buyer and a willing seller, neither party being under compulsion to buy or sell and both having reasonable knowledge of relevant facts. As used in Section 6.9.4, the term refers to the market value of buildings and structures, excluding the land and other improvements on the parcel. Market value may be established by a qualified independent appraiser, Actual Cash Value (replacement cost depreciated for age and quality of construction), or building value as assessed by the Alachua County Property Appraiser's office, plus 20 percent of the tax assessment value.

Mean sea level means the average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. The term is synonymous with National Geodetic Vertical Datum (NGVD).

New construction means, for the purposes of Section 6.9.4, Floodprone area standards and the flood resistant construction requirements of the Florida Building Code, as amended, structures for which the "start of construction" commenced on or after February 21, 1994 and includes any subsequent improvements to such structures.

New manufactured home park or subdivision means, for the purposes of Section 6.9.4, Floodprone area standards, a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after February 21, 1994.

Official 100 Year Flood Map means the map issued by the Federal Emergency Management Agency that delineates the areas having ground elevations that are less than the official 100 year flood elevations.

Park trailer, for purposes of Section 6.9.4, Floodprone area standards, has the meaning as defined in Chapter 320.01(1)(b)7., Florida Statutes.

Recreational vehicle means a transportable structure primarily designed as temporary living quarters for recreational, camping or travel use, which either has its own motor power or is mounted on or drawn by another vehicle. Recreational vehicles, when traveling on the public roadways of the State, must comply with the length and width provisions of F.S. § 316.515. The term "recreational vehicle" shall include motor home, camper bus and travel trailer, camping trailer, truck camper but shall not include pick-up trucks with camper shells that extend one foot or less above the cab of the truck; provided however, for the purposes of Section 6.9.4, Floodprone area standards, means a vehicle, including a park trailer, which is:

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

Special flood hazard area has the meaning as defined in Section 202, Florida Building Code, as amended.

~~Start of construction means substantial improvement; provided the actual start of construction, repair, reconstruction or improvement was within 180 days of the date the building permit was issued. The term "actual start" means the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. The term "permanent construction" does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or that are not part of the main structure.~~

Start of construction has the meaning as defined in Section 202, Florida Building Code, as amended.

~~Substantial damage has the meaning as defined in Section 202, Florida Building Code, as amended. means, for the purposes of Section 6.9.4, Floodprone area standards, damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.~~

~~Substantial improvement means, for a structure built prior to the enactment of these LDRs, repair, reconstruction or improvement of a structure the cost of which equals or exceeds 50 percent of the market value of the structure before the improvement or repair is started. Substantial improvement is considered to occur when the first alteration on any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term "substantial improvement" does not, however, include either:~~

- ~~(1) Any project for improvement of a structure to comply with existing State or local health, sanitary or safety code specifications that are solely necessary to ensure safe living conditions; or~~
- ~~(2) Any alteration of a structure listed on the National Register of Historic Places.~~

Substantial improvement has the meaning as defined in Section 202, Florida Building Code, as amended.

EXHIBIT “B”

Subpart A, Chapter 8, Section 8.29 of the City’s Code of Ordinances is amended to read as follows (text that is underlined is to be added and text that is shown as ~~striketrough~~ is to be removed). Except as amended herein, the remainder of Section 8.29 of the City’s Code of Ordinances remains in full force and effect:

Sec. 8-29. - Florida Building Code.

- (a) The ~~2007~~ 2017 Florida Building Code (Code), as amended from time to time and adopted by F.S. ch. 553, is hereby adopted and shall be enforced in the City.
- (b) The *Florida Building Code, Residential* is hereby amended by the following technical amendment:

R322.2.2 Enclosed areas below design flood elevation. Enclosed areas, including crawl spaces, that are below the design flood elevation shall:

- 1. Be used solely for parking of vehicles, building access or storage. The interior portion of such enclosed areas shall not be partitioned or finished into separate rooms except for stairwells, ramps, and elevators, unless a partition is required by the fire code. The limitation on partitions does not apply to load bearing walls interior to perimeter wall (crawl space) foundations. Access to enclosed areas shall be the minimum necessary to allow for the parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the building (stairway or elevator).

Remainder of R322.2 unchanged.

- (c) The *Florida Building Code, Building* is hereby amended by the following technical amendment:

1612.4.2 Additional requirements for enclosed areas. In addition to the requirements of ASCE 24, enclosed areas below the design flood elevation shall not be partitioned or finished into separate rooms except for stairwells, ramps, and elevators.

- ~~(b)~~(d) The Florida Building Code is hereby amended by adding: Surface treatment of masonry walls and structures. All exterior masonry walls and structures shall have a finished appearance through the application of stucco or other approved surfacing materials or by tooling all joints and properly sealing and painting the surface.
- ~~(e)~~(e) The City Commission shall set and determine its own fees for permits and all inspections and any other type of fees applicable under the Florida Building Code.