

ORDINANCE NUMBER 2025 - _____

AN ORDINANCE OF THE CITY OF OCALA, FLORIDA AMENDING SECTION 90-20, *CODE OF ORDINANCES, CITY OF OCALA, FLORIDA*; PROVIDING FOR LIMITATIONS ON ENCLOSURES UNDER ELEVATED BUILDINGS; PROVIDING DIRECTION TO STAFF; PROVIDING DIRECTION TO THE CODIFIER; REPEALING INCONSISTENT AND/OR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY OF ORDINANCE PROVISIONS; PROVIDING FOR MODIFICATIONS ARISING FROM CONSIDERATION AT A PUBLIC HEARING; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 90-20 of the *Code of Ordinances, City of Ocala, Florida*, currently provides for the regulation of buildings and structures so as to ensure that, within areas designated as flood prone, development occurs in a manner in which risk is mitigated; and

WHEREAS, Section 90-20, *Code of Ordinances, City of Ocala, Florida*, does not currently limit the development of enclosures below elevated buildings so as to further mitigate flood risks during significant flood events; and

WHEREAS, the United States of America, Federal Emergency Management Agency (FEMA) recommends limitations on the size of enclosures below elevated buildings in flood-prone areas for several reasons, primarily aimed at minimizing damage and protecting lives and property during flood events; and

WHEREAS, the limitations on enclosures below elevated buildings in flood-prone areas are a key component of FEMA's overall strategy to mitigate flood risks and ensure the safety and resilience of communities in flood-prone regions; and

WHEREAS, enhancing the regulations in Section 90-20, *Code of Ordinances, City of Ocala, Florida*, so as to limit enclosures below elevated buildings located in flood hazard areas will reduce flood forces and prevent the redirection of flood waters to other structures and will further add to the City of Ocala's efforts to mitigate flood damage; and

WHEREAS, given the above and foregoing, the City of Ocala, Florida now desires to implement a change to said Section 90-20, *Code of Ordinances, City of Ocala, Florida*, to add language prohibiting the development of enclosures below elevated buildings located within flood hazard areas; and

WHEREAS, the City Council of the City of Ocala, Florida finds and determines that this ordinance and the amendment to Section 90-20, *Code of Ordinances, City of Ocala, Florida*, contained herein are further the protection of the health, safety and welfare of the citizens of Ocala, Florida; and

WHEREAS, the City Council of the City of Ocala, Florida finds and determines that this ordinance and the amendments to Section 90-20, *Code of Ordinances, City of Ocala, Florida*, contained herein are in the best interest of the City of Ocala, Florida and its citizens; and

NOW THEREFORE, be it ordained, by the City Council of the City of Ocala, Florida, in regular session, as follows:

Section 1. Ratification, Adoption and Incorporation of Recitals.

The City Council of the City of Ocala, Florida ratifies the above-outlined recitals as true and correct; adopts and incorporates them herein as part and parcel of this ordinance.

Section 2. Purpose and Authority for Ordinance.

This ordinance is adopted for the purpose of amending and revising Section 90-20, of the *Code of Ordinances, City of Ocala, Florida* so as to prohibit the development of buildings which contain enclosures below grade within areas designated as flood hazard areas, and is adopted pursuant to the authority granted by Chapter 166, *Florida Statutes*, and other relevant provisions of Florida and federal law.

Section 3. Amendment of Section 90-20, Code of Ordinances, City of Ocala, Florida.

Section 90-20 of the *Code of Ordinances, City of Ocala, Florida* is hereby amended by replacement in its entirety with the following:

Section 90-20. Buildings and Structures.

(a) Design and construction of buildings, structures and facilities exempt from the Florida Building Code.

Pursuant to subsection 90-14(c), buildings, structures and facilities that are exempt from the Florida Building Code, 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 that are not walled and roofed buildings shall comply with the requirements of section 90-26.

(b) Critical facilities.

New critical facilities shall, to the extent feasible, be located outside of the special flood hazard area and outside of the 0.2 percent annual chance flood hazard area (500-year floodplain). If documentation is provided that feasible sites outside of the special flood hazard that satisfy the objectives of a proposed critical facility are not available, then the critical facility shall:

- (1) Have the lowest floor elevated or protected to at least the base flood elevation plus 3.0 feet or the elevation required by ASCE 24, whichever is higher;
- (2) Have floodproofing and sealing measures taken to ensure that toxic substances will not be displaced by or released into floodwaters; and
- (3) Have access routes elevated to or above the base flood elevation shall to the maximum extent possible.

(c) *Accessory Structures.*

Accessory structures are permitted below the base flood elevation provided the accessory structures are used only for parking or storage, and:

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

(d) *Limitations on enclosures under elevated buildings in a flood hazard area.*

Enclosures below elevated buildings (those on posts and/or piers) more than four (4) feet above grade are prohibited, including but not necessarily limited to enclosures with walls designed to breakaway under flood loads.

Section 4. Direction to Staff.

The City Council of the City of Ocala, Florida directs staff as follows:

- A. Staff is directed to transmit copies of this ordinance to the State of Florida, Department of Law Enforcement for their review, consideration and approval.
- B. Staff is further directed to take any and all other steps necessary to effectuate the adoption and implementation of this ordinance; and all other matters as provided for above and herein as well as to ensure the orderly and effective administration and implementation of the intent of this ordinance and the specific matters outlined herein.

Section 5. Direction to the Codifier.

It is the intention of the City Council of the City of Ocala, Florida that (1) this ordinance shall become and be made a part of the *Code of Ordinances, City of Ocala, Florida*, (2) the sections and paragraphs of this ordinance may be renumbered or relettered in order to accomplish said intention; (3) terms or headings not affecting the intent of this ordinance may be changed to further accomplish said intention; and (4) any scrivener's error(s) contained herein which do not affect the intent of this ordinance be corrected with the authorization of the City Manager or their designee and without the need for additional public hearings or consideration by the City Council.

Section 6. Repealing Inconsistent and/or Conflicting Provisions.

The City Council of the City of Ocala, Florida hereby specifically repeals, to the extent of any such conflict, any and all ordinances, resolutions, policies, procedures and/or other articles which are conflicting and/or inconsistent with this ordinance and the intent and direction provided by the City Council herein.

Section 7. Severability of Ordinance Provisions.

If any section, phrase, sentence or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, it is the intent of the City Council of the City of Ocala, Florida that (1) such portion shall be deemed a separate, distinct and independent provision; (2) such holding shall not affect the validity of the remaining portions hereof; and (3) this ordinance be adopted as though any such provision was not included herein.

Section 8. Modifications Arising from Consideration at a Public Hearing.

It is the intention of the City Council of the City of Ocala, Florida that (1) the provisions of this ordinance may be modified as a result of its consideration by the City Council of matters that may arise during the public hearing(s) at which this ordinance is considered; and (2) any such modifications shall be incorporated into the final version of this ordinance.

Section 9. Effective Date of Ordinance.

This ordinance shall become effective immediately upon approval by the Mayor or becoming law without such approval.

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PASSED AND ADOPTED, in a regular session with a quorum present and voting, by the City Council of the City of Ocala, Florida this ____ day of August 2025.

CITY OF OCALA, FLORIDA

By: KRISTEN M. DREYER., as
President of the City Council

ATTEST:

By: ANGEL JACOBS, as
City Clerk

APPROVED AS TO FORM AND LEGALITY:

By: WILLIAM E. SEXTON, as
City Attorney

APPROVED / DENIED by me, as Mayor of the City of Ocala, Florida this ____ day of August 2025.

By: BENJAMIN MARCIANO, as
Mayor

ORDINANCE NUMBER: _____
INTRODUCED: _____
ADOPTED: _____
LEGAL AD NUMBER: _____