

## ORDINANCE C-407

**AN ORDINANCE OF THE TOWN OF MEDLEY, FLORIDA AMENDING CHAPTER 11 “BUILDING AND BUILDING REGULATIONS,” ARTICLE III “TECHNICAL CODES,” BY DELETING REFERENCE TO THE SOUTH FLORIDA BUILDING CODE AND PROVIDING FOR REPLACEMENT WITH AND ADOPTION OF THE FLORIDA BUILDING CODE; AMENDING OTHER REFERENCES IN THE CODE TO REFLECT THE FLORIDA BUILDING CODE; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the South Florida Building Code, which was adopted by the State of Florida, was the applicable building code until on or about 2001; and

**WHEREAS**, the Town of Medley (the “Town”) previously adopted the South Florida Building Code as part of the minimum standards of its own building Code; and

**WHEREAS**, on or about 2001, the State of Florida adopted the Florida Building Code, which replaced the South Florida Building Code; and

**WHEREAS**, the Town Council desires to update its Code by referencing and formally adopting the Florida Building Code as part of the minimum standards of its own building Code and to amend other references in its Code to reflect same; and

**WHEREAS**, the Town finds these changes to be in the best interest and welfare of the Town and its residents, property owners, and business operators.

**NOW, THEREFORE, THE COUNCIL FOR THE TOWN OF MEDLEY HEREBY ORDAINS** <sup>1</sup>:

**Section 1.**     **Recitals.** The above recitals are true and correct and are incorporated herein by reference as if fully and completely set forth herein.

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<sup>1</sup> Additions to existing code text are shown by underline; deletions from existing code text are shown by ~~strike through~~. Changes between first and second reading are indicated with **highlight**.

**Section 2. Town Code amended.** That Chapters 11, 14, 32 and 62 of the Code of the Town of Medley, Florida are hereby amended to read as follows:

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**Sec. 11-51. – Adoption of building, plumbing, electrical and related technical codes.**

The document marked, designated and known as the ~~South~~ Florida Building Code, which replaced the previously applicable South Florida Building Code, and as amended from time to time, which is made a part hereof by reference, is hereby adopted as a minimum standard for the purposes expressed therein and shall be known as the building code of the town, and this document shall be as fully effective as though every word, phrase, sentence or section of the ~~South~~ Florida Building Code, as amended from time to time, were fully incorporated herein, except as modified or added to in sections of this article which follow.

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**Sec. 14-33. - Compliance with building and zoning regulations required.**

(b) *Certificate of use.* No business tax receipt shall be issued until a certificate of use has been issued in accordance with the Town Code, unless its business does not require a certificate of use. The certificate of use shall be issued when the business is in compliance with the Town Code, including the requirement of site plan approval, a structure in compliance with the ~~South~~ Florida Building Code, and adequate water, sewer and electric, as well as adequate parking and drainage.

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**Sec. 32-38. - Development activity must be authorized by development permit.**

Any development activity must be first authorized by a development permit before the development activity is undertaken. In order for a development permit to be issued, a final development order has to be given and the proposed development activity needs to conform to the county public works manual and the ~~South~~ Florida Building Code standards.

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**Sec. 62-40. - Construction of prefabricated buildings.**

No packaged prefabricated building shall be erected in the town unless they meet ~~South~~ Florida Building Code requirements.

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#### **Sec. 62-49. - Plans and specifications.**

Plans and specifications of sufficient clarity to show that any proposed structure if erected will not be detrimental to the welfare of the district must be submitted before permit will be issued. Plans and specifications of all structures exceeding the sum of \$5,000.00, as established by the ~~South~~ Florida Building Code, shall be prepared by and bear the seal of an architect duly registered in the state or registered engineer duly registered in the state.

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#### **Sec. 62-63. - Wireless communication towers and antennas.**

(g) Permits. Permits shall be required for the installation of communication towers by application submitted to the Building and Zoning Department.

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##### **(2) *Installation.***

- a. The installation and modification of a communication tower and communication antenna shall be in accordance with the manufacturer's prescribed installation and safety procedures and shall meet the requirements of the ~~South~~ Florida Building Code, as amended.
- b. Foundations for communication towers and appurtenances thereto shall be constructed and installed so as to withstand the forces due to wind pressure as provided in the ~~South~~ Florida Building Code, as amended.
- c. All such installation(s) shall conform to the ~~South~~ Florida Building Code, as amended, National Electrical Code, as amended, and F.C.C. regulations, as amended.
- d. Regardless of whether a permit is required for the installation of the communication tower, separate building permits for structural or electrical work, pouring concrete or other work may be required as provided in the ~~South~~ Florida Building Code, as amended.

(3) *Inspection.* The Building and Zoning Department shall require periodic inspections of communication towers to ensure structural and electrical integrity and compliance with the ~~South~~ Florida Building Code, as amended, the Town of Medley Code, as amended, and other applicable codes and regulations. Communication towers shall be inspected once every five years by a Florida licensed engineer and the results submitted to the Building and Zoning Department. Based upon the results of the inspection, the Building Official may require repair or removal of a communication tower. The results of the inspection shall be in a written report, addressed to the Chief Building Official, Town of Medley Town Hall and shall be accompanied by a fee of

\$150.00 payable to the Town of Medley to cover the cost(s) to review and respond to the engineer's report.

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(5) *Appeal.*

- c. If a permit is denied by the Building Official for other than noncompliance with zoning regulations, excluding ~~South~~ Florida Building Code, then the applicant may appeal the decision directly to the City Council, which shall make the final decision, by resolution.

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**Sec. 62-89. - M-3 Industrial district.**

(a) Uses permitted. No building or land shall be used and no building shall be hereafter erected, constructed, reconstructed or structurally altered in an M-3 district which is designed, arranged or intended to be used or occupied for any purpose, unless otherwise provided for, excepting for one or more of the following uses and provided further that all storage of materials and products and all operations of work of every character are carried on entirely within the enclosing walls and under the roof of a building and/or enclosed by a masonry wall with a minimum height of eight feet when the work is of a nature to be carried on ~~on~~ the outside of the buildings:

- (1) Any industrial plant that produces offensive odors, fumes, gases, dust, smoke, vibration or noise, but petroleum products storage facilities are prohibited in M-3 districts.
- (2) Meat preparation plants, but slaughterhouses shall not be permitted in the town.
- (3) Radio and television towers, transmitters, if approved by CAA and FCC.
- (4) Speedways for automobile and motorcycle racing.
- (5) Foundries.
- (6) Sewage disposal plants as set forth in section 62-88(97).
- (7) Residences, duplexes and apartments shall not be constructed within M-3 districts, except one apartment attached to an industrial building for the operator of the industry only and not for rental use.

The total lot coverage permitted for all buildings on the lot shall not exceed 60 percent of the total lot area. Ample and adequate space and highway facilities shall be left adjacent to each industrial plant or other development to permit ready and easy access of firefighting apparatus in case of fire; and adequate space shall be provided for necessary parking facilities. The owner of any building erected in any industrial district after the adoption of this chapter shall at all times provide adequate space for necessary parking facilities.

No building plans shall be approved and no certificate of occupancy for final inspection shall be issued until plans for parking as provided herein shall be shown within 500 feet in a direct line from the building for which the parking space is to be made available. No such parking will be considered in any area where there is no ingress or egress. Discontinuance of the parking facilities shall require the Building Inspector to condemn the building until such facilities shall be restored. No building other than masonry construction, metal or any other building material meeting ~~South~~ Florida Building Code requirements shall be erected in an industrial district.

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**Section 3.**     **Inclusion in the Code.** It is the intention of the Town Council, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of the Town of Medley; that the sections of this Ordinance may be renumbered or relettered to accomplish such intentions; and that the word “Ordinance” shall be changed to “Section” or other appropriate word.

**Section 4.**     **Severability.** That the provisions of this Ordinance are declared to be severable, and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

**Section 5.**     **Effective Date.**     That this Ordinance shall become effective immediately upon adoption at second reading.

PASSED BY VOTE OF THE TOWN COUNCIL, on first reading in full this \_\_\_\_ day of \_\_\_\_\_, 2015.

PASSED AND ADOPTED BY VOTE OF THE TOWN COUNCIL on second reading this \_\_\_\_ day of \_\_\_\_\_, 2015.

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**ROBERTO MARTELL, MAYOR**

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**HERLINA TABOADA, TOWN CLERK**

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

\_\_\_\_\_  
**TOWN ATTORNEY**

**SUMMARY OF VOTE – FIRST READING**

The motion to PASS the foregoing Ordinance on FIRST READING was made by \_\_\_\_\_ and seconded by \_\_\_\_\_ and on roll call, the following vote was held:

Mayor Roberto Martell \_\_\_\_\_

Vice-Mayor Jack Morrow \_\_\_\_\_

Councilperson Edgar Ayala \_\_\_\_\_

Councilperson Griselia DiGiacomo \_\_\_\_\_

Councilperson Susana Guasch \_\_\_\_\_

**SUMMARY OF VOTE – SECOND READING**

The motion to PASS AND ADOPT the foregoing Ordinance on SECOND READING was made by \_\_\_\_\_ and seconded by \_\_\_\_\_ and on roll call, the following vote was held:

Mayor Roberto Martell \_\_\_\_\_

Vice-Mayor Jack Morrow \_\_\_\_\_

Councilperson Edgar Ayala \_\_\_\_\_

Councilperson Griselia DiGiacomo \_\_\_\_\_

Councilperson Susana Guasch \_\_\_\_\_