

## ORDINANCE 2016 - 002

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF GADSDEN COUNTY, FLORIDA, AMENDING THE GADSDEN COUNTY LAND DEVELOPMENT CODE, AMENDING CHAPTER 3, CONSTRUCTION STANDARDS; PROVIDING FOR REPEAL, SEVERABILITY, AND MODIFICATIONS THAT MAY ARISE FROM CONSIDERATION AT PUBLIC HEARING; AND PROVIDING FOR AN EFFECTIVE DATE.

*WHEREAS*, Chapter 125, Florida Statutes, establishes the right and power of counties to provide for the health, welfare and safety of existing and future residents of the county by enacting and enforcing regulations concerning the use of property necessary for the protection for the public; and

*WHEREAS*, the Board of County Commissioners of Gadsden County has adopted the Gadsden County Land Development Code, as required pursuant to §163.3202, Florida Statutes; and

*WHEREAS*, The Gadsden County Planning Commission, acting as the local planning agency, reviewed this amendment and made a recommendation to the Board of County Commissioners; and

*WHEREAS*, duly noticed public hearings were conducted on such proposed amendment on December 10, 2015 by the Gadsden County Planning Commission and on January 5, 2016 by the Board of County Commissioners.

*WHEREAS*, words with underline type shall constitute addition and ~~striketrough~~ shall constitute deletions to the original text from the language existing prior to adoption of this Ordinance.

Now therefore, be it ordained by the Board of County Commissioners of Gadsden County, Florida, that:

### **SECTION I:** Approval and Adoption of Amendment.

The amendment to the Gadsden County Land Development Code as attached hereto as Exhibit "A" is hereby adopted and approved.

### **SECTION II:** Repeal

Those parts of Chapter 3 of the Gadsden County Land Development Code, as amended by this ordinance in conflict herewith are hereby repealed and shall have no further effect whatsoever.

### **SECTION III:** Severability

If any phrase or portion of this Ordinance, or the particular application thereof, shall be held invalid or unconstitutional by any court, administrative agency or other body with appropriate jurisdiction, the remaining section, subsection, sentences, clauses, or phrases and their application shall not be affected thereby.

**SECTION IV:** Inclusion in the Land Development Code

This Ordinance shall be codified in the Gadsden County Land Development Code as set forth in Exhibit "A."

**SECTION V:** Modification

It is the intent of the Board of County Commissioners that the provisions of this Ordinance, including the amendment attached hereto as Exhibit "A," may be modified as a result of considerations that may arise during public hearings. Such modifications shall be incorporated into the final version of the Ordinance adopted by the Board and filed by the Clerk pursuant to Section 6.

**Section VI:** Effective Date

This Ordinance shall become effective as provided by law.

The above and foregoing Ordinance was read and approved at a duly convened public hearing at a regular meeting of the Board of County Commissioners of Gadsden County, Florida, this 19th day of January, 2016.

BOARD OF COUNTY COMMISSIONERS OF GADSDEN COUNTY, FLORIDA



Nicholas Thomas  
Clerk of the Circuit Court

By:   
\_\_\_\_\_

Brenda Holt, Chairperson

Exhibit A – Ordinance 2016-002

**CHAPTER 3  
RESERVED**

**CONSTRUCTION STANDARDS**

**~~SECTION 3000. ESTABLISHMENT OF MINIMUM BUILDING AND  
CONSTRUCTION STANDARDS.~~**

~~It is the intent of this section to provide for minimum standards governing the construction of dwellings, buildings and other structures within Gadsden County. Such standards are necessary for the protection of the health, safety and general welfare of the citizens and visitors of Gadsden County. It is further the intent of this section to include, by reference, those building or technical codes that are required to provide that protection. Copies of all referenced codes are on file in the Office of Building Inspections, except for the Gadsden County Stormwater Policies and Procedures Manual, which is on file in the Office of the Department of Planning. These codes adopted by reference shall be available for inspection during regular business hours.~~

~~(Ord. # 1996-005, 7-2-96)~~

~~In the implementation of this Land Development Code and any of the codes referenced below, the "most stringent code" rule shall apply.~~

~~(Ord. # 1996-005, 7-2-96)~~

**~~SECTION 3100. BUILDING CODES.~~**

~~The following building and technical codes are adopted by reference. The administration of requirements of code referenced in these sections and subsections remains with the Building Official. The 2006 adoption of the Florida Building Code has resulted in the deletion of several Code references originally adopted. The Florida Building Code replaces the Standard Building Code, The Standard Mechanical Code, the Standard Plumbing Code, the Florida Accessibility Code and the Florida Energy Efficiency Code.~~

~~(Ord. # 2003-006, 8-19-03)~~

**~~Subsection 3101. Florida Building Code.~~**

~~A. Adoption by reference. The Florida Building Code, Current edition, as adopted by the Florida Legislature, is hereby adopted by reference as the building code of Gadsden County.~~

~~B. Amendments.~~

~~Signs. Certain provisions of the Florida Building Code are amended by Section 5700, providing minimum standards for signs in Gadsden County.~~

~~(Ord. # 1996-005, 7-2-96) (Ord. # 2003-006, 8-19-03)~~

**~~Subsection 3102. National Electrical Code, NFPA 70.~~**

~~The National Electrical Code, current edition, is hereby adopted by reference as the electrical code of Gadsden County. Responsibility for implementation of this Code lies with the Building Official.~~

~~(Ord. # 2003-006, 8-19-03)~~

**~~Subsection 3103. Florida Fuel Gas Code~~**

~~The National Fuel Gas Code, National Fire Prevention Act (NFPA) 54, current edition and the Standard for the Storage and Handling of Liquefied Petroleum Gases, NFPA 58, current edition, and all subsequent amendments are hereby adopted by reference as the gas codes for Gadsden County. Responsibility for implementation of this Code lies with the Building Official.~~

~~(Ord. # 2003-006, 8-19-03)~~

**~~Subsection 3104. Standard Housing Code.~~**

~~The combined Standard Housing Code and One (1) and Two (2) Family Dwelling Code, current edition, with amendments, is hereby adopted by reference. Responsibility for implementation lies with the Gadsden County Building Official.~~

~~(Ord. # 1996-005, 7-2-96) (Ord. # 2003-006, 8-19-03)~~

**~~Subsection 3105. Gadsden County Minimum Housing Code.~~**

~~The Gadsden County Minimum Housing Code, current edition is hereby adopted by reference. Responsibility for implementation of this Code lies with the Building Official.~~

~~(Ord. # 1996-005, 7-2-96) (Ord. # 2003-006, 8-19-03)~~

**~~Subsection 3106. Gadsden County Minimum Mobile Home Code.~~**

~~The Gadsden County Minimum Mobile Home Code, current edition, is hereby adopted by reference as the Minimum Mobile Home Code for Gadsden County. Responsibility for implementation of this Code lies with the Building Official.~~

~~(Ord. # 1996-005, 7-2-96)~~

**~~Subsection 3107. Gadsden County Mobile Home Park Ordinance.~~**

~~The Gadsden County Mobile Home Park Ordinance, current edition is hereby incorporated herein. Responsibility for implementation of this Code lies with the Planning Director.~~

~~(Ord. # 2003-006, 8-19-03)~~

**~~Subsection 3108. Gadsden County Stormwater Management Policy and Procedures Manual.~~**

Gadsden County Stormwater Management Policy and Procedures Manual, current edition, is hereby adopted by reference. Responsibility for implementation of this Code lies with the County Engineer and Planning Director.

(Ord. # 2003-006, 8-19-03)

**Subsection 3109. ~~N.F.P.A. Life Safety Code.~~**

A. ~~Adoption by reference: The Life Safety Code, NFPA 101, current edition, is hereby adopted by reference as the life safety code of Gadsden County.~~

B. ~~Responsibility for implementation: Responsibility for implementation of the Life Safety Code lies with the County Building Official.~~

C. ~~Design Standards: This Land Development Code contains site design standards for fire lanes and access of fire equipment. Such standards are not an amendment of the Life Safety Code, but are intended to establish uniform minimum design standards within Gadsden County.~~

(Ord. # 2003-006, 8-19-03)

**Subsection 3110. ~~The Florida Department of Transportation Rule 14-96 and 14-97, F.A.C.~~**

~~The Florida Department of Transportation Rule 14-96 and 14-97, F.A.C. are hereby adopted by reference as the Access Management Rules and permitting process for State Roads.~~

(Ord. # 2003-006, 8-19-03)

**Subsection 3111. ~~The Florida Department of Health Rule 64E-6, F.A.C.~~**

~~The Florida Department of Health Rule 64E-6, F.A.C., is hereby adopted into the code as the manual for construction, placement or prohibition of On-Site Treatment and Disposal Systems, (septic tanks and drain fields). There are setbacks from wetlands, and water bodies in this ordinance that are more restrictive than as set forth in 64E-6, F.A.C.~~

(Ord. # 2003-006, 8-19-03)

**Subsection 3112. ~~Gadsden County Code of Ordinances.~~**

~~The Gadsden County Code of Ordinances as currently amended is hereby included. Overlapping or parallel requirements may have occurred as the Codes of Gadsden County are revised and included into this document. In case of conflict, the more stringent requirement shall apply.~~

(Ord. #. 2003-006, 8-19-03)