

ORDINANCE NO. 2019- 02

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA, AMENDING CHAPTER 5, OF THE CODE OF LAWS OF LEON COUNTY, FLORIDA, ENTITLED "BUILDING AND CONSTRUCTION REGULATION"; AMENDING SECTION 5-37, FLORIDA BUILDING CODE; CREATING A NEW SECTION 5-40 TO BE ENTITLED TINY HOUSES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Florida Building Codes Act, Chapter 553, Part IV, Florida Statutes, gives local governments the power to inspect all buildings, structures, and facilities pursuant to the adopted statewide Florida Building Code; and

WHEREAS, Leon County has codified its building and construction regulations in Chapter 5 of the Code of Laws; and

WHEREAS, the Board of County Commissioners has determined that there is a lack of affordable housing in Leon County, based upon data compiled by the Shimberg Center for Housing Studies at the University of Florida indicating that 43.6% of all households in Leon County are housing cost-burdened (monthly housing costs exceed 30% of income), while 26.1% of all households in Leon County are severely housing cost-burdened (monthly housing costs exceed 50% of income); and

WHEREAS, housing cost burdens may partially be the result of a limited range of available house sizes and types, based upon the data compiled by the Shimberg Center for Housing Studies at the University of Florida; and

WHEREAS, Leon County desires to make a technical amendment to the Florida Building Code in accordance with Florida law to help address the local need of affordable housing; and

WHEREAS, the technical amendment to the Florida Building Code is no more stringent than necessary to address the local need of affordable housing.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA, that:

SECTION 1. Section 5-37 of the Code of Laws of Leon County, Florida, entitled "Florida Building Code" is hereby amended to read as follows:

Sec. 5-37. - Florida Building Code.

~~Pursuant to Chapter 553, Florida Statutes, t~~The provisions of the Florida Building Code, as adopted by the Florida Building Commission and as amended, shall apply to the construction, erection,

alteration, modification, repair, equipment, use and occupancy, location, maintenance, removal and demolition of every public and private building, structure, ~~or facility, or floating residential structure,~~ or any appurtenances connected or attached to such buildings, structures or facilities in Leon County, ~~other than~~ except those buildings, structures or facilities specifically exempted by F.S. § 553.73, or by the Florida Building Code, and except as otherwise modified in this chapter.

SECTION 2. Section 5-40 of Chapter 5 of the Code of Laws of Leon County, Florida, entitled “Tiny houses” is hereby created to read as follows:

Sec. 5-40. Tiny houses.

(A) *Scope.* This section applies to tiny houses used as single dwelling units located within the jurisdictional limits of Leon County lying outside the municipal limits of the City of Tallahassee. Tiny houses must comply with the Florida Building Code except as otherwise stated in this section.

(B) *Definitions.* The following words and terms, for the purposes of this section, have the meanings shown herein. Refer to the Florida Building Code for general definitions.

Egress roof access window means a skylight or roof window designed and installed to satisfy the emergency and rescue opening requirements of Section R310.2.

Landing platform means a landing provided as the top step of a stairway accessing a loft.

Loft mean a floor level located more than 30 inches (762 mm) above the main floor, open to the main floor on one or more sides with generally a ceiling height of less than 6 feet 8 inches (2032 mm) and used as a living or sleeping space.

Tiny house means a dwelling that is 400 square feet (37 square meters) or less in gross floor area, excluding lofts.

(C) *Minimum ceiling height.* Habitable space and hallways in tiny houses must have a ceiling height of not less than 6 feet 8 inches (2032 mm). Bathrooms, toilet rooms, and kitchens must have a ceiling height of not less than 6 feet 4 inches (1930mm). Obstructions including, but not limited to beams, girders, ducts, and lighting, must not extend below these minimum ceiling heights.

(1) *Exception.* Ceiling heights in lofts are permitted to be less than 6 feet 8 inches (2032 mm).

(D) *Lofts.*

(1) *Minimum loft area and dimensions.* Lofts used as a sleeping or living space must meet the following minimum area and dimension requirements:

(a) *Minimum area.* Lofts must have a floor area of not less than 35 square feet (3.25 square meters).

(b) *Minimum dimensions.* Lofts must be not less than 5 feet (1524 mm) in any horizontal dimension.

(c) *Height effect on loft area.* Portions of a loft with a sloped ceiling measuring less than 3 feet (914 mm) from the finished floor to the finished ceiling may not be considered as contributing to the minimum required area for the loft.

(i) *Exception.* Under gable roofs with a minimum slope of 6 units vertical in 12 units horizontal (50-percent slope), portions of a loft with a sloped ceiling measuring less than 16 inches (406 mm) from the finished floor to the finished ceiling may not be considered as contributing to the minimum required area for the loft.

(2) *Loft access.* The access to and primary egress from lofts may be any of the following types:

(a) *Stairways.* Stairways accessing lofts must comply with the Florida Building Code or with the following:

(i) *Width.* Stairways accessing a loft may not be less than 17 inches (432 mm) in clear width at or above the handrail. The width below the handrail may not be less than 20 inches (508 mm).

(ii) *Headroom.* The headroom in stairways accessing a loft may not be less than 6 feet 2 inches (1880 mm), as measured vertically, from a sloped line connecting the tread or landing platform nosings in the middle of their width.

(iii) *Treads and risers.* Risers for stairs accessing a loft may not be less than 7 inches (178 mm) and not more than 12 inches (305 mm) in height. Tread depth and riser height must be calculated in accordance with one of the following formulas: 1) the tread depth shall be 20 inches (508 mm) minus four-thirds of the riser height; or 2) the riser height shall be 15 inches (381 mm) minus three-fourths of the tread depth.

(iv) *Landing platforms.* The top tread and riser of stairways accessing lofts must be constructed as a landing platform where the loft ceiling height is less than 6 feet 2 inches (1880 mm) where the stairway meets the loft. The landing platform must be 18 inches to 22 inches (457 to 559 mm) in depth measured from the nosing of the landing platform to the edge of the loft, and 16 to 18 inches (406 to 457 mm) in height measured from the landing platform to the loft floor.

(v) *Handrails.* Handrails must comply with Section R311.7.8.

(vi) *Stairway guards.* Guards at open sides of stairways must comply with Section R312.1.

(b) *Ladders.* Ladders accessing lofts must comply with the above regulations for stairways and with the following:

(i) *Size and capacity.* Ladders accessing lofts must have a rung width of not less than 12 inches (305 mm), and 10-inch (254 mm) to 14-inch (356 mm) spacing between rungs. Ladders must be capable of supporting a 200-pound (75 kg) load on any rung. Rung spacing must be uniform within 3/8 inch (9.5 mm).

(ii) *Incline.* Ladders must be installed at 70 to 80 degrees from horizontal.

(c) *Alternating tread devices.* Alternating tread devices accessing lofts must comply with Sections R311.7.11.1 and R311.7.11.2. The clear width at and below the handrails must be not less than 20 inches (508 mm).

(d) *Ships ladders.* Ships ladders accessing lofts must comply with Sections R311.7.12.1 and R311.7.12.2. The clear width at and below handrails must be not less than 20 inches (508 mm).

(e) *Loft guards.* Loft guards must be located along the open side of lofts. Loft guards must be not less than 36 inches (914 mm) in height or one-half of the clear height to the ceiling, whichever is less.

(E) *Emergency escape and rescue openings.* Tiny houses must meet the requirements of Section R310 for emergency escape and rescue openings.

(1) *Exception.* Egress roof access windows in lofts used as sleeping rooms are deemed to meet the requirements of Section R310 where installed such that the bottom of the opening is not more than 44 inches (1118 mm) above the loft floor, provided the egress roof access window complies with the minimum opening area requirements of Section R310.2.1.

SECTION 3. Severability. If any provisions or portion of this Ordinance is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this Ordinance shall remain in full force and effect.

SECTION 4. Conflicts. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict, except to the extent of any conflicts with the Tallahassee-Leon County 2030 Comprehensive Plan as amended, which provisions shall prevail over any parts of this ordinance which are inconsistent, either in whole or in part, with the said Comprehensive Plan.


SECTION 5. Transmittal. This ordinance enacting technical amendments to the Florida Building Code shall be transmitted to the Florida Building Commission within 30 days after enactment.

SECTION 6. Effective Date. This ordinance shall be effective immediately upon the expiration of the thirty (30) days after such amendments have been received and published by the Florida Building Commission.

1 DONE, ADOPTED AND PASSED by the Board of County Commissioners of Leon County,
2 Florida, this 12th day of February, 2019.
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5 LEON COUNTY, FLORIDA

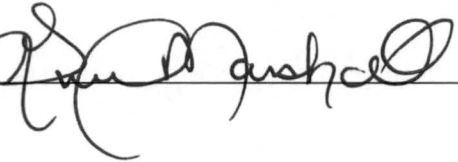
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8 By:


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10 Jimbo Jackson, Chairman
11 Board of County Commissioners
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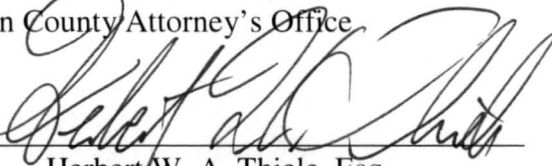
13 ATTESTED BY:

14 Gwendolyn Marshall, Clerk of Court
15 & Comptroller
16 Leon County, Florida
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18
19 By: 
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22 APPROVED AS TO FORM:

23 Leon County Attorney's Office

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25
26 By: 
27 Herbert W. A. Thiele, Esq.
28 County Attorney