

ORDINANCE NO. 1048

AN ORDINANCE OF THE CITY OF LAKE MARY, FLORIDA,
AMENDING CHAPTER 150 OF THE CODE OF ORDINANCES
ENTITLED "BUILDING CODE"; AMENDING DEFINITIONS;
AMENDING ADOPTION OF FLORIDA BUILDING CODE;
AMENDING ADMINISTRATION; AMENDING PERMIT FEES;
PROVIDING FOR CONFLICTS, SEVERABILITY, AND
EFFECTIVE DATE

WHEREAS, the State of Florida Has adopted the Florida Building Code;
and

WHEREAS, it is the desire of the staff, the Business Advisory Board, and
City Commission to provide for the recovery of cost to fund the Building and Life
Safety functions; and

WHEREAS, it is the desire of the staff and City Commission to provide the
most modern and up to date construction standards to facilitate the life, health
and safety of its citizens and the public.

IT IS HEREBY ENACTED BY THE CITY OF LAKE MARY AS
FOLLOWS:

Section 1. Amended as;

CHAPTER 150:

Section

- 150.01 Short title
- 150.02 Definitions
- 150.03 Adoption of standard codes
- 150.04 Administration and enforcement
- 150.05 Permit fees
- 150.06 Building permits
- 150.07 Application for building permit
- 150.08 Expiration of building permit
- 150.09 Certificate of occupancy
- 150.10 Construction
- 150.11 Procedure and fee schedule for third party review of plans
- 150.15 Levy and purpose
- 150.16 Applicability
- 150.17 Determination of fee amounts
- 150.18 Schedule of impact fees
- 150.19 Waiver of impact fee and

1 (G) Construction under any building permit originally issued prior to the
2 effective date of this subchapter.
3 (Ord. 279, passed 3-19-87)
4

5 § 150.17 DETERMINATION OF FEE AMOUNTS.
6

7 (A) Impact fees shall be determined and reviewed at the direction of the City
8 Commission in accordance with a detailed analysis of projected construction
9 within the city limits; the cost of any expanded or new capital facilities and
10 equipment for police, fire, public works, and park and recreation facilities
11 generated by such construction, the costs associated with such a determination,
12 update or review, and the money otherwise available to meet those costs. The
13 City Commission may adjust the established impact fee rates to reflect changes
14 in the cost of relevant capital facilities and equipment and/or impact fee
15 development studies or related updates or reviews at such times as it deems
16 appropriate and as circumstances supporting adjustment may exist.
17

18 (B) All changes or adjustments in the established impact fee rates shall be by
19 ordinance and shall apply only to construction for which building permits are
20 issued after the effective date of the ordinance.
21 (Ord. 279, passed 3-19-87; Am. Ord. 528, passed 9-20-90; Am. Ord. 658, passed
22 8-5-93)
23

24 § 150.18 SCHEDULE OF IMPACT FEES.
25

26 Effective January 22, 1999 impact fees shall be charged as follows:
27

28	Residential	Non-Residential
29	<u>(per unit)*</u>	<u>(per sq. ft.)</u>
30		
31		
32		
33		
34		
35		
36		
37		
38		
39		
40		
41		
42		
43		
44		
45		

*A unit shall mean one residential dwelling.

Note: When structures are provided with automatic fire sprinklers as a result of local ordinance and not by the Florida Fire Prevention code or Florida Building Code, a 50% reduction of the Fire protection impact fee will be granted.

1 (Ord. 279, passed 3-19-87; Am. Ord. 777, passed 12-21-95; Am. Ord. 912,
2 passed 1-21-99)

3
4 § 150.19 WAIVER OF IMPACT FEE AND PROVISION
5 FOR APPEAL.

6
7 (A) The City Commission may waive part or all of the impact fees imposed
8 on a project if it determines that the private space and facilities provided in the
9 proposed project are of such a nature as to reduce substantially the project's
10 impact upon the city's capital needs for expansion of public facilities; or that the
11 fees imposed by this subchapter upon any given project substantially exceed the
12 clearly demonstrated impact upon public facilities, including fire, public works,
13 and police facilities.

14
15 (B) In the event a project owner shall consider any impact fee applicable to it
16 to be excessive, the City Commission, on application, shall conduct a hearing to
17 consider alleged overpayment. It shall be the duty of the project owner to
18 demonstrate to the City Commission by clear and convincing evidence that
19 applicable impact fees are substantially excessive as applied to the project. The
20 Commission may adjust the fees based on the evidence presented.
21 (Ord. 279, passed 3-19-87)

22
23 § 150.20 TIME OF PAYMENT; REMEDIES FOR NON-PAYMENT; CREDIT OF
24 FEES.

25
26 (A) Impact fees for water and sewer pursuant to Chapter 50 and 55 shall be
27 due and payable at the time of issuance by the City of a site permit for new
28 construction. Modifications or change in use may require additional impact fees
29 and shall be verified by the Community Development Department prior to
30 issuance of any permit. No site or building permit shall be issued until water and
31 sewer impact fees have been verified and paid to the City.

32
33 ~~(A)~~ (B) All other City and County impact fees shall be due and payable at the
34 time of issuance by the city of a building permit for new construction. No building
35 permit on new construction shall be issued until all applicable impact fees have
36 been received by the city.

37
38 ~~(B)~~ (C) The fees collected pursuant to this subchapter shall be returned to the
39 then-present owner of the development if the fees have not been spent or
40 encumbered by the end of the sixth year from the date the fees were paid,
41 together with interest at the rate of 5-1/4% per annum.

42
43 ~~(C)~~ (D) All impact fees collected shall be deemed to accrue to the benefit of
44 the parcel or parcels of real property constituting a project for which a building
45 permit is issued. Further, if and in the event the new construction for which a
46 building permit is issued shall not take place and said building permit shall lapse,

1 any impact fees collected as an incident to the issuance of that building permit
2 shall be maintained by the city, to be credited against any impact fees which may
3 be charged at the time of the issuance of any building permit for new
4 construction upon or involving the property for which a previous building permit
5 has been issued and impact fees collected. If subsequent impact fees exceed
6 the amount collected and maintained by the city under any previous building
7 permit, then the additional sum shall be paid as a condition of and at the time of
8 the issuance of the subsequent building permit. If the impact fees so charged
9 are less than the impact fees initially collected and maintained, then at that time
10 the excess shall be refunded to the applicant. In the event that no subsequent
11 building permit shall be issued and impact fees due within six years from the
12 date of payment of impact fees under a building permit for which construction did
13 not take place, any impact fees so collected shall be returned to the then-present
14 owner of the development together with interest at the rate of 5¼% per annum
15 from the date of initial collection.

16 (Ord. 279, passed 3-19-87; Am. Ord. 523, passed 9-6-90; Am. Ord. 777, passed
17 12-21-95)

18
19 § 150.99 PENALTY.

20
21 Violations of this chapter and the standards set forth herein shall be
22 punishable by a fine of not more than \$500 or incarceration for not more than 90
23 days, or both. Each day that a violation exists shall constitute a new and
24 separate offense.

25 (Ord. 78, passed 3-1-79)

26
27 Section 2. Conflicts. All ordinances or resolutions or parts of
28 ordinances or resolutions in conflict herewith are hereby repealed to the extent of
29 any conflict.


30 Section 3. Severability: If any section, sentence, phrase, word of
31 portion of this Ordinance is determined to be invalid, unlawful or unconstitutional,
32 said determination shall not be held to invalidate or impair the validity, force or
33 effect of any other section, sentence, phrase, word, or portion of this Ordinance
34 not otherwise determined to be invalid, unlawful, or unconstitutional.

35 Section 4. Effective date. This Ordinance shall take effect
36 immediately upon passage and adoption.

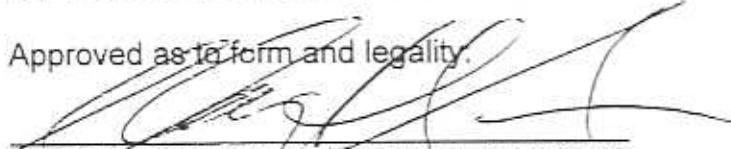
1 PASSED AND ADOPTED this 21 day of March,
2 2002.

3 FIRST READING: March 7, 2002

4 SECOND READING: March 21, 2002

5 CITY OF LAKE MARY, FLORIDA
6 
7
8
9
10
11
12
13
14
15
16
17
18
19
20
MAYOR, THOMAS C. GREENE

11 ATTEST:
12 
13
14 CITY CLERK, CAROL A. FOSTER

15 Approved as to form and legality.
16 
17
18
19 CITY ATTORNEY, CLAYTON D. SIMMONS
20

ORDINANCE NO. 1050

AN ORDINANCE OF THE CITY OF LAKE MARY, FLORIDA, AMENDING CHAPTER 95 OF THE CODE OF ORDINANCES ENTITLED "FIRE PREVENTION"; AMENDING THE ADOPTED CODE; AMENDING THE FIRE SPRINKLER REQUIREMENTS; AMENDING THE FIRE HYDRANT REQUIREMENTS; AMENDING THE GATED ENTRY REQUIREMENTS; AMENDING THE SALE OF SPARKLER REQUIREMENTS; PROVIDING FOR CONFLICTS, SEVERABILITY, AND EFFECTIVE DATE

WHEREAS, the State of Florida has adopted the Florida Fire Prevention Code as the state minimum code; and

WHEREAS, the requirements for local amendments to this code have been revised, including fire sprinkler requirements; and

WHEREAS, it is the desire of the staff and City Commission to provide the clear and concise definition of authority within the Codes to facilitate the life, health and safety of its citizens and the public.

IT IS HEREBY ENACTED BY THE CITY OF LAKE MARY AS FOLLOWS:

Section 1. Amended as;

CHAPTER 95:

Section

95.00 Definitions

95.01 ~~Standard Fire Prevention Code~~ Florida Fire Prevention Code

95.02 Occupancy Classification

95.03 Installation Standards

95.04 Power to Issue Summons

95.05 Effective Date

95.99 Penalty

95.00 Definitions.

For purposes of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

"BONFIRE" A fire that is attended by six or more persons and used solely for recreational purposes, charitable, or religious/ceremonial occasions. The fire

1 ~~Group G~~ Industrial Occupancy shall include buildings used for any purpose
2 involving highly combustible, inflammable, or explosive products or materials.

3
4 ~~(1) Manufacturing plant~~

5
6 ~~(2) Factory~~

7
8 ~~(3) Assembly plant~~

9
10 ~~(4) Processing plant~~

11
12 ~~(5) Mill~~

13
14 ~~(H) Group H. Buildings or structures used for purposes that involve~~
15 ~~highly combustible, inflammable, or explosive products or materials or that~~
16 ~~constitute exceptional fire hazards because of the form, character, or volume~~
17 ~~stored, processed, or manufactured, shall be classified in Group H~~ Special
18 ~~Hazardous Occupancy. Group H~~ Special Hazardous Occupancy shall include,
19 among others, the following:

20
21 ~~(1) Dry cleaning establishments~~

22
23 ~~(2) Grain elevators~~

24
25 ~~(3) Structures used for the storage or use of highly combustible~~
26 ~~materials~~

27
28 ~~(4) Structures used for storage~~
29 ~~of combustible film~~

30
31 ~~(5) Chemical laboratories~~
32 ~~(commercial).~~
33 ~~(Ord. 193, passed 6/21/84)~~

34
35 95.03 INSTALLATION STANDARDS.

36
37 The automatic fire protection extinguishing systems referred to in this
38 chapter shall be complete, fully automatic fire sprinkler systems installed in
39 accordance with the National Fire Protection Association's pamphlet No. 13,
40 13D, or 13R as appropriate by the referenced standards. The edition shall be
41 determined by the Florida Fire Prevention Code, "Standard for the Installation of
42 Sprinkler Systems", December 5, 1973, edition, as amended from time to time,
43 except as otherwise authorized by the City Commission; building construction
44 types as identified in Southern Standard Building Code. Automatic fire
45 protection extinguishing systems shall be required as follows:

1
2 Throughout any building 5000 square feet of gross floor area or larger.
3

4 ~~(A) Throughout the entire building of Group E—Public Assembly~~
5 ~~Occupancies when the total floor area exceeds 5,000 square feet, excepting~~
6 ~~only within a radius of five feet of automatic stage ventilators of theaters in~~
7 ~~Group E—Large Assembly Occupancies.~~
8

9 ~~—(B) Throughout the entire building of every hotel, motel, condominium,~~
10 ~~apartment house, dormitory, and buildings of similar usage if the building meets~~
11 ~~any of the following:~~
12

13 ~~—(1) Any type construction of four stories or more in height.~~
14

15 ~~—(2) Less than type I construction and three stories or more in~~
16 ~~height.~~
17

18 ~~—(3) Less than type III construction and two stories or more in~~
19 ~~height.~~
20

21 ~~—(4) The total floor area exceeds 15,000 square feet per~~
22 ~~individual building, regardless of the number of stories and type of construction.~~
23

24 ~~—(5) Other than type I construction if the total floor area exceeds~~
25 ~~10,000 square feet.~~
26

27 ~~—(6) Type I construction if the total floor area exceeds 10,000~~
28 ~~square feet and any portion of the building is not within 40 feet of a direct exit to~~
29 ~~the exterior.~~
30

31 ~~—(C) Throughout the entire building of every building used for the~~
32 ~~manufacture, storage, or sale of any combustible goods or merchandise if any of~~
33 ~~the following conditions are met.~~
34

35 ~~—(1) Type I construction and either the total area of all floors~~
36 ~~exceeds 10,000 square feet, or the building is more than three stories in height,~~
37 ~~regardless of floor area.~~
38

39 ~~—(2) Other than type I construction and either the total areas of~~
40 ~~all floors exceeds 8,000 square feet, or the building is more than one story in~~
41 ~~height and the total area of all floors exceeds 5,000 square feet, or the building~~
42 ~~is more than three stories in height, regardless of floor area.~~
43
44
45

1 be punished within the limits of and as provided by state law.(Ord.
2 193, passed 6-21-84)

3
4 Section 2. Conflicts. All ordinances or resolutions or parts of
5
6 ordinances or resolutions in conflict herewith are hereby repealed to the
7
8 extent of any conflict.
9

10 Section 3. Severability: If any section, sentence, phrase, word of
11 portion of this Ordinance is determined to be invalid, unlawful or unconstitutional,
12 said determination shall not be held to invalidate or impair the validity, force or effect
13 of any other section, sentence, phrase, word, or portion of this Ordinance not
14 otherwise determined to be invalid, unlawful, or unconstitutional.


15 Section 4. Effective date. This Ordinance shall take effect
16 immediately upon passage and adoption.

17 PASSED AND ADOPTED this 21 day of March, 2002.

18 FIRST READING: March 7, 2002

19 SECOND READING: March 21, 2002

20 CITY OF LAKE MARY, FLORIDA

21
22
23
24
25
26
27
28
29
30
31
32
33
34
35

MAYOR, THOMAS C. GREENE

ATTEST:

26
27
28
29
30
31
32
33
34
35

CITY CLERK, CAROL A. FOSTER

Approved as to form and legality:


CITY ATTORNEY, CLAYTON D. SIMMONS