

ORDINANCE NO. 1493

AN ORDINANCE OF THE CITY OF LAKE MARY, FLORIDA, AMENDING CHAPTER 155, APPENDIX C, OF THE CODE OF ORDINANCES ENTITLED "STORMWATER MANAGEMENT REGULATIONS"; PROVIDING FOR CLARIFICATION OF STORMWATER MANAGEMENT FEE BILLING METHODOLOGY; PROVIDING FOR CODIFICATION, CONFLICTS, SEVERABILITY AND EFFECTIVE DATE.

**WHEREAS**, the City Commission implemented Stormwater Management Regulations in 1993 which provided for stormwater fees; and

**WHEREAS**, the City Commission desires to amend the code to provide clarification to the stormwater management fee billing methodology; and

**WHEREAS**, the City Commission desires to amend the code to provide for gender neutrality; and

**WHEREAS**, words with underlined type shall constitute additions to the original text and ~~strike-through~~ shall constitute deletions to the original text.

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

**Section 1** Chapter 155, Appendix C, Stormwater Management Regulations, is amended as follows:

Amend Section 7 (B) Definitions as follows:

DIRECTOR. The Public Works Director or his/her designee.

~~MULTIPLE DWELLING UNIT. A building or facility consisting of more than one dwelling unit, each such unit consisting of one or more rooms with bathroom and kitchen facilities designed for occupancy by one family.~~

Amend Section 7 (D) as follows:

(1) A stormwater fee is hereby imposed upon each lot and parcel within the city for services and facilities provided by the stormwater management utility system. For purposes of imposing the stormwater fee, all lots and parcels within the city are classified as residential or non-residential. Apartment buildings will be classified as non-residential due to the commercial nature of the property.

(2) The City Manager or his/her designee is directed to prepare a list of lots and parcels within the city and assign a classification of residential or non-residential to each lot or parcel.

Amend Section 7 (E) as follows:

(1) Residential. Each single family residential unit shall be billed at a flat fee based upon one equivalent drainage unit (EDU) per dwelling unit. ~~For multi-family residential developments, the property owner shall be billed the fee established by the City Council for an EDU multiplied by the number of residential units.~~ Additionally, common areas and/or tracts that fall under the responsibility of a developer/homeowners association and so forth shall be classified and billed as non-residential.

(2) Non-residential. For non-residential properties, the number of equivalent drainage units (EDU) shall be determined. All non-residential properties, ~~not covered by subsection (a) of this section,~~ shall be billed based on the total applicable contributing area of the property divided by the Equivalent Drainage Unit factor and then multiplied by the rate established for an EDU. The calculation of the EDU amount shall be done to the nearest tenth (0.1) of an equivalent drainage unit. Gross parcel area and applicable contributing area shall be determined for each parcel using site plans, tax maps, REDI maps, aerial photos, and any other appropriate information. For non-residential properties, the total bill will be sent to the property owner as determined by the city.

(3) Charge per EDU. The charge per EDU will be \$3.00 per month and will consist of a base fee of \$1.45 per EDU applicable to all properties, plus a contribution fee of \$1.55 per EDU, applicable to all properties. All non-residential property with site mitigation facilities will ~~not pay the contribution fee~~ minimum charge consistent with (4) below.

(4) The minimum charge for developed property, in addition to the base rate charge, shall be a contribution fee of one (1) EDU.

Amend Section 7 (G) as follows:

(1) Any person disagreeing with the calculation of EDUs as determined by the city, may appeal such determination to the City Manager or his/her designee. Any appeal must be filed in writing and, as determined by the City Manager, shall include a survey prepared by a registered surveyor showing total property area, in addition to pervious and impervious surface area. Based upon the information provided by the city and the appealing party, the City Manager shall make a final calculation of pervious and impervious surfaces. The City Manager shall notify the parties, in writing, of his/her decision. If still dissatisfied, a party may appeal the City Manager's decision to the City Commission in the same manner as preceding. The decision of the City Commission shall be final. Any adjustment to the originally determined area shall be retroactive to commencement of the charges and fees, provided said adjustment was requested

within one year from the commencement of the charges and fees; thereafter any adjustment to the impervious area shall apply only from the date of the request for the adjustment.

Amend Section 7 (l) as follows:

(1) The stormwater management utility fee shall be billed and collected with the monthly utility bill for those lots or parcels of developed property utilizing city utilities and billed and collected separately as stormwater management utility fees for those lots or parcels of property and owners thereof not utilizing other city utilities. The start date for the billing of the stormwater management utility fee shall be at the time of site construction permit approval. All such bills for stormwater management utility fees shall be rendered monthly by the Finance Department and shall become due and payable in accordance with the rules and regulations of the Finance Department pertaining to the collection of utility fees. The stormwater management utility fee is part of a consolidated statement for utility customers which is generally paid by a single payment. In the event that a partial payment is received, the payment shall first be applied to garbage and trash, next applied to stormwater management, next applied to sewer, and finally applied to the water account.

**Section 2. Codification:** It is the intention of the City Commission that the provisions of this Ordinance shall become and be made part of the Code of Ordinances of the City of Lake Mary, Florida and the word "ordinance" may be changed to "section", "article", or other appropriate word or phrase and the sections of this Ordinance may be renumbered or re-lettered to accomplish such intention.

**Section 3. Conflicts:** All ordinances or resolutions or parts of ordinances or resolutions in conflict herewith are hereby repealed to the extent of any conflict.

**Section 4. Severability:** If any section, sentence, phrase, word or portion of this Ordinance is determined to be invalid, unlawful or unconstitutional, said determination shall not be held to invalidate or impair the validity, force or effect of any other section, sentence, phrase, word, or portion of this Ordinance not otherwise determined to be invalid, unlawful, or unconstitutional.

**Section 5. Effective date:** This Ordinance shall be effective immediately upon passage and adoption.

PASSED AND ADOPTED this 22 day of August, 2013.

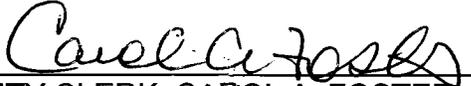
FIRST READING: August 8, 2013

SECOND READING August 22, 2013

CITY OF LAKE MARY, FLORIDA

  
MAYOR, DAVID J. MEALOR

ATTEST:

  
CITY CLERK, CAROL A. FOSTER

Approved as to form and legality:

  
CITY ATTORNEY, CATHERINE REISCHMANN