

ORDINANCE 2019-16

AN ORDINANCE OF THE CITY OF MINNEOLA, FLORIDA, RELATING TO BUILDINGS AND BUILDING REGULATIONS; UPDATING REFERENCES TO THE FLORIDA BUILDING CODE WITHIN CHAPTER 14 OF THE CITY CODE OF ORDINANCES TO THE CURRENT VERSION OF THE FLORIDA BUILDING CODE; AMENDING SECTION 14-3 OF THE CODE OF ORDINANCES BY ADOPTING CERTAIN AMENDMENTS TO THE FLORIDA BUILDING CODE; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, City of Minneola has adopted the Florida Building Code, as it may be amended from time to time by the State; and

WHEREAS, the Florida Legislature has adopted the 6th Edition of the 2017 Building Code; and

WHEREAS, the City wishes to update its ordinances to reference the most up to date version of the Florida Building Code; and

WHEREAS, enforcement of the Florida Building Code is the responsibility of local governments; and

WHEREAS, Section 553.74(4)(b), Florida Statutes, authorizes Florida local governments to make local administrative amendments to its building codes, provided they are not less stringent than the minimum standards described in the Florida Building Code; and

WHEREAS, a duly noticed public hearing was conducted on such proposed amendments as advertised; and

WHEREAS, at the public hearing the City Council determined it is necessary to adopt the amendments to the Florida Building Code as specified herein for the purpose of enhancing the safety, health, and welfare of City residents; and

WHEREAS, the Council based its determination upon a review of local conditions which demonstrated a local need to strengthen the Florida Building Code beyond the needs or regional variation addressed by the Florida Building Code; and

WHEREAS, the amendments specified herein address such local need and are no more stringent than necessary to address the local need.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MINNEOLA, FLORIDA:

Section 1. Recitals. The recitals set forth above are hereby adopted as legislative findings of the City Council of the City of Minneola.

Section 2. Section 14-3(1) of the City of Minneola Code of Ordinances is hereby amended as follows:

14-3(1). Florida Building Code. The 6th edition of the 2017 Florida Building Code, as may be amended, is hereby adopted by reference as the building code of the City.

Section 3. Section 14-3 of the Code of Ordinances is hereby amended to add the following amendment to the 6th edition of the 2017 Florida Building Code:

Section 110.3.1 of the 6th edition of the Florida Building Code, Building (2017)

Add a new 110.3.1, as follows:

Permit holder shall engage a certified surveyor to produce a form board survey (or foundation survey; depending on construction design) to verify the project is consistent with the City approved site plan/survey (plot plan).

a. Permit holder shall submit this form board/foundation survey to the City for review and approval prior to pouring the slab. This document may be hand delivered to the City Clerk, mailed to City Hall and addressed to the City Clerk, and/or submitted to the City Clerk via email in digitally signed pdf format.

b. The form board survey shall be forwarded to the Building Official or designee and reviewed to confirm consistency with the City approved site plan/survey (plot plan).

i. **IMPORTANT:** The slab may not be poured until the form board survey has been approved and determined to comply with all City of Minneola requirements.

ii. The Building Official may waive the requirements on a case by case basis when the Building Official or designee has visited the site to verify site conditions.

Section 4. Fiscal Impact Statement.

The City finds and determines that it is in the best interests of the City and its residents to ensure that a completed project and the associated foundation on which the project is constructed is consistent with the City approved site plan/survey (plot plan). The City further finds that requiring a form board survey prior to slab being poured is a reasonable and effective means of ensuring that a completed project and the associated foundation on which the project is constructed is consistent with the City approved site plan/survey (plot plan). The average rate for the completion of a form board survey is between \$100 and \$200, which is far less than the cost that would be associated with any required removal and rebuilding of poured foundation

and/or walls, which could cost in excess of \$30,000.00. Requiring the form board survey to be submitted as provided herein will also reduce the costs to the City relative to enforcement.

Section 5. Transmission. A copy of this Ordinance shall be transmitted by the City Clerk to the Florida Building Commission within thirty (30) days of final adoption pursuant to F.S. 553.73(4)(b)(5).

Section 6. Conflict. All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

Section 7. 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 8. Codification. It is the intent of the City Council of the City of Minneola that the provisions of this Ordinance shall be codified. The codifier is granted broad and liberal authority in renumbering and codifying the provision of this Ordinance; article and section numbers assigned throughout are suggested by the City.

Section 9. Effective Date. This Ordinance shall become effective until thirty (30) days after this Ordinance has been received and published by the Florida Building Commission.

PASSED AND ADOPTED this 3rd day of December, 2019 by the City Council of the City of Minneola, Florida.



CITY OF MINNEOLA, FLORIDA

Pat Kelley, Mayor

ATTEST:

Barbara Hollerand, City Clerk

Passed First Reading: 10/15/19
Passed Second Reading: 12/3/19

Approved as to form:

SCOTT A. GERKEN, City Attorney