

COLLIER COUNTY LAND DEVELOPMENT CODE STAFF CLARIFICATION

CURRENT PLANNING STAFF CLARIFICATION SC 2000-05

DATE: 24 August 2000

LDC SECTION: 1.8.10 Nonconforming structures

INITIATED BY: Staff

BACKGROUND/CONSIDERATIONS: Customer service agents have requested guidance regarding the repair of existing boat docks for which no record of a building permit can be found; specifically, what criteria are used to determine the legal nonconforming status of the dock, and to what extent the dock can be repaired before the work is considered "replacement."

DETERMINATION (CLARIFICATION): Computerized recordkeeping of building permits in Development Services was initiated in late 1989, therefore any dock appearing on the Property Appraiser's records (property card) prior to 1990, at the same location and having the same dimensions as currently exist, will be considered legally nonconforming. Section 1.8.10 states that the destruction of a nonconforming structure by any means to an extent of more than 50 percent of its actual replacement cost at the time of destruction must be rebuilt in conformity with the Code. Work on a legal nonconforming dock to the extent of 50 percent or less of the replacement cost may therefore be performed, providing that the original location and dimensions are maintained, and that the improvements to the facility do not increase the nonconformity. In addition, any improvements which reduce the nonconformity of a legal nonconforming dock may also be permitted.

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