

RESOLUTION NO. 2019 - 01

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF COLLIER COUNTY, FLORIDA AMENDING THE ADMINISTRATIVE CODE FOR LAND DEVELOPMENT, WHICH WAS CREATED BY ORDINANCE NO. 2013-57, BY AMENDING CHAPTER FOUR, ADMINISTRATIVE PROCEDURES, MORE SPECIFICALLY TO AMEND SECTION L.2, ZONING VERIFICATION LETTER – NON-RESIDENTIAL FARM BUILDING; AND CHAPTER SIX, WAIVERS, EXEMPTIONS AND REDUCTIONS, MORE SPECIFICALLY TO ADD SECTION L. ADMINISTRATIVE APPEAL OF PRELIMINARY SUBSTANTIAL DAMAGE DETERMINATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners (“Board”) adopted Ordinance No. 2004-66 on October 12, 2004, which created an Administrative Code for Collier County; and

WHEREAS, the Board subsequently amended Ordinance No. 2004-66 through the adoption of Ordinance No. 2013-57 on September 24, 2013; and

WHEREAS, Ordinance No. 2013-57 provides for the adoption of Exhibit “B,” the Administrative Code for Land Development, which shall be maintained by the County Manager or designee; and

WHEREAS, Ordinance No. 2013-57 also provides that amendments required to maintain the Administrative Code shall be made by resolution adopted by the Board; and

WHEREAS, the Board desires to revise the Administrative Code for Land Development, to update the application procedures for Zoning Verification Letter – Non-residential Farm Buildings to more accurately reflect the required application contents, and to add application procedures for property owners to appeal a preliminary substantial damage determination relating to damage to a structure in the special flood hazard area.

NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF COLLIER COUNTY, FLORIDA, that the Administrative Code for Land Development, which was created by Ordinance No. 2013-57, is hereby amended as follows:

SECTION ONE: AMENDMENT OF CHAPTER FOUR – ADMINISTRATIVE PROCEDURES

Section L.2, entitled “Zoning Verification Letter – Non-residential Farm Building”, of Chapter Four, Administrative Procedures, of Exhibit “B,” Administrative Code for Land Development, is hereby amended as set forth in Exhibit A, attached hereto and incorporated herein by reference.

SECTION TWO: AMENDMENT OF SIX – WAIVERS, EXEMPTIONS, AND REDUCTIONS

Section L, entitled “Administrative Appeal of Preliminary Substantial Damage Determination,” is hereby added to Chapter Six, Waivers, Exemptions, and Reductions, of Exhibit “B,” Administrative Code for Land Development, as set forth in Exhibit B, attached hereto and incorporated herein by reference.

SECTION THREE: EFFECTIVE DATE

This Resolution shall become effective on the date of adoption by the Board.

THIS RESOLUTION ADOPTED by majority vote this 9th day of January, 2019.

Attest:
CRYSTAL K. KINZEL, CLERK

BOARD OF COUNTY COMMISSIONERS
COLLIER COUNTY, FLORIDA

By: Ann [Signature]
Deputy Clerk
Attest as to Chairman's
signature only.

By: [Signature]
Andy Solis, CHAIRMAN

Approved as to form and legality:

[Signature] 11/27/18
Scott A. Stone
Assistant County Attorney

- Attachments: Exhibit A – Chapter 4, Section L.2, “Zoning Verification Letter – Non-residential Farm Building”
- Exhibit B – Chapter 6, Section L, “Administrative Appeal of Preliminary Substantial Damage Determination”



L.2. Zoning Verification Letter – Non-residential Farm Building

Reference	LDC subsection 10.02.06 J , <u>Code of Laws and Ordinances Chapter 62</u> , and F.S. § 823.14 and F.S. § 553.73(10)(c)
Applicability	A Zoning Verification Letter may be used to establish that a non-residential farm building and/or fence is exempt from the Florida Building Code. However, the exemption applies to the structure and does not exempt the applicant from obtaining the necessary electrical, plumbing, mechanical, or gas permits for the structure.
Pre-Application	A pre-application meeting is not required.
Initiation	The applicant files a “ <i>Zoning Verification Letter Application</i> ” with the Planning & Zoning Department.
Application Contents	<p>The application must include the following:</p> <ol style="list-style-type: none">Applicant contact information.Property information, including:<ul style="list-style-type: none">• Property identification number; and• Address of subject site.Type of verification being requested.Description of the existing/proposed use of the property.Description of the proposed <u>use</u> for the non-residential farm building.A survey or sketch, dawn-to-scale plan showing the <u>building</u>, property boundaries and dimensions and existing easements or rights-of-way, location of water bodies or jurisdictional wetlands.Location of the existing and proposed buildings, identifying the separation distances between buildings and the setbacks to the proposed nonresidential farm building.Compliance with floodplain construction standards. <u>the Collier County Floodplain Management Ordinance standards, as may be amended from time to time, including but not limited to the proposed elevation of the lowest floor.</u><u>Floodplain Development permit.</u><u>Under Construction and Finished Construction Elevation Certificate, except manufactured homes are not required to provide an Under Construction Elevation Certificate.</u>Proof of Bona Fide Farm Operation:<ul style="list-style-type: none">• Farm Serial Number assigned by USDA Farm Services; or• Documentation that the land <u>building</u> has an Agricultural Exemption through the Collier County Appraiser’s Office; or• Description and any supporting documentation to confirm that the property is a Bona Fide Farm Operation, as defined by FS § 823.14;A signed affidavit, stating that the proposed structure is exempt from the requirements for a Building Permit per FS § 553.73.



~~11.~~ **10.** Additional materials may be requested by the staff **planner** if necessary.

Completeness and Processing of Application The Planning & Zoning Department will review the application for completeness. After submission of the completed application packet accompanied with the required fee, the **applicant** will receive a mailed or electronic response notifying the **applicant** that the petition is being processed. Accompanying that response will be a receipt for the payment and the tracking number (i.e., XX201200000) assigned to the petition. This petition tracking number should be noted on all future correspondence regarding the petition.

Notice No notice is required.

Public Hearing No public hearing is required.

Decision Maker The County Manager or designee.

Review Process The Planning & Zoning Department, in coordination with the Floodplain Coordinator ~~Building Official~~, will review the application, identify whether additional materials are needed, prepare a Zoning Verification Letter for the **applicant**.

Updated

L. Administrative Appeal of Preliminary Substantial Damage Determination

<u>Reference</u>	<u>Florida Building Code and Code of Laws and Ordinances Chapter 62.</u>
<u>Applicability</u>	<u>This procedure allows a property owner to administratively appeal a preliminary substantial damage determination through the building permit process.</u>
<u>Pre-Application</u>	<u>A pre-application meeting is not required; however, a consultation with the Floodplain Management Section is recommended. Please contact: FloodInfoRequest@colliercountyfl.gov or the Flood Information Hotline at: 239-252-2942</u>
<u>Initiation</u>	<u>The applicant files a building permit application along with the materials noted below.</u>
<u>Application Contents</u>	<u>Application materials can be found on the Collier County Building Plan Review and Inspection application forms and submittal requirements webpage.</u> <u>The application must include the following:</u> <ol style="list-style-type: none"><u>1. Building Permit application, to include in the Description of Work, all repair work, and other improvements to the structure,</u><u>2. Owner-Builder Affidavit, if applicable.</u><u>3. Construction plans of the structure (hand drawn is sufficient), with notes identifying the areas to be repaired, and the materials to be used.</u><u>4. Removal, Replacement and Repair of Mobile/Manufactured Homes Post Event form.</u><u>5. Substantial Improvement or Repair of Substantial Damage Packet and Cost Estimate Worksheet found on the Growth Management Building website, noted above.</u><ul style="list-style-type: none"><u>• The Affidavits must be signed by the property owner and notarized.</u><u>• The Cost Estimate worksheet must include all repair work, other improvements, and any open building permit applications or issued building permits.</u><u>• Please note: The property owner is responsible for collecting all subcontractor bids and quotes and compiling them for one cost estimate worksheet. Incremental repair work is not permitted; all repairs must be permitted and calculated under one permit.</u>
<u>Completeness and Processing of Application</u>	<u>The building permit is to be submitted for review and will be provided a building permit number (i.e. PRBD201200000). The completed application packet must be accompanied with the required fee. The permit number should be noted on all future correspondence regarding the permit.</u>
<u>Notice</u>	<u>No notice is required.</u>
<u>Public Hearing</u>	<u>No public hearing is required.</u>
<u>Decision maker</u>	<u>The County Manager or designee.</u>
<u>Review Process</u>	<u>The Building Plan Review and Inspection Division will review the application, identify whether additional materials are needed, and review the application for compliance with the Florida Building Code and Code of Laws and Ordinances Chapter 62.</u>
<u>Updated</u>	