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ORDINANCE 88- 51

JAMES  
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AN ORDINANCE AMENDING ORDINANCE 82-2, THE COMPREHENSIVE ZONING REGULATIONS FOR THE UNINCORPORATED AREA OF COLLIER COUNTY, FLORIDA BY AMENDING SECTION 8.5, EXCEPTIONS TO REQUIRED YARDS, BY ADDING A NEW SUB-SECTION 8.5.f, MINOR AFTER-THE-FACT YARD ENCROACHMENTS; AMENDING SECTION 15, SCHEDULE OF FEES AND CHARGES, TO ESTABLISH A FEE FOR ALL AFTER-THE-FACT PETITIONS; AND TO PROVIDE AN EFFECTIVE DATE.

FILED  
88 JUN -2 PM 2:46  
DEPARTMENT OF STATE  
TALLAHASSEE, FLORIDA

WHEREAS, the Board of County Commissioners has directed Staff not to accept petitions for after-the-fact variances involving a building permit applied for on or after the date of adoption of Collier County Ordinance No. 86-49 until suitable fees have been structured for such variance petitions; and

WHEREAS, the Board has previously adopted an Ordinance which requires the payment of an after-the-fact fee for building permits; and

WHEREAS, on January 19, 1988, the Board of County Commissioners directed staff to initiate an amendment to the zoning Ordinance 82-2 to allow staff to administratively authorize minor after-the-fact yard encroachments and to establish an after-the-fact petition fee for such review;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF COLLIER COUNTY, FLORIDA:

SECTION ONE:

Ordinance 82-2, the Comprehensive Zoning Regulations for the Unincorporated Area of Collier County, Florida, Section 8.5, Exceptions to Required Yards, shall be amended to add a new Subsection "f" to read as follows:

- f. Minor After-the-Fact Yard Encroachments: Minor after-the-fact yard encroachments (intrusion of a structure or portion of a structure into a required yard - see definition of Yard, Generally and see Section 8.5.e.) may be approved by the Zoning Director or his designee. For the purposes of this subsection, minor yard encroachment shall be defined as one half percent (1/2%) of the required setback distance with a minimum of one inch (1.0"). Encroachments beyond this 1/2%, with a minimum of one inch, shall not be approved under this subsection.

The property owner, or his agent, must submit a signed and sealed survey verifying the yard encroachment, an affidavit of ownership, and the applicable fee as listed in Appendix A, Schedule of Fees. Said fee must be paid prior to consideration and, if appropriate, approval of the minor yard encroachment by the Zoning Director or his designee.

The Zoning Director, or his designee, shall deny the requested yard encroachment if one or more of the following occur:

- 1) The encroachment is into a dedicated easement or right-of-way and the agency or entity with jurisdiction over the easement or right-of-way does not authorize, or objects to, the encroachment;
- 2) The encroachment is onto or into an adjacent property, or property owned by another entity including area(s) under common ownership.

#### SECTION TWO:

Ordinance 82-2, the Comprehensive Zoning Regulations for the Unincorporated Area of Collier County, Florida, Section 15, Schedule of Fees and Charges, shall be amended to read as follows:

##### Section 15. Schedule of Fees and Charges:

The Board of County Commissioners shall establish a schedule of fees and charges for matters pertaining to this Zoning Ordinance and allied matters. It is the intent of these regulations that the County shall not be required to bear any part of the cost of applications or petitions made under this Zoning Ordinance and that the fees and charges represent the actual cost of required legal advertising, postage, clerical, filing, and other costs involved in the processing of applications and petitions.

The fee for all petitions applied for after-the-fact shall be twice that fee listed in Appendix A, Schedule of Fees, with the exception of minor after-the-fact yard encroachment requests.

The schedule of fees and charges shall be posted in the office of the Community Development Administrator. The charges listed may be changed by resolution of the Board of County Commissioners and are not subject to the procedure for amendment of this Zoning Ordinance set out in Section 14.

Applications or petitions initiated officially by Collier County by its duly authorized agencies or officers are exempt from the payment of the fees or charges herein set out.

Until the applicable fees or charges have been paid in full, no action of any type or kind shall be taken on an application or petition.

See Appendix A for Schedule of Fees.

BOOK 031 PAGE 50

Words underlined are added; words struck-through are deleted.

SECTION THREE:

This Ordinance shall become effective upon receipt of notice that it has been filed with the Secretary of State.

DATED: May 24, 1988

BOARD OF COUNTY COMMISSIONERS  
COLLIER COUNTY, FLORIDA

ATTEST:  
JAMES G. ~~COYLER~~, Clerk

By: Arnold Lee Glass  
ARNOLD LEE GLASS, Chairman

*[Handwritten signatures and stamps, including "SEAL" and "OFFICE OF THE CLERK"]*

Approved as to form and legal sufficiency:

Kenneth B. Cuyler  
Kenneth B. Cuyler  
Collier County Attorney

This ordinance filed with the Secretary of State's Office the 27 day of June, 1988 and acknowledgement of that filing received this 27 day of June, 1988  
[Signature]  
Clerk

STATE OF FLORIDA )  
COUNTY OF COLLIER )

I, JAMES C. GILES, Clerk of Courts in and for the  
Twentieth Judicial Circuit, Collier County, Florida, do  
hereby certify that the foregoing is a true copy of:

Ordinance No. 88-51

which was adopted by the Board of County Commissioners on the  
24th day of May, 1988, during Regular Session.

WITNESS my hand and the official seal of the Board of  
County Commissioners of Collier County, Florida, this 25th  
day of May, 1988.

JAMES C. GILES  
Clerk of Courts and Clerk  
Ex-officio to Board of  
County Commissioners

*Virginia Nagri*

By: Virginia Nagri  
Deputy Clerk

