

AGENDA SUMMARY ITEM
GLADES COUNTY BOARD OF COUNTY COMMISSIONERS

SUBJECT: Revisions to Chapter 125 – Land Development Regulations, Section 125-42. Buildings Permits.		
DEPARTMENT MAKING REQUEST: Community Development Department.		
BACKGROUND OR DETAIL OF REPORT: Revisions are proposed to Chapter 125, Section 125-42 – Building permits to consider exemptions from a boundary line survey for permit applications in certain situations for the unincorporated area of Glades County.		
BUDGET IMPACT: Yes or No None.		
COORDINATION WITH: Planning and Zoning Board.		
MOTION: I MOVE TO APPROVE/DISAPPROVE AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF GLADES COUNTY, FLORIDA, AMENDING THE GLADES COUNTY CODE OF ORDINANCES, PART II LAND DEVELOPMENT, CHAPTER 125 – LAND DEVELOPMENT REGULATIONS; BY AMENDING ARTICLE II. ADMINISTRATION AND ENFORCEMENT, DIVISION I, - GENERALLY, SECTION 125-42 – BUILDING PERMITS; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AUTHORITY; PROVIDING FOR CODIFICATION; PROVIDING FOR SCRIVENER’S ERRORS; PROVIDING FOR CONFLICT; PROVIDING FOR LIBERAL CONSTRUCTION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE, based on the findings and analysis in the staff report dated April 2, 2020, and the findings presented at the public hearing.		
REQUESTED BY: Susan BuChans, Community Development Director	MEETING DATE: April 14, 2020	SECTION OF AGENDA: Public Hearings

**Glades County Board of County Commissioners
Staff Report and Recommendation**

To: Board of County Commissioners

From: Susan BuChans, Community Development Director

Meeting Date: April 14, 2020

**Subject: Amendments to Chapter 125 – Land Development Regulations,
Section 125 - 42. Building permits.**

Background

The Board of County Commissioners (BOCC) directed staff to provide a draft ordinance of exemptions from the requirement to provide a boundary line survey with building permit applications in certain situations. Staff prepared several options and presented them to the Planning and Zoning (P&Z) Board for review and recommendation. The P&Z agreed with the BOCC that a sensible approach for the requirements of a boundary line survey with building permit applications was needed. Draft ordinances were provided to the P&Z in February and in public hearing in March. In the March public hearing, the P&Z recommended approval to the Board of County Commissioners.

Recommendation

Staff respectfully submits this staff report. The Community Development Department has provided a recommendation for consideration, which is located in the agenda request.

Susan BuChans
Staff Report
April 2, 2020

ORDINANCE NO. 2020-_____

GLADES COUNTY, FLORIDA

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF GLADES COUNTY, FLORIDA, AMENDING THE GLADES COUNTY CODE OF ORDINANCES, PART II LAND DEVELOPMENT, CHAPTER 125 – LAND DEVELOPMENT REGULATIONS; BY AMENDING ARTICLE II. ADMINISTRATION AND ENFORCEMENT, DIVISION I, - GENERALLY, SECTION 125-42 – BUILDING PERMITS; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AUTHORITY; PROVIDING FOR CODIFICATION; PROVIDING FOR SCRIVENER’S ERRORS; PROVIDING FOR CONFLICT; PROVIDING FOR LIBERAL CONSTRUCTION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Glades County has determined there is a need to amend the regulations applicable to boundary line survey for building permits; and

WHEREAS, the County wishes to provide the citizens of the County exemptions from the requirement for a boundary line survey in certain situations; and

WHEREAS, the Glades County Board of County Commissioners has determined that the following revisions to Chapter 125-42 – Building Permits, Glades County Code of Laws and Ordinances, may be allowed while providing the appropriate level of regulation for review and approval; and

WHEREAS, the Glades County Board of County Commissioners desires to enact an ordinance revising Chapter 125 – Land Development Regulations.

NOW THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Glades County, Florida as follows:

SECTION 1. RECITALS.

The above recitals are true and correct and incorporated herein as though fully set forth below.

SECTION 2. ADOPTION OF AMENDMENT TO PART II – LAND DEVELOPMENT, CHAPTER 125 – LAND DEVELOPMENT REGULATIONS.

The following revisions shall be incorporated into Chapter 125 – Land Development Regulations. ~~Strikethroughs~~ are deletions and underlines are additions.

ARTICLE II. – ADMINISTRATION AND ENFORCEMENT.

Division 1. Generally

Sec. 125-42. – Building Permits.

- (a) No building or other structure shall be erected, moved, added to, or structurally altered without a permit therefor, issued by the administrative official. No building permit shall

be issued by the administrative official except in conformity with the provisions of this chapter, unless the administrative official receives a written order from the land use and construction oversight commission in the form of an administrative review, special exception, or variance as provided by this chapter or unless he shall receive a written order from a court of competent jurisdiction

- (b) All applications for building permits shall be accompanied by plans in duplicate drawn to scale, showing the actual dimensions and shape of the lot to be built upon; the exact sizes and locations of the lot of buildings already existing, if any; and the location and dimensions of the proposed building or alteration and the permanent point of access. This information shall be prepared by or shall be taken from information prepared by a registered land surveyor. A copy of an existing survey document may be used if it accurately describes the proposed additions and access and is legible and includes a signed surveyor's stamp. The application shall include such other information as lawfully may be required by the administrative official, including existing or proposed building or alterations; existing or proposed uses of the building and land; the number of families, house keeping units, or rental units the building is designed to accommodate; conditions existing on the lot; and such other matters as may be necessary to determine conformance with, and provide for the enforcement of, this chapter.

(1) The following permit applications are not required to provide a boundary line survey as described above:

a. A boundary line survey is not required for a permit application in Mobile Home Parks or RV Parks where the lots are not individually owned.

b. Where the structure is at least 10 feet away from all setback lines and one of the following situations occurs, a boundary line survey is not required:

1. Residential deck additions or alterations.

2. Parcels over five acres in size and the proposed structure is a minimum of 75 feet from all property lines.

3. Enclosure of existing covered patios/balconies/porches with screening.

4. Concrete slabs outside of the building (other than screened patios and pool slabs); items such as, but not limited to, open patios, walkways or garbage containers.

5. When authorized by the Building Official to waive or modify the requirement for a boundary line survey where the application for a permit is for alteration or repair of an existing improvement or otherwise warranted, pursuant to Section [A] 107.2.5 Site Plan, *Florida Building Code*.

(2) A boundary line survey as described above is not required for accessory structures such as sheds and carports when being anchored to the soil or an existing concrete slab.

- (3) In the event a boundary line survey is not required per Section 125-42, at a minimum, a site plan indicating the boundary, the location of the improvement, existing structures, setbacks, and an aerial, is to be submitted with a permit application with signature by the owner and dated affirming the site plan to be true and accurate to the best of the owner's knowledge.
- (c) One copy of the plans shall be returned to the applicant by the administrative official, after the administrative official shall have marked such copy either as approved or disapproved and attested to same by his signature on such copy. The original copy of the plans, similarly marked, shall be retained by the administrative official.
- (d) In all residential, industrial, and commercial districts, the application shall be accompanied by a certification that all property stakes on the lot are in place, and all property stakes shall be in place at the time of application. In agricultural districts, the administrative official may require a similar certification where the presence of property stakes is necessary to determine compliance with any one or all of these regulations.
- (e) If the work described in any building permit has not begun within six months from the date of issuance thereof, said permit shall expire; it shall be canceled by the administrative official; and written notice thereof shall be given to the persons affected. If the work described in any building permit has not been substantially completed within one year of the date of issuance thereof, said permit shall expire and be canceled by the administrative official, and written notice that further work as described in the canceled permit shall not proceed unless and until a new building permit has been obtained; provided, however, that the administrative official may authorize extension of such term on due cause shown.

SECTION 3. AUTHORITY.

This Ordinance is enacted pursuant to the provisions of Chapters 125 and Chapter 403, Florida Statutes, and other applicable provisions of law.

SECTION 4. CODIFICATION.

It is hereby the intention of the Board of County Commissioners of Glades County, Florida, and it is hereby provided that the provisions of this Ordinance may become and be made a part of the Code of Glades County, Florida.

SECTION 5. SCRIVENER'S ERRORS.

Sections of this Ordinance may be renumbered or re-lettered and corrections of typographical errors which do not affect the intent may be authorized by the County Manager, or the County Manager's designee, without need of public hearing, by filing a corrected or re-codified copy of same with the County Clerk.

SECTION 6. CONFLICT.

Any provision of any Glades County ordinance or regulation which is in conflict with the provisions of this Ordinance is repealed prospectively to the extent of such conflict.

SECTION 7. LIBERAL CONSTRUCTION.

The terms and provisions of this Ordinance shall be liberally construed to affect the purpose for which it is adopted.

SECTION 8. SEVERABILITY.

If any portion of this Ordinance is for any reason held or declared to be unconstitutional, invalid or void, such holding shall not affect the remaining portions of this Ordinance. If this Ordinance shall be held to be inapplicable to any person, property or circumstances, such holding shall not affect the applicability of this Ordinance to any other person, property or circumstances.

SECTION 9. EFFECTIVE DATE.

This Ordinance shall be effective upon the adoption of this Ordinance by the Board of Commissioners of Glades County, Florida, and upon a filing of a certified copy hereof with the Florida Department of State.

The foregoing Ordinance was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____, and being put to a vote, the vote was as follows:

TIMOTHY (TIM) STANLEY
WESTON PRYOR
JOHN AHERN
DONNA STORTER LONG
DONALD STRENTH

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This Ordinance was duly passed and adopted this ____ day of _____, 2020.

GLADES COUNTY, FLORIDA,
BY ITS BOARD OF
COUNTY COMMISSIONERS

BY: _____
Timothy (Tim) Stanley, Chairman

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

Richard W. Pringle
County Attorney

ATTEST:

SEAL:

Sandra Brown
Clerk of the Circuit Court