

1. Discussion Objective:

Work Session Date: May 19, 2014

Discussion objective is to determine whether a signed and sealed survey should be required at the time of permit application and whether a signed and sealed as-built survey should be required prior to issuance of a CO or CC.

2. Submitter of Information:

- Council
- Town Staff - Ken Miller
- Town Attorney

3. Estimated Time for this item:

15 minutes

5. Background:

At the April 21, 2014 Town Council Meeting, during the Administrative Agenda, Town Council discussed a policy decision regarding the requirement for surveys with development permit applications. As a result of Town Council's discussion staff was directed to prepare a staff report regarding this issue.

Town Manager	Town Attorney	Finance Director	Public Works Director	Community Development Director	Parks & Recreation Director	Town Clerk
						

AN ORDINANCE AMENDING SECTION 8-6 OF THE MUNICIPAL CODE OF THE CITY OF NAPLES TO PROVIDE THAT THE PERMIT HOLDER FOR A BUILDING PROJECT SHALL SUBMIT TO THE BUILDING OFFICIAL A CERTIFIED SURVEY DEPICTING THE LOCATION OF THE FOUNDATION OR PILINGS OR SIMILAR STRUCTURAL ELEMENT AS BUILT IN RELATION TO ALL APPLICABLE PROPERTY LINES AND SET-BACK LINES; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERENCE; PROVIDING AN EFFECTIVE DATE. PURPOSE: TO REQUIRE SURVEYS OF BUILDING FOUNDATIONS PRIOR TO COMPLETION OF CONSTRUCTION SO AS TO ASCERTAIN THAT THE FOUNDATION DOES NOT ENCROACH ON ANY SETBACKS.

WHEREAS, it is recognized that violations and infractions of the City's set-back provisions can be best corrected or avoided if detected at the earliest possible stage of the construction progress; and,

WHEREAS, it is the intent of the City Council by adopting this ordinance that a viable and orderly procedure be implemented to detect such violations and infractions at the earliest possible time and to encourage more careful construction practices with regard to the placement of structures vis-a-vis the City's set-back provisions.

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

SECTION 1. That Section 8-6 of the Code of Ordinances of the City of Naples is hereby amended to read as follows in its entirety:

SECTION 8-6 REQUIRED SURVEY OF BUILDING FOUNDATIONS PRIOR TO COMPLETION OF CONSTRUCTION.

- (A) It is the duty of the permit holder to submit to the building official, within 21 calendar days of the foundation inspection, a survey map depicting the foundation or pilings or similar element of the building that identifies the location of the outer walls of the building as installed and the location of said foundation or pilings, precisely dimensioned in relation to each and every relevant property line of the property upon which said structure is being constructed. Said survey shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by same.
- (B) Any work done within the 21 day calendar period and prior to the submission of a survey required hereby shall be at the permit holder's risk. The building official shall review the survey, supplemental drawing, and certification provided for hereby and approve same if all set-back requirements can be met. Deficiencies or encroachments detected by such review shall be corrected by the permit holder forthwith and prior to further progressive work being

the provisions of this section.

SECTION 2. Severance. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion hereof.

SECTION 3. Conflict. All ordinances and parts of ordinances in conflict herewith shall be and the same are hereby repealed. If any part of this Ordinance conflicts with any other part, it shall be severed and the remainder shall have the full force and effect and be liberally construed.

SECTION 4. This Ordinance shall take effect immediately upon adoption at second reading.

APPROVED AT FIRST READING THIS 6th DAY OF March, 1985.

PASSED AND ADOPTED AT SECOND READING AND PUBLIC HEARING IN OPEN AND REGULAR SESSION OF THE CITY COUNCIL OF THE CITY OF NAPLES, FLORIDA THIS 5th DAY OF June, 1985.

Stanley R. Billick Mayor
Stanley R. Billick

ATTEST:
Janet Cason
 Janet Cason
 City Clerk

APPROVED AS TO FORM AND LEGALITY BY *David W. Rynders*
David W. Rynders,
 City Attorney

COUNCIL MEMBERS	MOTION	S	VOTE		A B S E N T
			Y E S	N O	
Anderson		X	X		
Barnett			X		
Bledsoe	X		X		
Richardson			X		
Schroeder			X		
Wood	-	-	-	-	X

COUNCIL MEMBERS	MOTION	S	VOTE		A B S E N T
			Y E S	N O	
Anderson	-	-	-	-	X
Barnett		X	X		
Bledsoe			X		
Richardson			X		
Schroeder	X		X		
Wood			X		
Billick			X		

BUILDING BLOCKS



BUILDING PERMIT SURVEY REQUIREMENTS

Effective December 1, 2010 (Revised January 13th, 2012)

DEFINITIONS:

- **Certified Site Plan**, A plan prepared, signed and sealed by a licensed Florida professional surveyor and mapper, architect or engineer, who is familiar with county zoning and setback requirements, showing property lines, setbacks, easements, and all existing and proposed structures.
- **10 Day Spot Survey**, A survey that locates any new construction, and or any changes in existing building footprints on the certified site plan, prepared by a Florida registered surveyor and mapper. This survey shall be submitted no later than 10 days following the establishment of the lowest floor, which may be a slab, frame assembly, pylon(s), or any construction that is 30 inches above soil grade. Survey shall include elevation of lowest floor and crown of road. Any construction in an **A** or **V Flood Zone** shall require an **Under Construction Elevation Certificate** in conjunction with the **10 Day Spot Survey**.

PERMITS:

- **Building Permits**, A certified site plan not older than 6 months is required when applying for a building permit for any new construction, additions, or alterations that modify the building footprint. Building permits for new construction, additions, or alterations that modify the building footprint will require a 10 day spot survey. For projects located in an A or E flood zone a final elevation certificate is required before receiving a certificate of occupancy or completion.

Building permits for construction to an existing structure that does not modify the existing building footprint, such as tenant build outs or repairs, may submit an "**Affidavit in lieu of a certified site plan**" document with the permit application. No other survey is required unless deemed necessary by the County Building Official or FEMA flood plan coordinator.

- **Open structures and sheds, less than 400 sq. ft.**, Open structures or sheds, less than 400 square feet which do not add impervious surface, shall not require a certified site plan. A current survey (or boundary survey) indicating the location of the proposed open structure or shed meeting the current setback requirements may be used.

- **Residential Swimming Pools**, A certified site plan shall be submitted with the permit application for all residential swimming pools. A 10 day spot survey shall be required after completion of pool shell. When a screen enclosure is specified to meet the pool barrier requirement, the 10 day spot survey shall not be required at the completion of the pool shell.
- **Screen Enclosures associated with swimming pools**, the certified site plan used for the pool may be used to apply for the screen enclosure along with the “**Affidavit in lieu of a certified site plan**” document when applying for permit. The enclosure shall be depicted and accurate in the certified site plan. A final spot survey shall be required for the screen enclosure.

NOTE:

At any time during construction the Building Official may require a survey be performed by a Florida licensed surveyor if deemed necessary.

**Affidavit in lieu of Certified Site Plan
To be filed with Permit Application**

State of Florida
County of Collier

I, _____, do hereby affirm that the work performed under Permit Number _____ does not constitute any modification to the original permitted footprint of the structure that existed prior to the issuance of this permit.

I further affirm that, to the best of my knowledge, the footprint of the structure shall conform to the applicable setback(s) and easement requirement(s) established by Collier County and/or any other applicable agency.

I hereby agree that should any work performed under this permit result in a nonconformity with any setback(s) or easement requirement(s) established by Collier County or any other applicable agency, I will have no sustainable rebuttal against Collier County Government and will immediately remediate the nonconformity at no expense to Collier County Government.

Signed: _____

Printed Name: _____

(Check one) Owner/Builder Contractor Design Professional

AFFIRMED AND SUBSCRIBED before me, the undersigned authority, on _____, 2010, by _____,

(check one) who is personally known to me or

who provided _____ as identification .

(Seal)

NOTARY PUBLIC – State of _____

Printed Name: _____

My commission expires: _____