

COLLIER COUNTY LAND DEVELOPMENT CODE STAFF CLARIFICATION

STAFF CLARIFICATION SC 97-001

DATE: 17 April 1997

LDC SECTION: 2.6.21. (Docking Facilities)

REF: LDC Interpretation 94-003

INITIATED BY: Current Planning staff as the result of a request for clarification from Customer Service Agents regarding measurement of docking facility protrusions on Marco Island shoulder lots. The LDC defines a shoulder lot as "A waterfront corner lot which straddles the waterway, has a property line which extends into the water and contains a seawall or bulkhead or shoreline which is indented from the property line thus creating a strip of land which is under water and is usually used for the docking of a boat. "

BACKGROUND/CONSIDERATIONS: Section 2.6.21.1. of the LDC states that "Permitted dock facility protrusions as well as extension of dock facilities are measured from the property line, bulkhead line, shoreline, seawall, rip-rap line, or Mean High Water Line, whichever is more restrictive." LDC Interpretation 94-003 (11/17/94) states that "Where a property line extends out into the water, setbacks for principal and accessory structures shall be measured from the bulkhead line, seawall, shoreline, or Mean High Water Line, whichever is applicable."

DETERMINATION (INTERPRETATION): Neither LDC Section 2.6.21.1. nor LDC Interpretation 94-003 was intended to apply to measurement of dock protrusions on Marco Island shoulder lots. Since these lots were intentionally created by the Deltona Corporation to accommodate vessels, boat dock protrusions on Marco Island shoulder lots should be measured from the true property line, i.e., the property line extending into the water, and not from the most restrictive point (see attached drawing).

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