

COLLIER COUNTY LAND DEVELOPMENT CODE STAFF CLARIFICATION

ZONING & LAND DEVELOPMENT STAFF CLARIFICATION SC 06-02

DATE: July 21, 2006

LDC SECTION: Division 6.3 Definitions (LDC Ord. 91-102)

SUBJECT: Partial revision of definition of Yard, Front, relating to setbacks from access easements in Golden Gate Estates; the original language addressing this issue was inadvertently omitted from Ordinance 04-41

INITIATED BY: Staff

BACKGROUND/CONSIDERATIONS: The language in LDC Ord. 91-102 was confusing in stating that access easements serving three or less lots of record "shall not constitute a front yard for the purposes of establishing building setback lines." This statement defeats the purpose of establishing access easements creating street frontage for one or two of the lots involved, which is to create a front yard for setback purposes. The original intent of the language was to prevent the establishment of new front yards on adjacent lots *abutting* the newly-created easement. In addition, the original language referred to bisecting and perimeter easements which have since been vacated. The proposed revised language clarifies the situation and eliminates the reference to bisecting and perimeter easements.

DETERMINATION (CLARIFICATION): The LDC will be amended to revise the language as follows: "In the Golden Gate Estates Subdivision, access easements which are created to provide street frontage for three or fewer reconfigured or replatted lots, will constitute a front yard for the purposes of establishing building setback lines only for those lots on which the easement lies and not for any other lots abutting the easement."

AUTHOR: Ross Gochenaur (for Susan Murray, AICP, Director, Department of Zoning & Land Development Review)

cc: Tom Kuck, Director, Engineering Services
John Houldsworth, Senior Engineer
David Weeks, Manager, Growth Management
Bill Hammond, Building Director