

COLLIER COUNTY LAND DEVELOPMENT CODE STAFF CLARIFICATION

ZONING & LAND DEVELOPMENT STAFF CLARIFICATION SC 2004-05

DATE: November 10, 2004

LDC SECTION: 1.09.02 (Definitions: Building, zoned height of)

SUBJECT: Exemptions from Building Height Limitations

INITIATED BY: Zoning Department Staff

BACKGROUND/CONSIDERATIONS: The following language is contained within the definition of zoned building height referred to above: "Rooftop recreational space and accessory facilities are also exempted from the limitations established for measuring the height of buildings." The Code does not further define "recreational space and accessory facilities," and a request for clarification of this language, with regard to the intent of the Code, has been received.

DETERMINATION (CLARIFICATION): It is my determination that the language in question was intended to allow accessory uses which would not have the visual effect of increased building height, and refers to unenclosed, unroofed, and unairconditioned space for recreational use. This would include such uses as tennis courts, sun decks, running tracks, gym and exercise equipment, and swimming pools or spas which are not raised above rooftop level. The reference to accessory facilities would consist of those exceptions to height limitation identified in LDC Section 4.02.01.D.1 as infrastructure in support of the building, including structures which *do not* consist of air-conditioned, habitable space, such as those used to house equipment (pumps, condensers, generators, elevators, etc.).

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

cc: Project planners

Michael R. Fernandez, AICP, President, PDI