

COLLIER COUNTY LAND DEVELOPMENT CODE STAFF CLARIFICATION

CURRENT PLANNING STAFF CLARIFICATION SC # **2004-02**

DATE: May 24, 2004

LDC SECTION: **2.6.2.2.**

INITIATED BY: Susan Murray

BACKGROUND/CONSIDERATIONS: This section of the LDC sets forth the standards for accessory structures on Waterfront and Golf Course lots. This clarification deals with superscript 3 relating to the setback requirements where swimming pool decks exceed 4 feet in height above the top of the seawall or bank for one and two family dwelling units.

Clarification is needed regarding the requirement for additional setback distance where the swimming pool deck exceeds 4 feet in height above the top of the seawall or top of bank. It is not apparent from the code provisions as to whether or not this is intended to apply to only the swimming pool deck or to other structures such as a spa or waterfall or other structure integrated into the pool deck.

DETERMINATION (CLARIFICATION): The intent of the regulation is to require additional setback distances where the vertical wall supporting the horizontal deck the pool deck itself exceeds 4 feet in height above the top of the seawall or top of bank (or in the case of Marco Island and Isles of Capri per the LDC). The measurement should be taken from grade to the highest point of the deck supporting the pool or spa, or both, ignoring swimming pool/spa appurtenances such as waterfalls, spa walls, ladders, and the like unless these appurtenances have the effect of heightening the vertical wall supporting the deck.

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