

COLLIER COUNTY LAND DEVELOPMENT CODE STAFF CLARIFICATION

CURRENT PLANNING STAFF CLARIFICATION SC 2000-04

DATE: 31 May 2000

LDC SECTION: 2.1.13 Reduction of lot area prohibited

INITIATED BY: Staff

BACKGROUND/CONSIDERATIONS: The section in question states that lot area cannot be legally reduced unless the reduction is for "public use in any manner, including dedication, condemnation, purchased, and the like." There have been cases where part of a lot has been sold outright to the owner of a neighboring property, rather than dedicated as an easement or right-of-way easement, to provide private access to the neighboring property. In some cases, this sale has reduced the original lot area below the minimum allowed for the zoning district. The question is whether the lot which has been reduced in area is legally nonconforming.

DETERMINATION (CLARIFICATION): Since the part of the lot which was sold outright was used to create a private, rather than public, access to the neighboring property, the lot which was reduced in area below the minimum required by Code is an illegal nonconforming lot, and no building permits should be issued for this property.

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THROUGH: Ronald F. Nino, AICP, Manager, Current Planning Section)

cc: Building Department  
Code Enforcement Department  
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