



COLLIER COUNTY GOVERNMENT
GROWTH MANAGEMENT DIVISION
PLANNING AND REGULATION

2800 NORTH HORSESHOE DRIVE
NAPLES, FLORIDA 34104
(239) 252-2400 FAX (239) 252-6358
www.colliergov.net

**APPLICATION SUBMITTAL PROCEDURES
LEGAL NON-CONFORMING (LNC) LOT DEVELOPMENT
LDC Chapter 9.03.03**

Applicant will please:

Complete application

Attach supporting documentation

- ▶ Narrative letter describing situation
- ▶ Copy of Property Appraiser's Card
- ▶ Additional pertinent information and documents
- ▶ Fee in the amount of \$100

Submit application package to:

Growth Management Division/Planning and Regulation
Business Center
2800 North Horseshoe Drive
Naples, Florida 34104

Requests involving a situation corresponding to that described by Paragraph 1 of the Zoning Department Policy Memorandum dated May 16, 2005 will require a minimum 15-working-day review time. Requests involving a situation corresponding to that described in Paragraphs 2-4 of the Memorandum will require a minimum 30-working-day review time.

The applicant will receive a written response indicating whether the proposed development may proceed, based on the provisions of the Memorandum and the Land Development Code.

Any questions should be directed to the Growth Management Division/Planning and Regulation at 252-2400, ext. 5603.



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APPLICATION CRITERIA

The following scenarios describe situations wherein single-family homes may be lawfully built on individual legal nonconforming (LNC) lots, some of which may have been combined with one or more other LNC lots, either for tax or development purposes, to create a legal, conforming “combined lot.”

- A. A property owner owns one or more LNC lots combined under one folio number for tax purposes, but which remain undeveloped, and which are then approved under the County's lot split and recombination regulations then in effect.
- B. A property owner owns one or more LNC lots combined under one folio number, but where development has occurred only on a single lot, and which are then approved under the County's lot split and recombination regulations then in effect as to the undeveloped LNC lot(s), provided all setback requirements, are met or were met at the time of legal construction, for the existing structure on the developed lot.
- C. A property owner owns lots combined under one folio number wherein development occurred on more than one lot, but the remaining lot(s) were left undeveloped. The developed lots are not eligible to be converted back to non-conforming lots except as otherwise allowed by guidelines 1. through 4., above; however, the undeveloped lot(s) will retain and may revert to their LNC lot status provided as to the undeveloped LNC lot(s) that they are then approved under the County's lot split and recombination regulations then in effect, and all setback requirements are met, or were met at the time of legal construction, for the existing structure on the combined lots.
- D. **Any situation wherein the combination of one or more LNC lots creates a legally conforming lot, regardless of development status.**
- E. Any development scenario that meets the current requirements of the then current Land Development Code.
- F. The lawful prior construction and subsequent lawful demolition of a duplex or multi-family dwelling constructed on two or more LNC lots and its replacement by a duplex or multi-family dwelling, subject to meeting the minimum area requirements for each unit.
- G. The lawful prior construction and subsequent lawful demolition of a single-family residence constructed on two or more LNC lots and its replacement by a duplex or multi-family dwelling, subject to meeting the minimum area requirements for each unit.



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- H. Any situation where an affected property owner or agent has applied for or has been issued a valid building permit prior to June 16, 2003, to build a single-family residence on one of two LNC lots previously developed as one conforming lot and who has commenced construction. A second residence could subsequently be built on the other LNC lot, regardless of the then current ownership.
- I. Any situation where an affected property owner or agent has applied for or has been issued a valid demolition permit prior to June 16, 2003, has commenced demolition, and can provide competent substantial documentary evidence that his or her future development plan was to rebuild multiple single family dwelling units on former LNC combined lots. The County Manager and County Attorney, or their designees will evaluate the evidence of this intent on a case-by-case basis.
- J. Any situation other than 1 or 2 above where an affected property owner was expressly authorized to demolish and rebuild in writing by a Growth Management Division employee via a response letter, between June 16, 2003 and February 28, 2005. The response letter must be on County letterhead and signed by a Growth Management Division County employee. If the County response letter addressed a site-specific situation, eligibility would only apply to that property and the property owner(s) referenced in the letter. If the response letter provided general information, then only that individual could apply the letter to any property he or she then owned. However, as stated, in either scenario just described, eligibility would only be for the individual(s) who requested the response in writing and to whom it was addressed. In the case of conflict or other scenarios where authorization of the proposed demolition and reconstruction by a Growth Management Division employee can be conclusively documented, the County Manager and County Attorney, or their designees, would make the final determination a case-by-case basis.
- K. Any property owner who executed a contract for purchase between June 16, 2003 and February 28, 2005, of what were once LNC lots wherein the agent, seller, or buyer can now provide competent substantial documentary evidence that the buyer entered into the contract with the intent to demolish a then existing lawfully permitted structure(s) so as to revert back to multiple lots of LNC status in order to construct a single family dwelling unit on each non-conforming lot.



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**LEGAL NON-CONFORMING LOT
DEVELOPMENT REVIEW APPLICATION - (LNC)**

PROJECT NO (PL)
PROJECT NAME
DATE PROCESSED

For Staff Use

APPLICANT/OWNER INFORMATION

AGENT _____ FIRM _____
ADDRESS _____ City _____ State _____ Zip _____
PHONE# _____ CELL # _____ FAX # _____
E-MAIL _____

OWNER(S) NAME _____
ADDRESS _____ City _____ State _____ Zip _____
PHONE# _____ CELL # _____ FAX # _____
E-MAIL _____

LEGAL DESCRIPTION

Section/Township/Range ____/____/____
Lot _____ Block _____ Subdivision _____
Plat Book _____ Page # _____ Property I.D.# _____
Address _____ Building Permit No. _____

REQUIRED ATTACHMENTS

- Narrative letter describing situation & identifying paragraph of Zoning Department Policy Memorandum dated May 16, 2005 which applies to the subject property
- Copy of Property Appraiser's Card
- Additional Supporting Documentation (please identify each document)
- Fee = \$100 (check made payable to "Board of County Commissioners")
- Submit application package to the attention of Intake Planners, Zoning and Land Development Review.

Under penalties of perjury, I declare that I have read the foregoing application and that the facts stated in it are true.

SIGNATURE OF AGENT or OWNER

DATE

August 30, 2010