



AN EMERGENCY ORDINANCE AMENDING ORDINANCE NO. 91-102, AS AMENDED, THE COLLIER COUNTY LAND DEVELOPMENT CODE, BY PROVIDING FOR SECTION ONE: AMENDMENTS TO SUBSECTION 2.6.2.2., ACCESSORY STRUCTURES ON WATERFRONT LOTS AND GOLF COURSE LOTS; SECTION TWO: CONFLICT AND SEVERABILITY; SECTION THREE: INCLUSION IN THE COLLIER COUNTY LAND DEVELOPMENT CODE; SECTION FOUR: DECLARATION OF EMERGENCY PURSUANT TO SECTION 125.66(3), FLORIDA STATUTES; SECTION FIVE: EFFECTIVE DATE.

FILED
JAN 1997
CLERK OF BOARD

WHEREAS, Collier County, pursuant to Sec. 163.3161, et seq., Florida Statutes, the Florida Local Government Comprehensive Planning and Land Development Regulation Act (hereinafter the "Act"), is required to prepare and adopt a comprehensive plan; and

WHEREAS, on January 10, 1989, Collier County adopted the Collier County Growth Management Plan (hereinafter the "Growth Management Plan or GMP") as its comprehensive plan pursuant to the Act; and

WHEREAS, after adoption of the comprehensive plan, the Act and in particular Sec. 163.3202(1), Florida Statutes, mandates that Collier County adopt land development regulations that are consistent with and implement the adopted comprehensive plan; and

WHEREAS, Collier County adopted its Land Development Code containing its land development regulations, on October 30, 1991; and

WHEREAS, Subsection 125.06(3), Florida Statutes, provides an emergency procedure for the enactment or amendment of ordinances except for those ordinances which establish or amend the actual zoning map designation of a parcel or parcels of land or change the actual list of permitted, conditional or prohibited uses within a zoning category; and

WHEREAS, the amendments to Subsection 2.6.2.2, dealing with the minimum building setback for swimming pool decks and/or screen enclosures for one and two-family residences, and attached screen porches of Ordinance 91-102, as amended, the Collier County Land Development Code, neither amend the actual zoning map designation of any parcel or parcels of land nor change the actual list of permitted, conditional or prohibited uses; and

WHEREAS, the Board of County Commissioners at its December 17, 1996 regularly scheduled meeting declared that an emergency exists by virtue of numerous property owners' inability to complete construction of single-family homes and accessory pool/porch structures as contracted through model home sales, particularly on Marco Island and isles of Capri, due to several factors including existing ground elevation, sea wall heights, increased building setback requirements due to deed restrictions and smaller lot sizes and that immediate enactment of an amendment to Subsection 2.6.2.2 of the Land Development Code is required to alleviate the condition of emergency; and

WHEREAS, by unanimous vote, the Board of County Commissioners directed its Planning Services Department Staff to prepare the appropriate amendments to the Land Development Code; and

WHEREAS, Planning Staff has prepared the necessary amendments to alleviate the emergency condition; and

WHEREAS, Subsection 1.19.1.3 of the Collier County Land Development Code provides that in the case of an emergency the additional Code amendment must receive unanimous approval by the Board of County Commissioners; and

NOW, THEREFORE BE IT ORDAINED, by the Board of County Commissioners of Collier County, Florida; that

SECTION ONE: AMENDMENTS TO SUBSECTION 2.6.2.2, ACCESSORY STRUCTURES ON WATERFRONT LOTS AND GOLF COURSE LOTS.

Subsection 2.6.2.2, "Accessory Structures on Waterfront Lots and Golf Course Lots," of Ordinance No. 91-102, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

ACCESSORY STRUCTURES
ON WATERFRONT LOTS AND GOLF COURSE LOTS**

	Setbacks			Structure to Structure (If Detached)
	Front	Rear	Side	
1. Parking garage or carport, single- family	SPS	SPS	SPS	10 feet

2.	One-story parking structures	SPS	SPS	SPS	10 feet
3.	Multistory parking structures	SPS	SPS	SPS	1/1*
4.	Swimming pool and/or enclosures (one- and two-family)	SPS	10 feet*	SPS	N
*20 feet where swimming pool decks exceed 4 feet in height above top of seawall or top of bank, <u>except Marco Island and Isles of Capri which may construct to a maximum of 7 feet above the seawall with a maximum of 4 feet of stem wall exposure, with the rear setback of 10 feet.</u>					
5.	Swimming pool (multiple-family and commercial)	SPS	20 feet	15 feet	N
6.	Tennis courts (private) (one-and two-family)	SPS	15 feet	SPS	10 feet
7.	Tennis courts (multiple-family and commercial)	SPS	35 feet	SPS	20 feet
8.	Boathouses and boat shelters (private)	SPS	N/A	7.5 feet or 15 feet (See section 2.6.21.5)	10 feet
9.	Utility buildings	SPS	SPS	10 feet	10 feet
10.	Chickee, barbecue areas	SPS	10 feet	SPS	N
11.	Davits, hoists and lifts	N/A	N/A	7.5 feet or 15 feet (see section 2.6.21.5)	SPS
12.	Attached Screen Porch	SPS	10 feet*	SPS	SPS
*20 feet where floor or deck of porch exceeds 4 feet in height above top of seawall or top of bank, <u>except Marco Island and Isles of Capri which may construct to a maximum of 7 feet above the seawall with a maximum of 4 feet of stem wall exposure, with the rear setback of 10 feet.</u>					
13.	Unlisted accessory	SPS	SPS	SPS	10 feet
14.	Docks, decks and mooring pilings	N/A	N/A	7.5 feet or 15 feet	N/A
15.	Boat slips and ramps (private)	N/A	N/A	7.5 feet	N/A
16.	Satellite dish antennas	N/P	15 feet	SPS	10 feet

N = None.

N/A = Not applicable.

NP = Structure allowed in rear of building only. May be located on pad at ground level, but not mounted on roof.

SPS = Calculated same as principal structure.

* = 1/foot of accessory height = 1/foot of building separation.

**In those cases where the coastal construction control line is involved, the coastal construction control line will apply.

SECTION TWO: CONFLICT AND SEVERABILITY.

In the event this Ordinance conflicts with any other ordinance of Collier County or other applicable law, the more restrictive shall apply. If any phrase or portion of this Ordinance is held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion.

SECTION THREE: INCLUSION IN THE COLLIER COUNTY LAND DEVELOPMENT CODE.

The provisions of this Ordinance shall become and be made a part of the Collier County Land Development Code. The Sections of the Ordinance may be renumbered or relettered to accomplish such, and the word "ordinance" may be changed to "section," "article," or any other appropriate word.

SECTION FOUR: DECLARATION OF EMERGENCY.

This Board does hereby declare that an emergency exists and that immediate enactment of this Ordinance is necessary, and by no less than for-fifths (4/5ths) vote of the membership of the Board does hereby waive notice of intent to consider this Ordinance.

SECTION FIVE: EFFECTIVE DATE.

A certified copy of this Ordinance, as enacted, shall be filed by the Clerk to the Board with the Department of State of the State of Florida, as soon after enactment as is practicable by depositing the same with the postal authorities of the government of the United States for special delivery by registered mail, postage prepaid, to the Florida Department of State.

This Ordinance shall become effective as provided in Subsection 125.66(3), Florida Statutes.

PASSED AND DULY ADOPTED by the Board of County Commissioners of Collier County, Florida, this 7th day of January, 1997.

ATTEST:
DWIGHT BROCK, CLERK

BOARD OF COUNTY COMMISSIONERS
COLLIER COUNTY, FLORIDA

By: Tallie Zeffman P.C.

By: Timothy L. Hancock
CHAIRMAN

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

Marjorie M. Student
MARJORIE M. STUDENT
ASSISTANT COUNTY ATTORNEY

This ordinance filed with the
Secretary of State's Office the
10th day of Jan, 1997
and acknowledgement of that
filing received this 10th day
of Jan, 1997

By: Tallie Zeffman
Deputy Clerk

mms\Ordinances.structures