

COLLIER COUNTY LAND DEVELOPMENT CODE STAFF CLARIFICATION

STAFF CLARIFICATION SC 98-01

DATE: 9 March 1998

LDC SECTION: Division 6.3 (Definitions: yard, waterfront)

INITIATED BY: Current Planning staff as the result of a request for clarification from Customer Service Agents regarding required yards for Golden Gate Estates lots containing canal/drainage easements.

BACKGROUND/CONSIDERATIONS: Division 6.3 of the LDC defines "yard, waterfront" as property "abutting the Gulf, bays, bayous, navigable streams and on man-created canals, lakes, or impounded reservoirs." The canals in Golden Gate Estates are located in drainage easements created for water management purposes and were never intended to be navigable waterways providing vessel access to a larger body of water.

DETERMINATION (INTERPRETATION): Property abutting canals in Golden Gate Estates does not meet the definition of waterfront property and setbacks should be measured from the property line as for any other easement which is not a public road right-of-way easement or access easement; however, a separation of at least 10 feet must be maintained between top of bank and any principal or accessory structures.

AUTHOR: Ross Gochenaur (for Robert J. Mulhere, AICP, Director, Planning Services Department)

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

cc: Ed Perico, Director, Building Review & Permitting Department  
Michelle Arnold, Acting Director, Code Enforcement Department