

COLLIER COUNTY LAND DEVELOPMENT CODE STAFF CLARIFICATION

ZONING & LAND DEVELOPMENT STAFF CLARIFICATION SC 07-02

DATE: 21 August 2007; Updated March 16, 2009

LDC SECTION: Div. 6.3 Definitions (Ord 91-102, definition inadvertently omitted from LDC Ord. 04-41)

SUBJECT: Front yard setback measurement on cul-de-sac lots

INITIATED BY: Building Department, Zoning Staff

BACKGROUND/CONSIDERATIONS: The definition of "yard, front" contains the following language: "In the cases of irregularly shaped lots, including cul-de-sac, the depth may be measured at right angles to a straight line joining the foremost points of the side lot line, provided the depth at any point is never less than the minimum length of a standard parking space..."

Irregular lots exist which meet the definition of corner lots, cul-de-sac lots, and irregular lots, or any combination of these. The LDC language states that "...the depth of the required front yard may be measured at right angles ..." In cases where a combination of the lot types described above exist, measurement based on a line connecting the side lot lines could result in a significant decrease in the building envelope, in some cases making it impossible to construct a structure of reasonable size on the property.

The Building Department and Zoning (Planning) Departments have historically taken all measurement of front yard setbacks for cul-de-sac lots based on a chord; that is, a line connecting the two side lot lines intersecting the arc of the cul-de-sac (Drawing A) , or, in cases of irregular or corner lots which are also cul-de-sac lots, a line connecting the point where one site lot line intersects the arc of the cul-de-sac with the point at which the cul-de-sac arc terminates. (Drawing B)

DETERMINATION (CLARIFICATION): It is my decision that use of the discretionary "may" in the above definition allows the Zoning Director or designee to allow measurement which would provide the most reasonable building envelope on the property for those lots which do not front entirely on the arc of the cul-de-sac and that the historical method of measurement for cul-de-sac lots employed by the Building and Zoning Departments, as described above, is consistent with this decision. Updated as a result of BZA direction: When the chord methodology is used, the areas of the lot subject to the chord measurement shall not result in a setback of less than 18 feet from the property line. All other frontage on the lot not subject to the chord measurement shall comply with the minimum setback of the zoning district.

AUTHOR: Ross Gochenaur (for Susan Istenes, AICP, Director, Department of Zoning & Land Development Review)

cc: Joseph Schmitt, Division Administrator
A. Roland Holt, Building Director
Tom Kuck, Engineering Director
Bob Dunn, Inspections and Plans Review Manager
Alamar Finnegan, Permitting Supervisor

Glenda Smith, Operations Analyst
Staff Clarification File