

COLLIER COUNTY LAND DEVELOPMENT CODE STAFF CLARIFICATION

ZONING & LAND DEVELOPMENT STAFF CLARIFICATION # SC 2004-04

DATE: July 26, 2004

LDC SECTION: Division 2.6 (Accessory Structures) and Division 6.3 (Definitions)

SUBJECT: Applicability of Maximum Lot Coverage for Accessory Structures

INITIATED BY: Staff

BACKGROUND/CONSIDERATIONS: During review of a Site Development Plan for a multi-family project, staff was asked to clarify whether the limitations regarding size of accessory buildings - a maximum lot area in square feet that could be occupied by accessory buildings - would apply to an attached one-story structure providing parking for the residents of a multi-family high-rise tower.

DETERMINATION (CLARIFICATION):

It is my determination that a one-story parking structure attached to a multi-family tower would be considered part of the principal structure, and that the area occupied by the parking structure would not be used in the calculation of lot coverage by accessory structures.

In Division 6.3, the definition of "Accessory Use or Structure" states that "Where a building is attached to a principal building, it shall be considered a part thereof, and not an accessory building, except as provided in Division 2.6..."

Section 2.6.2.1. (Location of Accessory Buildings and Structures) states that '...in order to determine yard requirements, the term "accessory structure" shall include detached and attached accessory use structures of buildings notwithstanding the attachment of such structure or building containing the accessory use to the principal use structure or building.'

Section 2.6.2.3. (Limitations as to Size of Accessory buildings and Structures) states that "Accessory buildings shall not occupy an area greater than five percent of the total lot area in all residential zoning districts, or occupy an area greater than 40 percent of any building envelope...whichever is the lesser..."

It is my opinion that there is no exception in the language of Division 2.6 to indicate that a parking structure attached to a multi-family high-rise tower would not be considered part of the principal structure and therefore be exempt from accessory structure lot coverage requirements.

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

cc: Patrick White, Assistant County Attorney
Staff Clarification file