

COLLIER COUNTY LAND DEVELOPMENT CODE STAFF CLARIFICATION

CURRENT PLANNING STAFF CLARIFICATION SC 2000-02

DATE: 7 April 2000

LDC SECTION: 2.6.2. Accessory buildings and structures; Division 6.3 Definitions
(definition: Accessory use or structure)

INITIATED BY: Staff, at direction of Planning Services Director

BACKGROUND/CONSIDERATIONS: Building Department Customer Service Agents have expressed a desire for written clarification of the requirements for placing an accessory structure on a residential lot adjacent to another residential lot on which a principal structure is located when both lots are under common ownership.

DETERMINATION (CLARIFICATION): An accessory structure, by definition, requires a principal structure on the same lot, to which it is an accessory use. Section 2.6.2. states that accessory structures must be constructed after, or simultaneously with, the construction of the principal structure. Division 6.3 states under the definition of "Accessory use or structure" that an accessory structure must be "on the same premises" as the principal use, then continues to say that: "On the same premises .. shall be construed to mean on the same lot or on a contiguous lot in the same ownership and zoning district." In all zoning districts, therefore, an accessory structure may be constructed on a lot adjacent to the lot on which the principal structure is located when the lots are under common ownership. This requires the submittal of a signed affidavit stating that the accessory structure will be removed if the lots are ever separated and/or sold individually. This affidavit must be recorded in the Public Records, and a copy of the affidavit must be submitted along with the application for the building permit for the accessory structure.

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