

COLLIER COUNTY LAND DEVELOPMENT CODE STAFF CLARIFICATION

ZONING & LAND DEVELOPMENT STAFF CLARIFICATION SC 06-01

DATE: February 3, 2006

SUBJECT: "Wedding cake" setbacks and single-family residential structures

INITIATED BY: Staff

BACKGROUND/CONSIDERATIONS: The Zoning Director has determined that setbacks for any structure must be measured from the property line to the outermost wall of the structure at grade level, unless otherwise allowed by a specific PUD document. In situations where the setback is determined either by building height or by the number of stories, previous Planning Directors have allowed the setback to be measured to varying levels of the building at varying heights: the so-called "wedding cake" method. The previous policy is no longer in effect for all structures, including single-family homes, unless otherwise permitted in a PUD.

There has been some confusion with regard to the measurement of setbacks for single-family homes in PUD zoning districts requiring different setbacks for one- and two-story homes. The intent is to clarify the application of this policy to that situation.

DETERMINATION (CLARIFICATION): When setbacks are determined according to the number of stories of a single family home, the two-story setback will apply, on both sides of the property, *regardless of whether part or all of the home consists of two stories*, and the addition of a full or partial second story to an existing home built according to single-story setbacks cannot be approved without a Variance.

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cc: Bill Hammond, Building Director
Correspondence file