

COLLIER COUNTY LAND DEVELOPMENT CODE STAFF CLARIFICATION

CURRENT PLANNING STAFF CLARIFICATION SC 2001-01

DATE: 8 January 2001

LDC SECTION: 2.6.11.5 (Amendment by Ordinance 2000-92)

INITIATED BY: Staff

BACKGROUND/CONSIDERATIONS: This amendment was drafted by direction of the Board, in order to restrict the use of chainlink fences, primarily in multi-family developments (RMF & PUD). Use of chainlink in C (Commercial) and I (Industrial) zoning districts, & like components of PUDs, is already restricted by Section 2.8.4.2.3.1. The subject amendment, as drafted, indicates that these restrictions apply to all zoning districts in the "urban coastal area," without making exception for A (Agricultural), E (Estates), or CON (Conservation) zoning. This omission brings the amendment into conflict with Section 2.6.11.3. In addition, no exception is made for individual single-family and duplex/two-family homeowners, or for unimproved property in all zoning districts.

DETERMINATION (CLARIFICATION): It was not the intent of the subject amendment to curtail use of chainlink by single-family & duplex/two-family homeowners, regardless of zoning district, or its use in A, E, or CON zoning. Neither was it the intention of the amendment to prevent owners of unimproved property from erecting chainlink fences to protect the public from safety hazards on the property and protect the property owner from littering or trespassing. Until such time as the current language in the subject section is changed, the policy is that single-family and duplex/two-family homeowners, A, E, and CON zoning districts, and all unimproved property, will be exempt from the restrictions of the subject section; all other applicable restrictions of Section 2.6.11(fence height, materials, etc.) would still apply. For unimproved property in zoning districts subject to the provisions of Section 2.8.4.2.3.1 (Architectural Guidelines, Fencing Standards), building permits for chainlink fences will be approved subject to a stipulation (noted on the property address record) that no building permit for a principal structure shall be issued until the existing fence is removed or brought into compliance with the Code.

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