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ORDINANCE 76-30

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ZONING ORDINANCE
OF
COLLIER COUNTY, FLORIDA
COASTAL AREA PLANNING
DISTRICT

76-30



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ORDINANCE NO. 76-30

AN ORDINANCE ENACTING AND ESTABLISHING COMPREHENSIVE ZONING REGULATIONS FOR THE UNINCORPORATED AREA OF THE COASTAL AREA PLANNING DISTRICT OF COLLIER COUNTY, FLORIDA; DEFINING CERTAIN TERMS HEREIN USED; DIVIDING SUCH UNINCORPORATED AREA INTO DISTRICTS AND ESTABLISHING THE BOUNDARIES THEREOF AND WITHIN SUCH DISTRICTS REGULATING AND RESTRICTING THE ERECTION, CONSTRUCTION, RECONSTRUCTION, ALTERATION, REPAIR OR USE OF BUILDINGS, STRUCTURES, OR LAND OR WATER; REGULATING AND RESTRICTING THE LOCATION, HEIGHT, NUMBER OF STORIES, AND SIZE OF BUILDINGS AND OTHER STRUCTURES; REGULATING AND RESTRICTING THE PERCENTAGE OF LOTS THAT MAY BE OCCUPIED; REGULATING AND RESTRICTING THE SIZE OF YARDS AND OTHER OPEN SPACES; REGULATING AND RESTRICTING THE DENSITY OF RESIDENTIAL DWELLING UNITS; REGULATING AND RESTRICTING THE LOCATION AND USE OF BUILDINGS, STRUCTURES, AND LAND AND WATER FOR TRADE, COMMERCE, INDUSTRY, RESIDENCE, RECREATION, AND OTHER PURPOSES; PROVIDING FOR THE ADMINISTRATION, ENFORCEMENT, AND AMENDMENT OF THIS ZONING ORDINANCE; SETTING OUT THE POWERS, RESPONSIBILITIES, AND DUTIES OF THE PLANNING COMMISSION UNDER THIS ORDINANCE; SETTING OUT THE POWERS, RESPONSIBILITIES, AND DUTIES OF THE BOARD OF ZONING APPEALS UNDER THIS ORDINANCE; SETTING A SCHEDULE OF FEES AND CHARGES UNDER THIS ORDINANCE; DECLARING THAT THE PROVISIONS OF THIS ORDINANCE ARE MINIMUM OR MAXIMUM REQUIREMENTS AS THE CASE MAY BE; SETTING PENALTIES FOR VIOLATION OF THIS ZONING ORDINANCE AND AUTHORIZING RESORT TO OTHER REMEDIES TO PREVENT OR ABATE VIOLATION; PROVIDING THAT PROSECUTIONS BEGUN UNDER PREVIOUSLY EFFECTIVE ZONING REGULATIONS MAY BE CONTINUED; PROVIDING THAT THE REGULATIONS SET OUT HEREIN SHALL SUPERSEDE ANY AND ALL PREVIOUS REGULATIONS, RESOLUTIONS, OR ORDINANCES APPLICABLE TO THE UNINCORPORATED AREA OF THE COASTAL AREA PLANNING DISTRICT; REPEALING ALL ORDINANCES IN CONFLICT HERewith; PROVIDING FOR SEPARABILITY; SETTING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, Article VIII, Section 1(f) of the Constitution of Florida confers on counties broad ordinance making power when not inconsistent with general or special law;

AND WHEREAS, Chapter 125.01, Florida Statutes, confers on all counties in Florida general powers of government, including the ordinance making power and the power to plan and regulate the use of land and water;

AND WHEREAS, Chapter 163, Part II, Florida Statutes, grants to cities and counties in Florida the power to undertake comprehensive planning programs, prepare and adopt comprehensive plans for future development, and adopt and enforce zoning regulations to aid in implementing such adopted comprehensive plans;

AND WHEREAS, Chapter 163, Part II, Florida Statutes, declares that the powers granted by such act are supplemental and cumulative of other general or special legislation on the subject;

WHEREAS, Collier County on October 14, 1974 enacted a Comprehensive Zoning Ordinance for the Coastal Area Planning District of Collier County relying on the provisions of Chapter 163, Part II of the Florida Statutes as one of the bases of its authority to enact said zoning ordinance, and

WHEREAS, the Attorney General of the State of Florida has rendered an informal opinion that Collier County may not utilize the powers and provisions of Chapter 163, Part II because said Chapter 163, Part II contemplates a planning area comprising the entire unincorporated area of a county, and

WHEREAS, the Legislature of the State of Florida has recognized the geographic, demographic and economic differences between the populous, urban coastal area of Collier County, and the relatively sparsely populated, rural agriculture oriented Eastern area of Collier County by enacting Chapter 67-1246, Special Acts, Laws of Florida, 1967, as amended by Chapter 69-964, Special Acts, Laws of Florida, 1969, which recognizes these differences by authorizing the formation of multiple planning commissions and districts, the adoption of a Comprehensive Plan for each district, and the adoption of zoning regulations for each district, and

WHEREAS, the aforesaid Comprehensive Zoning Ordinance for the Coastal Area Planning District was also enacted in accordance with said Chapter 67-1246 as amended, and

WHEREAS, the Board of County Commissioners of Collier County desires to enact a Comprehensive Zoning Ordinance under such procedures as are clearly authorized by law, and to reaffirm its intent to comply with the provisions of said Chapter 67-1246;

WHEREAS, the Board of County Commissioners of Collier County, Florida finds it necessary under the authority thus granted to adopt and enforce comprehensive zoning regulations for those unincorporated lands and waters subject to the jurisdiction of the County and lying in that area of the County denominated as the Coastal Area Planning District, to

the end that the public health, safety, comfort, order, appearance, convenience, morals, and the general welfare will be served;

WHEREAS, the Board of County Commissioners of Collier County, Florida and its recommendatory agents did take action in the manner prescribed by law, and did on September 17, 1974, adopt a Comprehensive Plan for the Coastal Area Planning District;

WHEREAS, the Board of County Commissioners of Collier County, Florida and its recommendatory agents have conformed to all applicable procedural requirements of Florida law, and particularly those requirements relating to public notice and hearing;

WHEREAS, all applicable substantive requirements of law have been met;

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF COLLIER COUNTY, FLORIDA:

Section 1. SHORT TITLE:

This ordinance shall be known as cited as the "Collier County Zoning Ordinance for the Coastal Area Planning District."

Section 2. INTENT AND PURPOSE:

1. It is the intent and purpose of this ordinance to establish and adopt comprehensive zoning regulations governing the use of land and waters in the Coastal Area Planning District of Collier County. The regulations set out are based on a comprehensive plan for future development of the area, and are enacted to protect, promote, and improve the public health, safety, comfort, order, appearance, convenience, morals and general welfare of the residents of the area and of the County.

2. It is intended by this ordinance to accomplish and to provide for efficiency and economy in the process of future development and redevelopment; appropriate use of land; preservation, protection, conservation, and development of the natural resources of land, water and air; convenience in circulation of traffic for the transport of people, goods, and commodities; protection of persons and property in floodways and flood plains; healthful and convenient distribution of population; adequate and continuously maintained public facilities and utilities; promotion of amenities, both public and private, to maintain and improve the quality of life for all residents; and development in accord with the comprehensive plan.

Section 3. DEFINITIONS:

1. General: For the purpose of this zoning ordinance, certain terms or words used herein shall be interpreted as follows:

A. The word person includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.

B. The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.

C. The word shall is mandatory; the word may is permissive.

D. The words used or occupied includes the words intended, designed, or arranged to be used or occupied.

E. The word lot includes the words plot, parcel, or tract.

F. The word structure includes the word building as well as other things constructed or erected on the ground, attached to something having location on the ground, or requiring construction or erection on the ground.

G. The word land includes the words water, marsh, or swamp.

H. Terms not defined shall have the meaning customarily assigned to them.

Abutting Properties: Abutting properties are properties having a boundary line or a portion of a boundary line in common with no intervening public street.

Acceptable Environmental Alteration: An acceptable environmental alteration is an alteration in the natural environment by the process of development that reasonably safeguards the environmental quality of the area as determined by the Board after public notice and hearing and consideration of the impact of a proposed environmental alteration upon environmental quality.

Accessory Use or Structure: An accessory use or structure is a use or structure of a nature customarily incidental and subordinate to the principal use or structure and, unless otherwise provided, on the same premises. On the same premises with respect to accessory uses and structures shall be construed as meaning on the same lot or on a contiguous lot in the same ownership.

Acre: An acre is an area containing 43,560 square feet of area. Gross acreage is the total area of a lot or parcel of land measured within the perimeter

boundaries of the lot or parcel. Net acreage is the total area of a lot or parcel measured within the perimeter boundaries of the lot or parcel but with the area of roads and canals right-of-way excluded.

Alley: An alley is a public or approved private way which affords only a secondary means of access to abutting property and which is not intended for general traffic circulation.

Alteration: Alter or alteration means any change in size, shape, occupancy, character, or use of a building or structure.

Area of Environmental Sensitivity: An area of environmental sensitivity is an area of land and/or water where change in the area resulting from development may degrade the environment of the area below permissible State, Federal, or County standards. An area of environmental sensitivity may be developed, but only in accord with the provisions of this ordinance and applicable State and Federal standards.

Automobile Offstreet Parking Space: See Parking Space, Offstreet.

Automobile Service Station: An automobile service station is an establishment whose principal business is the retail dispensing of automobile fuels and oil.

Automobile Wrecking or Automobile Wrecking Yard: The term automobile wrecking or an automobile wrecking yard shall mean the dismantling, crushing, shredding, or disassembling of used motor vehicles or trailers, or the storage, sales, or dumping of dismantled, partially dismantled, obsolete, or wrecked vehicles or their parts.

Bar, Cocktail Lounge, or Saloon: A bar, cocktail lounge, or saloon is any establishment devoted primarily to the retailing and on-premises consumption of malt, vinous, or other alcoholic beverages, or any place where any sign visible from public ways is exhibited or displayed indicating that alcoholic beverages are obtainable for consumption on the premises.

Boarding House: A boarding house is an establishment with lodging for four (4) or more persons where meals are regularly prepared and served for compensation and where food is placed upon the table family style, without service or ordering of individual portions from a menu.

Block: A block is the length of a street

between the intersections of that street with two other streets. A block, according to the context, may also be a parcel or parcels of land surrounded by public streets (other than alleys) or other physical barriers such as a watercourse.

Board: Board means the Board of County Commissioners of Collier County, Florida.

Boathouse, Private: A private boathouse is an accessory use to a residential structure adjacent to a waterway, providing space for the housing of a boat and accessories customary thereto. A private boathouse may not be used for the purpose of human habitation.

Boathouse, Commercial: A commercial boathouse is a building where, for a fee, boats are housed, launched, hauled, repaired, serviced, maintained, or stored.

Boatyard and Way: A boatyard and way is a premises used as a commercial establishment for the provision of all such facilities and services as are customary and necessary to the construction, reconstruction, or repair, maintenance, or sale of boats, marine engines or marine equipment, and supplies including, but not limited to, rental of covered or uncovered boat slips or dock space, unenclosed or enclosed dry storage space, marine railways, or lifting or launching devices.

Building: A building is any structure, either temporary or permanent, having a roof impervious to weather, and used or built for the shelter or enclosure of persons, animals, chattels, or property of any kind. This definition shall include tents, awnings, cabanas, or vehicles situated on private property and serving in any way the function of a building but does not include screened enclosures not having a roof impervious to weather.

Buildable Area: Buildable area means the portion of a lot or parcel remaining after required yards have been provided. Buildings may be placed in any part of the buildable area, but limitations on the percentage of the lot that may be occupied by buildings may require open space within the buildable area.

Building, Height of a: The vertical distance from the curb level, or its equivalent, opposite the center of the front of a building to the highest point of the under side of the ceiling beams, in the case of flat roof; to the deck line of a mansard roof; and to the average level of the under side of the rafters between the eaves and the ridge of a gable, hip or gambrel roof. Where no curb level has been

established, the height of the building may be measured from the mean elevation of the finished lot grade at the front of the building.

Building, Frontage of a: Frontage of a building is that side of a building that faces toward the principal road, street, highway, or public way serving the building. In cases where this test is indeterminate or cannot be applied, as for instance where there is a diagonal corner entrance or where two sides of a building have entrances of equal importance and carry approximately equal volumes of pedestrian or automotive traffic, the Director shall select building frontage on the basis of interior layout of the building, traffic on adjacent streets, or other indicators available.

Building Line: The building line is the innermost edge of any required yard or setback, as the case may be. Except as specifically provided by this zoning ordinance, no building or structure may be extended to occupy any portion of a lot streetward or otherwise beyond the building line. Eaves and overhangs may project a maximum of 24 inches into any required yard.

Building Site: A building site is the lot or portion of a lot or lots used for a structure, the total area of which site is ascribed to the building or structure for compliance with this zoning ordinance.

Cafeteria: See Restaurant.

Carport: A carport is an accessory structure or portion of a principal structure, consisting of a roof and supporting members such as columns or beams, unenclosed from the ground to the roof on at least two sides, and designed or used for the storage of motor driven vehicles owned and used by the occupants of the building to which it is accessory.

Change of Occupancy: Change of occupancy means the discontinuance of an existing use and the substitution therefore of a use of a different kind or class. Change of occupancy is not intended to include a change of tenants or proprietors unless accompanied by a change in the type of use.

Child Care Center: A child care center is an establishment where three (3) or more children, other than members of the family occupying the premises, are cared for away from their own home by day or night. The term includes day nurseries, kindergartens, day care service, day care agency, nursery school, or play school. The term does not include foster homes.

Church: See House of Worship.

County: County means the County of Collier, Florida.

Clinic, Medical or Dental: A medical or dental clinic is an establishment where human patients, who are not lodged overnight are admitted for examination and treatment by one person or a group of persons practicing any form of the healing arts, whether such persons be medical doctors, chiropractors, osteopaths, chiropodists, naturopaths, optometrists, dentists, or any such profession, the practice of which is regulated by the State of Florida. A public clinic is one operated by any governmental organization for the benefit of the general public. All other clinics are private clinics.

Club, Private: Private club means and includes those associations and organizations of a fraternal or social character, not operated for profit, and to which public access or use is restricted. The term private club does not include casinos, nightclubs, bottle clubs, or other similar establishments operated or maintained for profit.

Club, Night: A night club means a restaurant, dining room, bar, or other similar establishment, providing food or refreshments wherein paid floor shows or other forms of paid entertainment are provided for customers as a part of the commercial enterprise.

Cluster Housing: Cluster housing consists of two (2) or more dwelling structures, each containing one or two (2) dwelling units, with no dwelling unit located above another dwelling unit, on a parcel of ground in single ownership at the time of development, with frontage on a public street or approved private street. Peripheral yards for the total parcel or lot shall be as for single or multiple family dwellings in the district in which the cluster housing is to be erected.

Coastal Area Planning District: The Coastal Area Planning District, to which this zoning ordinance applies, was legally constituted by Resolution of the Board of County Commissioners on 1976. More specifically, the

Coastal Area Planning District includes all of the unincorporated portions of Collier County except the following areas: Township 46South, Ranges 28East, 29 East and 30East; and Townships 47 and 48 South, Ranges 27 East through 30 East; and Township 49South, Ranges 28 East through 34 East.

Commercial Fishery: A commercial fishery is a premises, structure, or site used as commercial establishment for the receiving, processing, packaging, storage, and wholesale or retail distribution and sale of food products of the sea. Such a premises, structure, or site may include facilities for the docking, loading and unloading, fueling, icing, and provisioning of vessels and for the drying and maintenance and storage of nets, buoys, traps, and fishing equipment, including boats used in the activity.

Commercial Vehicle: Any vehicle that has rated load capacity of one ton or more and is used in conjunction with a commercial or business activity.

Completely Enclosed Building: A completely enclosed building is a building separated on all sides from adjacent open space, or from other buildings or other structures by a permanent roof and by exterior walls or party walls, pierced only by windows and normal entrance or exit doors.

Conditional Use Permit: See Provisional Use.

Contiguous Property: See Abutting Property.

Construction, Actual: Actual construction includes the placing of construction materials in permanent position and fastened in a permanent manner; except that where demolition, excavation, or removal of an existing structure has been substantially begun preparatory to new construction, such excavation, demolition, or removal shall be deemed to be actual construction, provided that work shall be continuously carried on until the completion of the new construction involved. Fill and the installation of drainage facilities shall be considered a part of construction. Actual construction shall include only work begun under a valid building permit.

Convalescent Home: See Nursing Home.

Cooking Facilities: Facilities for the day-to-day storage, cleansing and preparation of food and shall include but not be limited to: a stove, a refrigerator, and a sink. Where these facilities are all built into one unit by the manufacturer, or where they constitute less than sixteen (16) square feet of floor area, they shall not be considered cooking facilities.

Coverage of a Lot by Buildings: The coverage of a lot by buildings is that percentage of lot area that is covered or occupied by buildings, including accessory buildings, or that percentage of a lot that may be covered or occupied by buildings, including accessory buildings, under the terms of this zoning ordinance.

Court: A court is an open space, other than a required yard, on the same lot with a building which is bounded on two or more sides by the walls of such building. A court can contain shrubs, statuary, trees, and yard furniture. An interior court is a court enclosed on all sides by the walls of a building or by walls and lot lines on which walls are permitted. An exterior court is a court opening on any front, side, or rear yard.

Day Nursery: See Child Care Center.

Density, Gross Residential: Gross residential density means the number of residential dwelling units permitted per gross acre of land by this zoning ordinance. In the determination of the number of residential dwelling units to be permitted on a specific lot or parcel of land, a fractional unit shall not entitle the applicant to an additional dwelling unit; and

Density, Net Residential: Net residential density means the number of residential dwelling units permitted per net acre of land by this zoning ordinance. In the determination of the number of residential dwelling units to be permitted on a specific lot or parcel of land, a fractional unit shall not entitle the applicant to an additional dwelling unit.

Depth of a Lot: See Lot Measurement, Depth.

Director: Director is the Director of the Department of Community Development of Collier County, Florida. The Director is charged with the administration of this zoning ordinance.

Drive-In Restaurant or Refreshment Stand: A drive-in restaurant or refreshment stand is any place or premise where provision is made on the premises for the selling, dispensing or serving of food, refreshments, or beverages in automobiles and/or in other than a completely enclosed building on the premises, including those establishments where customers may serve themselves and may eat or drink the food, refreshments, or beverages in automobiles on the premises and/or in other than a completely enclosed building on the premises. A restaurant which provides drive-in facilities of any kind in connection with regular restaurant activities shall be deemed a drive-in restaurant for purposes of these zoning regulations. A barbecue stand or pit having the characteristics noted in this definition shall be deemed a drive-in restaurant.

Drive-In Bank (or Financial Institution): A drive-in bank or financial institution provides drive-in teller service, where the patron makes withdrawals or deposits or receives other financial services without departing from his automotive vehicle.

Drive-In Theatre: A drive-in theatre is a place of outdoor assembly used for the showing of plays, operas, motion pictures, and similar forms of entertainment which is designed to permit the audiences to view the performance from vehicles parked within the theatre enclosure.

Drive-In Business: A drive-in business is an establishment, other than a drive-in restaurant or refreshment stand, a drive-in bank or financial institution, or drive-in theatre, where a patron is provided products or services without departing from his automotive vehicle.

Dwelling, Generally: Dwelling, generally, means any building, or part thereof, occupied in whole or in part, as the residence of living quarters of one or more persons, permanently or temporarily, continuously or transiently, with cooking and sanitary facilities.

Dwelling, One Family or Single Family: A one family or single family dwelling is a building containing only one dwelling unit. For regulatory purposes the term is not to be construed as including mobile homes, travel trailers, housing mounted on motor vehicles, tents, houseboats, or other forms of temporary or portable housing.

Dwelling, Multiple Family: A multiple family dwelling is a building containing two (2) or more dwelling units.

Dwelling, Multiple Dwelling Use: For purposes of determining whether a lot is in multiple dwelling use, the following considerations shall apply:

a. Multiple dwelling uses may involve dwelling units intended to be rented and maintained under central ownership and management or cooperative apartments, condominiums, and the like.

b. Where an undivided lot contains more than one building and the buildings are not so located that lots and yards conforming to requirements for single or multiple family dwellings in the district could be provided, the lot shall be considered to be in multiple dwelling use if there are two (2) or more dwelling units on the lot, even though the individual buildings may each contain less than two (2) dwelling units.

c. Servant's quarters shall not be considered as dwelling units in the computation of (b) above.

d. Any multiple dwelling in which dwelling units are available for rental for periods of less than one week shall

be considered a tourist home, a motel, motor hotel, or hotel as the case may be.

Dwelling Unit: A dwelling unit is a room or rooms connected together, constituting a separate, independent housekeeping establishment for a family, for owner occupancy or for rental or lease on a weekly, monthly, or longer basis, and physically separated from any other rooms or dwelling units which may be in the same structure, and containing sleeping and sanitary facilities and one kitchen.

Environmental Quality: Environmental quality is the character or degree of excellence or degradation in the total essential natural resources of the area as measured by the findings and standards of the physical, natural, and social sciences, the arts and technology, and the quantitative guidelines of Federal, State, and County government.

Erected: The word erected includes built, constructed, reconstructed, moved upon, or any physical operation on the premises required for building. Excavation fill, drainage, demolition of an existing structure, and the like shall be considered part of erection. (See Construction, Actual).

Family: One or more persons occupying a single dwelling unit, provided, that unless all members are related by law, blood, adoption, or marriage, no such family shall contain over four (4) persons, but further provided that domestic servants employed on the premises may be housed on the premises without being counted as a separate or additional family or families. The term family shall not be construed to mean a fraternity, sorority, club, monastery or convent, or institutional group.

Filling Station: See Automobile Service Station.

Flood Plain: The flood plain is that low-lying land that will be covered by the flood waters of a watercourse as a result of a twenty five (25) year storm.

Floodway: A floodway is a channel, whether man-made or natural, for diverting flood waters.

Floor Area: Floor area is that area within a building having a roof impervious to weather and accessible from the interior of the building, which is within a completely enclosed building. For purposes of this ordinance, attics with a headroom of less than seven (7) feet, basements or basement space where the ceiling is not more than an average of forty eight (48) inches above the general finished and

graded level of the adjacent portion of the lot, garages, porches, patios, carports, unenclosed stairs or fire escapes, elevator structures, cooling towers, and parking structures are not to be considered as floor area.

Frontage of a Building: See Building Frontage.

Frontage of a Lot: See Lot Frontage.

Garage, Parking: A parking garage is a building or portion thereof designed or used for temporary parking or motor vehicles, and within which gasoline and oils may be sold only to parking patrons of the garage.

Garage, Private: A private garage is an accessory structure designed or used for inside parking of private passenger vehicles, recreation vehicles, or boats, solely by the occupants of the main building. A private garage attached to or a part of the main structure is to be considered part of the main building. An unattached private garage is to be considered an accessory building. There can be no public shop or mechanical service in connection with a private garage.

Garage, Repair: A repair garage is a building or portion thereof, other than a private, storage, or parking garage or automobile service station, designed or used for repairing, equipping, or servicing of motor vehicles. Such garages may also be used for hiring, renting, storing, or selling of motor vehicles.

Garage, Storage: A storage garage is a building or portion thereof designed and used exclusively for the storage of motor vehicles or boats, and within which temporary parking may also be permitted.

Grade: See Building, Height of a.

Guest House: An accessory dwelling unit which might or might not include cooking facilities, which is incorporated in, attached to, or detached from a principal dwelling; and which is used exclusively for the non-commercial accommodation of friends or relatives of the occupant or owner of the principal dwelling.

Height of a Building: See Building, Height of a.

Home for the Aged: A home for the aged is a facility for the care of the aged with routine nursing and/or medical care and supervision provided. A home for the aged is in the nature of a nursing home, but with clientele restricted to the aged.

Hospital: A hospital is a building or group of buildings having facilities for overnight care of one or more human patients, providing services to in-patients and medical care to the sick and injured, and which may include as related facilities laboratories, out-patient services, training facilities, central service facilities and staff facilities; provided, however, that any related facility shall be incidental and subordinate to principal hospital use and operation. A hospital is an institutional use under these zoning regulations.

Hospital, Veterinary General: A veterinary general hospital is any structure or premises used primarily and essentially for the medical and surgical care of ill, injured, or disabled animals other than humans.

Hospital, Veterinary, Small Animals: A veterinary small animal hospital is any structure or premise used primarily and essentially for the medical and surgical care of ill, disabled, or injured animals (other than humans) of no greater size than the larger breeds of dogs.

Hotel, Motel, Boatel, Motor Hotel, Motor Lodge, Tourist Court: The terms hotel, motel, boatel, motor hotel, motor lodge, tourist court, are to be considered synonymous and to mean a building or a group of buildings in which sleep-accommodations are offered to the public and intended primarily for rental to transients with daily charge, as distinguished from multiple family dwellings (apartments) and rooming or boarding houses, where rentals are for periods of a week or longer and occupancy is generally by residents rather than transients. Where more than twenty-five (25%) per cent of the units in a hotel, motel, motor hotel, boatel, motor lodge or tourist court have cooking facilities, such an operation shall be deemed a multiple family dwelling and shall be subject to this zoning ordinance as a multiple family dwelling.

Hotel or Motel Unit: A hotel or motel unit is a unit designed for transient occupancy and utilized for rental purposes only. A motel or hotel unit shall not have separate electric or water meters for any of the separate units in the hotel or motel. A hotel or motel unit may have cooking or eating facilities, but the number of such hotel or motel units in a hotel or motel shall be limited as stated in the definition of "hotel, etc.". A motel or hotel unit shall contain bathing and sanitary facilities. Interior swinging or sliding doors may be installed on closets and sanitary facilities in a hotel or motel unit, but there shall be no other doors other than those for entrance or exit to or from the unit; provided, connecting doors to other units and doors to patios or balconies are permissible under this requirement.

House of Worship: A house of worship is a building used as a place of worship and religious education, and for customary accessory uses, by a body or organization of religious believers.

Junk Yard: A junk yard is a place, structure, or lot where junk, waste, discarded, salvaged, or similar materials such as old metals, wood, slush, lumber, glass, paper, rags, cloth, bagging, cordage, barrels, containers, etc., are brought, bought, sold, exchanged, baled, packed, disassembled, stored, or handled, including used lumber and building material yards, housewrecking yards, heavy equipment wrecking yards, and yards or places for the storage, sale, or handling of salvaged house wrecking or structural steel materials. This definition shall not include automobile wrecking and automobile wrecking yards, or pawnshops and establishments for the sale, purchase, or storage of second-hand cars, clothing, salvaged machinery, furniture, radios, stoves, refrigerators, or similar household goods and appliances, all of which shall be usable, nor shall it apply to the processing of used, discarded, or salvaged materials incidental to manufacturing activity on the same site where such processing occurs.

Kenneling: Kenneling is the keeping of any dog or dogs, regardless of number, for the primary purpose of sale, breeding, boarding, or treatment, except in a general veterinary or small animal veterinary hospital, or the keeping of more than three (3) dogs, six (6) months or older, on premises used for residential purposes, or the keeping of more than two (2) dogs on property used for industrial or commercial purposes.

Landscaped Area: An area which may be modified from its natural state and scenery to contain or include trees, shrubs and hedges, ground covers, lawn grass, vines, and other vegetative specimens so arranged as to give an aesthetic effect.

Loading Space, Offstreet: An offstreet loading space is a space logically and conveniently located for pickups and/or deliveries or for loading and/or unloading, scaled to delivery vehicles expected to be used and accessible to such vehicles when required offstreet parking spaces are filled. (see Sec. 18.16)

Loading and Unloading Space: Space reserved for pick up and delivery of goods and merchandise together with that space required for access thereto.

Lot: For purposes of this zoning ordinance, a lot is a parcel of land of at least sufficient size to meet minimum requirements of the zoning district in which it is located, for use, coverage, and area, and to provide such yards and other open spaces as are herein required (provided that certain non-conforming lots of record at the effective date of these zoning regulations or their amendment are exempted from certain of its provisions under the terms of Section 15.2, Non-Conforming Lots of Record). Such lot shall have frontage on a public street or on an approved private street, as set out in Section 8.6 and may consist of:

- a. A single lot of record;
- b. A portion of a lot of record;
- c. A combination of complete lots of record, or complete lots of record and portions of lots of record, or of portions of lots of record.
- d. A parcel of land described by metes and bounds; provided that in no case of division or combination shall any residual lot or parcel be created which does not meet the requirements of these zoning regulations.

Lot Frontage: The front of an interior lot is the portion nearest the street. For the purpose of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets are to be considered frontage, and yards shall be as set out in this zoning ordinance. (See also Building Frontage).

Lot Measurement, Depth: Depth of a lot is considered to be the distance between the midpoints of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.

Lot Measurement, Width: Width of a lot shall be considered to be the distance between straight lines connecting front and rear lot lines at each side of the lot, measured across the rear of the required front yard provided, however, that width between side lot lines at their foremost points (where they intersect with the street line) shall not be less than eight (80%) percent of the required lot width except in the case of lots on the turning circle of a cul-de-sac, where the eighty (80%) percent requirement shall not apply.

Lot of Record: A lot of record is (1) a lot which is part of a subdivision recorded in the office of the Clerk of the Circuit Court of Collier County, or (2) a lot or parcel described by metes and bounds, the description of which has been so recorded on or before the effective date of this zoning ordinance.

Lot Types: The following is the terminology used in this zoning ordinance with reference to corner lots, interior lots, reversed frontage lots and through lots.

A corner lot is defined as a lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than 135 degrees.

B = interior lots, defined as a lot other than a corner lot with only one frontage on a street.

C = through lot, defined as a lot other than a corner lot with frontage on more than one street. Through lots abutting two streets may be referred to as double frontage lots.

D = reversed frontage lot, defined as a lot on which the frontage is at right angles or approximately right angles (interior angle less than 135) to the general pattern in the area. A reversed frontage lot may also be a corner lot (A-D) and interior lot (B-D) or a through lot (C-D).

Marina: A marina is an establishment with a waterfront location for the refueling of watercraft used for recreational and non-commercial purposes, and providing minor repair services for such craft not necessitating the removal of watercraft from the water or removal of inboard or outboard engine from the watercraft. A marina may provide uncovered or covered storage and dry storage. A marina may include, as accessory uses, a restaurant or snack bar, laundry or sanitary facilities, motel or boatel, sundries store, and other customary accessory facilities. A marina does not include facilities for mechanical or structural repair, except as noted above, boat construction or reconstruction, boat or motor sales, dredge, barge, or other work dockage or service of any but recreational and non-commercial watercraft.

Mobile Home: A mobile home is a detached single family dwelling unit with all of the following characteristics: (a) designed for long term occupancy, and containing sleeping accommodations, a flush toilet, a tub or shower bath, and kitchen facilities, with plumbing and electrical connections provided for attachment to outside systems; (b) designed for transportation after fabrication on streets or highways on its own wheels, and (c) arriving at the site where it is to be occupied as a dwelling complete, including major appliances and furniture, and ready for occupancy except for minor and incidental unpacking and assembly operations, location on jacks or other temporary or permanent foundations, connection to utilities and the like. A travel trailer is not to be considered as a mobile home.

Mobile Home Park: A mobile home park is a parcel of land where mobile home sites are rented or leased or offered for rent or lease for the parking of mobile homes for living or sleeping purposes, and including any land, buildings, structures, or facilities used by the occupants of mobile homes in the mobile home park.

Mobile Home Subdivision: A mobile home subdivision is a parcel of land where mobile home sites are sold or offered for sale for the parking of mobile homes for living or sleeping purposes, and including any land, buildings, structures, or facilities used by the occupants of the mobile home subdivision.

Mobile Home Site: A mobile home site is a lot or parcel of land within a mobile home park or a mobile home subdivision which meets the requirements of this zoning ordinance and which is designated for the accommodation of not more than one mobile home.

Model Home: A model home is a residential structure used for demonstration purposes or sales promotion, not occupied as a dwelling unit, and open to the public for inspection.

Modular Home: A modular home is a dwelling unit, constructed as a total entity, or in parts of a total entity, which is constructed other than on the building site and which is then moved to and erected on the building site. A modular home must be constructed to meet the standards of all Collier County construction codes and to the standards set by the State of Florida for such construction. A mobile home is not to be considered a modular home unless its maker's name appears on the approved listing of such construction of the State of Florida. (This listing is available in the Collier County Building Department).

Motel: See Hotel, etc.

Night Club: See Club, Night.

Non-Conforming Lot, Structure, Use of Land, Use of Land and Structure, Characteristics of Use, etc.; See Section 15.

Nursery School: See Child Care Center.

Nursing Home or Extended Care Facility: A nursing home or extended care facility is a private home, institution, building, residence, or other place, whether operated for profit or not, including those places operated by units of government, which undertakes through its ownership or management to provide for a period exceeding twenty four (24) hours, maintenance, personal care, or nursing for three (3) or more persons not related by blood or marriage to the operator, who by reason of illness, physical infirmity, or advanced age, are unable to care for themselves; provided, that this definition shall include homes offering services for less than three (3) persons where the

homes are held out to the public to be establishments which regularly provide nursing and custodial services. (See also Home for the Aged).

Occupied: The word occupied includes arranged, designed, built, altered, converted to , or intended to be used or occupied.

Office, Business: A business office is an office for such activities as real estate agencies, advertising agencies (but not sign shop), insurance agencies, travel agencies and ticket sales, chamber of commerce, credit bureau (but not finance company), abstract and title agencies or insurance companies, stockbroker, and the like. It is characteristic of a business office that retail or wholesale goods are not shown to or delivered from the premises to a customer. A barber or beauty shop is not a business office.

Office, Professional: A professional office is an office for the use of a person or persons generally classified as professionals, such as architects, engineers, attorneys, accountants, doctors, lawyers, dentists, psychiatrists, psychologists, and the like. It is characteristic of professional offices that display advertising is prohibited as unethical practice and that the use is characterized principally by offering of consultive services.

Open Space, Usable: Usable open space is that portion of a lot or parcel which can be used by the inhabitants of the property for outdoor living, active or passive activity, and/or recreation.

Package Store: A package store is a place where alcoholic beverages are dispensed or sold in containers for consumption off the premises.

Parking Area-Off-Street: An area for the temporary storage and parking of motor vehicles including the area required for adequate maneuvering space, access aisles or drives thereto.

Parking Space-Off-Street: An area for the temporary storage and parking of a motor vehicle, not less than ten (10) feet in width and twenty (20) feet in length, exclusive of the area required for access drives or aisles thereto.

Planned Unit Development: See Section 24.

Plot: See Lot.

Porch: A porch is a roofed-over space, with the roof impervious to weather, attached to the outside of an exterior wall of a building, which has no enclosure other than the exterior walls of such building. Open mesh screening shall not be considered an enclosure. A patio is an unroofed projection from the outside wall of a building, without any form of enclosure other than open mesh screening.

Private Club: See Club, Private.

Provisional Use: A provisional use is a use that would not be appropriate generally or without restriction throughout a particular zoning district or classification, but which if controlled as to number, area, location, or relation to the neighborhood, would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity or the general welfare. Such uses may be permissible in a zoning district or classification as provisional uses, if specific provision for such provisional use is made in this zoning ordinance. (For procedure in securing provisional uses, see Section 14)

Public Resource: Land, air, water and wildlife which is part of the public domain or which is within the realm embracing inherent rights that belong to the community at large and in which the community shares the rights and benefits of such resource.

Restaurant: A restaurant is an establishment where food is ordered from a menu, prepared and served for pay primarily for consumption on the premises in a completely enclosed room, under roof of the main structure, or in an interior court. A drive-in restaurant is not a restaurant. A cafeteria is a restaurant for the purpose of this zoning ordinance. (See also definition of Drive-In Restaurant).

Servant's Quarters: Servant's quarters are dwelling units located in residential districts and utilized for domestic servants employed on the premises. Such units may be in either a principal or an accessory building, but no such living quarters shall be rented, leased, or otherwise be made available for compensation of any kind except in the form of housing for servants.

Service Station: See Automobile Service Station.

Setback Line: A setback line is a line marking the minimum distance between a right of way line, property line, bulkhead line, shoreline, or other defined location and the beginning point of a required yard or the buildable area, as this ordinance may require in the particular case.

Shoreline: On tidal waters, the shoreline is that line between water and upland area which follows the general configuration of the mean high water line. On non-tidal waters, the shoreline is determined by the annual average water level. Boat slips and other man-made or minor indentations are construed as lying landward of the shoreline and are construed as upland when computing the lot area of the waterfront property.

Sign: See Section 20.4 for definition of Sign and definitions of the various types of signs.

Story: A story is that portion of a building included between a floor which is calculated as a part of building's floor area and the floor or roof next above it.

Street: A street is a public or approved private thoroughfare which affords the principal means of access to abutting property. Street includes lanes, ways, places, drives, boulevards, roads, avenues, or other means of access, regardless of the descriptive term used. (see Collier County Land Development and Subdivision Regulations).

Structure: A structure is anything constructed or erected which requires a fixed location on the ground, or in the ground, or attached to something having a fixed location on or in the ground.

Townhouse or Rowhouse: Townhouse or rowhouse means three (3) or more single family structures separated by party walls or separated by not more than one inch from another townhouse.

Trailer, Boat: A boat trailer is a wheeled conveyance drawn by other motive power for the transportation of a single boat.

Trailer, Camping or Pop-Out: A camping trailer is a wheeled conveyance drawn by other motive power designed for travel, recreation, and vacation use and which is made up of elements which fold into a compact assembly for travel.

Trailer, Horse: A horse trailer is a wheeled conveyance drawn by other motive power for the transportation of not more than four (4) horses or other animals.

Trailer, Luggage or Utility: A luggage or utility trailer is a wheeled conveyance drawn by other motive power for the primary purpose of transporting general goods, luggage, or household furnishings.

Trailer, Travel: A travel trailer is a vehicular,

portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreational, and vacation purposes, which: (1) is identified by the manufacturer as a travel trailer; (2) is not more than eight (8) feet in body width; and (3) is of any weight provided its body length does not exceed twenty nine (29) feet, or is of any length provided its gross weight, factory equipped for the road, does not exceed 4,500 pounds.

Travel Trailer Park: See Section 30.

Truck Stop: A truck stop is an establishment where the principal use is primarily the refueling and servicing of trucks and tractor-trailer rigs. Such establishments may have restaurants or snack bars and sleeping accommodations for the drivers of such over-the-road equipment and may provide facilities for the repair and maintenance of such equipment.

Use: The term use means the purpose of which land or water or a structure thereon is designated, arranged, or intended to be occupied or utilized or for which it is occupied or maintained. The use of land or water in the various zoning districts is governed by this zoning ordinance.

Use of Land or Water: The term use of land or water includes use of land, water surface, and land under water in the Coastal Area Planning District to the extent covered by zoning districts, and over which the County has jurisdiction.

Variance: A variance is a relaxation of the terms of this zoning ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of this zoning ordinance would result in unnecessary and undue hardship on the land. A variance is authorized only for height, area, and size of structure or size of yards and open spaces. Establishment or expansion of a use otherwise prohibited or not permitted shall not be allowed by variance, nor shall a variance be granted because of the presence of non-conformities in the zoning classification or district or adjoining zoning classifications or districts.

Yard, Generally: A yard, generally, is a required open space, other than a court, unoccupied and unobstructed by any structure or portion of a structure from thirty (30) inches above the general ground level of the graded lot upward; provided, however, that fences, walls, hedges, poles, posts, children's play equipment, and other customary yard

accessories, ornaments, statuary and furniture may be permitted in any yard subject to height limitations and requirements limiting obstructions to visibility. (For explanation as to how to measure various types of yards on rectangular and non-rectangular lots, see illustration, page ____).

Yard, Gulf: Any yard within Collier County abutting the Gulf of Mexico.

Yard, Front: A front yard is a yard extending between side lot lines across the front of a lot adjoining a street.

In the case of through lots, unless the prevailing front yard pattern on adjoining lots indicates otherwise, front yards shall be provided on all frontages. Where one of the front yards that would normally be required on a through lot is not in keeping with the prevailing yard pattern, the Director may waive the requirement for the normal front yard and substitute therefore a special yard requirement which shall not exceed the average of the yards provided on adjacent lots.

In the case of corner lots, full depth front yards are required on both frontages.

Depth of a required front yard shall be measured at right angles to a straight line joining the foremost points of the side lot lines. The foremost point of the side lot line, in the case of rounded property corners at street intersections, shall be assumed to be the point at which the side and front lot lines would have met without such rounding.

Where lots in residential districts comprising forty (40) percent or more of the frontage on one side of a street between intersecting streets are developed with structures having an average front yard with a variation of not more than six (6) feet no building thereafter erected shall project beyond the average line so established. This provision applies in all residential districts.

Yard, Side: A side yard is a yard extending from the interior (rear) line of the required front yard to the rear lot line, or in the absence of any clearly defined rear lot line to the point on the lot farthest from the intersection of the lot line involved with the public street. In the case of through lots, side yards shall extend from the rear lines of front yards required. In the case of corner lots, yards remaining after front yards have been established on both frontages shall be considered side yards.

Width of a required side yard shall be measured in such a manner that the yard established is a strip of the minimum width required by district regulations with its inner parallel with the side lot line.

Yard, Rear: A rear yard is a yard extending across the rear of the lot between inner side yard lines. In the case of through lots and corner lots, there will be no rear yards, but only front and side yards.

Depth of a required rear yard shall be measured in such a manner that the yard established is a strip of the minimum width required by district regulations with its inner edge parallel with the rear lot line.

Yard, Special: In case of irregularly shaped lots or unusual circumstances where minor variations in yards appear necessary, the director may allow smaller yards than are otherwise required in the district providing that:

1. The Director allows only yards that are similar to yards required elsewhere in the same district, and in no event allows yards over twenty five (25%) percent smaller than are required elsewhere in the same district.

2. The Director allows only yards that achieve the same purpose as required yards elsewhere in the district.

3. The irregular shape is due to conditions over which the property owner has no control.

4. There is no reasonable remedy through acquisition of adjacent land.

Yard, Waterfront: A water front yard is a yard required on water front property with depth measured from the shore line. Waterfront property is hereby defined as property abutting on the Gulf of Mexico, bays, bayous, navigable streams, and on man-created canals, lakes, or impounded reservoirs. For the purpose of this ordinance, any waterfront yard except Yard, Gulf shall be treated as a rear yard.

Section 4. ESTABLISHMENT OF ZONING DISTRICTS: PROVISION FOR OFFICIAL ZONING ATLAS.

1. Establishment of Districts. The unincorporated land and water area of the Coastal Area Planning District of Collier County is hereby divided into districts or zones as set out in Section 7 of this zoning ordinance and as shown on the Official Zoning Atlas which, together with all explanatory material shown thereon, is hereby adopted by reference and declared to be a part of this zoning ordinance.

2. Official Zoning Atlas.

A. Each page of the Official Zoning Atlas shall be identified by the signature of the Chairman of the Board of County Commissioners and attested by the Clerk of the Circuit Court, and shall bear the seal of the County of Collier under the following words: "This is to certify that this is page _____ of the Official Zoning Atlas referred to and adopted by reference by Ordinance No. _____ of the County of Collier, Florida, adopted _____, 197____."

B. The boundaries of each district shall be shown on the Official Zoning Atlas and the district symbol or symbols as set out in this zoning ordinance shall be used to designate each district.

3. Changes in District Boundaries. If, in accordance with the provisions of this zoning ordinance and applicable provisions of Florida law, changes are made in district boundaries or other matter portrayed on the Official Zoning Atlas, such changes shall be entered promptly on the Official Zoning Atlas after the amendment has been approved by the Board of County Commissioners, with an entry on the appropriate page of the Official Zoning Atlas as follows: "On _____ by Ordinance No. _____ of the County of Collier, the following changes were made in the Official Zoning Atlas: (Brief description of nature of change)," which entry shall be attested by the Clerk of the Circuit Court. No amendment to this zoning ordinance which involves matter portrayed in the Official Zoning Atlas shall become effective until such change and entry has been made on the Official Zoning Atlas in the manner herein set out; such change shall be made within 10 working days after the date of adoption of the amendment.

4. Unauthorized Changes Prohibited. No changes of any nature shall be made in the Official Zoning Atlas or

any matter shown thereon except in conformity with the procedures set out in this zoning ordinance. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of this zoning ordinance and punishable as provided by Section 44 of this zoning Ordinance.

5. Final Authority as to Zoning. Regardless of the existence of purported copies of all or part of the Official Zoning Atlas which may from time to time be made or published, the Official Zoning Atlas, which shall be located in the office of the Clerk of the Circuit Court shall be the final authority as to the current zoning status of all lands and waters in the unincorporated land and water area of the Coastal Area Planning District of the County.

6. Retention of Earlier Zoning Maps or Atlases. All zoning maps or atlases, or remaining portions thereof, which have had the force and effect of official zoning maps or atlases for the Coastal Area Planning District of the County prior to the effective date of adoption of this zoning ordinance shall be retained as a public record and as a guide to the zoning status of lands and waters prior to such effective date. This provision shall not be deemed in any manner to impair the effect or enforceability of any maps or atlases having the force or effect of official zoning maps or atlases in effect at the date of adoption of this zoning ordinance in that portion of Collier County outside the Coastal Area Planning District.

7. Replacement of Official Zoning Atlas. If the Official Zoning Atlas, or any page or portion thereof, becomes damaged, lost, destroyed, or difficult to interpret by reason of the nature or number of changes, the Board of County Commissioners may by resolution adopt a new Official Zoning Atlas, or any page or pages thereof. The new Official Zoning Atlas, or page or pages thereof, may correct drafting or other errors or omissions in the prior Official Zoning Atlas, or page or pages thereof, but no such correction shall have the effect of amending the original Official Zoning Atlas, or page or pages thereof.

If, in the process of adopting a replacement Official Zoning Atlas, or any page or pages thereof, district boundaries are changed or altered, then action in regard to such change of district boundaries shall be taken only on the form of an amendment to this zoning ordinance.

The new Official Zoning Atlas, or page or pages thereof, shall be authenticated as for the original, with wording to the following effect: "This is to certify that this Official Zoning Atlas (or page or pages thereof)

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by Resolution No. _____ dated _____,
replaced the Official Zoning Atlas (or page or pages
thereof) adopted _____ as part of Ordinance
No. _____ of the County of Collier, Florida."

Unless the prior Official Zoning Atlas has been
lost, or has been totally destroyed, the prior Atlas or
any significant parts thereof remaining shall be
preserved as a public record, together with all
available records pertaining to its adoption or
amendment.

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Section 5. RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES.

1. District Regulations Extend to all Portions of Districts Surrounded by Boundaries. Except as otherwise specifically provided, district symbols or names shown within district boundaries on the Official Zoning Atlas indicates that district regulations pertaining to the district extend throughout the whole area surrounded by the boundary line.

2. Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Atlas, the following rules shall apply:

A. Boundaries indicated as approximately following the centerlines of dedicated streets, highways, alleys, or rights of way shall be construed as following such centerlines as they exist on the ground, except where variation of actual location from mapped location would change the zoning status of a lot or parcel, in which case the boundary shall be interpreted in such a manner as to avoid changing the zoning status of any lot or parcel. In case of a street vacation, the boundary shall be construed as remaining in its location except where ownership of the vacated street is divided other than at the center, in which case the boundary shall be construed as moving with the ownership.

B. Boundaries indicated as approximately following lot lines, public property lines, and the like shall be construed as following such lines; provided, however, that where such boundaries are adjacent to a dedicated street, alley, highway, or right of way and the zoning status of the street, highway, alley, or right of way is not indicated, the boundaries shall be construed as running to the middle of the street, highway, alley, or right of way. In the event of street vacation, interpretation shall be as provided in Section 5.2(A) above.

C. Boundaries indicated as approximately following City or County limits shall be construed as following such City or County limits.

D. Boundaries indicated as following railroad tracks shall be construed as being midway between the main tracks.

E. Boundaries indicated as following shorelines or centerlines or streams, canals, lakes, or other bodies of water shall be construed as following such shorelines or centerlines. In case of a change in shoreline, or of the course or extent of bodies of water, the boundaries

shall be construed as moving with the change, except where such moving would change the zoning status of a lot or parcel; and in such case the boundary shall be interpreted in such a manner as to avoid changing the zoning status of any lot or parcel.

F. Boundaries indicated as entering any body of water but not continuing to intersection with other zoning boundaries or with the limits of jurisdiction of the County shall be construed as extending in the direction in which they enter the body of water to intersection with other zoning boundaries or with the limits of County jurisdiction.

G. Boundaries indicated as following physical or cultural features other than those listed above shall be construed as following such physical or cultural features, except where variation of actual location from mapped location would change the zoning status of a lot or parcel, and in such case the boundary shall be interpreted in such manner as to avoid changing the zoning status of any lot or parcel.

H. Boundaries indicated as parallel to or extensions of features indicated in sub-paragraph (a) through (g) above shall be construed as being parallel to or extensions of such feature.

I. Distances not specifically indicated on the Official Zoning Atlas shall be determined by the scale of the map on the page of the Atlas showing the property in question.

3. Cases not covered by Section 5.2 above. In cases not covered by Section 5.2 above, or where the property or street layout existing on the ground is at variance with that shown on the Official Zoning Atlas, the Director shall interpret the Official Zoning Atlas in accord with the intent and purpose of this zoning ordinance. Appeal from the interpretation of the Director shall be only to the Board of Zoning Appeals.

4. Division of a Lot of Record by a District Boundary. Where a district boundary divides a lot of record at the time the boundary was established, and where the division makes impractical the reasonable use of the lot, the extension of the regulations for either portion of the lot may be permitted as a provisional use for not to exceed fifty (50) feet beyond the district line into the remaining portion of the lot.

Section 6. APPLICATION OF DISTRICT REGULATIONS.

The regulations herein set out within each district shall be minimum or maximum limitations, as the case may be, and shall apply uniformly to each class or kind of structure, use, or land or water. Except as hereinafter provided:

1. Zoning Affects Use or Occupancy. No building, structure, land, or water shall hereafter be used or occupied, and no building, structure, or part thereof shall hereafter be erected, constructed, reconstructed, located, moved, or structurally altered except in conformity with the regulations herein specified for the district in which it is located.

2. Zoning Affects Height of Structures, Population Density, Lot Coverage, Yards, and Open Spaces. No building or structure shall hereafter be erected or altered in any manner contrary to the provisions of this zoning ordinance, and especially:

- A. To exceed height, bulk, or floor area;
- B. To provide a greater number of dwelling units;
- C. To provide less lot area per dwelling unit or to occupy a smaller lot;
- D. To occupy a greater percentage of lot area;
- E. To provide narrower or smaller yards, courts, or other open spaces; or
- F. To provide lesser separation between buildings or structures or portions of buildings or structures.

3. Multiple Use of Required Open Space Prohibited. No part of a required yard or other required open space, or required off-street parking or off-street loading space, provided in connection with one building, structure, or use shall be included as meeting the requirements for any other building, structure, or use, except where specific provision is made in this zoning ordinance.

4. Reduction of Lot Area Prohibited. No lot or yard existing at the effective date of this zoning ordinance shall thereafter be reduced in size, dimension, or area below the minimum requirements set out herein, except by reason of a portion being acquired for public use in any manner including dedication, condemnation, purchase, and the like. Lots or yards created after the

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effective date of this zoning ordinance shall meet at least the minimum requirements established herein.

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Section 7. SCHEDULE OF DISTRICT REGULATIONS.

1. General. District regulations for the Coastal Area Planning District shall be as set out in the Schedule of District Regulations, hereby adopted by reference and declared to be a part of this zoning ordinance, as provided in Section 8 of this zoning ordinance entitled "Supplementary District Regulations," or as otherwise provided in this zoning ordinance.

2. Official Schedule, Location and Attestation. The Official Schedule of District Regulations for the Coastal Area Planning District shall be identified by the signature of the Chairman of the Board of the County Commissioners and attested by the Clerk of the Circuit Court and bearing the seal of the County under the following words: "This is to certify that this is the Official Schedule of District Regulations referred to and adopted by reference by Ordinance No. _____ of the County of Collier, Florida, adopted _____, 197__."

The Official Schedule of District Regulations shall be located in the office of the Clerk of the Circuit Court; this schedule shall be the final authority as to the current status of district regulations.

3. Changes in the Official Schedule of District Regulations. The Official Schedule of District Regulations is subject to amendment in the same manner as any other portion of this zoning ordinance. Matter proposed to be amended shall be identified by reference to the sheet, district line, column, and (if applicable) paragraph numbers of the Schedule.

If, in accordance with the provisions of this zoning ordinance and applicable provisions of Florida law, changes are made in the provisions of the Official Schedule of District Regulations, such changes shall be entered promptly on the Official Schedule after the amendment has been approved by the Board of County Commissioners, with an entry as follows: "On _____ by Ordinance No. _____ of the County of Collier, the following changes were made in the Official Schedule of District Regulations: (Brief note of nature of change)," which entry shall be attested by the Clerk of the Circuit Court. No amendment to this zoning ordinance which involves matter portrayed on the Official Schedule of District Regulations shall become effective until such change and entry has been made in the manner herein set

out; such change shall be made within 20 working days after date of adoption of the amendment.

4. Replacement of Official Schedule of District Regulations. At any time the Official Schedule of District Regulations becomes lost, damaged, destroyed, or difficult to interpret by reason of the nature or number of changes, the Board of County Commissioners may by resolution adopt a new Official Schedule of District Regulations which shall supersede the prior schedule. The new Official Schedule of District Regulations may correct errors or omissions in the prior Schedule, but no such correction shall have the effect of amending the original Official Schedule of District Regulations.

5. Districts. Districts for the Coastal Area Planning District, as shown on the Official Schedule of Zoning Regulations and as delineated on the Official Zoning Atlas, are as follows with titles and abbreviations for symbol purposes as indicated:

RS-1,2,3,4	Single Family Residential
RM-1,1-A,2	Multiple Family Dwelling
PUD	Planned Unit Development
RT	Residential Tourist
FVR	Fishing Village Residential
MHSD	Mobile Home Subdivision
MHRP	Mobile Home Rental Park
PC	Professional Commercial
CC	Convenience Commercial
GRC	General Retail Commercial
CI	Commercial Industrial
I	Industrial
GC	Golf Course
TTRV	Travel Trailer Recreational Vehicle
CD	Campground

E Estates
A Agriculture

6. Definitions of Groupings of Various Districts.

A. Where the phrases "all residential districts", "residential districts", "zoned residentially", or "residentially zoned", or phraseology of similar intent are used in this zoning ordinance, the phrases shall be construed to include the following districts: RS-1, RS-2, RS-3, RS-4; RM-1, RM-1A, RM-2; MHPD: MHRP: RT: and FVR Districts.

B. Where the phrases "commercial districts", "zoned commercially", "commercially zoned", "commercial zoning", or phraseology of similar intent are used in this zoning ordinance, the phrases shall be construed to include: PC; CC; GRC Districts.

C. Where the phrases "industrial districts", "zoned industrially", "industrially zoned", "industrial zoning", or phraseology of similar intent are used in this zoning ordinance the phrases shall be construed to include: CI; I Districts

D. Where the phrases "agricultural districts", "zoned agricultural", "agriculturally zoned", "agricultural zoning", or phraseology of similar intent is used in this zoning ordinance, the phrases shall be construed to include: A; E Districts.

7. Unauthorized Changes Prohibited. No changes of any nature shall be made in the Official Schedule of District Regulations or any matter shown thereon except in conformity with this zoning ordinance. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of this zoning ordinance and punishable as provided by this zoning ordinance.

8. Final Authority of Official Schedule. Regardless of the existence of purported copies of all or part of the Official Schedule of District Regulations which may from time to time be published or reproduced, the Official Schedule of District Regulations which shall be located in the office of the Clerk of the Circuit Court shall be the final authority as to the regulations applicable to the various zoning districts herein established.

Section 8. SUPPLEMENTARY DISTRICT REGULATIONS

1. Visibility at Intersections in All Zoning Districts:
On a corner lot in all zoning districts, no fence, wall, hedge, planting, or structure shall be erected, placed, planted, or allowed to grow in such a manner as to obstruct vision between a height of three (3) feet and eight (8) feet above the center-line grades of the intersecting streets in the area bounded by the street lines of such corner lots and a line joining points along said street lines forty (40) feet from the point of intersection. Parking is prohibited in this area. Trees are permitted, so long as the foliage is cut away and maintained within the three (3) and eight (8) foot clearance requirement. Posts for illuminating fixtures, traffic control, and street name signs are permitted, so long as the sign or equipment is not within the prescribed clear space.

2. Location of Accessory Structures: Accessory structures must be constructed simultaneously with or following the construction of the principal structure and shall conform with the following setbacks and building separations:

ACCESSORY STRUCTURES

Non Waterfront Lots - Non Golf Course Lots

	<u>FRONT</u>	<u>REAR</u>	<u>SIDE</u>	<u>STRUCTURE TO STRUCTURE (if detached)</u>
1. Parking Garage- Single Family	SPS	10'	SPS	10'
2. 1 Story Parking Structures-RM	35'	35'	SPS	10'
3. Multi-Story Parking Structures-RM	35'	35'	SPS	*1/1
4. RS and Duplex- Swimming Pool Screen Enclosure	SPS SPS	15' 10'	SPS SPS	N N
5. Swimming Pool- RM & Commercial	35'	20'	15'	N
6. Tennis Courts- Private RS & Duplex	SPS	15'	SPS	15'
7. Tennis Courts RM & Commercial	35'	20'	15'	20'
8. Utility Buildings	SPS	10'	SPS	10'
9. Chickee, Bar-B-Que Areas	SPS	10'	SPS	10'

	<u>FRONT</u>	<u>REAR</u>	<u>SIDE</u>	<u>STRUCTURE TO STRUCTURE (if detached)</u>
10. Attached Screen Porch RS	N/A	10'	SPS	SPS
11. Unlisted Accessories	SPS	SPS	SPS	SPS

N=None

NA=Not Applicable

SPS=Calculated same as
Principal Structure
*1/1= 1/foot of accessory
height = 1/foot of building
separation

ACCESSORY STRUCTURES

On Waterfront Lots and Golf Course Lots

	<u>FRONT</u>	<u>REAR</u>	<u>SIDE</u>	<u>STRUCTURE TO STRUCTURE (if detached)</u>
1. Parking Garage- Single Family	SPS	SPS	SPS	10'
2. 1 Story Parking Structures-RM	35'	SPS	SPS	10'
3. Multi Story Parking Structures-RM	35'	SPS	SPS	*1/1
4. RS and Duplex- Swimming Pool Screen Enclosure	SPS SPS	10' 5'	SPS SPS	N N
5. Swimming Pool RM & Commercial	35'	30'	15'	N
6. Tennis Courts- Private RS & Duplex	SPS	15'	SPS	15'
7. Tennis Courts RM & Commercial	35'	35'	SPS	20'
8. Boat Houses (Private)	SPS	NA	10'	10'
9. Utility Buildings Chickee, Bar B Que	SPS	10'	SPS	10'

	FRONT	REAR	SIDE	STRUCTURE TO STRUCTURE (if detached)
10. Davits	NA	NA	SPS	SPS
11. Attached Screen Porch - RS	NA	10'	SPS	SPS
12. Unlisted Accessories	SPS	SPS	SPS	SPS

N=None

NA=Not Applicable

SPS= Calculated same as Principal
Structure*1/1=1/foot of accessory height =
1/foot of building separation

3. Exclusions from Height Limits: The height limitations contained in the Schedule of District Regulations do not apply to spires, belfries, cupolas, flagpoles, antennas, water tanks, fire towers when operated by a branch of government, ventilators, chimneys, feed storage structures, or to other appurtenances usually required to be placed above the roof level and not intended for human occupancy or to airport control towers; provided, however, the heights of these structures or appurtenances thereto shall not exceed any height limitations prescribed by the Federal Aviation Agency or airport zoning regulations within the flight-approach zone of airports.

4. Exclusions From Height Limits-Off Street Parking Within a Building: In instances where off-street parking is provided within the primary building, the Director may waive the maximum height requirements to the extent necessary to permit off-street parking within the primary building; provided, the number of off-street parking space required by this ordinance for the use involved may not be reduced, nor may the waiver in height be greater than that necessary to provide for the off-street parking within the primary building.

5. Buildings to Have Access: Every building hereafter erected or moved shall be on a lot adjacent to a public street, or with access to an approved private street, and all structures shall be so located on lots as to provide safe and convenient access for servicing, fire protection, and required off-street parking. No dwelling shall be erected on a lot, or portion of a lot meeting the requirements of this zoning ordinance, which does not abut on at least one public street or approved private street for at least twenty (20) feet.

6. Use of Residentially Zoned Property for Access: No lot or parcel which is residentially zoned shall be used

for driveway, walkway, or access purposes to any land which is non-residentially zoned, or used for any purpose not permitted in a residential district except for ingress and egress to a use existing at the effective date of this ordinance which does not abut on a street.

7. Parking, Storage, or Use of Major Recreational Equipment: Major recreational equipment is hereby defined as including boats and boat trailers, travel trailers, pickup campers or coaches (designed to be mounted on motorized vehicles), motorized dwellings or motor homes, tent trailers, popout campers, houseboats, and the like, and cases or boxes used for transporting recreational equipment, whether occupied by such equipment or not. No major recreational equipment shall be used for living, sleeping, or housekeeping purposes when parked or stored on a residentially zoned lot or in any location not approved for such use. Major recreational equipment may be parked or stored only in a rear yard or in a completely enclosed building or carport "or on davits or cradles adjacent to waterways" on residentially zoned property; provided, however, that such equipment may be parked anywhere on residential premises for not to exceed twenty-four (24) hours during loading and unloading.

8. Parking of Commercial Vehicles in Residential Areas:

A. It shall be unlawful to park a commercial vehicle on any lot in a residential zoned district unless one of the following conditions exist:

- (1) The vehicle is engaged in a construction or service operation on the site where it is parked. The vehicle must be removed as soon as the construction or service activity has been completed.
- (2) The vehicle is parked in a garage, carport, or fully enclosed structure and cannot be seen from the street serving the lot.
- (3) The vehicle is parked in the rear of the main structure and is enclosed within a vegetative screening which conceals the vehicle from the view of his neighbors.
- (4) Automobiles, vans, pick-up trucks having a rated load capacity of less than one ton, shall be exempted from this ordinance.

9. Moving of Buildings or Structures: No building or structure shall be moved from one lot to another lot, or moved to another location on the same lot, unless such building or structure shall thereafter conform to all of the applicable provisions of this zoning ordinance and to all other applicable regulations, including but not limited to construction codes, of the County.

10. Essential Services: Essential services are hereby

defined to include and be limited to water, sewer, gas, telephone, cable television, telephone and electrical distribution systems and lines as well necessary for performance of these services.

The following shall be permitted as provisional uses in any zoning district:

Electric or gas generating plants, electric transmission lines, sewage treatment plants, water pumping or water aeration or treatment plant, cable vision reception tower and accompanying structures, and similar facilities. This sub-section shall not be deemed to include the erection of structures for commercial activities such as sales or the collection of bills in districts from which such activities would otherwise be barred, nor shall this provision permit any facility requiring the storage of automotive vehicles overnight.

Under this sub-section, where structures are involved other than lines or cables, such structures shall conform insofar as possible to the character of the district in which they are located as to architecture and landscaping, with utilization of screening and buffering compatible with the district.

Unless listed as a provisional use, all essential services shall be considered permitted uses in any district.

11. Waterfront Property:

A. Calculation of Area for Dwelling Unit Density Purposes: Land lying waterward of the shoreline, as defined by Section 3, shall not be calculated as a part of a lot in determining minimum lot or yard requirements, except as may be otherwise provided in this zoning ordinance. In the event a dike, sea wall, or other facility designed to prevent the intrusion of water is provided to protect the lot or yard area, the Director may approve such construction upon a showing that the proposed construction is adequate to prevent flooding and the undermining of foundations; appeal may be had to the Board of Zoning Appeals. Lot area upland from such construction shall be counted in determining lot area and yard requirements.

B. Minimum Waterfront Yard-Gulf: No structures shall be erected and no excavation shall be permitted seaward of the Gulf of Mexico Coastal Construction Setback Line established by the State of Florida.

12. Locational Restrictions for Use Involving Intoxicating Beverages:

A. Sale of Alcoholic Beverages: The sale of alcoholic beverages for consumption on premises will not be permitted at any location until such location has been

approved by the Board of County Commissioners. Prior to action by the Board of County Commissioners, the Planning Commission shall hold a public hearing and make a recommendation to the Board of County Commissioners.

Prior to recommending a location for a sale of alcoholic beverages for consumption on premises at any location, the Planning Commission shall find that the following requirements have been met:

(1) No such use shall be located within five hundred (500) feet of any established school, church, or public park, or

The distance of five hundred (500) feet shall be measured as the shortest distance between the lot on which the school, church, or public park or playground is located and the lot on which the alcoholic beverages are to be sold.

(2) No such use shall be located within five hundred (500) feet of any existing establishment (excluding those listed in B below) which sells alcoholic beverages for consumption on premises.

The distance of five hundred (500) feet shall be measured as the shortest distance between the lot on which the existing establishment is located and the lot on which the alcoholic beverages are to be sold.

(3) The use will be compatible with the surrounding uses of the neighborhood.

(4) That any nuisance or hazard feature involved are adequate for the use.

(5) That excessive traffic will not be generated on residential streets.

(6) That the land and/or buildings involved are adequate for the use.

B. Restaurants, motels and hotels with one hundred (100) or more guest rooms, private clubs, golf clubs, country clubs, civic and fraternal clubs may serve alcoholic beverages for consumption on premises when such service is incidental to the main use and for the exclusive use of the members, tenants and/or guests of the facility.

C. Any restaurant, hotel, motel or other commercial establishment herein licensed to sell any alcoholic beverage shall upon written demand of the Director make or cause to be made under oath a statement itemizing what percentage of his gross receipts are from the sale of alcoholic beverages.

13. Automobile Service Stations: The following regulations apply to the location, layout, drainage, operation, fencing, landscaping, parking and permitted sales and service activities of automobile service stations:

A. Lot Size - Minimum 18,000 Square Feet:

(1) Minimum Frontage: An automobile service station shall not be located on a lot with less than 150 feet frontage on a dedicated street or highway.

(2) Minimum Depth: 120 feet.

B. Minimum Yards:

- (1) Front Yard Setback - Fifty (50) feet
- (2) Side Yard Setback - Forty (40) feet
- (3) Rear Yard Setback - Forty (40) feet
- (4) Canopy - Ten (10) feet beyond pump setback line.

C. Gasoline Pumps: All gasoline pumps shall be located not less than thirty (30) feet from any lot line; and shall be so arranged that motor vehicles shall not be supplied or serviced while parked upon or overhanging any public sidewalk, street, or right-of-way.

D. Driveways: All driveways providing ingress and egress from an automobile service station shall be no more than thirty (30) feet wide. No more than one (1) curb cut shall be permitted for each fifty (50) feet of frontage or major fraction thereof, along any street, road, or highway.

(2) All lots located at intersecting streets must comply with the State Department of Transportation Standards for curb openings and driveways.

(3) No driveway shall be located nearer than thirty (30) feet, as measured along the property line, to any other driveway giving access to or from the same automobile service station.

(4) No alley shall be used as a primary means of ingress or egress.

E. Entrance and Exit: No automobile service station shall have an entrance or exit for vehicles within two hundred (200) feet along the same side of a street of a school, public playground, child care center, church, hospital, public library, or any institution for dependents or for children, except where such property is in another block or on another street which the lot in question does abut.

F. Fence Requirements: If an automobile service station abuts a residential district, a wall of solid decorative material five (5) feet in height or a wall of landscaping (see Section 8 Paragraph 21) must be provided and properly maintained. If the station is separated from the residential zone by an alley, then the wall shall be erected along the alley lot line also. In addition, all outside trash areas for used tires, auto parts, and other items shall be enclosed on all sides by a five (5) foot decorative fence or wall which shall conform to all setback regulations. All walls and buildings shall be protected by a fixed barrier to prevent vehicles from contacting wall.

G. Vehicle Sales: There shall be no vehicle sales conducted on the premises.

H. Drainage: The entire lot, excluding the area occupied by a building, shall be properly drained and hard surfaced with concrete or plant mixed bituminous material, except for the required landscaped areas.

I. Parking Areas: Parking areas will conform to the provisions of Section 18 of this Ordinance. At no time shall repairs be performed in parking areas.

J. Landscaping: A minimum of twenty (20) percent of the lot area shall be landscaped, with a minimum of three (3) percent landscaped per lot side.

K. General: In addition to the retail dispensing of automobile fuels and oil, the following services may be rendered and sales made and no other:

- (1) Sales and servicing of spark plugs, batteries, distributors and distributor parts;
- (2) Sales, servicing and repair of tires but not recapping or regrooving;
- (3) Replacement of waterhoses, fan belts, brake fluid, light bulbs, fuses, floor mats, wiper blades, grease retainers, wheel bearings, shock absorbers, mirrors, and the like;
- (4) Provision of water, anti-freeze, and the like.
- (5) Washing and polishing and sale of automotive washing and polishing materials, but this provision does not permit car laundries;
- (6) Providing and repairing fuel pumps and lines;

- (7) Minor servicing and repair of carburetors;
- (8) Emergency wiring repairs;
- (9) Providing repair of brakes;
- (10) Minor motor adjustments not involving removal of the head or crankcase;
- (11) Greasing and lubrication;
- (12) Sales of cold drinks, candies, tobacco, and similar convenience goods for service station customers, but strictly and only as accessory and incidental to the principal business operation;
- (13) Provision of road maps and other information;
- (14) No mechanical work shall be allowed outside of the enclosed areas;
- (15) Merchandise shall not be displayed outside of the enclosed area except on the pump island;
- (16) No automobile service station shall be permitted where any oil drainage pit or visible appliance for any such purpose other than refueling cars is located within twenty (20) feet of any street right-of-way or within forty-five (45) feet of any residential district except where such appliance or pit is located within a wholly enclosed building;
- (17) Uses permissible at an automobile service station do not include major mechanical and body work, straightening of frames or body parts, steam cleaning, painting, welding, storage of automobiles not in operating condition, operation of a commercial parking lot or commercial garage as an accessory use, or other work involving undue noise, glare, fumes, smoke, or other characteristics to an extent greater than normally found in such stations. An automobile service station is not a facility for the sale of automobile vehicles, a repair garage, a body shop, a car laundry, or a truck stop.

14. Fallout Shelters.

A. Definitions. (1) An above ground fallout shelter is one entirely above the natural grade of the property, excepting the foundation. (2) An underground fallout shelter is one entirely below the natural grade of the property, excepting vents not to exceed thirty-six (36) inches in height and entry ways not to exceed thirty-six (36) inches in height when in open position. No fallout shelter may be erected on any lot on which there is not a principal structure. A building permit is required for all permanent fallout shelters.

B. Location. One family fallout shelter per lot is permitted in any single family zoning district.

After public notice and hearing by the Planning Commission and approval by the Board, community shelters may be constructed in other residential districts. Display shelters for sales demonstration purposes are permitted in commercial and industrial zoning districts only and may not be occupied for living purposes.

C. Specifications. All fallout shelters shall be constructed to specifications of types approved by or in accordance with plans issued by the Office of Civil Defense.

D. Setbacks. Above ground fallout shelters are not permitted in front yards and are considered as accessory uses and must meet the required setbacks for accessory uses in the district in which such shelter is located. A fallout shelter may be attached to a principal building, provided it meets the same yard and setback requirements as the principal structure. Underground fallout shelters may be located anywhere on the property in question, except in a required front yard; provided, the entrance to the shelter and the vent pipes or stacks are the only portions which are above ground or above the normal grade level.

E. Utilization. Fallout shelters are for emergency use only. They shall not be used for dwelling purposes except in emergency and then only by the occupants of the principal building.

F. Landscaping. All fallout shelters shall be landscaped so as to not to appear obnoxious or detrimental to the neighborhood.

G. Temporary Fallout Shelters. In the case of single family dwellings only, a temporary fallout shelter may be constructed outside of but attached to the dwelling unit during a period of international tension. The design and construction must be in accordance with plans prescribed by the Office of Civil Defense and is subject to inspection. A special permit must be obtained from the Director prior to construction of a temporary shelter. Temporary shelters must be removed from the premises within thirty (30) days after the end of the period of international tension. Failure to do so is a violation of this zoning ordinance.

15. Base Setback Line Requirements. Base setback lines are established for certain streets (as set out in this subsection or in a separate base setback line ordinance). All required yards set out in this zoning ordinance are to be measured from such base setback lines. Where no yard requirements are set out for a zoning district, no portion of a structure, appurtenances thereto, sign, canopy, or parking area shall intrude streetward beyond the base setback line, except as

specifically provided by this zoning ordinance.

In all commercial and industrial districts, no building or other structure shall be erected within _____ feet of the centerline of any street in those instances where a greater base setback line has not been established (as set out below or as set out in the base setback line ordinance).

On streets as set out (on the base setback line maps), setback lines are established and are determined to be distances indicated from the center line of the street right of way.

16. Fences.

A. Fences Residential.

(1) In any residential district no closed wall or fence shall be erected or maintained within twenty (20) feet from the corner intersection of street right-of-way.

(2) Fences or walls outside of front building line shall be limited to a maximum height of four (4) feet. A fence or wall shall be limited to a maximum of six (6) feet in the rear and side yards unless the rear and/or side yard is on a canal or waterfront in which case the maximum height shall be four (4) feet.

(3) No barbed wire, spire tips, sharp objects, or electrically charged fences shall be erected in any residential area or district.

(4) Fences shall be treated as a structure for building permit purposes, and a permit shall be obtained prior to erection. Setbacks shall remain measured from the principal structure.

B. Fences in Non-Residential Districts.

(1) Fences involving agricultural purposes are exempt from height and type of construction.

(2) Fences in commercial and industrial districts are limited to eight (8) feet in height with the restriction to be lifted if an extreme emergency exists. The County Commission is authorized to allow a variance in height.

(3) All fences shall be of sound, sturdy construction and not detract from the neighborhood.

(4) Barb wire is authorized in all non-residential districts but shall be limited to three (3) strands.

(5) No fence shall block the view of passing motorists or pedestrians so as to constitute a hazard.

17. Boats or Other Floating Equipment Used as Dwelling Units. Boats or other floating equipment being used as dwelling units or as commercial establishments may not anchor or tie up in waters under the jurisdiction

of the County for longer than forty-eight (48) hours, except at facilities located in zoning districts permitting such use and at facilities within such districts designed for such use and meeting County and State health standards for such use.

18. Regulations for the Construction and Operation of Drive-In Theatres.

A. The screen must be so oriented that the picture is not visible from any existing or proposed major street.

B. Not more than two (2) exits shall be provided to each access highway but such exit may be suitably channelized to provide for right and left turns onto the highway, and not more than one (1) traffic lane shall be permitted for each traffic lane on the highway available to vehicles leaving the theatre.

C. No entrance or exit on a State Road or primary State maintained system shall be within five hundred (500) feet of its intersection with another major street.

D. Sufficient area shall be provided between highway and the viewing area to provide storage space for vehicles equal to not less than twenty-five (25%) percent of theatre capacity and of that storage space so provided not less than ten (10%) percent of the theatre capacity shall be provided between the highway and the ticket booths. In all cases, sufficient storage space shall be provided so that vehicles will not back up on to the traveled way of the highway. Storage area shall be calculated on the basis of one (1) space per twenty-five (25) lineal feet of storage lane.

E. An individual speaker shall be provided for each vehicle. All speakers shall be equipped with sufficient cord to permit the speaker to be placed inside the vehicle. Speakers must not be audible beyond the boundaries of the theatre lines.

19. Miscellaneous Structures. School bus shelters and bicycle racks may be located in any district. No advertising sign shall be permitted on such structures without approval of the Board. Locations and setbacks shall be approved by the School Board of Collier County.

Bus stop benches may be located in any district. No advertising sign shall be permitted on such structures. Telephone booths may be located in any district. District setbacks are waived. Mail (and newspaper) delivery boxes may be placed in accord with U.S. Postal Service Regulations, and are exempt from district setbacks.

20. Landscaped Buffer Areas. The use of properly

planted and maintained buffer areas may reduce and ease potential incompatibility between or among different uses of land in proximity to each other.

A. Requirements. Where this zoning ordinance requires a landscaped buffer area, the following requirements shall be met unless otherwise specifically required elsewhere:

(1) The landscaped buffer area shall be not less than ten (10) feet in width measured at right angles to property lines and shall be established along the entire length of and contiguous to the designated property line or lines.

(2) The area shall be so designed, planted, and maintained as to be eighty (80%) percent or more opaque between three (3) and eight (8) feet above average ground level when viewed horizontally. Plantings shall be of a size and type which will insure the meeting of the eighty (80%) percent opacity requirement within no longer than twelve (12) months of the date of first planting;

(3) Types and numbers of plantings for landscaped buffers shall be submitted with application for building permit, along with plans and statements demonstrating how the buffer will be irrigated and maintained in the future. Where these zoning regulations require a landscaped buffer area or areas, no building permit shall be issued without such data;

(4) Failure to maintain the landscaped buffer area as set out above shall be a violation of this zoning ordinance.

B. Substitution for Landscaped Buffer Area. Except when otherwise specifically provided by these regulations, a six (6) foot high opaque structure set in a five (5) foot wide landscaped buffer area may be substituted for the six (6) foot high, planted buffer in subsection, A (2&3) above.

C. Waiver by Director. When the Director finds that the public safety requires, he may waive or modify the buffer requirements set out above at street and alley frontages adjacent to any entrance; the finding of the Director shall be in writing and shall be filed with the approved building permit. The finding shall demonstrate that the buffer is not required for a certain number of feet back from the street or alley entrance, in order to afford protection to pedestrian or vehicular traffic entering or leaving the lot on which the landscaped buffer area is required by this zoning ordinance.

D. Application Where Regulations Set Out Different Requirement. In those instances where these zoning regulations set out a different buffering

requirement (e.g., a greater width of landscaped buffer, or a different type of buffer), then the specific provisions of those regulations applicable to the particular type of use shall govern.

21. Erection of More Than One Principal Structure on a Lot. In any zoning district, more than one structure housing a permitted or permissible principal use may be erected on a single lot, provided that yard, area, access, and all other requirements of this zoning ordinance are met for each structure as though it were on an individual and separate lot.

22. Guest House: No guest accommodation facility which is accessory to a single family dwelling, whether a free standing guest house or guest accommodations which are structurally integrated with the main dwelling, may be utilized for commercial purposes. Leasing or renting a guest accommodation facility shall constitute a violation of the Zoning Ordinance. Similarly, if a main residence is leased or rented, a guest accommodation facility accessory to it may not be occupied by the property owner, since that would constitute the unlawful utilization of single family zoned property for two family dwelling purposes. Guest houses which are physically separate from the main residence to which they are accessory shall not be constructed on lots which are smaller than 43,560 square feet in area nor shall a guest house be larger than 40% of the size of the principal dwelling. Detached guest houses shall not be closer than 20 feet to the principal dwelling.

23. Private Airports: The following regulations apply to the location and layout, of private airports:

A. Definitions - For the purpose of this Section, the following definitions shall apply:

- (1) Airport Hazards - (See Section 10.2C)
- (2) Approach Zone - a trapezoidal area increasing at a rate of 1:10 in width from 50 feet either side of the runway centerline, at the ends of the usable runway(s), to a width of 350 feet either side of the runway centerline at a distance of 3000 feet outward from the end of the runway(s).

(3) Primary Surface - means an airport surface, free of obstructions, of prescribed width which includes the runway.

B. Control of Airspace:

The applicant must control the airspace within 700 feet from the ends of the primary surface(s). This control is to prevent any airport hazards from being grown, erected or otherwise placed within a glide path of 20:1 from the ends of the primary surface(s). This control may be created by ownership, right-of-way, easement, or a combination of these.

C. Minimum Yards:

- (1) Setback primary surface - 200 feet
- (2) Other structures - Other structures must conform with setbacks of the base zone, however, they may not be placed within 50 feet of the primary surface.

D. Location - Private airports shall be located in accordance with Chapter 14-60 of the Florida Administration Code.

E. Findings - Before a private airport shall be recommended for approval to the Board, the Planning Commission shall make a written finding that satisfactory provisions and arrangements have been made concerning the following matters, where applicable:

- (1) Compliance with Section 10.5 and 39.8 of the Zoning Ordinance.
- (2) General compatibility with adjacent properties and other properties in the District.
- (3) Storage of volatile materials
- (4) Safety and fire equipment
- (5) Airport hazards
- (6) Airplane tiedowns
- (7) Control of airspace
- (8) Compliance with all elements of the Comprehensive Plan

F. Conditions and Safeguards - In recommending approval of any private airport, the Planning Commission may also recommend appropriate conditions and safeguards in conformity with this Zoning Ordinance.

Any private airport use shall expire twelve (12) months from the date of the granting of the zoning unless a photostatic (or other suitable) copy of the Florida Department of Transportation's Airport License is presented to the Director of Community Development. A twelve (12) month extension may be granted by the Director upon receipt of just cause.

Section 9. SPECIAL REGULATIONS FOR (ST) AREAS OF ENVIRONMENTAL SENSITIVITY:

1. Intent and Purpose:

Certain areas of Environmental Sensitivity require special regulation to protect, conserve, and improve the ecology of the particular area and the overall ecology of the Coastal Area Planning District, and prevent their use in a manner which is contrary to the health, safety, and well-being of the community. These areas of environmental sensitivity are a unique natural resource bringing commercial, recreational and aesthetic benefits of a kind and abundance found nowhere else in this Nation. These are annually renewable benefits that are dependent upon the maintenance of certain conditions and ecological relationships found in the ecological system of Collier County. The purpose of this special regulation is to protect and conserve areas of environmental sensitivity while permitting those types of development which will prevent ecological change or damage or hold such changes to acceptable levels. Areas of environmental sensitivity include, but are not necessarily limited to, mangrove swamp; coastal beaches; estuarine areas; cypress domes, fresh water marshes, and tidal marshes; and natural drainage courses. Conservation goals for areas of environmental sensitivity include but are not limited to:

- A. Preservation of natural drainage ways;
- B. Reduction or elimination of pollutant discharge into air or water which would lower the pollutant level of air or water below permissible Federal, State and local governmental standards;
- C. Preservation of ecological systems to the end that flora and fauna are capable of viable reproduction in continuing their effective role in the life chain of their biologic community;
- D. Conservation of the essential fresh and salt water resources of the Coastal Area Planning District.

2. Establishment of Zoning Classification:

An overlay zoning classification to be known as the Special Treatment District, and to be denominated on the Official Zoning Atlas by the symbol "ST" together with the symbol of the basic zoning district which it overlays, is hereby established. This overlay classification will be used for those lands of environmental sensitivity where the essential ecology of the lands cannot be preserved

under other zoning districts and regulations established by this ordinance. Where lands are designated "ST" the regulations of this Section 9 shall be in addition to the regulations applicable to the basic zoning classification such lands otherwise hold.

3. Permit Required:

No lands designated "ST" shall be cleared, altered, changed, or in any manner developed until a permit has been obtained in the manner herein set out.

4. Uses:

Lands designated "ST" shall be used only for the uses permitted or permissible by provisional use under the basic zoning classification of such lands; but where an applicant for permit proposes a particular use or uses that are permitted or permissible under the basic zoning classification, the fact that such a use or uses is permitted or permissible shall confer on him no right to such use or uses if the ecology of the area involved would be severely or substantially damaged thereby.

5. Transfer of Residential Density Credit:

An owner of land located within an area designated as "ST" may elect to transfer all or some of the residential density of his "ST" land to another property, rather than develop the "ST" lands in conformity with these "ST" regulations. Only one such transfer is permitted. Such a transfer of residential density credit is subject to the following conditions:

A. The transfer must be to land not designated "ST".

B. The transfer must be to land having at least one point of contiguity with the land designated "ST" (For the purpose of this section, intervening public or private streets, easements or railroad rights of way do not prevent properties from being contiguous provided such lands would have one point of contiguity were it not for the fact that they are physically separated by such intervening public or private streets, easements or railroad rights of way).

C. The land designated "ST" must be used in conjunction with the land to which residential density credit is being transferred. The "ST" land may be left in its natural state or used for limited recreation, open space, surface drainage and spreader waterways, effluent polishing ponds, scenic trails, and protected wildlife habitats.

D. The non-"ST" land to which the density transfer is made must be developed under site and development plan approval as set out in Section 39.8 of these regulations. The transfer area of "ST" land must be clearly shown on the site and development plan. Such designated "ST" land may not thereafter be used for transfer of residential density.

E. The fact of transfer for "ST" land along with the approved development plan, for more than ten (10) gross acres of land or where transfer of density credit is involved under Section 9.5 above, shall be recorded at the owner's expense in the records of the Clerk of the Circuit Court of Collier

County, together with a covenant on such land with enforcement running to the County that no future alteration, building or development permit will be issued in the future on such land except as follows:

(1) In accordance with the conditions of the approved development permit.

(2) In accordance with the conditions of an approved modification of the development permit. The recorded transfer of density credit may not be amended or expunged from the public records of the Clerk of the Circuit Court of Collier County except by unanimous vote by the Board.

F. The maximum allowable transfer of density use credit from a parcel of land designated "ST" to a contiguous area not designated "ST" shall be computed on the basis of one (1) acre of "ST" to one (1) acre of contiguous area not designated "ST" and shall be calculated on the number of dwelling units which are permitted in the zoning district to which the credit density is being transferred.

In instances where a development consists of more "ST" land than non-"ST" land, the residential density of the excessive "ST" land may be included in the transfer at the ratio of .2 dwelling units for each additional gross acre of "ST" land in excess of the non-"ST" land.

6. Procedure and Standards for Development of "ST" Land of Less than Ten Acres not Involving Density Transfer:

Where land has a "ST" designation, is ten (1) acres or less in gross area, and where no transfer of residential density is involved as set out in Section 9.5 above, the Director may issue a development permit for a proposed development. Prior to the issuance of any such development permit, the Director must make a finding that one or more of the following conditions exist:

A. Previous usage and development of the subject property has altered the original environment in such a manner that the proposed development will not further degrade the environmental quality of the site or surrounding areas that might be affected by the proposed development.

B. Previously existing major flora and fauna of the site has already been removed or altered to such a degree as to preclude any reasonable probability for ecological regeneration.

C. Surface and/or natural drainage of the site has already been channelized, paved, altered, or improved and will not be further degraded as a result of the proposed development.

D. No pollutants will be discharged from the proposed development which will substantially increase the degradation of air and water beyond levels existing at the time of application.

E. The proposed development will improve and correct ecological deficiencies which resulted from previous use or development.

F. The proposed development will not require any major alternation of modification of the existing land forms, drainage, or flora or fauna on the site

G. Violation of the terms of a development permit granted by the Director under this subsection shall be a violation of the terms of this zoning ordinance.

7. Procedure and Standards for Development of "ST" Land of More than Ten Acres or Involving Density Transfer:

Where land has a "ST" designation, is more than ten (10) acres in gross area, and/or where transfer of density credit is involved under Section 9.5 above, the following procedures and standards shall govern for the issuance of development permits.

A. Pre-application conference: Prior to the filing of an application for development approval of "ST" land, the applicant shall request and hold a pre-application conference with the Director and appropriate County staff. The pre-application conference is for the purpose of guidance and information and for insuring insofar as may be possible that any application will be in conformity with these regulations. No application for development approval will be accepted for formal processing and public hearings until the Planning Department has reviewed the application to determine that all required data have been included; a minimum of thirty (30) days should be allowed for this phase of the review process.

B. Upon the formal filing of the application for development approval, the application and supporting data shall be referred to the Environmental Advisory Council and the Water Management Advisory Board for advice and recommendation. Reports of these advisory boards shall be filed at the time of public hearing before the Planning Commission or prior thereto. Such reference shall not, however, serve to delay the public hearing by the Planning Commission. The formal application for development approval shall include an Environmental Impact Statement as required by Ordinance 74-36 and, where appropriate, Development of Regional Impact review data as under Chapter 380.06, Florida Statutes, and a tree removal plan.

C. The public hearing shall be held by the Planning Commission and, upon the hearing, it shall make its

recommendation to the Board.

8. Board Action:

Final action on development approval under this section lies with the Board of County Commissioners. The Board may:

- A. Grant the application as presented.
- B. Deny the application as presented, or
- C. Grant the application with additional conditions and safeguards. The application, including conditions and safeguards which may be added, shall become the plan of development for the area involved.

9. Modification of Development Plan:

Any modification of the development plan as approved which would substantially alter the intent and purpose of these "ST" regulations requires procedure and approval as for a new application. Minor modifications within the intent and purpose of these regulations may be made by the Board upon the recommendation of the Planning Commission.

10. Duration and Effect of Development Permit; Failure to Conform to Permit Requirements:

A. Unless otherwise specified by the Board, the approved development permit shall expire and be terminated two (2) years after the date of approval or as specified in the development permit; provided, if development is progressing in full accord with the terms of the approval, development may continue. The Board may, at the time of approval of the development permit, prescribe time limits for the development and completion of stages of the project.

B. Where a development permit calls for staging, no subsequent stage may be commenced until the Director has certified that the previous stage has been accomplished in full accord with the terms of development permit approval.

C. The Board may suspend or terminate development approval and order the termination of the project upon a finding that the developer has failed to comply with:

- (1) Time limitations prescribed in the grant approval or
- (2) Any substantive provisions in the grant of approval relating to the character of the development.

D. When a development permit has been terminated under subsection C. above, the Board may, upon application, authorize the applicant to re-submit an application for development approval provisioned at any stage of procedure of these "ST" regulations. No subsequent plan or reapproval shall effect an increase in residential density nor a decrease

in water quality as set by the original development permit approval.

E. On due cause shown, time limits prescribed in an approved development permit may be extended by the Board for not to exceed a one year period.

11. Relationship When There is Density Transfer:

Where a residential density transfer is proposed under these "ST" regulations, then development in the non-"ST" land to which the transfer is made shall be subject to site and development plan approval as set out in section 39.8 of this zoning ordinance.

12. Requirement to Post Surety to Assure Completion of Development:

Prior to the issuance of a development permit, the developer shall post a surety to guarantee the completion of the improvements which shall satisfy the following requirements:

A. A surety, in the form of a surety bond, trust deed or escrow agreement or other security device, approved by the Board of County Commissioners shall be filed with the Clerk of the Circuit Court. Such security device shall cover at least one hundred ten (110) per cent of all of the costs of all the required improvements, such as streets, sidewalks, drainage, canals, fill, public water, sewerage, and solid waste disposal including Engineering Supervision and Inspections, etc., as shown on the development construction plans. Cost estimates shall be prepared by a registered professional engineer of the State of Florida and approved by the County Engineer. Surety for completion shall be reviewed for cost estimates of the work remaining to be completed on an annual basis.

When extension of the completion time is requested by the developer and approved by the Board of County Commissioners beyond the duration of the permit, a revised cost estimate and adjusted amount of surety shall be provided for the improvements to be completed. Such security device shall:

(1) Be conditioned upon the faithful performance by the developer of all work required to complete all improvements and installations for the development of stages thereof, in compliance with the development permit with a specified time; four (4) years unless otherwise noted.

(2) Be payable to, and for the indemnifications of the County.

Section 10. SPECIAL REGULATIONS FOR SPECIFIED AREAS IN AND AROUND NAPLES AIRPORT.

1. Intent and Purpose. Certain areas in and around the Naples Airport, Collier County, Florida, require special regulation to prevent hazards which endanger the lives and property of users of the airport and of occupants of land in its vicinity and which, if of the obstruction type, reduce the size of the area available for the landing, taking off, and maneuvering of aircraft, thus tending to destroy or impair the utility of Naples Airport and the public investment therein. Accordingly, it is hereby declared that:

A. The creation or establishment of an airport hazard is a public nuisance and an injury to the County;

B. It is necessary to the public health, safety, and welfare that the creation or extension of airport hazards be prevented; and

C. To this end, regulation of airport hazards is necessary.

D. In addition to the regulations applicable to land zoned as indicated in the Official Zoning Atlas, the following regulations are additionally applicable to lands in the vicinity of the Naples Airport as indicated on the Official Airport Zoning Map of Collier County. Lands lying within various zones as indicated on the Official Airport Zoning Map are subject to the additional regulations set out in this section.

2. Definitions. The words and phrases listed below shall have the following meanings unless the context hereof otherwise requires:

A. Airport - Naples Airport

B. Airport Elevation - The established elevation of the highest point on the usable landing area, hereby determined to be eight (8) feet MSL.

C. Airport Hazard - Any structure, tree or use of land which obstructs the airspace required for, or is otherwise hazardous to the flight of aircraft in landing or taking off at the airport.

D. Height - For the purpose of determining the limits in all zones set forth in this Ordinance and shown on the zoning maps, the datum shall be mean sea level elevation unless otherwise specified.

E. Instrument Runway - A runway equipped or to be equipped with a precision electronic navigation aid or landing aid or other air navigation facilities suitable to permit the landing of aircraft by an instrument approach under restricted visibility conditions.

F. Landing Area - The area of the Airport used for the landing, taking off or taxiing of aircraft.

G. Nonconforming Use - Any pre-existing structure, tree, natural growth or use of land which is inconsistent with provision of this Ordinance or an amendment thereof.

H. VFR Runway - Means a runway other than an instrument runway.

I. Person - An individual, firm, partnership, corporation, company, association, joint, stock association, or body politic and includes a trustee, receiver, assignee, administrator, executor, guardian, or other representative.

J. Runway - The paved surface of an airport landing strip.

K. Structure - An object constructed or installed by man, including but without limitations, buildings, towers, smoke-stacks and overhead transmission lines.

L. Tree - Any object of natural growth.

3. Manner of Designation and Method of Application.

All of the land lying within the instrument approach zones, VFR approach zones, transmitting zones, horizontal zone and conical zone may be designated and regulated as herein authorized. Lands within the various airport zones shall be designated on a map or maps, adopted by the County Commission as an amendment to this resolution. The various zones are hereby established and defined as follows:

A. Instrument Approach Zones - An instrument approach zone is established at the Northeast end of the instrument runway 22-4 for instrument landings and take offs. The instrument approach zone shall have a width of 1,000 feet at a distance of 200 feet Northeast of the end of the runway, widening thereafter uniformly to a width of 16,000 feet at a distance of 50,200 feet Northeast of the end of the runway, its centerline being the continuation of the centerline of the runway. An instrument approach zone is established at the Southwest end of the instrument runway for instrument landings and takeoffs. The instrument approach zone shall have a width of 4,000 feet at a distance of 10,200 feet beyond the end of the runway, its centerline being the continuation of the centerline of the runway.

B. VFR Approach Zones - Visual flight rules approach zones are hereby established and shall have a width of 500 feet at a distance of 200 feet beyond each end of runway 31-13, widening thereafter uniformly to a width of 1,500 feet at a distance of 5,200 feet beyond each end of this runway.

C. Transition Zones - Transition zones are hereby established adjacent to each instrument and VFR runway and approach zone as indicated on the zoning map. Transition zones symmetrically located on either side of runways have

variable widths as shown on the zoning map. Safety zones extend outward to a line 150 feet on either side of the centerline of the VFR runway, for the length of such runway plus 200 feet on each end; and 250 feet on either side of the centerline of the instrument runway, for the length of such runway plus 200 feet on each end, and are parallel and level with such runway centerlines. The transition zones along such runways slope upward and outward from the edges of the safety zones one (1) foot vertically for each seven (7) feet horizontally to the point where they intersect the surface of the horizontal zone. Further, transition zones are established adjacent to both instrument and VFR approach zones and these transition zones have variable widths, as shown on the zoning map. Such transition zones flare symmetrically with either side of the runway approach zones from the base of such zones and slope upward and outward at the rate of one (1) foot vertically for each seven (7) feet horizontally to the points where they intersect the surfaces of the horizontal zone. Additionally, transition zones are established adjacent to the instrument approach zone where it projects through and beyond the limits of the horizontal zone, extending a distance of 5,000 feet measured horizontally from the edge of the instrument approach zone at right angles to the continuation of the centerline of the runway.

D. Horizontal Zone - A horizontal zone is hereby established as the area within an oval with its centers at the ends of the instrument runway and having a radius of 5,000 feet. The horizontal zone does not include the instrument and VFR approach zones and the transition zones.

E. Conical Zone - A conical zone is hereby established as the area that commences at the periphery of the horizontal zone and extend outward therefrom a distance of 4,000 feet. The conical zone shall slope upward and outward from this periphery at the rate of one (1) foot vertically for each twenty (20) feet horizontally. The conical zone does not include the instrument approach zones and transition zones.

4. Height Limitation. Except as otherwise provided in this resolution no structure or tree shall be erected, altered, allowed to grow, or maintained in any zone created by this Ordinance to a height in excess of the height limit herein established for such zone. Such height limitations are hereby established for each of the zones in question as follows:

A. Instrument Approach Zones - One (1) foot in height for each fifty (50) feet in horizontal distance beginning at a point 200 feet from and at the centerline elevation of the Northeast end of 22-4, the instrument runway, and extending Northerly a distance of 10,200 feet

from the end of the runway; thence Northeasterly one (1) foot in height for each forty (40) feet in horizontal distance to a point 50,200 feet from the Northeast end of the runway.

One (1) foot in height for each thirty-four (34) feet in horizontal distance beginning at a point 200 feet from and at the centerline elevation of the Southwest end of the instrument runway and extending Southwesterly to a point 10,200 feet from the end of the runway.

B. VFR Airport Approach Zones - One (1) foot in height for each forty (40) feet in horizontal distance beginning at a point 200 feet from and at the centerline elevation of each end of runway 31-13 and extending to points 2,200 feet from the ends of the runway; thence one (1) foot in height for each twenty (20) feet in horizontal distance and extending to a point 5,200 feet from the ends of the runway.

C. Transition Zones - One (1) foot in height for each seven (7) feet in horizontal distance beginning at the edge of each safety zone and at the elevation of the centerline of each runway, and extending to a height of 150 feet above the airport elevation which height is 158 feet above mean sea level. In addition to the foregoing, there are established height limitations of one (1) foot vertical height for each seven (7) feet horizontal distance measured from the edges of all approach zones for the length of the approach zones as shown and extending upward and outward to the points where they intersect the horizontal surface. Further, to the Northeast, where the instrument approach zone projects through and beyond the conical zone, a height limit of one (1) foot for each seven (7) feet of horizontal distance shall be maintained beginning at the edge of the instrument approach zone and extending a distance of 5,000 feet from the edge of the instrument approach zone measured normal to the centerline of the runway extended.

D. Horizontal Zone - One hundred fifty (150) feet above the airport elevation or a height of 158 feet above mean sea level.

E. Conical Zone - One (1) foot in height for each twenty (20) feet of horizontal distance beginning at the periphery of the horizontal zone, extending to a height of 350 feet above the airport elevation.

5. Use Restriction. Notwithstanding any other provisions of the zoning regulations, no use may be made of land within the Northeast instrument approach zone established by this ordinance in such a manner as to create electrical interference with radio communication between the airport and aircraft; make it difficult for flyers to distinguish between airport lights and others; result in glare in the eyes of flyers using the airport; impair visibility

in the vicinity of the airport or otherwise endanger the landing, taking off, or maneuvering of aircraft.

6. Nonconformities.

A. Regulations not Retroactive - The regulations prescribed by this resolution shall not be construed to require the removal, lowering or other changes or alteration of any structure or tree not conforming to the regulations as of the effective date of this resolution, or otherwise interfere with the continuance of any non-conforming use. Nothing herein contained shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this resolution, and is diligently prosecuted.

B. Marking and Lighting - Notwithstanding the preceding provision of this section, the owner of any nonconforming structure or tree is hereby required to permit the installation, operation and maintenance thereon of such markers and lights as shall be deemed necessary by the Airport Authority of the City of Naples to indicate to the operator of aircraft in the vicinity of the airport the presence of such airport hazards. Such markers and lights shall be installed, operated and maintained at the expense of the Authority.

7. Permits.

A. Future Uses - Except as specifically provided herein no material change shall be made in the use of land and no structure or tree shall be erected, altered, planted or otherwise established in any zone hereby created unless a permit therefor shall have been applied for and granted. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to be determined whether the resulting use, structure or tree would conform to the regulations herein prescribed. If such determination is in the affirmative, the permit shall be granted.

(1) In the area lying within the limits of the horizontal zone and the conical zone, no permit shall be required for any tree or structure less than 125 feet of vertical height above the ground.

(2) In the areas lying within the limits of the instrument and VFR approach zones but at a horizontal distance of not less than 3,000 feet from each end of the runways, no permit shall be required for any tree or structure less than fifty (50) feet of vertical height above the ground.

(3) In the areas lying within the limits of the transition zones beyond the perimeter of the horizontal zone, no permit shall be required for any tree or structure less than 150 feet of vertical height above the ground. Nothing contained in any of the foregoing exceptions shall be construed as permitting or intending to permit

(any construction, alteration or growth of any structure or tree in excess of any of the height limits established by this Ordinance except as set forth in Section 8.

B. Existing Uses - No permit shall be granted that would allow the establishment or creation of an airport hazard or permit a nonconforming use, structure, or tree to be made or become higher, or become a greater hazard to air navigation than it was on the effective date of this amendment or any amendments thereto or than it is when the application for a permit is made. Except as indicated, all applications for such a permit shall be granted.

Section 11. SPECIAL DISTRICT FOR (GH) GROUP HOUSING.

1. Intent and Purpose: This section is intended to apply as an overlay district for areas zoned residential at the time of application for GH where flexibility in lot size, set-back and height will provide for a better siting of structures, produce more usable open space, produce innovation in design and construction than might otherwise result under the standards of the district to which it is applied. This shall be done through an adopted plan of development set out in 4. No "GH" zoning classification shall effect an increase in the number of dwelling units allowed by the base zoning classification.

2. Establishment of Zoning Classification. A zoning classification, to be known as the Group Housing overlay district, and to be denominated on the Official Zoning Atlas by the symbol "GH" in conjunction with the basic residential symbol, is hereby established. Lands are zoned to GH classification or removed from that designation by the process of amendment to this zoning amendment as for other zoning classifications.

3. Uses Permitted: The "GH" classification allows those permitted or provisional uses of the basic zoning classification of the specific parcel, provided that in RS district lands with "GH" overlay may include cluster and town houses in the "GH" development.

4. Procedure and Approval:

A. General: Should a parcel of land carry a "GH" overlay district designation at the time of the adoption of the regulations, approval of a development plan in accordance with Section 29 is required prior to beginning any construction. An applicant having land that does not have a GH overlay designation and desiring to develop a group housing project must submit his development plan as a part of his application for rezoning.

5. Standards for Development Plan:

A. Group housing consists of two (2) or more structures of the type permitted in the basic residential zoning classification, subject to Section 11.3 above.

D. Land area for a development plan under GH overlay designation shall not be less than three (3) acres.

C. The parcel of land is not subdivided into the customary streets and lots, and will not be so subdivided, or where the existing or contemplated street and lot layout make it impractical to apply the requirements of this regulation to the individual dwellings and structures in such group development.

D. All yard requirements for any accessory structures must be observed.

E. Yards, distances between structures and other dimensional standards are satisfactory to carry out the intent of and spirit of the Zoning Ordinance, such standards to be specified by the applicant and approved by the County Commission, upon recommendation of the Planning Commission, if such standards are less than are required elsewhere in the same residential zoning district.

F. District regulations applicable in the basic zoning designation to other matters than those set out above shall be observed in the development plan.

G. The standards and requirements of Section 39.8 of this Zoning Ordinance shall apply to the development plan.

6. Effect of Development Plan Approval. No building permit or certificate of occupancy shall be issued except in conformity with the approved development plan.

Section 12.. SPECIAL REGULATIONS FOR WATERFRONT YARDS.

1. Intent and Purpose. Where in the schedule of district regulations reference is made to this section for construction of development in waterfront yards otherwise required in the zoning district concerned, the following regulations shall apply. It is the intent and purpose of this section to permit the placement of principal buildings at the bulkhead line or shoreline where such placement at the water's edge can enhance the character of waterfront development without detriment to adjoining or nearby properties or without damage to a particular environmental situation. The provisions of this section have their greatest potential application in planning for the use of tidewater islands or areas of the County of such size and location that the use of this provision will meet its intent and purpose. If the provisions of this section are met, such provisions govern regardless of any requirement for waterfront yards in the district involved.

2. Site and Development Plan Required. Before a building may be constructed under the terms of this Section, approval of a site and development plan is required as set out in Section 39.8 of this ordinance.

3. Classification of Waterfront Lands and Building Location. Buildings may not be erected waterward under this section beyond the following limits for the situations outlined:

A. For waterfront lands along which a bulkhead line has been established, buildings may be erected out to but not beyond the bulkhead line.

B. For waterfront lands along which an off-shore building limit line has been established by the Board, buildings may be erected out to but not beyond the building limit line.

C. For waterfront lands along which neither a bulkhead nor a building limit line has been established, buildings may be erected out to but not beyond the shoreline, as that shoreline exists prior to construction.

4. Uses. Since this section applies only to the placement of buildings in waterfront yards, there shall be no use permitted under this section which is not permitted or permissible in the district involved. A building approved under this section, however, may be attached to or made an integral part of a boat house or

(dock, if such boat house or dock is permitted or permissible in the district involved.

5. Site and Development Plan. An applicant under this section shall submit a site and development plan as required by section 39.8 of this ordinance. In addition to the contents of such a plan as required by section 39.8 of this ordinance, the applicant shall submit such materials as will demonstrate that the placement of the proposed buildings in waterfront yards from which they would otherwise be excluded will not (1) adversely affect adjoining or nearby properties nor cause blocking of water view in any substantial degree from adjoining or nearby properties, and (2) that no adverse environmental effects will ensue as a result of building placement as requested.

6. Effect of Approved Site and Development Plan. No building permit or certificate of occupancy shall be issued under this section except in strict conformity with the terms and conditions of the approved site and development plan.

Section 13. SPECIAL PROVISIONS FOR HOUSING OF FARM LABOR.

1. Intent and Purpose. This section is intended to apply to those agricultural situations where housing is required for permanent or transient farm labor. Housing established under this section shall be used exclusively for that purpose and no other. It is intended that housing under this section shall be erected only in the A Agricultural District and only when such housing meets the requirements and procedures of this section. It is the intent of this section that housing for farm labor shall be in the nature of planned development, but with restrictions designed to meet the peculiar requirements of the farm labor market and the necessities of health, safety, and general welfare of the farm laborers and the general public.

2. Agriculture: Defined. For the purpose of this section, agriculture is defined as the cultivation of the soil, the production of crops, and the raising of livestock for the purpose of sale. The definition includes the accessory uses of packing, treating, or storing the produce raised on the premises, but shall not include facilities for processing agricultural commodities brought from off the premises unless such off-premises production is under the same ownership and control.

3. Site and Development Plan Required. No construction for the housing of farm labor shall be erected until a site and development plan has been approved as set out in this section and section 39.8 of this ordinance. Any application for development to house farm labor shall include the general data set out in section 39.8 and in addition the data required by this section 13. Upon the approval of a site and development plan, no building permit or certificate of occupancy shall be issued except in conformity with such approved site and development plan, and no use shall be made of farm labor housing subsequent to construction except in conformity with that approved site and development plan.

4. Farm Labor Committee. The peculiar problems created by the necessity for housing farm labor, and the particular problem of housing transient farm labor, require that special knowledge be brought to the matter of approving site and development plans for farm labor housing. Therefore, an advisory committee is hereby

established to consist of five (5) residents of the County knowledgeable in the problems of farm labor. The advisory committee shall be known as the Farm Labor Committee and shall be appointed by the Board to serve terms of 4 years. It shall be the responsibility of the Farm Labor Committee to serve in an advisory capacity to the Board and the Planning Commission in the following situations:

A. To review site and development plans submitted under this section and to determine that such plans meet the standards set out in this section and in section 39.8 of this ordinance in the context of farm labor housing;

B. From time to time recommend such changes as it may feel appropriate for changes in regulations relating to farm labor housing;

C. To send recommendations under paragraphs A and B above to the Planning Commission and to the Board;

D. To advise appropriate County officials and the Board on enforcement matters relating to farm labor housing.

5. Farm Labor Committee: Role in Approval of Site and Development Plans. Under section 13.4, A above, the Farm Labor Committee is required to review site and development plans submitted for farm labor housing. The Planning Commission shall take no action to approve or reject submitted plans until the recommendation of the Farm Labor Committee has been received; provided, the Planning Commission may act if such Farm Labor Committee recommendation has not been received within fifteen (15) days of the receipt of such site and development plans by the Farm Labor Committee.

6. Standards. In addition to the applicable requirements of section 39.8 of this ordinance, site and development plans for farm labor housing shall meet the following minimum standards:

A. Highway Setback. Farm labor housing shall be set back a minimum of one thousand (1,000) feet measured from the nearest point of construction to any State, Federal, or County Highway right-of-way line.

B. Minimum and Maximum Area. No on-site farm labor housing shall exceed in land area three (3) percent of the gross acreage of the agricultural operation. Off-site farm labor housing for laborers shall have a land area of not less than one acre nor more than ten (10) acres.

C. Utilities. All utilities must be installed as required by State and County regulations.

D. Layout: Generally. Any application for site and development plan approval shall show:

- (1) land area in acres;
- (2) street patterns, with provision for surfacing with a hard dustless material;
- (3) at least three hundred (300) square feet for each lot or dwelling unit for open space and recreation area;
- (4) the layout of building sites;
- (5) actual yard dimensions (not less than minimum) for periphery of site and for each lot;
- (6) size of units to be installed and specification of type;
- (7) utility locations, sizes, and types, and;
- (8) types of services to be provided.

E. Additional Standards for Concrete Block or Frame Dwellings. In addition to the materials of paragraph D above, an applicant for site and development plan approval shall show the following data where it is proposed to use concrete block or frame construction for farm labor housing:

- (1) for each structure, thirty (30) foot front yard, ten (10) foot side yard, and twenty (20) foot rear yard, with yards measured from street, building, or property lines and with all dwellings having at least the minimum separation between them;
- (2) for each dwelling unit, a minimum of one hundred twenty (120) square feet of living area for the first two (2) persons and an additional fifty (50) feet for each person thereafter for sleeping purposes only, provided other utilization of dwelling unit shall require square footage of living area to meet minimum housing standards of the State of Florida;
- (3) arrangements for a manager, resident and on duty on the premises; and
- (4) minimum lot size of six thousand (6,000) square feet with an average width of sixty (60) feet.

F. Additional Standards for Utilization of Mobile Homes and Travel Trailers. In addition to the materials of paragraph C above, an applicant for site development approval shall show the following data where it is proposed to use mobile homes and/or travel trailers for farm labor housing:

- (1) arrangements for a manager, resident and on duty on the premises;
- (2) no mixing or intermingling of mobile homes and conventional dwelling construction, provided, there must be at least a sixty (60) foot separation between mobile home and conventional dwelling complexes

where both types of dwelling unit utilization is proposed;

(3) within the mobile home complex, one building for service purposes only and not occupying more than two (2) percent of the gross area of the project may be erected; and

(4) each mobile home or travel trailer shall have at least one hundred twenty (120) square feet of living area for the first two (2) persons and fifty (50) additional square feet of living area for each person thereafter for the purpose of sleeping accommodations provided other utilization of the mobile home shall require square footage of living area to meet minimum housing standards of the state of Florida.

G. Special Provisions for Dormitory Housing.

In addition to the requirements of paragraph C above, mobile homes or travel trailers may be utilized for housing migrant labor in dormitory style arrangements provided:

(1) the area of land to be so utilized is one acre or more in area;

(2) at least three basic units are utilized--one for sleeping facilities, one for dining and recreation use, and one for utility purposes consisting of showers and toilet facilities;

(3) each sleeping unit shall have minimum dimensions of twelve (12) feet by sixty-five (65) feet with a maximum sleeping capacity of twelve (12) workers and with no mixing of the sexes;

(4) each cooking-dining-recreation unit shall have minimum dimensions of twelve (12) feet by sixty five (65) feet and accommodate no more than twenty four (24) laborers;

(5) each utility unit shall have minimum dimensions of twelve (12) feet by forty five (45) feet and accomodate not more than twenty four (24) laborers; and

(6) the peripheral boundaries of the complex must be landscaped and the interior surface of the complex must be surfaced with a hard dustless material.

Section 13 A. Special Regulations Restricting the Parking of Commercial and Major Recreational Equipment

1. Intent and Purpose: It is the intent and purpose of this section to allow residents within a subdivision in Collier County to prescribe stricter regulations governing the parking of commercial and/or major recreational equipment than is provided under the minimum requirements set forth in Section 7 and Section 8.

This district is intended to apply as an overlay district for areas or portions of areas which are zoned for residential uses.

The purpose of these regulations is to maintain the appearance and quality of the residential use in the manner in which it was originally platted, to reduce congestion, prevent overcrowding and the blocking of views and the free flow of air currents, and to maintain the lasting values and amenities of the neighborhood.

2. Establishment of Zoning Classification: A zoning classification, to be known as the Restricted Parking Overlay District, and to be denominated on the Official Zoning Atlas by the symbol, "RP" in conjunction with the basic residential symbol, is hereby established.

3. Upon petition to the Board of County Commissioners signed by a minimum of one hundred (100) or 50% of the property owners whichever is the lesser, in the proposed District, platted subdivision, or within a voting precinct comprising a homogenous zoning area, the Board of County Commissioners may revise the boundaries of the District and enact an implementing ordinance to become effective upon approval by a majority of the qualified electors residing within the District voting in the next general or special election held for other purposes within the District(s). The election permits a choice by the elector if in favor of or opposed to the following regulations as may be revised by the implementing ordinance:

A. House car, camp car, camper, house trailer, motor home, school and/or other buses. No house car, camp car, camper, house trailer, motor home, or any vehicle, by whatever name known, school and/or other bus, designated or adaptable for human habitation, whether such vehicle moves by its own power or by power supplied by a separate unit, shall be kept or parked on premises zoned for residential purposes within the County nor on public rights-of-way of said zoned districts except when parked entirely within the confines of a garage, carport, or fully enclosed structure and cannot be seen from any abutting property or public way, provided, however, that such vehicles may be parked anywhere on residential premises for not to exceed twenty-four (24) hours during loading and unloading.

(1) The following exceptions may be granted by the Director upon application by the property owner.

(a) Resident: Such car, trailer, bus or motor home may, upon obtaining a permit from the Director by parked upon the premises of the resident for a period not exceeding three (3) days for the purpose of loading or unloading and/or cleaning and unloading prior to or after a trip. The permit for each period shall be affixed to the vehicle in a conspicuous place on the street side thereof.

The Director may for good cause shown, authorize the issuance of a second consecutive permit not to exceed three (3) days. An additional permit for the parking of such vehicle will not be issued until after such application has been reviewed and approved by the Board of County Commissioners.

(b) Non-Resident: Such car, trailer, bus or motor home, when used for transportation of visitors to this County to visit friends or members of the visitors' family residing in this County may upon obtaining a permit from the Director be parked upon the premises of the visited family for a period not exceeding ten (10) days. The permit shall be affixed to the vehicle in a conspicuous place on the street side thereof. The director may, for good cause shown, authorize the issuance of a second consecutive permit not to exceed ten (10) days. An additional permit for the parking of such vehicle will not be issued until after the application has been reviewed and approved by the Board of County Commissioners.

4. Passenger Vehicles Containing Commercial Advertising

A. Parking of passenger vehicles with commercial advertising signs, which are written directly on the finished surface of the passenger vehicle or attached in such a manner so as not to protrude more than one (1") inch from the finished surface of the passenger vehicle, setting forth the name of the business, its address, business telephone number and type of business e.g. , realtor, painter, etc. thereon in residential areas outside the confines of a garage or carport is permitted so long as the home (residential) address is not shown thereon.

B. All passenger vehicles having commercial advertising signs not conforming to the requirements set forth in Paragraph A. above shall be prohibited.

5. Trucks, Trailers, School Buses and/or Other Commercial Vehicles: It shall be unlawful for any person to park, keep or store in or upon any property, public or private, in any

area of the County which is zoned residential, except as provided in Sub-section 3A. of this section, any truck exceeding a rated capacity in excess of one ton, trailer, school bus and/or other commercial vehicle, and any passenger-type vehicle, by whatever name designated, converted partially or completely from a passenger carrying vehicle to a vehicle for transporting goods or articles by removal of a seat or seats therefrom or by addition thereto, thereon or therein of a rack, crate or other carrier or holder for transporting good or articles, such as but not limited to ladders, wheelbarrows, tools, equipment, supplies or materials, if such vehicle so converted is used in or incident to the operation of a business.

A. Exceptions:

(1) The foregoing prohibition shall not apply in cases of licensed contractors or service establishments actually doing work on the premises, or in case of loading or unloading such vehicles, or to any such vehicle while it is being used for transportation for personal reasons of the operator of a temporary nature to and from the house, such as for noonday meals or to visit or serve an ill person.

(2) The parking or storage of such vehicles is within the confines of a garage, carport, or fully enclosed structure and cannot be seen from any abutting property or public way.

6. Boats and Boat Trailers: No boat or boat trailer shall be parked or stored on premises zoned for residential uses or on public rights-of-way of said zoned districts except when parked or stored entirely within the confines of a garage, carport, or fully enclosed or shielded structure and cannot be seen from any abutting property or public way.

A. Exceptions:

(1) A boat or boat trailer may be parked on the owner's premises, in the open, on a temporary basis not to exceed eight (8) hours for the purpose of loading and/or cleaning an unloading prior to or after an outing.

(2) An empty boat trailer may be parked at a launching site during the period of time that the boat is launched therefrom for a single voyage and while in the process of loading or unloading the boat and/or trailer.

(3) Boats on davits or cradles adjacent to waterways or birthed at approved docks and/or piers.

7. Hotel, and Motel Parking Provisions: Hotels and motels are considered as business-like enterprises, therefore, recreational vehicles, trucks, trailers, buses and/or other commercial and industrial vehicles, listed herein of bona

fide residents thereof, transients or otherwise may be parked on the premises of such facilities. Such vehicles shall not be parked in streets, alleys or other rights-of-way within the residential district.

8. General Exceptions: The provisions of this paragraph shall not apply to vehicles parked on the premises of churches, clinics, schools, public libraries, public buildings, public and club swimming pools, private clubs, golf courses, utilities, hotels and motels and parks and recreational areas, while the persons transported thereby are attending or participating in activities or being treated or served thereat, nor to buses, trucks or trailers parked at any time in a space prepared or designated therefore on said premises, if such vehicles are used or operated by or for the operation of the places or institutions designated, except that such vehicles cannot be used for residential occupancy.

Section 14. PROVISIONAL USES

1. Petitions for provisional uses, as defined in section 3 of this zoning ordinance, shall be considered first by the Planning Commission in the manner herein set out.

A. Written Petition. A written petition for provisional use shall be submitted through the Director indicating the basis in this zoning ordinance under which the provisional use is sought and stating the grounds upon which it is requested, with particular reference to the types of findings which the Board must make under section 14.1 (d) below. The petition should include material necessary to demonstrate that the grant of provisional use will be in harmony with the general intent and purpose of this zoning ordinance, will not be injurious to the neighborhood or to adjoining properties, or otherwise detrimental to the public welfare. Such material may include, but is not limited to the following, where applicable:

(1) site and development plans at an appropriate scale showing proposed placement of structures on the property; provisions for ingress and egress, offstreet parking and offstreet loading areas, refuse and service areas; and required yards and other open spaces;

(2) plans showing proposed locations for utilities hook-up;

(3) plans for screening and buffering with reference as to type, dimensions, and character;

(4) proposed landscaping and provisions for trees protected by County regulations; and

(5) proposed signs and lighting, including type, dimensions, and character. Where this zoning ordinance places additional requirements on specific provisional uses, the petition should demonstrate that such requirements are met.

B. Public Hearing. A public hearing shall be held by the Planning Commission. Any party may appear personally or by agent or attorney.

C. Notice of Public Hearing. Notice of public hearing shall be given at least fifteen (15) days in advance of the public hearing. The owner of the property for which provisional use is sought or his agent or attorney designated by him on his petition shall be notified by mail. Notice of the public hearing shall be prominently posted on the property for which provisional use is sought. Notice of the public hearing shall be advertised in a newspaper of general circulation in the

County at least one time at least fifteen (15) days prior to the public hearing. Notice shall be given by mail to all owners of property within three hundred (300) feet of the boundary lines of the property for which provisional use is requested; provided, however, that where the petitioner is the owner of land not included in the petitioner's petition and such land that is not included in the petition is a part of or adjoins the parcel for which the request is made, the three hundred (300) foot requirement shall be measured from the boundaries of the applicant's ownership, including the land not covered by petitioner's petition. For purposes of this provision, owners of adjacent or nearby properties within the distance set out shall be deemed those whose names appear on the latest available tax rolls of the County.

D. Findings. Before any provisional use shall be recommended for approval to the Board, the Planning Commission shall make a written finding that the granting of the provisional use will not adversely affect the the public interest and certifying that the specific requirements governing the individual provisional use, if any, have been met by the petitioner and that, further, satisfactory provision and arrangement has been made concerning the following matters, where applicable:

- (1) Compliance with all elements of the Comprehensive Plan;
- (2) Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe;
- (3) Offstreet parking and loading areas, where required, with particular attention to the items in (2) above and economic, noise, glare, or odor effects of the special exception on adjoining properties and properties generally in the district;
- (4) Refuse and service areas, with particular reference to the items in (2) and (3) above;
- (5) Utilities, with reference to locations, availability, and compatibility;
- (6) Screening and buffering with reference to type, dimensions and character;
- (7) Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effects, and compatibility and harmony with properties in the district;
- (8) Required yards and other open space;
- (9) General compatibility with adjacent properties and other property in the district;
- (10) Any special requirements set out in the Schedule of District Regulations for the particular use involved.

E. Conditions and Safeguards. In recommending approval of any provisional use, the Planning Commission may also recommend appropriate conditions and safeguards in conformity with this zoning ordinance. Violation of such conditions and safeguards, which made a part of the terms under which the provisional use is granted, shall be deemed a violation of this zoning ordinance.

Any provisional use shall expire six (6) months from the date of grant, unless extended by action of the Board, if by that date the use for which the provisional use was granted has not been commenced; and a provisional use shall expire six (6) months following the discontinuance of the use for which the provisional use was granted if the use has not then been recommenced.

F. Denial. If the Planning Commission shall recommend denial of a provisional use, it shall state fully in its record its reasons for doing so. Such reasons shall take into account the factors stated in section 14.1 (D) above, or such of them as may be applicable to the action of denial, and the particular regulations relating to the specific provisional use requested, if any.

2. Status of Planning Commission Report and Recommendations. The report and recommendations of the Planning Commission required above shall be advisory only and shall not be binding upon the Board of County Commissioners.

3. Board: Action on Planning Commission Report. Upon receipt of the Planning Commission's report and recommendations, the Board shall hold a second public hearing with notice to be given as set out in section 14.1 (B & C) above.

4. Failure of Board to Act. If a Planning Commission recommendation is not decided within ninety (90) days of the date of closing of the public hearing by the Board, the petition upon which the report and recommendation is based shall be deemed to have been denied, provided, the Board may refer the petition to the Planning Commission for further study.

5. Provisional Uses For School, Religious Or Eleemosynary Purposes: A use which has been approved by the Board of County Commissioners for school, religious or eleemosynary purposes shall be exempt from the provisions of Section 14; if found by the Board of County Commissioners to comply with Section 39.8 and all other zoning requirements of law.

Section 15, NON-CONFORMING LOTS, NON-CONFORMING USES OF LAND OR WATER, NON-CONFORMING STRUCTURES, NON-CONFORMING USES OF STRUCTURES AND PREMISES, AND NON-CONFORMING CHARACTERISTICS OF USES

1. Intent: Within the districts established by this zoning ordinance or amendments that may later be adopted there may exist lots, structures, uses of land or water and structure and, characteristics of use which were lawful before this ordinance was adopted or amended, but which would be prohibited, regulated, or restricted under the terms of this zoning ordinance or future amendments. It is the intent of this zoning ordinance to permit these non-conformities to continue until they are voluntarily removed or removed as required by this zoning ordinance, but not to encourage their survival. It is further the intent of this zoning ordinance that non-conformities shall not be enlarged upon, expanded, intensified, or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

Non-conforming uses are declared by this ordinance to be incompatible with permitted uses in the districts involved. It is the intent of this zoning ordinance to prohibit enlargement, expansion or extension of non-conformities; the existence of non-conformities shall not be used as grounds for adding other structures or uses prohibited elsewhere in a zoning district. A non-conforming use of a structure, a non-conforming use of land or water, or a non-conforming use of a structure and land or water in combination shall not be enlarged or extended after the effective date of adoption or amendment of this zoning ordinance by attachment on a structure or premises of additional signs intended to be read from off the premises, or by the addition of other uses of a nature which would be prohibited generally in the district involved.

To avoid undue hardship, nothing in this zoning ordinance shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this zoning ordinance and upon which actual building construction has been carried on without interruption, except for just cause.

Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where excavation or demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such excavation, demolition, or removal shall be deemed to be actual construction, provided that work shall be carried on without interruption, except for just cause, until the completion of the new construction involved.

2. Non-Conforming Lots of Record: In any district in which single family dwellings are permitted, a single family dwelling and customary accessory buildings may be erected, expanded, or altered on any single lot record at the effective date of this zoning ordinance, notwithstanding limitations imposed by other provisions of this ordinance. This provision shall apply even though such lot fails to meet the requirements for lot area or lot width, or both, that are generally applicable in the district, provided that yard dimensions and other requirements other than those applying to lot area or lot width, or both of the lot shall conform to the regulations for the district in which such lot is located. Variance of yard requirements shall be obtained only through appeal from the Director to the Board of Zoning Appeals.

In any multi-family or RT district, multi-family dwellings or transit units and their customary accessory buildings may be erected, expanded or altered on any single lot or record at limitations imposed by other provisions of this ordinance. This provision shall apply even though such lot fails to meet dimensions and other requirements other than those applying to lot area or lot width or both, of the lot shall conform to the regulations for the district in which such lot is located. Variance of yard requirements shall be obtained only through appeal from the Director to the Board of Zoning Appeals.

3. Non-Conforming Uses of Lands or Waters (Or Land With Minor Structures Only) : Where, at the effective date of adoption or amendment of this zoning ordinance, lawful use of lands or waters exists which would be permitted under this zoning ordinance, and where such use involves no individual permanently-fixed structure with a replacement cost exceeding \$1,000 and no combination of permanently-fixed structures with a combined replacement cost exceeding \$4,000, the use may be continued, so long as it remains otherwise lawful, provided:

A. Enlargement, Increase, Intensification, Alteration: Non such non-conforming use shall be enlarged, intensified, increased, or extended to occupy a greater area of land or water than was occupied at the effective date of adoption or amendment of this zoning ordinance.

B. Movement: Non such non-conforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption or amendment of this zoning ordinance.

C. Discontinuance: If any such non-conforming use ceases for any reason (except when governmental action impedes access to the premises) for a period of more than ninety (90) consecutive days, any subsequent use

of land shall conform to the regulations specified by this zoning ordinance for the district in which such land is located.

D. Subdivision or Structural Additions: No land in non-conforming use shall be subdivided, nor shall any structures be added on such land except for the purposes and in a manner conforming to the regulations for the district in which such land is located; provided, however, that subdivision may be made which does not increase the degree of non-conformity of the use.

E. Cessation of Non-Conforming Uses of Lands or Waters (Or Lands with Minor Structures Only): In all residential districts, the non-conforming use of lands or waters, or lands with minor structures only, as defined in Section 15.3 above, is hereby declared to be a public nuisance and shall be discontinued not later than two (2) years from the effective date of adoption or amendment of these zoning regulations.

F. Non-Conformities not Involving the Use of a Principal Structure: Non-conformities not involving the use of a principal structure, including but not limited to, open storage, building supplies, vehicles, mobile homes, trailers, implement and machinery storage, junk yard, commercial animal yards and the like, shall be discontinued within one (1) year of the effective date of this ordinance or amendment.

4. Non-Conforming Structures: Where a structure exists lawfully under this zoning ordinance at the effective date of its adoption or amendment that could not be build under this zoning ordinance by reason of restrictions on lot area, lot coverage, height, yards, location on the lot, or requirements other than use concerning the structure, such structure may be continued so long as it remain otherwise lawful, subject to the following provisions:

A. Non such non-conforming structure may be enlarged or altered in a way which increases its non-conformity, but any structure or portion thereof may be altered to decrease its non-conformity;

B. Should such non-conforming structure or non-conforming portion of structure be destroyed by any means to an extent of more than fifty (50) percent of its assessed value at time of destruction, it shall not be reconstructed except in conformity with the provisions of this zoning ordinance.

C. Should such structure be moved for any reason for any distance whatever, other than as a result of governmental action, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

5. Non-Conforming Use of Major Structures, or of Major Structures and Premises in Combination: Where, at the effective date of adoption or amendment of this zoning ordinance, lawful use of structures, or of structures and premises in combination exists involving an individual, permanently-fixed structure with a replacement cost at or exceeding \$1,000 or a combination of permanently-fixed structures with a replacement cost at or exceeding \$4,000, such use may be continued so long as it remains otherwise lawful provided:

A. Enlargement, Extension, Alteration, etc. of Structure: Non existing structure devoted to a use not permitted by this zoning ordinance in the district in which such use is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered, except in changing the use of the structure to a use permitted in the district in which it is located.

B. Extension of Use in Building Manifestly Designed for Such Use: Any non-conforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the effective date of adoption or amendment of this zoning ordinance. Any non-conforming use which occupied a portion of a building not originally designed or intended for such use shall not be extended to any other part of the building. No non-conforming use shall be extended to occupy any land outside the building, nor any additional building on the same lot or parcel, not used for such non-conforming use at the effective date of adoption or amendment of this zoning ordinance.

C. Change in Tenancy or Ownership: There may be a change in tenancy, ownership, or management of a non-conforming use provided there is no change in the nature or character of such non-conforming use.

D. Change in Use: If no structural alterations are made, any non-conforming use of a structure, or of a structure and premises in combination may be changed to another non-conforming use of the same character, or to a more restricted but non-conforming use, provided the Board of Zoning Appeals, upon application to the Director, shall find after public notice and hearing that the proposed use is equal or more appropriate

to the district than the existing non-conforming use and that the relation of the structure to surrounding properties will not be greater than if the existing non-conforming use is continued. In permitting such change, the Board of Zoning Appeals may require appropriate conditions and safeguards in accordance with the intent and purpose of this zoning ordinance (See also Section 41).

E. Change to Conforming Use Requires Future Conformity with District Regulations. Any structure, or structure and premises in combination, in or on which a non-conforming use is superseded by a permitted use shall thereafter conform to the regulations for the district in which such structure is located, and the non-conforming use shall not thereafter be resumed nor shall any other non-conforming use be permitted.

F. Discontinuance. If any non-conforming use of a structure, or structure and premises in combination, is abandoned, discontinued, or ceases for any reason (except when governmental action impedes access to the premises) for a period of six (6) consecutive months or for a period of eighteen (18) months during any three (3) year period, the structure, or structure and premises in combination, shall not thereafter be used except in conformity with the regulations of the district in which it is located.

G. Subdivision or Structural Additions. Premises of major structures (having values as indicated in Section 15.5 above), where such major structures are used for non-conforming purposes as of the effective date of adoption or amendment of this zoning ordinance, shall not be subdivided, nor shall any structures be added on such premises, except for purposes and in a manner conforming to the regulations for the district in which such premises are located.

H. Destruction of Major Structure or Structures. Where non-conforming use status applies to a major structure or structures, or to a major structure or structures and premises in combination, removal or destruction of the structure or structures shall eliminate the non-conforming status of the land. "Destruction" of the structure for purposes of this sub-section is hereby defined as damage to an extent of more than fifty (50) percent of the assessed value at the time of destruction. Upon removal or destruction as set out in this paragraph, the use of land and structures shall thereafter conform to the regulations for the district in which such land is located.

I. Non-Conforming Uses in Residential Districts Involving Major Buildings Designed for a Permitted Use. In

all residential districts, all non-conforming uses of part or all of major buildings (as defined in Section 15.5 above), which buildings were originally designed and intended for any use which is permitted in the residential district in which the building is located, shall be terminated or made to conform with the regulations of the district in which the building is located within five (5) years from the date such use became non-conforming under this zoning ordinance.

J. Non-Conforming Uses in Residential District Involving Major Buildings Not Designed for a Permitted Use.

In all residential districts, any building, all or substantially all of which is designed, arranged, or intended for a use permitted in commercial or industrial districts under this zoning ordinance shall be removed or it shall be altered and converted to a building designed for a use permitted in the residential district in which it is located within six (6) months after the termination of the periods set out in this subsection. The starting date for the measurement of the time period is the date of the original construction of the building. The periods of time herein set out are declared to constitute the reasonable amortization period of the normal, useful life of each class of building and type of construction above the foundations, said types of construction being as defined and specified in the Building Code of Collier County.

Type I	Fireproof Construction	40 years
Type II	Fire-Resistive Construction	30 years
Type III	Heavy Timber Construction	25 years
Type IV	Non-Combustible Frame Construction	25 years
Type V	Ordinary Construction	20 years
Type VI	Wood Frame Construction	10 years

K. Effect of Remodeling or Addition Prior to Date Major Building Covered Under Section 15.5 (J) Became Non-Conforming. If, prior to the effective date of these zoning regulations or their amendment, substantially all of a building designed and utilized for a use which is not permitted in the district in which it is located has been remodeled, or if an addition at least equal in size or valuation has been attached thereto,

then for the purpose of applying Section 15.5 (J) of this zoning ordinance, the date of issuance for the building permit therefore shall be taken to be the date of issuance of the building permit for such remodeling or addition.

L. Exemptions. No non-conforming religious or educational institution or non-conforming residential use or building shall be subject to the termination provisions of Section 15.5 (J).

6. Non-Conforming Characteristics of Use. If characteristics of use, such as signs, off-street parking or off-street loading, or other matters pertaining to the use of land, structures, and premises are made non-conforming by these zoning regulations as adopted or amended, no change shall thereafter be made in such characteristics of use which increases non-conformity with the regulations set out in these zoning regulations; provided, however, that changes may be made which do not increase, or which decrease, such non-conformity; and provided further, that in all residential districts, non-conforming signs shall be removed within one year of the effective date of adoption or amendment of this zoning ordinance or that within the period of one year such signs shall be made to conform to the regulations of the district in which they are located.

7. Repairs and Maintenance. On any non-conforming structure or portion of a structure and on any structure containing a non-conforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring, or plumbing to an extent not exceeding twenty (20) percent of the current assessed valuation of the structure (or of the non-conforming portion of the structure if a non-conforming portion of a structure is involved), provided that the cubic content of the structure existing at the date it becomes non-conforming shall not be increased.

8. Non-Conforming Structures Unsafe Because of Lack of Maintenance. If a non-conforming structure or portion of a structure, or any structure containing a non-conforming use, becomes physically unsafe or unlawful due to lack of repairs or maintenance, and is declared by the duly authorized official of the County to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired, or rebuilt except in conformity with the regulations of the district in which it is located.

9. Non-Conforming Structures Unsafe for Reasons Other Than Lack of Maintenance. If a non-conforming structure or portion of a structure, or any structure containing a non-conforming use, becomes physically unsafe or unlawful for reasons other than lack of repairs or maintenance, nothing contained herein shall be deemed to prevent the strengthening or restoring to a safe condition of such building or part thereof declared to unsafe by the authorized official of the County charged with protecting the public safety; provided, however, that where such unsafeness or unlawfulness is the result of damage from destruction, the percentage of damage limitations set out in Section 15.4 (B) or 15.5 (H), as the case may be, shall apply.

10. Structures Conforming as to Use and Location. Where a structure is conforming as to location and use, nothing in this zoning ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of such structure or part thereof declared to be unsafe by the building official of the County charged with protecting the public safety.

11. Casual, Temporary, or Illegal Use. The casual, temporary, or illegal use of land or structures, or land and structures in combination, shall not be sufficient to establish the existence of a non-conforming use or to create rights in the continuance of such use.

12. Uses Under Provisional Use Provisions Not Non-Conforming Uses. Any use which is permissible as a provisional use in a district under the terms of this zoning ordinance shall not be deemed a non-conforming use in such district, but shall without further action be deemed a conforming use in such district.

Section 16. TEMPORARY USE PERMITS.

1. General. Certain uses are temporary in character. They vary in type and degree, as well as in length of time involved. Such uses may have little impact on surrounding and nearby properties or they may present serious questions involving potential incompatibility of the temporary use with existing and projected permitted or permissible uses. It is the intent of this zoning ordinance to classify temporary uses and to provide for permitting, administration, and control of such uses according to the several classifications herein set out. Unless otherwise specified in this zoning ordinance, this section governs temporary uses.

2. Temporary Construction and Development Permits:

In the case of real estate development projects in any zoning district, the developer may request a Temporary Use Permit for a period not to exceed 12 months to allow promotional, storage and fabrication activities which are needed during construction and sale of the project. The following uses may be permitted under the terms of such a temporary permit:

- A. Temporary on premises-Real Estate Sale Offices
- B. Equipment and Construction Materials, storage, processing and Fabrication Facilities.
- C. Temporary office space for persons engaged in the development.
- D. Temporary signs, in conformity with all current sign regulations.
- E. Mobile Radio or Television Equipment and Antennae.
- F. Temporary Mobile Home as office or storage but not for residency other than for a watchman or caretaker.
- G. Temporary structures and equipment for road building, public utility construction, and public government projects.

Applicants for the temporary use permit shall submit plans to the Director indicating the area in which the temporary use permit is to apply, the nature of the use and activities requested and time period requested.

The Director may grant or deny a temporary construction and development use permit and in addition, may also stipulate:

- A. Traffic Safety Measures
- B. Additional Parking Requirements
- C. Limited Activity Hours
- D. Additional Landscaping for temporary permit areas
- E. Additional on premise safeguards, which may include

but not limited to:

- (1) Watchman

- (2) Fencing
- (3) Lighting
- (4) Sanitary Measures

F. A faithful performance bound to guarantee compliance with the conditions of the permit.

G. Upon the termination of the first one year permit period, application must be filed for an extension of the permit stating the reason for extension and the time required. The Director may extend the permit, on a year to year basis or less, for the development life of the project. Such extension may be made subject to the stipulations of the previous permit or may be amended as determined necessary by the Director.

If the temporary use is not discontinued upon expiration of the permit, it shall be deemed a violation of the Zoning Ordinance and shall be subject to the penalties therein.

3. Temporary Sales and Sports Events: In the case of temporary sales such as Christmas tree sales, grand openings, going out of business sales (exclusive of garage sales, lawn sales and similar private home sales), special promotional sales, and sports events, the director may grant a non-renewable two-week permit for such events and may include the placement of temporary signs, merchandise, temporary structures and equipment, and temporary mobile home as office, but not for residency.

In making such approval, the Director may stipulate the following requirements as he deems appropriate to the case:

- A. Traffic Safety Measures
- B. Additional Parking Requirements
- C. Limited Activity Hours
- D. Watchman, Fencing, Lighting
- E. Sanitary Facilities

F. A faithful performance bond to guarantee compliance with the conditions of the permit.

If the temporary use is not discontinued upon expiration of the permit, it shall be deemed a violation of the Zoning Ordinance and shall be subject to the penalties therein.

Section 17. RELATION TO STATE AND FEDERAL STATUTES

A. Required State and/or Federal Permits: Where proposed use or development requires State or Federal permits prior to use or development from State or Federal agencies, such permits must be secured prior to commencement of any construction and/or development, including any changes in land conformation or land preparation.

B. Development of Regional Impact: Where a proposed use or development falls within the provisions of Chapter 380.06, Florida Statutes a development of regional impact is required by State law and administrative rule.

C. Big Cypress Area of Critical State Concern: Any use or development within the Big Cypress Area of Critical State Concern shall meet all of the requirements of Section 22F-3 Florida Administrative Code prior to the issuance of any required County Permits and commencement of construction or development.

Section 18. OFFSTREET PARKING AND OFFSTREET LOADING.

1. Intent. It is the intent of this zoning ordinance that the public health, safety, comfort, order, appearance, convenience, morals, interest, and general welfare require that every building and use erected or instituted after the effective date of this zoning ordinance shall be provided with adequate offstreet parking facilities for the use of occupants, employees, visitors, customers, or patrons. It is also the intent of this zoning ordinance that certain uses must provide adequate offstreet loading facilities. Such offstreet parking and offstreet loading facilities shall be maintained and continued so long as the main use continues. (For definitions of "parking space, offstreet" and "loading space, offstreet" see Definitions Section.)

2. General. Offstreet parking and offstreet loading facilities shall be provided as set out in this zoning ordinance. Conforming buildings and uses existing as of the effective date of this zoning ordinance may be modernized, altered, or repaired without providing additional offstreet parking or offstreet loading facilities, providing there is no increase in floor area or capacity or change in use which would require additional offstreet parking.

Where a conforming building or use existed as of the effective date of this zoning ordinance and such building or use is enlarged in floor area, volume, capacity, or space occupied, offstreet parking and offstreet loading as specified in this zoning ordinance shall be provided for the additional floor area, volume, capacity, or space so created or used.

Where a use and building existed at the effective date of this zoning ordinance and the use is changed after the effective date of this ordinance and where this ordinance requires such later and changed use to have greater required offstreet parking, then additional offstreet parking shall be provided for the later and changed use to the extent of the difference between the later use and the prior use and as though both uses had been subject to this ordinance.

3. Offstreet Parking Facilities: Identification, Surfacing, Drainage, Lighting, Access. Required offstreet parking facilities shall be:

A. Identified as to purpose and location when not clearly evident;

B. Where five (5) or more spaces are required, surfaced with asphalt, bituminous, or concrete material and maintained in smooth, dustless, and well graded condition

(driveways, access aisles, and offstreet parking spaces for houses of worship and public and private schools offering academic courses may be surfaced with grass or lawn). This paragraph does not apply in agricultural and estate districts;

C. Drained and sloped so as not to cause any nuisance to adjacent property or to public property or rights of way;

D. So lighted, if lighted, as to shield streets and all adjacent properties from direct glare, excessive light, and hazardous interference with automotive and pedestrian traffic;

E. Arranged for convenient and safe access of pedestrians and vehicles.

4. Offstreet Parking: Location

A. The required offstreet parking facilities shall be located on the same lot or parcel they serve or may be located on a contiguous lot in the same ownership and not separated by a street, with the permitted use of the contiguous lot permitting the same use as the lot on which the principal structure is located and provided interior property lines between the lots are vacated in accord with the Collier County Land Development Regulations.

B. Each offstreet parking space must be directly accessible from a street, alley, or other public right of way or accessible by an adequate access aisle or driveway leading to or from a street, alley, or other public right of way. Except for single and two family dwellings, all offstreet parking facilities must be so arranged that no automobile shall have to back onto any street. No entrance or exit to a required offstreet parking area shall be closer than ten (10) feet to a street intersection.

5. Offstreet Parking: Plans Required. A plan shall be submitted with every application for a building permit for any building or use that is required to provide offstreet parking. The plan shall accurately designate the required parking spaces, other spaces in excess of requirements, access aisles, and driveways, relation of the offstreet parking facilities to the uses or structures such facilities are designed to serve, and relation to the streets into which the automotive vehicles of the parking area will be discharged.

6. Offstreet Parking: Mixed Uses. Where several types of uses are to be located in a single building, or where several types of uses are to be located in two (2) or more buildings on a site under single ownership or management, the computation or required offstreet parking spaces shall be the total of the several uses computed separately.

7. No part of an offstreet parking area required for any building or use shall be included as a part of an offstreet parking area similarly required for another building or use unless the Planning Commission recommends and the Board finds that the type of use indicates that the period of usage will not overlap or be concurrent with each other.

8. Offstreet Parking: Uses Not Specifically Mentioned. Requirements for offstreet parking for uses not specifically mentioned in this ordinance shall be the same as for the use most similar to the one sought, it being the intent of this zoning ordinance to require all uses to provide offstreet parking, unless specific provision is made to the contrary.

9. Offstreet Parking: Fractional Measurements. When units or measurements determining number of required offstreet parking spaces result in a requirement of a fractional space, then such fraction equal or greater than one half ($\frac{1}{2}$) shall require a full offstreet parking space.

10. Offstreet Parking: Measurement. Where this zoning ordinance requires offstreet parking based on various types of measurements, the following rules shall apply:

A. Floor area means, for the purposes of this subsection only, the gross floor area inside the exterior walls, unless otherwise specifically indicated;

B. In hospitals, bassinets do not count as beds;

C. In stadiums, sports arenas, houses of worship, and other places of public assembly where occupants utilize benches, pews, or other similar seating arrangements, each twenty-four (24) lineal inches of such seating facilities counts as one seat;

D. Requirements based on number of employees or persons employed or working in an establishment must be clearly marked and reserved for the use of such employees or workers. When the number of employees increases after the building or structure is occupied, then the amount of offstreet parking provided must be increased in ratio to the increase of the number of employees.

11. Offstreet Parking: Minimum Requirement. Irrespective of any other requirement of this zoning ordinance, each and every separate individual store, office, or other business shall be provided with at least one offstreet parking space, unless specific provision is made to the contrary.

12. Offstreet Parking: Encroachments Prohibited. Required offstreet parking spaces shall be so located that no automotive vehicle when parked shall have any portion of such vehicle overhanging or encroaching on public right of way or the property of another. If necessary, wheel stops

or barriers may be required in order to enforce this provision.

13. Offstreet Parking: Reservation. Areas reserved for required offstreet parking according with the requirements of this ordinance shall not be reduced in area or changed to any other use unless the permitted or permissible use that it serves is discontinued or modified, or equivalent required offstreet parking is provided meeting the requirements of this ordinance.

14. Offstreet Parking: Non-Conforming Use. Where the required offstreet parking makes a use non-conforming, no major alteration, repair or extension of that use may take place until such time as additional parking is supplied which will make the total use in conformance with these requirements.

15. Offstreet Parking: Required Amounts. Offstreet parking requirements are as follows:

Single family dwelling:	One (1) space within the building setback line
RM-1, RM-1A Multiple Family Dwellings	Two (2) spaces per dwelling unit
RM-2 Multiple Family Dwelling	One and one-half (1½) spaces per dwelling unit
Town or Row house:	Two (2) spaces for each dwelling unit
Mobile Home Park, Sub-division:	See Section 13.28 & 13.29
Motel, hotel:	One and one half (1½) spaces per unit for the first one hundred (100) units plus one (1) space for each additional unit thereafter.
Hospitals:	Two (2) spaces per patient bed.
Nursing home, home for the aged, convalescent home:	One space per two (2) beds
House of worship:	One space for each two (2) seats in chapel or auditorium

Funeral home:

One space for each two (2) seats in rooms for services or chapel.

Stadium, Sports Arena, Theatre, or other place of public assembly other than those listed elsewhere:

One space for each three (3) seats, or one (1) space per forty (40) square feet of the gross floor area whichever is greater.

Elementary or Junior High School:

Two (2) spaces for each classroom or office room, plus one space for each 150 square feet of seating area (including aisles) in any auditorium, gymnasium, or cafeteria intended to be used as a place of assembly, but where seating is not permanently fixed. Permanently fixed seating shall be as for stadium, etc. above

Senior High School:

As for elementary and junior high schools except seven (7) spaces for each classroom or office room.

Medical, Dental Office:

One space for each doctor, nurse, or employee, plus two (2) spaces for each consultation, practice and/or examining room.

Other Professional or Business Office:

One (1) space per 150 square feet of gross floor area for the first 3,000 square feet and one (1) space for each additional 250 square feet of gross floor area above 3,000 square feet.

Restaurant (other than Drive-In), Bar, Night Club:

One space for each two (2) seats in public rooms, whether seating is fixed or moveable or one (1) space per seventy (70) square feet of the gross floor area whichever is greater.

Restaurants (Drive In),
Fast food service, etc.:

One (1) space per thirty (30) square feet of the gross floor area.

Agricultural Uses:

Unrestricted, except no off-street parking or loading shall be on public rights-of-way.

Child Care Center,
Day Nursery, Kindergarten:

Two (2) spaces for each employee plus adequate provision for loading and unloading children off the street during peak hours.

Private Clubs, or Lodges:

1 space for each four (4) lodging units.

Nurses' Home, Convent,
Monastery:

One space for each four (4) lodging units

Golf Courses

Provide four (4) parking spaces for each golf hole. Where restaurants bars, cocktail lounges and transient accommodations are made an integral part of a golf course enterprise then 50% of the spaces required for the golf course shall be credited to the parking requirements of such supplemental facilities.

Public Tennis or Handball
Courts

Two per court

Commercial or Membership
Racquet Clubs

Three (3) per court plus additional spaces as required for other uses.

Yacht Club

One space per slip. Where restaurants or private clubs are an integral part of the yacht club, then 50% of the spaces required for the slip may be credited to meet the parking requirements of such integral facilities.

Library, Community Center,
or Recreation Facility
(not otherwise listed)

One space for each 200 square feet of gross floor area, or one space for each three (3) seats, whichever is greater.

Marina	Two spaces for each 3 Boat slips or moorings
Dance, Art, Music Studio	One space for each 300 square feet of gross floor area.
Art Gallery or Museum	One space for each 250 square feet of floor area open to the public.
Retail Shops, stores, department stores, and other unlisted commercial uses	One (1) space per 250 square feet or any part thereof of the gross floor area for the first 10,000 square feet and one space per additional 400 square feet or any part thereof thereafter
Banks or Financial Institutions	As for commercial or service establishments, provided any bank or financial institution providing drive-in facilities must have approval of a site and development plan under Section 39.8
Bowling Alley	Five (5) spaces per 1000 square feet of gross floor area.
Wholesale, Warehouse or Storage Establishment	There shall be provided three (3) parking spaces for the first 2500 square feet of floor area and one parking space for each additional 1000 square feet or any part thereof of floor area. In no event shall there be fewer than three (3) spaces provided per use.
Industrial Activity (not otherwise listed)	Provide one (1) parking space (exclusive of service roads, entrances and exits) for each 1000 square feet of the gross floor area in the building up to 10,000 square feet and then one (1) parking space for each 2,000 square feet of gross floor area thereafter, or one (1) parking space for each two anticipated employees, whichever requires the greater number of parking spaces. If retail sales

are conducted in connection with such industrial use, additional offstreet parking shall be provided as required by the provisions hereof relating to such commercial uses. The portion of the structure allocated for retail sales shall be used as a basis for determining additional offstreet parking to be provided. In no event shall there be fewer than five (5) parking spaces provided per building.

Temporary Parking for Sports Events

In the case of a stadium or other sporting facility which operates on a seasonal basis, the required offstreet parking may be provided on a temporary basis and need not be permanently designated, paved, drained, or landscaped provided use has been approved and issued by the Director.

Outdoor Recreational Facilities

Other outdoor recreational facilities not otherwise covered herein, shall require one (1) parking space for each two anticipated participants, as may be determined by the Director. In no event shall there be fewer than five (5) spaces provided per facility.

New and Used Car Sales

Provide ten (10) parking spaces, plus one (1) space for each 200 square feet of office and principal showroom space, plus one (1) space for each additional 1000 square feet of repair and maintenance space, none which may be used for merchandise inventory parking. In no event shall there be less than one (1) space for each 10,000 square feet of gross land area.

16. Offstreet Loading: Specifications. Offstreet loading facilities are required by this zoning ordinance so that vehicles engaged in unloading will not encroach on or interfere with the public use of streets and alleys by pedestrians and automotive vehicles and so that adequate space is available for the unloading and loading off the street of goods, materials, or things for delivery and shipping. Offstreet loading facilities supplied to meet the needs of one use may not be considered as meeting the needs of another use. Offstreet parking facilities may not be used for counted as meeting offstreet loading requirements.

When the use of a structure or land or any part thereof is changed to a use requiring offstreet loading facilities, the full amount of offstreet loading space required shall be supplied and maintained. When any structure is enlarged or any use extended so that the size of the resulting occupancy requires offstreet loading space, the full amount of such space shall be supplied and maintained for the structure of use in its enlarged or extended size.

Each offstreet loading space shall be directly accessible from a street or alley without crossing or entering any other required offstreet loading space or offstreet parking space. Such loading space shall be accessible from the interior of the building it serves and shall be arranged for convenient and safe ingress and egress by motor truck and/or trailer combination.

17. Offstreet Loading: Plans Required. A plan shall be submitted with every application for a building permit for any use or structure required to provide offstreet loading facilities. The plan shall accurately designate the required offstreet loading spaces, access thereto, dimensions, and clearance.

18. Offstreet Loading: Reservation. Areas reserved for required offstreet loading according with the requirements of this ordinance shall not be reduced in area or changed to any other use unless the permitted or permissible use that it serves is discontinued or modified or equivalent required offstreet loading is provided in accordance with the requirements of this ordinance.

19. Offstreet Loading Requirements: Offstreet loading spaces shall be provided and maintained as follows:

A. Each retail store, warehouse, wholesale establishment, industrial activity, terminal, market, restaurant, funeral home, laundry, dry cleaning establishment, or similar use which has an aggregate floor area of:

Sq. Ft.	Sq. Ft.	No. of Spaces
5,000 but not over	10,000	1

Sq. Ft.		Sq. Ft.	No. of Spaces
10,000	but not over	20,000	2
20,000	" " "	50,000	3

Plus one additional offstreet loading space for each additional 25,000 sq. ft. over 50,000 sq. ft. or major fraction thereof.

B. For each multiple dwelling facility having at least twenty (20) dwelling units but not over fifty (50) dwelling units: one space. For each multiple dwelling facility having over fifty (50) dwelling units: one space, plus one space for each additional fifty (50) dwelling units, or major fraction thereof.

C. For each auditorium, convention hall, exhibition hall, museum, hotel or motel, office building, sports arena, stadium, two or more building or uses may be made, provided that such offstreet loading facilities are equal in size and capacity to the combined requirements of the several buildings or uses and are designed, located, and arranged to be usable thereby; hospital, sanitarium, welfare institution, or similar use which has an aggregate gross floor area of:

Over 5,000 sq. ft. but not over 20,000 sq. ft.: one space; plus for each additional 25,000 sq. ft. (over 20,000 sq. ft.) or major fraction thereof; one space.

D. For facilities in paragraphs (A), (B), and (C) above not of sufficient size to meet the minimums therein set out, each such facility shall provide offstreet loading on the property, in accord with section 18.16-19 of this ordinance, to insure that no deliveries or shipment of goods or products will require the use, however temporary, of any public right of way or required offstreet parking space for the parking of a delivery vehicle.

E. For any use not specifically mentioned, the requirements for off-street loading facilities for a use which is so mentioned and to which the unmentioned use is similar shall apply.

Section 19. REQUIRED LANDSCAPING FOR OFF-STREET VEHICULAR FACILITIES.

1. General. Wherever in any zoning district off-street facilities are provided for the parking or display of any or all types of vehicles, boats, or heavy construction equipment (whether such vehicles, boats, or equipment are self-propelled or not), for off-street loading and trash pickup purposes, or for the vehicular traverse of the property as a function of the primary use (including drive-in facilities of any type), such off-street vehicular facilities and land shall conform to at least the minimum landscaping requirements of this section of this zoning ordinance; provided single family and two family dwellings on individually platted lots are exempt from the requirements of this section. All such required landscaped areas shall be protected from vehicular encroachment by curbs, wheel stops, or other similar devices.

2. Plant Material.

A. Quality. Plant materials used to meet the requirements of this section must meet the Standards for Florida No. 1 or better, as set out in "Grades and Standards for Nursery Plants," Part I, 1963, and Part II, Department of Agriculture, State of Florida.

B. Trees. All trees shall be species having an average mature spread or crown of greater than fifteen (15) feet in the Collier County area and having trunk(s) which can be maintained in a clean condition over five (5) feet of clear wood. Trees having an average mature spread of crown less than fifteen (15) feet may be substituted by grouping the same so as to create the equivalent of a fifteen (15) foot crown spread. (Although palm trees may be utilized as part of a landscaping plan, palms shall not be utilized in fulfilling more than thirty (30%) percent of the requirements of this section.) Trees shall be a minimum of seven (7) feet in height at time of planting. Species of trees whose roots are known to cause damage to public roadways, sewer or water systems, or to public facilities are not permitted in landscaped areas required by these regulations.

C. Shrubs and Hedges. Shrubs shall be a minimum of two (2) feet in height when measured at time of planting. Hedges, where required, shall be planted and maintained so as to form a continuous, unbroken, solid visual screen within a maximum of one (1) year after time of planting.

D. Vines. Vines shall be a minimum of thirty (30) inches in height at time of planting and may be used in conjunction with fences, screens, or walls to meet physical barrier requirements as specified.

E. Ground Covers. Where used, ground covers, over all or part of the required area, must be planted in a manner which presents a finished appearance and complete coverage. They shall be used with a decorative mulch such as pine or cypress bark or material of similar nature. In no instance shall stone or gravel or any artificial ground covers be utilized for more than twenty (20%) percent of the required landscaped area.

F. Lawn Grass. Grassed areas shall be planted in species normally grown in permanent lawns in the Collier County area. Grassed areas may be sodded, plugged, sprigged, or seeded; provided, solid sod shall be used in swales or other areas subject to erosion, and provided, further, in areas where other than solid sod or grass seed is used, nursegrass seed shall be sown for immediate ground coverage until permanent coverage is achieved.

G. Prohibited Trees. The following trees are specifically prohibited from use for meeting any landscaping requirement under this section:

- (1) Broussonetia papyrifera (Paper mulberry)
- (2) Casuarinaceae (Australian Pine)
- (3) Enterolobium cyclocarpum (Ear tree)
- (4) Melaleuca leucadendra (Punk)
- (5) Melia azedarach (Chinaberry tree)
- (6) Schinus terebinthifolius (Brazilian Pepper tree) (Florida Holly)

H. Existing Plant Material. In meeting the requirements of landscaping for off-street vehicular facilities, the Director may permit use of healthy plant material existing on a site prior to site development. In so doing, the Director may adjust the application of the standards of these regulations to allow credit for such existing plant material, provided, he may not permit the reduction of required percentages of a landscaped area, reduction in numbers of trees or shrubs required, or other elements of these regulations. Removal of trees is subject to the County Tree Protection Ordinance.

3. Landscape Plan Approval. Prior to the issuance of any building permit (except for single family or two family dwellings on individually platted lots), an applicant whose development is covered by the requirements of this Section 19 shall submit a landscape plan to the Director. The plan shall be drawn to suitable scale, indicate the location and size of buildings, if

any, to be served, show the location of planting protective devices, show the method of water supply and full provision for future maintenance, indicate any existing and proposed off-street parking areas and other vehicular use areas, access points, aisles, and driveways, and show location of planting areas and designated planting locations by species. The landscape plan required under this subsection may be submitted separately or as a part of other plans that may be required for building permit application or application or petition for other permit under this zoning ordinance, but no use required under this Section 19 to provide landscaping shall receive permit approval without specific approval of such landscaping plan.

4. Installation. Prior to the issuance of any certificate of occupancy for a use required to have landscaping in accordance with this Section 19, all required landscaping must be planted and in place as set out in the landscaping plan approved under Section 19.3. All plant materials must be installed in accord with accepted landscape practices in the area. In instances where act of God or conditions outside the control of the developer have prevented immediate planting, the Director, if furnished with good and sufficient evidence that required plantings will be installed when conditions permit, may issue a temporary certificate of occupancy; such temporary certificate shall be issued to a date certain, with a notarized statement by the developer that he will bear all costs of vacating occupancy, including any court and legal fees the County may incur, if the plantings have not been installed by the date set in the temporary certificate of occupancy.

5. Maintenance. The owner shall be responsible for the continued maintenance and upkeep of all required landscaping. Required landscaped areas shall be maintained at all times to present a healthy, alive, neat, and orderly appearance for persons passing on public ways and shall be kept free of refuse and debris. Any plant materials of whatsoever type or kind required by these regulations shall be replaced within thirty (30) days if they die.

6. Development Standards.

A. Required Landscaping Adjacent to Vehicular Rights of Way. On any parcel providing an off-street parking area or other vehicular use area where such area will not be entirely screened visually by an intervening building or structure from any abutting right of way, excluding alleys (except where properties

across the alley are zoned residential), there shall be provided landscaping between such area and such right of way as follows:

(1) A strip of land at least six (6) feet in depth measured at right angles to the property lines and located between the abutting right of way and the off-street parking area or other vehicular use area which is exposed to an abutting right of way shall be landscaped to include an average of one (1) tree for each fifty (50) linear feet or fraction thereof. Such trees shall be located between the abutting right of way and off-street parking area or other vehicular use area and shall be planted in a planting area of at least twenty-five (25) square feet with a minimum dimension of five (5) feet.

(2) In addition, a hedge, wall, or other opaque durable landscape barrier of at least two (2) feet in height shall be placed along the entire length of such landscaped area. If such opaque durable barrier is on non-living material, for each ten (10) feet thereof such barrier need not be spaced ten (10) feet apart. Such shrubs or vines shall be planted along the street side of such barrier unless they are of sufficient height at the time of planting to be readily visible over the top of such barrier. The remainder of the required landscaped areas shall be landscaped with grass, ground cover, or other landscape treatment. (see also Section 8.1).

B. Required Vehicular Use Landscaping Adjacent to Interior Property Lines. On any lot providing an off-street parking area or other vehicular use area, landscaping shall be provided between such area and any interior property lines as follows:

(1) A strip of land at least five (5) feet in width measured at right angles to the property lines and located along and parallel to the property lines shall be landscaped to include an average of one tree for each fifty (50) linear feet of such interior property line or fraction thereof. Such trees shall be located between the common lot line and the off-street parking area or other vehicular use area. Each such tree shall be planted in at least twenty-five (25) square feet of planting area with a minimum dimension of at least five (5) feet. In addition to the required trees, each such planting area shall be landscaped with grass, ground cover or other landscape material, excluding paving.

(2) Where such area abuts property zoned or, in fact, used primarily for residential or institutional purposes, and for that portion of such area not entirely screened visually by an intervening structure or existing conforming buffer from an abutting property, there shall be provided a landscaped buffer area designed and planted so as to be eighty (80) percent opaque when viewed horizontally at three (3) feet above ground level, and said plant materials should reach a height of five (5) feet within two (2) years after planting. A fifteen (15) foot wide landscaping area may

(substitute the required three (3) foot high planted buffer. Such landscape buffer shall be located between the common lot line and the off-street parking area or other vehicular use area exposed to the abutting property so that the purpose of screening the offstreet parking area or other vehicular use area is accomplished.

screened visually by an intervening structure or existing conforming buffer from an abutting property, there shall be provided a landscaped buffer area designed and planted so as to be eighty (80) percent opaque when viewed horizontally at three (3) feet above the ground level, and said plant materials should reach a height of five (5) feet within two (2) years after planting. A five (5) foot wide landscaping area may substitute the required three (3) foot high planted buffer, provided that no such structure exists on the adjoining lot. Such landscape buffer shall be located between the common lot line and the off-street parking area or other vehicular use area exposed to the abutting property so that the purpose of screening the off-street parking area or other vehicular use area is accomplished.

C. Required Vehicular Use Interior Landscaping.

In addition to the requirements for landscaping of areas adjacent to public rights of way and interior property lines set out above, landscaping must be provided for the interior of the lot containing vehicular uses as follows:

(1) Off-street parking areas shall have at least ten (10) square feet of interior landscaping for each parking space excluding those spaces abutting a perimeter for which landscaping is required by other sections hereof. Other vehicular use areas shall have ten (10) square feet of landscaped area for each five hundred (500) square feet or fraction thereof of paved area for the first fifty thousand (50,000) square feet of paved area plus ten (10) square feet of paved area for each one thousand (1,000) square feet of paved area or fraction thereof over fifty thousand (50,000) square feet.

Where the property contains both parking areas and other vehicular use areas, the two types of areas may be separated for the purposes of determining the other vehicular use areas by first multiplying the total number of parking spaces by three hundred (300) and subtracting the resulting figure from the total square footage of paved area.

(2) Each separate landscaped area shall contain a minimum of fifty (50) square feet and shall have a minimum dimension of at least five (5) feet and shall include at least one (1) tree, with the remaining area adequately landscaped with shrubs, ground cover, or other landscaping material not to exceed two and one half (2½) feet in height. The total number of trees shall not be less than one for each hundred (100) square feet or fraction thereof of required interior landscaping area. Such landscaped areas shall be located in such a manner as to divide and break up

the expanse of paving and at strategic points to guide traffic flow and direction.

(3) In other vehicular use areas where the strict application of this subsection will seriously limit the function of said area such as off-street loading or trash pickup areas, the required landscaping may be located near the perimeter of the paved area. Such required interior landscaping which is relocated as herein provided shall be in addition to the perimeter landscaping requirements.

(4) The front of a vehicle may encroach upon any interior landscaped area or walkway when said area is at least three and one-half (3½) feet in depth per abutting parking space and protected by motor vehicle wheel stops or curbing. Two (2) feet of such landscaped area or walkway may be part of the required depth of each abutting parking space.

(5) Wherever a common accessway is located on a common property line and providing access to off-street parking areas or other vehicular use areas on abutting properties, the required landscaping for said common property line shall be determined by the Director.

D. Sight Distance for Landscaping Adjacent to Public Rights-of-Way and Points of Access. When an accessway intersects a public right-of-way, all landscaping shall provide unobstructed cross-visibility at a level between three (3) and eight (8) feet within the areas of property on both sides of an accessway formed by the intersection of each side of the accessway and public right-of-way lines with two sides of each triangle being ten (10) feet in length from the point of intersection and the third side being a line connecting the ends of the two other sides; provided that trees having limbs and foliage trimmed in such a manner that no limbs or foliage extend into the cross-visibility area shall be allowed, and further provided they are located so as not to create a traffic hazard. Landscaping, except required grass or ground cover, shall not be located closer than three (3) feet from the edge of any accessway pavement.

When the subject property abuts the intersection of two or more public rights-of-way, the provisions of Section 8.1 shall apply.

7. Applicability. The provisions of this section shall apply to all new off-street parking or other vehicular use areas. At such time as existing off-street parking or other vehicular use areas are enlarged or expanded, such provisions shall apply to the previous existing areas as well as the new areas.

Section 20. SIGNS.

1. Intent and Purpose. The provisions of this zoning ordinance shall govern the number, sizes, location, and character of all signs which may be permitted as a main or accessory use. No signs shall be erected or permitted in any location except in conformity with this zoning ordinance.

Increased numbers and size of signs, as well as certain types of lighting, distract the attention of motorists and pedestrians and interfere with traffic safety. Indiscriminate erection and maintenance of signs seriously detracts from the enjoyment and pleasure in the natural scenic beauty of the County, and in turn, injuriously affects the economic well-being of the citizenry. It is intended to provide for the regulation of types, sizes, locations, and character of signs in relation to the identification of various uses and activities on premises, and to provide for certain types, sizes, locations, and character of off-premise signs.

2. General Provisions, Requirements and Specifications.

A. All signs must conform to the Federal, State, and County Statutes, codes and regulations, and also to the Southern Standard Building Code where applicable.

B. Signs erected by the Federal, State or County governments are not regulated by this Article.

C. No sign shall be placed or permitted as a principal use on any vacant property, in any zoning district, except as provided for in this Ordinance.

D. All signs shall adhere to the required setbacks and shall be located within the permitted building area, except entrance and gate signs which may be located at property lines.

E. Entrance and exit signs may be placed at appropriate places, but not in the right-of-way.

3. Measurement of Sign Area.

A. The area of a sign shall be measured from the outside edges of the sign or the sign frame, whichever is greater, excluding the area of the supporting structures provided that the supporting structures are not used for advertising purposes and are of an area equal to or less than the permitted sign class area.

B. Double faced signs shall be measured by only one side if both sides are advertising the same business, commodity, or service.

C. Height - the vertical distance from the average crown of the road or the finished elevation at the

of the supporting structure whichever is lower, to the top of the sign, or its frame or supporting structure whichever is higher.

4. Permits and Fees and Exemptions.

A. A permit for a sign shall be issued by the Director prior to the issuance of a building permit. (See also Chapter XXIII of the Collier County Building Code)

B. A sign permit fee shall be collected by the Director pursuant to any fees associated with the issuance of a building permit as required in Section 42 of this Ordinance.

C. Exemptions - The following signs may be erected without a permit, subject, however, to all remaining requirements of this zoning ordinance:

(1) Professional name plates not exceeding two (2) square feet in area.

(2) Bulletin boards and identification signs for public, charitable, educational, or religious institutions located on the premises of said institutions and not exceeding twelve (12) square feet in total area.

(3) Non-illuminated temporary construction project ground signs.

(4) Occupational signs denoting only the name, street, number and business of an occupant in a commercial building, public institutional building, or dwelling house, which do not exceed two (2) square feet in area.

(5) Memorial signs or tablets, names of buildings and date of erection when cut into any masonry surface or when constructed of bronze or other incombustible materials.

(6) Traffic or other municipal, county, state or federal signs, legal notices, railroad crossing signs, danger signs, and such temporary, emergency or nonadvertising signs as may be approved by the Board.

(7) One ground or wall "For Sale" or "For Rent" sign per parcel or property when such sign has an area per face of not more than four (4) square feet. Such sign shall not be located within fifteen (15) feet of any property line except in commercial or industrial districts.

(8) Identification signs at the entrance drive of residences, estates, and ranches, which do not exceed two (2) square feet in area.

(9) Non-advertising directional signs or symbols ("entrance", "exit", "caution", "slow", "no trespassing", etc.) located on and pertaining to a parcel of private property, none to exceed two (2) square feet in area.

5. Definitions. For the purpose of this Section, the

following words have the following meanings:

A. Abandoned Sign - A sign is considered abandoned if a business advertised on that sign is no longer licensed, no longer has a certificate of occupancy, or is no longer doing business at that location.

B. Advertising Sign - A sign directing attention to a business, commodity, service, or entertainment conducted, sold or offered, either on premises or off premises.

C. Advertising Structure - Any structure erected for advertising purposes with or without any advertisement display thereon, situated upon or attached to real property, upon which any poster, bill, printing, painting, device or other advertisement may be placed, posted, painted, tacked, nailed, or otherwise fastened, affixed, or displayed; provided, however, that said term shall not include buildings.

D. Animated Signs - A sign with action or movement, whether by flashing lights, color changes, wind, rotation, movement of any parts of the sign or letter or parts of the sign structure or any other motion.

E. Billboards - An off-premise sign of more than one hundred (100) square feet. Any framework for signs advertising merchandise, services, or entertainment sold, produced, manufactured, or furnished at a place other than the location of such structure.

F. Bulk Permit - A permit issued for any number of political signs.

G. Canopy - A permanent roof structure that does not project over public property, which may be free-standing, attached to a building, or supported in whole or in part by a building.

H. Combination Sign - A sign which is made up of two (2) or more signs, exclusive of billboards.

I. Combination Farm Sign - A temporary sign used for the purpose of identifying the owner or operator of a farm and the product produced on the farm which sign may also incidentally identify the contract buyer of the product.

J. Construction Sign - A temporary sign placed in advance of occupancy of a building or structure indicating the name of the building or structure, the architects, the contractors and other information regarding the building or structure.

K. Directional Sign - A sign designed to guide or direct pedestrians or vehicles.

L. Directory Sign - An on premises sign of permanent character, but with removable letters, words, or numerals indicating one reference name of each person associated with, or event conducted upon, or product or service offered upon the premises upon which such sign is maintained. This may be a free-standing sign, a marquee, or a wall sign.

M. Double Faced Sign - A sign having two (2) display surfaces, not necessarily displaying the same copy, which are usually parallel and back to back and not more than 24" apart.

N. Double Decker Sign - Two (2) or more billboards erected so that one is on top of the other.

O. Farm Organization Sign - A sign used for the purpose of indicating membership in a farm organization, such as Cattlemen's Association, Four-H Club, Farm Bureau and the like.

P. Free Standing Sign - A sign supported by one or more poles, columns, uprights, or by other structural supports or the ground separated from a building. (Also referred to as Ground Sign - Section 2301.2B, Southern Standard Building Code).

Q. Gate or Entrance Sign - A sign attached to an entrance gate or entrance structure which identifies a permitted use.

R. Industrial Complex - A group of industrial establishments of more than 50,000 square feet gross floor area on ground floor and located on commonly owned property sharing primary access from a public street and connected together by private internal streets.

S. Major Intersection - The intersection of a Federal, State, or County highway.

T. Marquee - A roofing structure projecting over an entrance of a building.

U. Marquee Sign - A sign attached to or constructed on a marquee.

V. Multi-Face Sign - A sign which is made up of three (3) or more faces.

W. Non-Conforming Sign - A sign or advertising structure existing on the effective date of this ordinance which by its height, square foot area, location, use or structural support does not conform with the requirements of this Section.

X. Off-Premise Sign - A sign not located on the same premises as the principle business, product, service, or activity being identified or advertised.

Y. On-Premise Sign - A sign containing copy relating only to the principle business, product, service, or activity conducted or sold on the same premises as that on which the sign is located.

Z. Outdoor Advertising Sign - An off-premise sign.

AA. Permanent Sign - A sign not specifically designated as being temporary.

BB. Political Sign - A sign promoting, advertising, or identifying a political party, candidate, or issue.

CC. Portable Sign - A sign not affixed to the ground or to a structure or only affixed by means of tiedown straps.

DD. Projecting Sign - A sign mounted on the vertical surface of a building or structure in such a manner that all of the display surfaces are not parallel to the supporting structure.

EE. Public Service Sign - A sign designed to render a public service such as but no limited to "time and temperature" signs and "flashing news" signs. Such signs may not include any advertising whatsoever on them unless such advertising complies with all of the requirements of this Ordinance.

FF. Roof Sign - Any sign erected or constructed upon a roof and projecting wholly or partially above the crown of the roof.

GG. Safety Sign - A sign used only for the purpose of identifying and warning of dangers.

HH. Sandwich Sign - See Portable Sign.

II. Shopping Center, Plaza or Mall - A group of two or more retail and service establishment of more than 25,000 square feet gross floor area on ground floor and located on commonly owned property, sharing the same parking facilities and connected together by common walks,

interior aisles, or malls.

JJ. Sign - Any writing (including letter, word or numeral); pictorial representation (including illustration or decoration); emblem (including device, symbol, or trademark); flag (including banner or pennant); or any other figure of similar character which is designed to advertise or give direction to any business, product, service or other related function.

KK. Street Frontage - That portion of the lot which borders on the street; corner lots have two (2) frontages.

LL. Strip Lighting - A continuous series of linear exterior lights designed to illuminate a sign or a structure.

MM. Surface Area of a Sign - The actual area which may be covered by letters or symbols applied to a background.

NN. Temporary Sign - A sign intended to advertise community or civic projects, construction projects, or other special events on a temporary basis for a designated period of time.

OO. Wall Sign - A sign affixed in any manner to any exterior wall of a building or structure and which is parallel to and projects not more than eighteen (18) inches from the building or structure wall and which does not extend more than six (6) inches above the parapet wall or roof of the building on which it is located. Signs which are on architectural projections which do not extend more than six (6) inches above the roof or parapet wall of the building are wall signs.

6. Classes of Signs.

- A. Class "A" (Billboards)
 - (1) Over one hundred (100) square feet minimum.
 - (2) Five hundred (500) square feet maximum.
- B. Class "B"
 - (1) One hundred (100) square feet maximum.
- C. Class "C"
 - (1) Forty (40) square feet maximum.
- D. Class "D"
 - (1) Twelve (12) square feet maximum.
- E. Class "E"
 - (1) Six (6) square feet maximum.

F. Class "F"
(1) Four (4) square feet maximum.

G. Class "G"
(1) Two (2) square feet maximum.

H. Class "H"
One wall sign with an area not more than twenty (20) percent of the total square footage of the front wall to which it shall be affixed, with a maximum of 250 square feet.

I. Class "I"
One hundred (100) square feet for the first hundred (100) feet of frontage plus fifty (50) square feet for each additional hundred (100) feet of frontage with a maximum area of 250 square feet.

7. District Regulations.

A. Signs in E-Estates, Single Family, Multiple Family, MHSD, MHRP, and TTRV Districts.

- (1) Maximum Height - Twelve (12) feet.
- (2) One (1) class "B" on each major entrance to development or two (2) Class "C" on each major entrance.
 - (a) Free Standing
 - (b) Entrance or gate sign
- (3) One Class "D" per non-conforming use
 - (a) Wall
- (4) One Class "E" on-premise sign per non-residential permitted use.

- (5) One Class "C" wall sign advertising only the name of a Multi-Family residential building.

B. Signs in RT-Residential Tourist District:

- (1) Maximum Height - Twenty five (25) feet
- (2) One Class "B" on-premise sign:
 - (a) Free Standing combination
 - (b) Free Standing
 and
 One Class "H" on-premise sign:
 - (a) Wall
 - (b) Marquee-Maximum projection six (6) inches

C. Signs in CC-Convenience Commercial District.

- (1) Maximum Height - 12 feet
- (2) Permitted Per use:
 - (a) Service Stations
 - (I) 1 Class "C" Free Standing Sign
 - and
 - (II) 1 Class "C" Wall Sign
 - (b) All other permitted uses
 - (I) 1 Class "H" Wall Sign

D. Signs in PC and GRC Districts.

- (1) One Class "H" on-premise sign per business (no max. height)
 - (a) Wall

- (b) Marquee (Maximum projection six (6) inches and
- (2) One Class "B" on-premise sign for lots with one hundred fifty (150) feet or more of frontage. On corner lots, the two street frontages may be combined to meet the one hundred fifty (150) feet or more requirement. Maximum height, twenty-five (25) feet.
- (3) Shopping Center
 - (a) One Class "H" per rental unit
 - (I) Wall
 - (II) Marquee (Maximum projection 6")
 - (b) One (1) Directory Sign located at each main entrance from each different public street. Such Directory Sign may not exceed 250 square feet in area. Maximum height- twenty-five (25) feet.

E. Signs in CI and I - Industrial Districts.

- (1) Maximum Height - twenty-five (25) feet. Minimum setback from street line 15 feet.
- (2) One Class "A" (Billboard) only on vacant property with one hundred (100) feet or more of frontage and subject to provisions of Section 20.8.
- (3) One Class "H" on-premise sign
 - (a) Wall
 - (b) Marquee (Maximum projection six (6) inches and
- One Class "B" on-premise sign (for lots with one hundred fifty (150) feet or more of frontage
 - (I) Free Standing
- (4) One (1) Directory Sign located at each main entrance from each different public street. Such Directory Sign may not exceed 250 square feet in area.

F. Signs in GC - Golf Course District.

- (1) Maximum Height - twelve (12) feet
- (2) One Class "B" on-premise sign or two class "C"
 - (a) Wall /on-premise signs at the entrance
 - (b) Gate
 - (c) Free Standing

G. Signs in A-Agriculture District

- (1) Maximum Height - twenty-five (25) feet
- (2) One or more Class "A" (Billboards on vacant A-property and subject to the provisions of Section 20.8)
- (3) One Class "B" per frontage and only for permitted agricultural uses:
 - (a) Free Standing
- (4) One Class "C" per frontage and only for permitted non-agricultural uses:
 - (a) Wall
 - (b) Free Standing
 - (c) Bulletin Board
 - (d) Marquee-maximum projection six (6) inches

8. Billboards.

A. No billboard shall be located or placed on a plot closer than two hundred (200) feet to a parcel containing a church, public or private school, public park or playground, beach, greenbelt area, cemetery, or residence.

B. Maximum Height - Thirty (30) feet

C. Maximum Length - Fifty (50) feet

D. Location:

(1) Billboards may be located on vacant I-Industrial property with one hundred (100) feet or more of frontage.

(2) Billboards may be located on vacant Agriculture property also and shall be set back six hundred sixty (660) feet from a common right-of-way as provided in Florida State Statutes, and there shall be a minimum distance of 2,640 feet between any two (2) billboards along the same side of a common right-of-way except at major intersections.

9. Political Signs.

A. Political signs, advertisements, handbills, or billboards may be used for such purpose and shall be placed in the County in accordance with the Zoning Regulations. Such political signs shall be removed within a two (2) week period following the particular election that is involved.

B. A bulk permit for political signs of Class D,E,F, or G may be approved by the Zoning Administration.

C. Failure to remove and clean-up the permitted signs within the two (2) week period will result in violation of this regulation.

10. Prohibited Signs in all Districts.

A. Animated signs except public service signs

B. Neon type signs in all but Commercial and Industrial

C. Portable signs except in accordance with the provisions of Section 16 of this Ordinance.

D. Strip lighting

E. Roof signs

F. Banners or flying paraphernalia, except an official Federal, State, County, or City flag.

G. Any sign that is contemptible, vile, obscene, degrading or detracting from the surrounding neighborhood as determined by community standards.

H. Any sign which constitutes a traffic hazard or a detriment to traffic safety by reason of its size, location, movement, content, coloring, or method of illumination, or by obstructing the vision of drivers, or by obstructing or detracting from the visibility of any official traffic control device by diverting or tending to

divert the attention of drivers or moving vehicles from traffic movement on streets, roads, intersections, or access facilities; nor shall any sign be erected in such a manner as to obstruct the vision of pedestrians. The use of flashing lights, or revolving lights is prohibited in any sign as constituting a hazard to traffic. Any sign which by glare or method of illumination constitutes a hazard to traffic is prohibited. No sign may use the words "Stop", "Look", "Drive-in", "Danger", or any other word, phrase, symbol, or character in such a manner as to interfere with, mislead, or confuse traffic.

I. Signs (other than those erected by a Governmental agency or required to be erected by a governmental agency) erected on the right-of-way of any street, road, or public way, or signs overhanging or infringing upon the right-of-way of any street, road or public way, except as specifically provided by this zoning ordinance.

J. Signs erected on public property other than signs erected by public authority for public purposes.

11. Use of Special Purpose Signs: The Director may permit the following signs after an on-site investigation of the subject premises:

A. Directional, safety, and other signs of a non-commercial nature subject to the following criteria:

- (1) The sign is necessary in the public interest.
- (2) The sign is of four (4) square feet in area or less.
- (3) The maximum height is not to exceed five (5) feet.
- (4) The sign is a minimum distance of fifteen (15) feet to any right-of-way.

B. Temporary Signs. The Director may, in special cases, grant permits for temporary signs, including portable signs or banner signs to be erected on the premises of an establishment or activity having a grand opening or special event. Such signs shall:

- (1) Be permitted for not more than seven (7) calendar days in any six (6) month period, and
- (2) Shall be erected in a manner satisfactory to the Director to insure against hazard to the public. This provision is not applicable to sales held by private persons, such sales not being subject to the collection of sales tax under the Laws of Florida. The Board may, in other special cases, grant permits on such conditions as it may reasonably require for the erection and maintenance of temporary signs not conforming to the requirements of this zoning ordinance. Such temporary permits shall be for a specific period of time, at the end of which the sign shall be removed. The permittee shall pay the same fee for a permit for such temporary sign as is required of

standard sign permittees for the issuance of a permit.

C. Public Service Sign - The permittee shall pay the same fee for a permit for such public service sign as is required of standard sign permittees for the issuance of a permit.

12. Removal, Alteration or Maintenance of Signs.

A. Unlawful signs covered by Section 20.10I and 20.10J may be physically removed by the Director.

B. Any sign now or hereafter existing which no longer advertised a bona-fide business conducted, or a product sold is an abandoned sign and shall be taken down and removed by the owner, agency, or persons having beneficial use of the building, structure, or land upon which such sign shall be found, within thirty (30) days after written notification by the Director.

C. All signs shall be maintained so as to present a neat, clean appearance. Painted areas shall be kept in good condition and illumination, if provided, shall be maintained in safe and good working order.

D. If the Director shall find that any sign regulated under these zoning regulations is unsafe or insecure, or is abandoned, or is a menace to the public, or is not maintained in accordance with this section, he shall give written notice to the permittee thereof. If the permittee fails to remove, alter or repair the sign within thirty (30) days after such notice so as to comply with the standards set forth, the Director may remove or alter said non-complying sign at the expense of the permittee or person having the right to use and possession of the property upon which the sign is located.

13. Termination Requirements for Non-Conforming Signs.

A. All non-conforming temporary signs, revolving or whirling signs, wind signs, banners, portable signs, portable illuminated signs, and signs displaying flashing or intermittent lights shall be removed or made to conform within three (3) months of the date on which they became non-conforming under this Ordinance or any previous Ordinance.

B. Signs in violation of Section 20 shall be removed within one (1) year from the date of their non-conformity.

C. All other non-conforming signs and advertising structures shall be discontinued or made to conform within five (5) years from the date of their non-conformity under this Ordinance or any previous zoning ordinance or January 1, 1979, whichever is the sooner.

14. Conflict with State or Federal Regulations.

Whenever the issuance of a permit in conjunction with the requirements of this Ordinance would result in the construction or maintenance of an outdoor advertising sign or structure in violation of any existing County, State or Federal law or regulation, then such permit shall not be issued.

Section 21: RS-RESIDENTIAL, SINGLE FAMILY

1. District Purpose: These districts are intended to apply to areas of single family residences which conform to the Collier County Building Code and low dwelling unit intensity. The nature of the use of property is basically the same in all four sub-districts. Variation among the RS-1, RS-2, RS-3 and RS-4 districts is in requirements for lot area, lot width, minimum yards and minimum floor area of principal structures. Certain structures and uses designed to serve governmental, educational, religious, non-commercial recreational, and other immediate needs of such areas are permitted or are permissible as provisional uses within such districts, subject to restrictions and requirements necessary to preserve and protect their single family residential character. It is intended to utilize these districts to help implement the Comprehensive Plan of Collier County.

2. Permitted Uses and Structures: No building or structure, or part thereof, shall be erected, altered, or used, or land or water used, in whole or in part, for other than the following:

A. Permitted Principal Uses and Structures:

- (1) Single family dwellings
- (2) Public parks, public playgrounds, public playfields, and commonly owned open space
- (3) Boat docks

B. Permitted Accessory Uses and Structures:

- (1) Private boat houses and docks, with or without boat hoists, on canal or waterway lots, not protruding more than five (5) feet into the canal or waterway, unless such canal or waterway has a width of one hundred (100) feet or more, then the dock may protrude twenty (20) feet into such canal or waterway of such additional length as may be justified to the Director based on water depth, currents, unusual land contour or configuration or some other natural condition. No boat or boat house may be used as a residence.

All docks regardless of length shall have reflectors four (4") inches minimum size installed at the outermost end, on both sides.

- (2) Customary accessory uses and structures, including private garages.
- (3) Signs as permitted in Section 20
- (4) A model home shall be permitted in a residential zoned district in conjunction with the promotion of a residential development. Such model homes shall be permitted for a period of two (2) years. A model home in a residential zoned district shall be converted to a residence at the end of the two (2) year period.

(5) Guest house (Also see Section 8.22, page 47 - Supplementary District Regulations).

C. Provisional Uses. The following uses may be permitted subject to the provisions of Section 14, if applicable, as follows:

- (1) Non-commercial boat launching facilities, and multiple docking areas.
- (2) Recreational clubs, intended to serve the surrounding residential area.
- (3) Churches, schools, and child care centers.

3. Subdistrict Requirements.

A. RS-1.

- (1) Minimum lot area requirement - 43,560 square feet.
- (2) Minimum lot width - 150 feet as measured at the front yard setback line.
- (3) Minimum yard requirements:
 - (a) Depth of front yard - Fifty (50) feet setback.
 - (b) Depth of side yard - Thirty (30) feet setback.
 - (c) Depth of rear yard - Fifty (50) feet setback.
 - (d) Corner lots - On lots which abut on more than one street, the front yard shall be considered to be those yards which abut on the streets and the remaining yards shall be considered to be side yards.
 - (e) See Section 8.2 for accessory structure setbacks.
- (4) Minimum floor area of principal structure:
 - (a) One story - 1,500 square feet.
 - (b) Two story - 1,800 square feet.
- (5) Maximum height of structure: Thirty (30) feet, above the finished grade of the lot. Accessory buildings limited to twenty (20) feet, above the finished grade of the lot.
- (6) Minimum off-street parking: See Section 18.

B. RS-2.

- (1) Minimum lot area requirement - 20,000 square feet.
- (2) Minimum lot width - 120 feet as measured at the front yard setback line.
- (3) Minimum yard requirements:
 - (a) Depth of front yard - Forty (40) feet setback.
 - (b) Depth of side yard - Twenty (20) feet setback.
 - (c) Depth of rear yard - Thirty (30) feet setback.
 - (d) Corner lots - ON lots which abut on more than one street, the front yard shall be considered

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to be those yards which abut on the streets and the remaining yards shall be considered to be side yards.

(e) See Section 8.2 for accessory structure setbacks.

(4) Minimum floor area of principal structure:

(a) One story - 1,500 square feet.

(b) Two story - 1,800 square feet.

(5) Maximum height of principal structure: Thirty (30) feet, above the finished grade of the lot. Accessory buildings limited to twenty (20) feet, above the finished grade of the lot.

(6) Minimum off-street parking: See Section 18.

C. RS-3.

(1) Minimum lot area requirement - 10,000 square feet.

(2) Minimum lot width:

(a) Corner lots - Ninety-five (95) feet as measured at the front yard setback line.

(b) Interior lots - Eighty (80) feet as measured at the front yard setback line.

(3) Minimum yard requirements:

(a) Depth of front yard - Thirty (30) feet.

(b) Depth of side yard - 7½ feet one story, 10 feet two stories.

(c) Depth of rear yard - twenty-five (25) feet.

(d) Corner lots - On lots which abut on more than one street the front yard shall be considered to be those yards which abut on the streets and the remaining yards shall be considered to be side yards.

(e) See Section 8.2 for accessory structure setbacks.

(4) Minimum floor area of principal structure:

(a) One story - 1,000 square feet. (ORD 75-36)

(b) Two story - 1,200 square feet. (ORD 75-36)

(5) Maximum height of structure: Thirty (30) feet above the finished grade of the lot. Accessory buildings limited to twenty (20) feet above the finished grade of the lot.

(6) Minimum off-street parking: See Section 18.

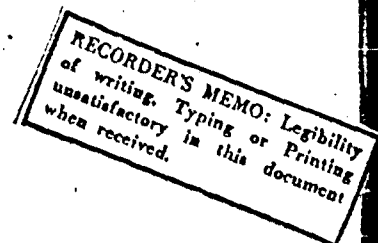
D. RS-4.

(1) Minimum lot area requirement - 7,500 square feet

(2) Minimum lot width:

(a) Corner lots - Seventy-five (75) feet as measured at the front yard setback line.

(b) Interior lots - Seventy (70) feet as measured at the front yard setback line.



- (3) Minimum yard requirements:
 - (a) Depth of front yard - twenty-five (25) feet.
 - (b) Depth of side yard - One story, seven and one-half (7½) feet; two story, ten (10) feet.
 - (c) Depth of rear yard - Twenty (20) feet.
 - (d) Corner lots - On lots which abut on more than one street, the front yard shall be considered to be those yards which abut on the streets and the remaining yards shall be considered to be side yards.
 - (e) See Section 8.2 for accessory structure setbacks.
- (4) Minimum floor area of principal structure:
 - (a) One story - 800 square feet
 - (b) Two story - 1,200 square feet
- (5) Maximum height of principal structure: Thirty (30) feet above the finished grade of the lot. Accessory buildings limited to twenty (20) feet above the finished grade of the lot.
- (6) Minimum off-street parking- See Section 18.

Section 22:

Y. RM-1 RESIDENTIAL MULTI-FAMILY DISTRICT

1. District Purpose: The provisions of this district are intended to apply to an area of multi-family residences having a low profile silhouette and surrounded by open space and being so situated that it is well served by public and commercial services and has direct or convenient access to thoroughfares and collector streets. It is intended to utilize this district to implement the Comprehensive Plan by providing RM-1 dwelling accommodations in accordance with the policies and objectives of the Comprehensive Plan.

2. Permitted Uses and Structures: No building or structure, or part thereof, shall be erected, altered or used, or land or water used, in whole or in part for other than the following:

- A. Permitted Principal Uses and Structures
 - (1) Residential buildings containing not less than two (2) dwelling units.
 - (2) Boat docks
- B. Permitted Accessory Uses and Structures
 - (1) Customary accessory uses and structures

(2) Signs as permitted in Section 20 of this Ordinance.

(3) Non-commercial boat launching facilities and multiple docking facilities.

(4) Private boat houses and docks, with or without boat hoists, on canal or waterway lots, not protruding more than five (5) feet into the canal or waterway, unless such canal or waterway has a width of one hundred (100) feet or more, then the dock may protrude twenty (20) feet into such canal or waterway of such additional length as may be justified to the Director based on water depth, currents, unusual land contour or configuration or some other natural condition. No boat or boat house may be used as a residence.

All docks, regardless of length shall have reflectors four (4") inches minimum size installed at the outermost end, on both sides.

C. Provisional Uses and Structures: The following uses may be permitted subject to the provisions of Section 14 of this Ordinance as follows:

- (1) Churches, schools and child care centers
- (2) Civic and cultural facilities
- (3) Recreational clubs intended to serve the surrounding residential area.

3. Minimum Lot Area Requirement:

A. Seven thousand (7,000) square feet for each dwelling unit.

4. Minimum Lot Width: As measured at the front yard setback line

A. One hundred (100) feet measured at the front yard setback line.

5. Minimum Yard Requirements:

A. Depth of Front Yard - Thirty-five (35) feet

- B. Depth of Side Yard - Fifteen (15) feet or one-half (½) the height of the building, whichever be greater.
- C. Depth of Rear Yard - Thirty (30) feet; pool or any screened enclosure - fifteen (15) feet.
- D. Corner Lots - On lots which abut on more than one street, the front yard shall be considered to be those yards which abut on the streets and the remaining yards shall be considered side yards.

6. Distance Between Structures:

- A. Thirty (30) feet or one-half (½) the sum of the heights of the adjacent structures whichever be greater.

7. Minimum Floor Area of Principal Structure:

- A. 750 square feet for each dwelling unit.

8. Maximum Height of Principal Structure:

- A. Three (3) stories above the finished grade of the lot.

9. Minimum Off-Street Parking:

- A. As required in Section 18 of this Ordinance.

II. RM-1A RESIDENTIAL MULTI-FAMILY DISTRICT

1. District Purpose: The provisions of this district are intended to apply to a mixed area of multi-family and single family residences having low profile silhouettes and surrounded by open space and being so situated that they are well served by public and commercial services and have direct or convenient access to throughfares and collector streets. It is intended to utilize this district to implement the Comprehensive Plan by providing RM-1A dwelling accommodations in accordance with the policies and objectives of the Comprehensive Plan.

2. Permitted Uses and Structures: No building or structure, or part thereof, shall be erected, altered or used, or land or water used, in whole or in part for other than the following:

A. Permitted Principal Uses and Structures:

- (1) Single family dwellings in accordance with the provisions of the RS-4 District.
- (2) Multi-family dwellings in accordance with the provisions of the RM-1 District, provided that non-conforming lots of record need 6,500 square feet for each multi-family dwelling unit.

- (3) Boat docks

B. Permitted Accessory Uses and Structures:

- (1) Customary uses and structures
- (2) Signs as permitted in Section 20

C. Provisional Uses and Structures: The following uses may be permitted subject to the provisions

of Sections 14 and 22-1 of this Ordinance as follows:

- (1) Churches, schools and child care centers.
- (2) Civic and cultural facilities.
- (3) Recreational clubs intended to serve the surrounding residential area.

Section 23, RM-2 RESIDENTIAL MULTI-FAMILY DISTRICT

1. District Purpose: The provisions of this district are intended to apply to an area of medium to high density residences surrounded by open space and being so situated that it is well served by public and commercial services and has direct or convenient access to thoroughfares and collector streets. It is intended to utilize this district to implement the Comprehensive Plan by providing RM-2 dwelling accommodations in accordance with the policies and objectives of the Comprehensive Plan.

2. Permitted Uses and Structures: No building or structure, or part thereof, shall be erected, altered, or used, or land or water used, in whole or in part, for other than the following:

A. Permitted Principal Uses and Structures:

1. Multi-unit dwellings

B. Permitted Accessory Uses and Structures:

1. Customary accessory uses and structures

2. Signs as permitted in Section 20 of

this Ordinance.

3. A model home shall be permitted in a residential zoned district in conjunction with the promotion of a residential development. Such model home shall be permitted for a period of two (2) years. A model home in a residential zoned district shall be converted to a residence at the end of two (2) year period.

4. Non-commercial boat launching facilities and multiple docking facilities.

5. Private boat houses and docks, with or without boat hoists, on canal or waterway lots, not protruding more than five (5) feet into the canal or waterway, unless such canal or waterway has a width of one hundred (100) feet or more, then the dock may protrude twenty (20') feet into such canal or waterway of such additional length as may be justified to the Director based on water depth, currents, unusual land contour or configuration or some other natural condition. No boat or boat house may be used as a residence.

All docks, regardless of length shall have reflectors four (4") inches minimum size installed at the outermost end, on both sides.

C. Provisional Uses and Structures: The following uses may be permitted subject to the provisions of Section 14 of this Ordinance.

(1) Churches including child care centers

(2) Child care centers

(3) Educational facilities exclusive of colleges and universities

(4) Civic and cultural facilities

(5) Recreational clubs

3. Minimum Off-Street Parking: As per Section 18 of this Ordinance.

4. Minimum Lot Area Requirement: One (1) net acre

5. Minimum Lot Width: One hundred fifty (150) feet as measured as the front yard building line setback.

6. Minimum Yard Requirements: All building line setbacks shall be computed by the following formula:

A. Required Building Line Setback: .6 Building Height + 28 feet.

7. Distance Between Structures:

A. Between any two (2) principal structures on the same parcel there shall be provided a distance equal to one-half ($\frac{1}{2}$) the sum of their heights.

8. Minimum Floor Area of Principal Structure:
750 square feet for each dwelling unit.

9. Maximum Height of Principal Structure: Two hundred (200) feet above the finished grade of the lot.

10. Minimum Landscaped Area:

A. There shall be provided two (2) square feet of landscaped area for each square foot of off-street parking area which may include any landscaping required in Section 19 of this Ordinance. The preservation of existing native vegetation is permitted when such use is not in conflict with Chapter 13 of the Collier County Code of Laws and Ordinance.

11. Minimum Area for Each Dwelling Unit: 4,500 square feet. This may be provided in some combination of lot area and building floor area. Includable areas are:

A. All totally enclosed floors of the principal buildings except the ground level floor. (Balconies, roofs, screen enclosures, porches and balconies and other similar portions of buildings shall not be included)

B. Parking structures except the ground level floor.

C. Accessory buildings except the ground level floor.

D. The entire land area of the lot on which the principal building is located.

12. Informational Requirements: The filing of the following drawings and data will be required:

A. Site plan

B. Typical floor plans

C. Elevations (for all identical structures, one typical elevation shall suffice).

(D. Computation sheet including the following data:

- (1) Lot area.
- (2) Totally enclosed area of each floor.
- (3) Number and floor area of units by type.
- (4) Landscaped areas to be provided including any existing areas of native vegetation.
- (5) Parking area.
- (6) Number of parking spaces.
- (7) Indoor and outdoor recreation areas.

13. Exceptions: Non-conforming RM-2 lots within platted subdivisions approved by the Board of County Commission and recorded with the Clerk of the Circuit Court prior to October 14, 1974, shall be subject to the following standards:

plat. A. Minimum Lot Area: In accordance with the recorded

plat. B. Minimum Lot Width: In accordance with the recorded

C. Minimum Yard Requirements:
 (1) Front - 30 feet plus one foot for each two (2) feet of building height over 45 feet.
 (2) Side - 15 feet plus one foot for each two (2) feet of building height over 45 feet.
 (3) Rear - 25 feet plus one foot for each two (2) feet of building height over 45 feet
 (4) Gulf Front - See Coastal Construction

Setback Line.
 (5) All other requirements - as set forth in this section.

Section 24. (PUD) PLANNED UNIT DEVELOPMENT DISTRICT

1. District Purpose: The purpose and intent of establishing the Planned Unit Development--PUD--District is to provide an optional alternative zoning procedure so that planned developments may be instituted at appropriate locations in the County in accord with the planning and development objectives of the County. It is the intent and purpose of these PUD regulations to encourage as well as permit land planners, architects, engineers, builders, and developers to exercise ingenuity and imagination in the planning and development or redevelopment of relatively large tracts of land under unified ownership or control. Although planned unit developments produced in compliance with the terms and provisions of these regulations may depart from the strict application of use, setback, height, and minimum lot requirements of conventional zoning regulations, the intent is to provide standards by which flexibility may be accomplished, while maintaining and protecting the public interest, so that:

A. A more creative approach may be taken to the development of contiguous tracts of land five (5) acres or more in size;

B. A more desirable environment may be accomplished than would be possible through strict application of the minimum requirements of this zoning ordinance.

C. Land may be used more efficiently, resulting in smaller networks of utilities and streets with consequent lower construction and future maintenance costs;

D. The impact of a particular planned unit development on the present and projected population, economy, land use pattern, tax base, street system, and public facility network(s) of the County may be carefully evaluated relative to the various costs and benefits that may be associated with such development.

E. Application of Planned Unit Development techniques to a given tract will:

(1) permit large scale development (or redevelopment) which features amenities and excellence in the form of variations in siting, mixed land uses and/or varied dwelling types, as well as adaptation to and conservation of topography and other natural characteristics of the land involved; and

(2) encourage harmonious development of the site and the surrounding areas, community facilities, and patterns of vehicular and pedestrian circulation.

2. Planned Unit Development: Defined. A planned unit development is hereby defined as a contiguous tract of land not less than five (5) acres in size under unified

control which is planned and improved.

A. To function as a relatively self-contained and readily identifiable district, section, or neighborhood of the County;

B. To accommodate a variety of dwelling types together with appropriate commercial, institutional, industrial, and public uses and activities as deemed necessary properly to serve prescribed density and population levels for the development as a whole, or for any designated component thereof; and

C. In a single development operation or programmed series of development operations over an extended period of time according to an officially adopted Concept Plan and related programs for the provision, operation, and maintenance of such areas, improvements, facilities, and services as will be for the common use of all residents and/or users of the planned community.

3. Relation Of Planned Unit Development Regulations To General Zoning, Subdivision Or Other Applicable Regulations: The provisions which follow shall apply generally to the creation and regulation of all PUD Districts, Where there are conflicts between these special PUD provisions and general zoning, subdivision, or other applicable regulations, these special regulations shall apply. The standards as contained herein, and the PUD guides and standards adopted as part of these regulations shall apply to the creation of PUD Districts and to the issuance of building permits and certificates of occupancy in such districts.

4. Planned Unit Development Districts: How Established: Where Permitted: PUD Districts may hereafter be established from designated pre-existing zoning districts by amendment of the Official Zoning Atlas where tracts of land suitable in location, extent, and character for the structures and uses proposed are to be planned and developed according to the procedures and requirements herein set out.

5. Planned Unit Development Districts: General Requirements and Limitations: The following general requirements and limitations shall apply in PUD districts approved under the terms and provisions of these regulations:

A. Unified Control: All land included for purpose of development within a PUD district shall be owned or under the control of the applicant for such zoning designation, whether that applicant be an individual, partnership, or corporation, or a group of individuals, partnerships, or corporations. The applicant shall present firm evidence of the unified control of the entire area within the proposed PUD district and shall state agreement that, if he proceeds with the proposed development, he will:

- (1) do so in accord with:
 - (a) the Master Plan of development officially adopted for the district;
 - (b) regulations existing when the amendment rezoning the land to PUD is adopted; and
 - (c) such other conditions or modifications as may be attached to the rezoning of land to the PUD classification;
 - (2) provide agreements, contracts, deed restrictions, or sureties acceptable to the County for completion of the undertaking in accord with the adopted Master Plan as well as for the continuing operation and maintenance of such areas, functions, and facilities as are not to be provided, operated, or maintained at general public expense; and
 - (3) bind his successors in title to any commitments made under (1) and (2) preceeding.
- B. Master Plan: Any application for rezoning to PUD shall be accompanied by a professionally prepared Master Plan of the development comprised, as a mininum, of the following elements:
- (1) A site development plan, drawn to acceptable scale, which shall indicate:
 - (a) the title of the project and name of developer;
 - (b) scale, date, north arrow, and general location map showing relationship of the site to such external facilities as highways, shopping areas, cultural complexes, and the like;
 - (c) boundaries of the subject property, all existing streets, buildings, watercourses, easements, section lines, and other important physical features within and adjoining the proposed project;
 - (d) the proposed use of all land within the project boundaries, including the location and function of all areas proposed to be dedicated or reserved for community and/or public use;
 - (e) the approximate location of all proposed structures, open space, landscaping, and off-street parking and off-street loading areas;
 - (f) the location and size (as appropriate) of all existing and proposed drainage, water, sewer, and other utility provisions; and
 - (g) the location and nature of all other existing public facilities, such as schools, parks, fire stations, and the like;
 - (h) information about existing vegetative cover and soil conditions in sufficient detail to indicate suitability for proposed structures and uses;
 - (i) a plan for pedestrian and vehicular circulation showing the general locations, widths, and

recommended surface treatment of all major internal thoroughfares and pedestrian accessways. A diagrammatic flow chart demonstrating the pattern of vehicular traffic movement to, within, and through the planned development;

(j) a plan for the provision of all needed utilities to and within the planned community; including (as appropriate) water supply, treatment, and distribution; sewage collection, treatment and disposal; electric power; gas and communications (telephone, cable TV).

(2) A written legal description of the subject property together with names and addresses of all owners of record.

(3) Supportive report(s) which shall include:

(a) a statement indicating how and why the proposed project complies with planning and development objectives of the County;

(b) a general description of the proposed development, including information as to:

(I) total acreage involved in the project.

(II) the number of acres devoted to the various categories of land use shown on the site development plan together with the respective percentage of total project acreage represented by each category of use,

(III) the number and type of dwelling units involved and the corresponding overall project density in dwelling units per gross acre,

(IV) the minimum design standards reflected by the site plan for such features as lot shape and size, internal streets and pedestrian ways, open space provisions, offstreet parking, signs, and landscaping, and

(V) dwelling unit densities for each residential component.

(c) a proposed schedule of development which identifies the anticipated project and component start and completion dates, stages of development, and the area and location of common open space to be provided at or by each stage; and

(d) a statement and/or map indicating which streets or roads (and pedestrian ways as appropriate) are proposed for public ownership and maintenance, and whether approval is sought as part of the Master Plan for private roads, if any within the community.

(4) As determined by the Director, Schematic architectural drawings (floor plans, elevations, perspectives) of all proposed structures and improvements, except single family residences and related accessory building as appropriate;

(5) Agreements, provisions, or covenants which govern the use, maintenance, and continued protection of the planned unit development and any of its common areas or facilities.

(6) Professional Services Required: Any Master Plan of Development submitted in support of an application for PUD zoning shall certify that the services of two or more of the following professionals were utilized in the design or planning process:

(a) an urban planner who possesses the education and experience to qualify for full membership in the American Institute of Planners, and/or

(b) a landscape architect who possesses the education and experience to qualify for full membership in the American Society of Landscape Architects, together with either:

(I) a practicing civil engineer licensed by the State of Florida, or

(II) a practicing architect licensed by the State of Florida.

(7) Common Open Space or Common Facilities. Any common open space or common facilities established by an adopted Master Plan of development for a PUD District shall be subject to the following:

(a) The Planning Commission may recommend that the Board require that the petitioner provide for and establish an organization for the ownership and maintenance of any common open space and/or common facilities, and such organization shall not be dissolved nor shall it dispose of any common open space or common facilities, by sale or otherwise, except to an organization conceived and established to own and maintain the common open space or common facilities. However, the conditions of transfer shall conform to the adopted Master Plan.

(b) In the event that the organization established to own and maintain common open space or common facilities, or any successor organization, shall at any time after the establishment of the planned unit development fail to maintain the common open space or common facilities in reasonable order and condition in accordance with the adopted Master Plan of development, the Director may serve written notice upon such organization and/or the owners or residents of the planned unit development and hold a public hearing. If deficiencies of maintenance are not corrected within thirty (30) days after such notice and hearing, the Director shall call upon any public or private agency to maintain the common open space for a period of one year. When the Director determines that the subject organization is not prepared or able to maintain the common open space or common facilities, such public or private agency shall continue maintenance for yearly periods.

(c) The cost of such maintenance by such agency shall be assessed proportionally against the properties within the planned unit development that have a right of enjoyment of the common open space or common facilities and

shall become a lien on said properties.

(8) Dedication of Public Facilities. The Planning Commission and the Board may, as a condition of approval and adoption of PUD zoning in accord with the Master Plan of development, require that suitable areas for streets, public rights-of-way, schools, parks, and other public facilities be set aside, improved, and/or dedicated for public use.

6. Planned Unit Development: Specific Requirements, Limitations, And Standards: In addition to all general provisions and procedures set out in this section, the following specific requirements, limitations, and standards shall apply particularly to: location of planned unit development districts intended primarily for residential uses and purposes; location of planned unit development districts intended primarily for residential uses and purposes but containing commercial retail or service activities; the preparation of master plans for the two items immediately preceding; the review of applications for rezoning to PUD; and, the development (or redevelopment) of PUD districts that have been adopted as amendments to these zoning regulations.

A. Location. PUD districts shall be so located as to provide adequate access for the population to be expected and in accord with the provisions and standards herein set out.

B. Minimum Area Required. The minimum area required for a planned unit development district containing only residential uses shall be five (5) acres.

C. Character of the Site. Any proposed PUD site shall be suitable for development in the manner proposed without undue hazards to persons or property, on or off the tract, from probability of flooding, wind or water erosion, subsidence or slipping of the soil, or subsidence of buildings or other structures or facilities. Condition of soil, ground water level, drainage, and topography shall all be appropriate to both kind and pattern of use or uses intended. The site shall also contain sufficient width and depth to accommodate adequately its proposed use and design.

D. Uses Permitted. The following uses shall be permitted in PUD districts when they are shown on the Master Plan of development adopted by the Board for such districts:

(1) Dwellings of any variety or combination of types.

(2) Accessory buildings and accessory uses.

(3) Common public and private open spaces.

(4) Parks, playgrounds, community center, or other recreation or social facility owned and operated by a non-profit organization.

(5) Recreational facilities such as golf, swimming, tennis, and country clubs.

(6) Houses of worship, libraries, schools, nursing homes, child care centers, hospitals.

(7) Public parks and playgrounds, public buildings, public utility and service uses.

(8) Marina.

(9) In a PUD of twenty (20) acres or more in size, neighborhood service commercial and professional office uses which are determined at the time of rezoning; provided, the total floor area devoted to such commercial activity (other than off-street parking located in a structure) may not exceed five (5) percent of the total floor area devoted to residential uses. Such commercial area shall serve the needs of the PUD and not the general needs of surrounding area. Areas so designated normally shall be oriented to the interior of the project and shall not front on exterior or perimeter streets.

(10) In a PUD of fifty (50) acres or more in size, general service commercial and professional office uses to serve the residents of the PUD and the general public; provided, the total floor area devoted to such commercial activity (other than off-street parking located in a structure) may not exceed five (5) percent of the total floor area devoted to residential uses. In addition, full provision shall be made for buffering the commercial area from residential uses. Permitted uses for a PUD district shall be specified in the application for rezoning of land to PUD classification and shall be included in any approval of rezoning land to PUD classification.

E. Maximum Residential Densities Permitted.

(1) Maximum density for any residential component or group of components shall not exceed the maximum density permitted in the zone district the use most closely resemble.

(2) The Planning Commission may recommend deviations on density or extent of development when it has determined that development to the maximum density permitted in paragraph A above would:

- (a) Create inconvenient or unsafe access to the PUD; or
- (b) Create traffic congestion in the streets which adjoin or lead to the PUD; or
- (c) Place a burden on parks, recreational areas, schools, and other public facilities which serve or are proposed to serve the PUD; or
- (d) Be in conflict with the general intent and provisions of the Comprehensive Plan; or
- (e) Create a threat to property or incur abnormal public expense in areas subject to natural hazards.

(3) The overall density of a PUD shall be calculated by dividing the number of dwelling units by the total gross development area.

F. Commercial Components. Commercial areas in a given PUD district are designed and intended to serve either the residential component or the community generally, and are so designated by the adopted Master Plan for said district, shall be and are hereby considered to be planned unit developments as defined by Section 24.2 herein. Required master development plans for these commercial PUD components shall therefore be prepared, reviewed, and carried out in compliance with all applicable requirements, limitations, and standards, as set out in Section 24 of this Zoning Ordinance.

G. Minimum Lot Area and Frontage Requirements
Within A PUD. No minimum lot size or yards shall be required within a PUD, except that frontage on dedicated public roads shall observe front yard requirements in accordance with the zoning classification the use most closely resembles, and peripheral yards abutting the exterior limits of the PUD boundary (except for boundaries delimited in or by water) shall observe yard requirements in accordance with the zoning classification the use most closely resembles. Every dwelling unit or other use permitted in the PUD shall have access to a public road or street either directly or via an approved private road, pedestrian way, court, or other area dedicated to public use or reserved for private use, or common element guaranteeing access. Permitted uses are not required to front on a public dedicated road or street.

H. Dimensional Standards:

(1) Minimum Distance Between Structures: One-half ($\frac{1}{2}$) of the sum of the heights of the buildings, but in no case shall the distance be less than twenty (20) feet.

(2) Minimum Distance to the Property Line:
The minimum distance between the building and the property line shall be one-half ($\frac{1}{2}$) the height of the building, but in no case shall the distance be less than twenty (20) feet.

(3) Height Standards: The maximum heights for any use shall not exceed the maximum height permitted in the zone district the use most closely resembles.

I. Off-Street Parking and Off-Street Loading Requirements. Off-street parking and off-street loading requirements shall be as for comparable uses set out in Section 18 of this zoning ordinance. No parking spaces on or within any public or private road or travelway shall be counted in fulfilling the required number of spaces. Landscaping for vehicular areas shall be as set out in Section 19 of this zoning ordinance.

J. Usable Open Space Requirements: Usable open space shall include active and passive recreation areas such as playgrounds, golf courses, beach frontage, waterways, lagoons, flood plains, nature trails, and other similar open spaces. Open water area beyond the perimeter of the site and street rights of way, driveways, offstreet parking areas,

and offstreet loading areas shall not be counted in determining usable open space.

(1) Planned Residential Developments: In residential developments at least seventy-five (75) percent of the gross area shall be devoted to usable open space.

(2) Mixed Purpose Developments: In development of mixed uses, including residential, at least forty (40) percent of the gross area shall be devoted to usable open space.

(3) Dedication of Usable Open Space: A maximum of eight (8) percent of the gross project site shall be required for dedication to public use for all projects after a determination by the BCC that a public need exists for such public facilities.

K. Site Planning-External Relationships. Site planning within a PUD district shall provide protection of the development from potentially adverse surrounding influences, and protection of surrounding areas from potentially adverse influences generated by or within the district. In particular:

(1) Principal vehicular access points shall be designed to encourage smooth traffic flow and minimum hazards to vehicular or pedestrian traffic. Merging and turnout lanes and/or traffic dividers shall be required where existing or anticipated heavy traffic flows indicate need. In general, minor streets shall not be connected with minor streets outside the PUD district in such a way as to encourage through traffic, or flow of traffic from the PUD district along minor streets in neighboring residential areas. Where streets within the district intersect adjoining streets, visibility triangles shall be maintained.

(2) Fences, walls, or vegetative screening at edges of PUD districts shall be provided where needed to protect residents from undesirable views, lighting, noise or other adverse off-site influences, or to protect residents of adjoining districts from similar possible influences from within the PUD district. In all cases, screening shall at a minimum be designed to protect existing or potential first-floor residential occupant window levels. In particular off-street parking areas for five or more cars, service areas for loading or unloading vehicles other than passengers, and areas for storage and collection of trash and garbage shall be so screened.

L. Site Planning-Internal Relationships: The site development plan for a PUD district shall provide for safe, efficient, convenient, and harmonious groupings of structures, uses and facilities, and for appropriate relation of space inside and outside buildings to intended uses and structural features. In particular:

(1) Streets, drives, and parking and service areas shall provide safe and convenient access to dwelling units and project facilities, and for service and emergency

vehicles, but streets shall not be so laid out as to encourage outside traffic to traverse the development on minor streets, nor occupy more land than is required to provide access as indicated, nor create unnecessary fragmentation of the development into small blocks, nor shall streets be so laid out or constructed as to require excessive cuts or fills or to interfere with desirable drainage in or adjacent to the district. In addition, all major arteries as shown on the Master Plan of Development shall be controlled access facilities and the only vehicular access thereto shall be public and private streets.

(2) Private streets or roads if proposed by the applicant shall comply with all requirements for such streets and roads as contained in the County Land Development and Subdivision Regulations.

M. Preservation and Protection of Desirable Natural Historic or Archeological Features: Every effort shall be made in the planning and development of a PUD District to preserve and protect desirable natural, historic, or archeological features of the site, including trees and other vegetation of consequence. The disturbance of terrain or vegetation in a manner likely to significantly increase either wind or water erosion within or adjacent to the PUD District is prohibited.

N. Sign Limitation: Signs shall be in accordance with Section 20 of this ordinance.

O. Deviations from Specific Requirements, Limitations, and Standards: When, in the opinion of the Coastal Area Planning Commission, unusual conditions exist, they may recommend to the Board of County Commissioners and the Board may approve the waiving of certain portions of the above standards, limitations and requirements.

7. Utilities: It is intended that within the residential portions of a PUD District, all utilities, including telephone, television cable, and electrical systems shall be installed underground; provided, however, appurtenances to these systems which require above ground installation must be effectively screened and thereby, may be exempted from this requirement; and primary facilities providing service to the site of the development or necessary to service areas outside the district may be exempted from this requirement.

8. Procedures For Planned Unit Development Zoning: Petitions for rezoning to PUD shall be submitted and processed as for rezoning amendments generally and in accordance with the following special procedures:

A. Preapplication Conference: Prior to submitting a formal application for rezoning to PUD, the applicant shall confer with the Director and other County Staff, agencies, and officials involved in the review and processing of such applications and related materials. The applicant is further encouraged to submit a tentative land use sketch plan for review

at the conference, and to obtain information on any projected plans, programs, relation to possible applicable Federal or State requirements, or other matters that may affect the proposed planned unit development. This preapplication conference should address, but not be limited to, such matters as:

- (1) The proper relation between the anticipated project and surrounding uses, and the effect of the proposed development on the planning and development objectives of the County.
- (2) The adequacy of existing and proposed streets, utilities, and other public facilities to serve the development.
- (3) The nature, design, and appropriateness of the proposed land use arrangement for the size and configuration of property involved.
- (4) The adequacy of open space areas in existence and as proposed to serve the development.
- (5) The ability of the subject property and of surrounding areas to accommodate future expansions, if needed.

B. Application Materials: In addition to information generally required for rezoning applications, the applicant shall submit the following materials or data in sufficient copies for necessary referrals and records:

- (1) The evidence of unified control of the proposed planned unit development and the associated agreements required under Section 24.5A.
- (2) A proposed Master Plan of Development as prescribed under Section 24.5B.
- (3) Such other material as the applicant may feel is applicable to and in support of his application for rezoning to PUD.
- (4) Any additional information as may be required by the Planning Commission or the Board at the time of any public hearing.

C. Prehearing Conference: Any application for rezoning to PUD, together with all materials prescribed herein, shall be submitted to the Director at least ten (10) weeks in advance of the required public hearing before the Planning Commission on such application. Prehearing conferences may be held between the applicant and/or his representatives and officials or representatives of the County. The purpose of such prehearing conferences shall be to assist in bringing the application for rezoning to PUD as nearly as possible into conformity with the intent of these or other applicable regulations, and/or to define specifically any justifiable variations from the application of such regulations. If such conferences be held, any recommendations for change in the application, Master Plan of development, or required statements shall be set down in writing, and shall become part of the public record in the case. All such recommendations shall be supported by written, stated reasons for the proposed change. The applicant shall, in writing, indicate agreement to such recommendations, or disagreement; if disagreeing, the applicant shall state in writing

the reasons therefor. All such responses by the applicant shall be included in the record of the case.

D. Review by Advisory Boards: The Board shall require review of the application for rezoning to PUD by such County advisory boards as it may from time to time designate. Where the Board has required review, comments and critique of such advisory board shall be made in writing and shall become a part of the record in the matter; provided, a representative of any such designated board may appear and speak at the public hearings before the Planning Commission and the Boards.

E. Hearing Before the Planning Commission: Public notice shall be given and a public hearing held before the Planning Commission on the application for rezoning to PUD. Both the notice and the hearing shall be on the application, proposed Master Plan of Development, and required statements as they may have been amended as a result of the prehearing conferences conducted pursuant to Section 24.5C, herein.

F. Planning Commission Recommendation: The Planning Commission shall make written findings as herein set out and shall recommend to the Board either approval of the PUD rezoning as proposed; approval conditional on stated modifications; or disapproval. In support of its recommendation, the Planning Commission shall make findings as to:

(1) The suitability of the area for the type and pattern of development proposed in relation to physical characteristics of the land, relation to surrounding areas, traffic and access, drainage, sewer, water, and other utilities.

(2) Adequacy of evidence of unified control and suitability of any proposed agreements, contracts, or other instruments or for amendments in those proposed, particularly as they may relate to arrangements or provisions to be made for the continuing operation and maintenance of such areas, functions, and facilities as are not to be provided or maintained at public expense. Findings and recommendations of this type shall be made only after consultation with the County Attorney.

(3) Conformity of the proposed planned unit development with the goals and objectives of the Comprehensive Plan.

(4) Conformity with PUD regulations, or as to desirable modification of such regulations in the particular case, based on determination that such modifications are justified as meeting public purposes to a degree at least equivalent to literal application of such regulations.

G. Action by Board: Unless the application is withdrawn by the applicant, the Board shall, upon receipt of the Planning Commission recommendation, advertise and hold a public hearing on the application. The notice and hearing shall be on the application and Master Plan of development as recommended by the Planning Commission to the Board. The Board shall either grant the proposed rezoning to PUD; deny the application for PUD rezoning, or grant the PUD rezoning with conditions or

modifications. Such modifications shall be stated with reference to the appropriate provision of these regulations upon which they are based and the reasons therefore.

9. Effect of Planned Unit Development Zoning: If the Board approves the proposed PUD rezoning, the Master Plan for development and all other information and materials formally submitted with the petition shall be considered as adopted as an amendment to the zoning ordinance and shall become the standards of development for the subject planned unit development. Thenceforth, development in the area delineated as a PUD district on the Official Zoning Atlas shall proceed only in accord with the adopted Master Plan for said district. Such development shall conform to any order of staging or set of priorities or time limitations established in the amendment. Before development of any type may proceed, however, all agreements or contracts required but not approved at the time of amending action shall be approved by appropriate officers or agencies of the County. No building permit or certificate of occupancy shall be issued in or for development in a PUD classification. In those instances where preliminary and final plats are required by other County regulations, building permits may be issued after a preliminary plat has been approved by the County Commission, thereby permitting appropriate construction as necessary improvements are installed; but no occupancy permit shall be issued until the final plat of the project, or phase thereof, has been approved and recorded.

10. Changes and Amendments: The Board upon recommendation by the Planning Commission, may approve minor changes in the location, siting or height of buildings, structures, and improvements authorized by the adopted Master Plan of development for a designated PUD district, provided that such modifications do not:

A. Increase the cube of any building; the number of structures; the number of dwelling units; or densities as specified by the adopted Master Plan.

B. Change any perimeter boundary of the planned unit development.

C. Rearrange any lot, block, building tract, or common open space or common facility as shown on the adopted Master Plan.

D. Change any use as shown on the adopted Master Plan.

E. Change location or amounts of land devoted to specified land uses on the adopted Master Plan.

F. Change the intent of the Master Plan of development as adopted by the Board.

Section 25. RT-RESIDENTIAL TOURIST DISTRICT

1. District Purpose: The RT Residential Tourist District is intended to provide for tourist accommodations and supporting facilities and multiple family dwellings. The districts are not designed to serve all the potential needs of tourists but rather to provide those goods and services tourists normally require, aside from automotive oriented services which are not permitted in this district. Depending upon location, it is generally intended to utilize this district within but not necessarily limited to those areas of Collier County which comply with the policies and objectives of the Comprehensive Plan.

2. Permitted Uses and Structures: No building or structure or part thereof, shall be erected, altered or used, or land or water used, in whole or in part, for other than the following:

A. Permitted Principal Uses and Structures

(1) Multi-family dwellings.

(2) Hotels, motels, apartment hotels

B. Permitted Accessory Uses and Structures

(1) Customary accessory uses and structures

(2) Non-commercial boat launching facilities and multiple docking facilities.

(3) Recreational clubs intended to serve the surrounding residential area.

(4) Shops, personal service establishments, eating or drinking establishments, dancing and staged entertainment facilities, meeting rooms and auditoriums, which such uses are an integral part of an apartment hotel, hotel or motel subject to the provisions of Sections 8.12 and 18 of this Ordinance.

(5) Private boat houses and docks, with or without boat hoists, on canal or waterway lots, not protruding more than five (5) feet into the canal or waterway, unless such canal or waterway has a width of one hundred (100) feet or more, then the dock may protrude twenty (20) feet into such canal or waterway of such additional length as may be justified to the Director based on water depth, currents, unusual land contour or configuration or some other natural condition. No boat or boat house may be used as a residence.

All docks, regardless of length shall have reflectors four (4") inches minimum size installed at the outermost end, on both sides.

C. Permitted Provisional Uses and Structures

The following uses may be permitted subject to the provisions of Section 14 as follows:

(1) Churches and other places of worship

(2) Marinas

(3) Fraternal and social clubs, subject to the provisions of Section 8.12 of this Ordinance.

3. Maximum Density Permitted

A. The maximum density for transient hotel and motel units and apartment hotels which do not have cooking facilities in the dwelling units shall be thirty (30) dwelling units per gross acre.

B. The maximum density for transient hotel and motel units and apartment hotels and multi-family dwelling units which contain cooking facilities in the dwelling units shall be twenty (20) dwelling units per gross acre.

4. Minimum Lot Area: 20,000 square feet.

5. Minimum Lot Width: One hundred (100) feet average between front and rear lot lines.

6. Minimum Yard Requirements:

A. Depth of front yard - Thirty (30) feet plus one (1) foot for each two (2) feet of building height over fifteen (15) feet.

B. Depth of side yard - Fifteen (15) feet plus one (1) foot for each two (2) feet of building height over fifteen (15) feet.

C. Depth of rear yard - twenty-five (25) feet plus one (1) foot for each two (2) feet of building height over fifteen (15) feet.

D. Minimum separation between principal structures - Between any two (2) principal buildings on the same parcel, there shall be provided a distance equal to one-half ($\frac{1}{2}$) of the sum of their heights.

7. Minimum Floor Area for Each Dwelling Unit:

A. Residence dwelling units and transient dwelling units with cooking facilities - Five hundred (500) square feet.

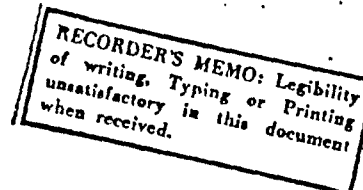
B. Transient dwelling units without cooking facilities - Three hundred (300) square feet.

8. Maximum Height: Seventy-five (75) feet above grade.

9. Minimum Off-Street Parking and Off-Street Loading Requirements: As required in Section 18 of this Ordinance.

10. Minimum Landscaping Requirements: There shall be provided two (2) square feet of landscaped area for each square foot of landscaped area for each square foot of off-street parking area which may include any landscaping required in Section 19 of this Ordinance. The preservation of existing native vegetation is permitted when such use is not in conflict with Chapter 13 of the Collier County Code of Laws and Ordinance.

11. Limitation on Signs: As required in Section 20 of this ordinance.



Section 26. GC - GOLF COURSE DISTRICT.

1. District Purpose. The provisions of this district are intended to apply to areas developed into golf courses and normal accessory uses of golf courses, including some uses of a commercial nature.

2. Permitted Uses and Structures. No building or structure, or part thereof, shall be erected, altered or used, or land or water used, in whole or in part, for other than the following:

A. Permitted Principal Uses and Structures.
Golf Courses.

B. Permitted Accessory Uses and Structures.

(1) Clubhouses, pro-shop, practice driving range and other customary accessory uses of golf courses, or other recreational facilities.

(2) Small commercial establishments, including gift shops, golf equipment sales, restaurants, cocktail lounges, and similar uses, intended to exclusively serve patrons of the golf course or other permitted recreational facilities, subject to the provisions of Section 8.12 of this Ordinance.

(3) Shuffleboard courts, tennis courts, swimming pools, and other types of facilities intended for outdoor recreation.

(4) Signs as permitted in Section 20 of this Ordinance.

3. Plan Approval Requirements. Plans for the golf course and all accessory uses shall be submitted to the Director who will review these plans and approve their construction. All construction shall be in accordance with the approved plans and specification. The perimeter boundaries of such plans shall be recorded in the same manner as a subdivision plat.

A. General Requirements.

(1) Overall site design shall be harmonious in terms of landscaping, enclosure of structures, location of access streets and parking areas and location and treatment of buffer areas.

(2) Buildings shall be setback a minimum of fifty (50) feet from abutting residential districts and the setback area shall be appropriately landscaped and maintained to act as a buffer zone.

(3) Lighting facilities shall be arranged in a manner which will protect roadways and neighboring properties from direct glare or other interference.

(4) A site plan shall be provided showing pertinent structure locations.

4. Maximum Height. Thirty-five (35) feet above the finished grade of the lot within 150 feet of any district restricted to thirty (30) feet or less in height, and forty-five (45) feet elsewhere within the district.

5. Minimum Off-Street Parking. As per Section 18 of this Ordinance.

Section 27. FVR - FISHING VILLAGE RESIDENTIAL DISTRICT.

1. District Purpose. The provisions of this district are intended to apply to areas where a mixture of residential use may be permitted to exist in combination with fishing equipment and structures, their maintenance repair and storage, and facilities for processing fishing catches. Because of the unusual nature of these developments and the importance of the tourist fishing industry, certain commercial uses may be permitted in close proximity to the residential uses. Standards for development will recognize the unusual land ownership configurations which normally exist in such fishing village.

2. Permitted Uses and Structures. No building or structure, or part thereof, shall be erected, altered or used, land or water used, in whole or in part for other than the following:

A. Permitted Principal Uses and Structures.

- (1) Single-family residence.
- (2) Two-family residence.
- (3) Multiple family residence, providing that all such uses containing more than six (6) dwelling units shall conform to the provisions of the RM-2 District.
- (4) Mobile Homes.
- (5) Churches and other places of worship.
- (6) Civic and cultural facilities.
- (7) Transient lodging facilities.
- (8) Fraternal, social and recreational clubs.

B. Permitted Accessory Uses and Structures.

- (1) Accessory uses and structures, including private garages.
- (2) Private boat launching facilities and multiple docking areas, including those uses for charter business or party boats, when operated by the residents of the principal use.
- (3) Storage, repair and maintenance areas and structures for fishing equipment, when used by the residents of the principal use.
- (4) Boat yard and way when used by the residents of the principal use.
- (5) Signs subject to the provisions of Section 20 of this Ordinance.

C. Provisional Uses and Structures. The following uses may be permitted subject to the provisions of Section 14

of this Ordinance.

(1) All commercial uses permitted in the GRC Commercial District.

(2) Fish loading and unloading, storage and processing activities, provided the performance standards of the industrial district are observed.

3. Minimum Lot Area Requirement.

- A. Single-family residence- 6,000 square feet.
- B. Mobile homes- 6,000 square feet.
- C. Two-family Residence- 6,000 square feet
- D. Multi-dwelling- 3,000 square feet per dwelling unit.
- E. All other- None.

4. Minimum Lot Width.

- A. Sixty (60) feet as measured at the front yard setback line.
- B. Mobile homes - Sixty (60) feet as measured at the front yard setback line.

5. Maximum Lot Coverage. Fifty (50) percent.

6. Minimum Yard Requirements.

- A. Depth of Front Yard Setback- Twenty (20) feet.
- B. Depth of Side Yard Setback- Five (5) feet.
- C. Depth of Rear Yard Setback- Twenty (20) feet.

7. Minimum Floor Area of Principal Structure.

- A. Single-family residence- 600 square feet.
- B. Multi-dwelling residence- 400 square feet per dwelling unit.

8. Maximum Height of Principal Structure. Forty-five (45) feet.

9. Minimum Off-Street Parking.

- A. As required in Section 18 of this Ordinance.

Section 28 NHSD - MOBILE HOME SUBDIVISION DISTRICT

1. District Purpose: The provisions of this district are intended to apply to an area which has been designed specifically for the placement of mobile homes for residential occupancy upon lots which are owned by the residents thereon.

2. Permitted Uses and Structures: No building or structure, or part thereof, shall be erected, altered or used, or land or water used, in whole or in part, for other than the following:

A. Principal Uses:

- (1) Mobile Homes

B. Accessory Uses: Accessory uses and structures customarily associated with mobile home development, such as recreation facilities, administration buildings, service buildings, utilities, and additions which compliment the mobile homes.

Private boat houses and docks, with or without boat hoists, on canal or waterway lots, not protruding more than five (5) feet into the canal or waterway, unless such canal or waterway has a width of one hundred (100) feet or more, then the dock may protrude twenty (20) feet into such canal or waterway of such additional length as may be justified to the Director based on water depth, currents, unusual land contour or configuration or some other natural condition. No boat or boat house may be used as a residence.

All docks, regardless of length shall have reflectors four (4") inches minimum size installed at the outermost end, on both sides.

C. Provisional Uses: The following uses may be permitted subject to the provisions of Section 14 of this Ordinance:

- (1) Marinas, country clubs, yacht clubs
- (2) Civic and cultural facilities
- (3) Churches and other places of worship

3. Plan Approval Required: Plans for mobile home subdivision district shall be processed in the same manner as regular subdivision plats. Mobile home subdivision plats shall be recorded in the Collier County Plat Book.

4. Minimum Lot Area

- A. Mobile Homes - 6,000 square feet

5. Minimum Width

- A. Mobile Homes - sixty (60) feet measured at the front yard setback line.

6. Minimum Yards

- A. Depth of Front Yard - 25 feet
- B. Depth of Side Yard - 7½ feet
- C. Depth of Rear Yard - 10 feet

7. Minimum Floor Area

- A. Mobile Homes - Six hundred (600) square feet.

8. Minimum Mobile Home Subdivision Size: Forty (40) acres. Every mobile home subdivision shall have a minimum of forty (40) acres of land, unless the proposed development is within the bounds of public sewer and water in which case then the minimum size shall be twenty (20) acres:

9. Maximum Height: Thirty (30) feet above the finished grade of the lot. Accessory buildings limited to twenty (20) feet above the finished grade of the lot.

10. Minimum Off-Street Parking: Two (2) spaces per dwelling unit which must be located on the lot they are intended to serve.

11. Minimum Number of Spaces Completed and Ready for Occupancy Before First Occupancy is Permitted: Fifty (50) spaces.

12. Compliance: All MHSD erected after the effective date of this ordinance shall comply with all requirements of this Ordinance. No MHSD that exists on the effective date of this Ordinance shall be altered so as to provide a lesser degree of conformity with the provisions of this section than existed on the effective date of this Ordinance. Land already zoned MHSD which does not meet the acreage requirement may be developed; however, the development shall conform with all other provisions of this Ordinance.

13. Exceptions: Non-conforming MHSD lots within platted subdivisions approved by the Board of County Commissioners and recorded with the Clerk of the Circuit Court prior to October 14, 1974, shall be subject to the following standards:

- A. Minimum Lot Area: In accordance with the recorded plat.
- B. Minimum Lot Width: In accordance with the recorded plat.
- C. Minimum Yard Requirements:
 - (1) Depth of front yard - 20 feet
 - (2) Depth of side yard - 5 feet
 - (3) Depth of rear yard - 10 feet
- D. All other standards as required for conforming lots.

Section 29 MHRP-MOBILE HOME RENTAL PARK

1. District Purpose: The provisions of this district are intended to apply to managed mobile home rental parks, in which lots may not be sold to individuals and on-site management is provided.

2. Permitted Uses and Structures: No building or structure, or part thereof, shall be erected, altered, or used, or land or water used, in whole or in part, for other than the following:

A. Permitted Principal Uses and Structures(1) Mobile HomesB. Permitted Accessory Uses and Structures

Accessory uses and structures customarily associated with mobile home parks, including patios, recreation facilities, administration buildings, service buildings and utilities.

Private boat houses and docks, with or without boat hoists, on canal or waterway lots, not protruding more than five (5) feet into the canal or waterway, unless such canal or waterway has a width of one hundred (100') feet or more, then the dock may protrude twenty (20') feet into such canal or waterway of such additional length as may be justified to the Director based on water depth, currents, unusual land contour or configuration or some other natural condition. No boat or boat house may be used as a residence.

All docks, regardless of length, shall have reflectors four (4") inches minimum size installed at the outermost end, on both sides.

C. Provisional Uses and Structures: The following uses may be permitted subject to the provisions of Section 14 of this Ordinance:

- (1) Marinas, Country clubs, Yacht clubs
- (2) Civic or cultural facilities
- (3) Churches
- (4) Upon completion and occupancy of fifty

(50) percent or more of the designed lot capacity of the mobile home rental park, convenience establishments of a commercial nature, including stores, laundry and dry cleaning agencies, beauty shops and barber shops, may be permitted in mobile home rental parks subject to the following restrictions: Such establishments and the parking area primarily related to their operation shall not occupy more than ten (10) percent of the area of the park; shall be subordinate to the residential use and character of the park; shall be located, designed, and intended to serve the exclusive trade of the service needs of persons residing in the park; and shall present no visible evidence of their commercial character from any portion of any public street or way outside the park.

(5) Mobile Home Sales, providing following restrictions be met:

(a) Such uses shall not occupy more than ten percent of the area of the park or two (2) acres, whichever be smaller.

(b) The outside display area shall be treated with a hard surface of either concrete or plant mixed bituminous material except desirable landscaped areas which shall be separated from all paved areas.

(c) A visual buffer shall be provided around the area of outside display adjacent to residential or mobile home park development or vacant land.

6. Travel Trailers, pick-up coaches, and motor homes subject to the TTRV district regulations.

(a) The requirements of the TTRV district shall be in addition to the requirements of the MHRP District regulations.

(b) TTRV lots shall not be interspersed with mobile home lots within the MHRP but shall be located within a separate part of the MHRP which area is specifically designated on the plans as being reserved exclusively for TTRV use.

3. Plan Approval Requirements: Layout plans for a mobile home rental park shall be submitted to the Director and construction shall be in accordance with approved plans and specifications.

4. Minimum Lot Requirements:

- A. Minimum size of lot or space - 4,000 square feet
- B. Minimum lot width - 45 feet as measured at the front yard setback line.

5. Minimum Setbacks from Lot Boundaries:

- A. Depth of Front Yard - ten (10) feet setback
- B. Depth of Side Yard - five (5) feet setback
- C. Depth of Rear Yard - Eight (8) feet setback
- D. From exterior boundary of park or from any required buffer area - ten (10) feet setback.
- E. From public streets - twenty-five (25) feet setback.
- F. From building or structures - ten (10) feet setback.

6. Minimum Park Size: Every mobile home rental park shall have a minimum of twenty (20) acres of land.

7. Required Recreation Area: The following amount of land or water shall be set aside and developed for recreational purposes within the mobile home rental park site:

- A. Three hundred (300) square feet for each lot for the first one hundred (100) lots.
- B. Two hundred (200) square feet for each lot in excess of one hundred (100) lots.
- C. One half ($\frac{1}{2}$) of the water surface within the park may be credited toward the required recreation area, except that at least fifty (50) percent of the required recreation area shall be land area.

8. Required Buffers: Visual screens are required in

the following areas;

A. Parking area adjacent to the entrance and exit-way areas, as may be required under Section 18 of this Ordinance.

B. Mobile home rental parks fronting on a highway shall provide and maintain a clear area not less than twenty (20) feet in width alongside and parallel to the highway to facilitate safe and rapid entrance and exit from the highway by arriving and departing vehicles. There shall be an additional landscaped area of five (5) feet inside the entire length of the clear area.

C. Mobile home rental parks abutting highways or lands zoned other than for such parks shall be effectively screened from such highways or land by a buffer strip at least five (5) feet wide, in which ornamental screening composed of structural or plant material shall be placed. Such screen shall be attractively maintained at all times.

9. Required Internal Park Street System. All lots within a mobile home rental park shall have direct access from an internal street. All internal streets within the mobile home park shall provide safe and convenient access to a public street. The right-of-way widths, paving widths, and other construction standards, including gradient and alignment of all internal streets and drainage shall be reviewed and approved by the County Engineer.

10. Minimum Off-Street Parking.

A. Two (2) spaces per dwelling unit shall be provided, located within the boundaries of the mobile home rental park.

B. All commercial uses and other uses accessory to the park shall comply with the provisions of Section 18 of this Ordinance.

11. Compliance. All MHRP erected after the effective date of this ordinance shall comply with all requirements of this ordinance. No MHRP that exists on the effective date of this ordinance shall be altered so as to provide a lesser degree of conformity with the provisions of this section than existed on the effective date of this ordinance. Land already zoned MHRP which does not meet the acreage requirement may be developed; however, the development shall conform with all other regulations of this Ordinance.

Section 30. TTRV-TRAVEL TRAILER-RECREATIONAL VEHICLE PARK DISTRICT.

1. District Purpose. The provisions of this district are intended to apply to trailer lots for travel trailers and recreational vehicles not exceeding eight (8) feet in width and not exceeding thirty (30) feet in length. Such trailer lots are intended to accommodate travel trailers, pick-up coaches, motor homes, and other vehicular accommodations which are suitable for temporary habitation, used for travel, vacation, and recreational purposes.

2. Permitted Uses and Structures. No building or structure, or part thereof, shall be erected, altered or used, or land or water used, in whole or in part, for other than the following:

A. Permitted Principal Uses and Structures.

(1) Travel trailers, pick-up coaches, motor homes, and other recreational vehicles. (One per lot.)

B. Accessory Uses and Structures.

(1) Accessory uses and structures customarily associated with travel trailer recreational vehicle parks, including patios, recreation facilities, administration buildings, service buildings, and utilities.

C. Provisional Uses. The following may be permitted subject to the provisions of Section 14 of this ordinance.

(1) Marinas; country clubs, yacht clubs.

(2) Civic or cultural facilities.

(3) Churches and other places of worship.

(4) Upon completion of all required improvements of the TTRV park, convenience establishments of a commercial nature including stores, laundry and dry cleaning agencies, beauty shops and barber shops, may be permitted in TTRV parks subject to the following restrictions: Such establishments and the parking area primarily related to their operations shall not occupy more than five (5) percent of the park; shall be subordinate to the use and character of the park; shall be located, designed, and intended to serve the exclusive trade of the service needs of the persons residing in the park; and shall present no visible evidence of their commercial character from any portion of any public street or way outside the park.

(5) Travel trailer recreational vehicle sales, subject to the following requirements:

(a) Such uses shall not occupy more than five (5) percent of the area of the park or one (1) acre, whichever be smaller.

(b) The outside display area shall be treated with a hard surface of either concrete or plant mixed bitumenous material except desirable landscaped areas which shall be separated from all paved areas.

(c) A visual buffer shall be provided around the area of outside display.

3. Plan Approval Requirements. Layout plans for a TTRV park shall be submitted to the Director and construction shall be in accordance with approved plans and specifications.

4. Minimum Lot Requirements.

- A. Minimum area of lot - 1,200 square feet.
- B. Minimum width of lot - twenty (20) feet measured at the front yard setback line.

5. Minimum Setbacks from Lot Boundaries.

- A. Depth of Front Yard - ten (10) feet setback.
- B. Depth of Side Yard - five (5) feet setback.
- C. Depth of Rear Yard - eight (8) feet setback.
- D. From exterior boundary of park or from any required buffer area - ten (10) feet.
- E. From Public Street - twenty five (25) feet.
- F. From buildings or structures - ten (10) feet.

6. Minimum Park Size. Every travel trailer recreational vehicle park shall have minimum of twenty (20) acres of land.

7. Required Recreation Area. The following amount of land or water shall be set aside and developed for recreational purposes within the TTRV park site:

- A. Two hundred (200) square feet for each lot for the first one hundred (100) lots.
- B. One hundred fifty (150) square feet for each lot in excess of one hundred (100) lots.
- C. One half ($\frac{1}{2}$) of the water surface within the park may be credited toward the required recreation area, except that at least fifty (50) percent of the required recreation area shall be land area.

8. Required Buffers. Visual screens are required in the following areas:

- A. Parking area adjacent to the entrance and exit-way areas, as may be required under Section 18 of this Ordinance.
- B. TTRV parks fronting on a highway shall provide and maintain a clear area not less than twenty (20) feet in width alongside and parallel to the highway to facilitate safe and rapid entrance and exit from the highway by arriving and departing vehicles. There shall be an additional landscaped area of five (5) feet inside the enti

length of the clear area.

C. TTRV parks abutting highways or lands zoned other than for such parks shall be effectively screened from such highways or land by a buffer strip at least five (5) feet wide, in which ornamental screening composed of structural or plant material shall be placed. Such screen shall be attractively maintained at all times.

9. Required Internal Park Street System. All lots within a TTRV park shall have direct access from an internal street. All internal streets within the mobile home park shall provide safe and convenient access to a public street. The right-of-way widths, paving widths, and other construction standards, including gradient and alignment of all internal streets and drainage shall be reviewed and approved by the County Engineer.

10. Minimum Off-Street Parking.

A. One space per TTRV space shall be provided, located within the boundaries of the TTRV park.

B. All commercial uses and other uses accessory to the park shall comply with the provisions of Section 18 of this Ordinance.

11. Compliance. All TTRV parks erected after the effective date of this ordinance shall comply with all requirements of this ordinance. No TTRV park that exists on the effective date of this ordinance shall be altered so as to provide a lesser degree of conformity with the provisions of this section than existed on the effective date of this ordinance. Land already zoned TTRV which does not meet the acreage requirements may be developed; however, the development shall conform with all other regulations of this ordinance.

Section 31. CD-CAMPGROUND DISTRICT.

1. District Purpose. The provisions of this district are intended to provide a commercial campground which accommodates temporary residency while camping, vacationing or recreating.

2. Uses Permitted. No building or structure, or part thereof shall be erected, altered or used, or land or water used, in whole or in part, for other than the following:

A. Principal Uses.

(1) Commercial campground with on-site management provided, including convenience establishments of a commercial nature including stores, laundry and dry cleaning agencies, and personal services may be permitted in commercial campgrounds subject to the following restrictions:

(a) Such establishments and the parking area primarily related to their operations shall not occupy more than ten (10) percent of the area of the park or one acre whichever be smaller;

(b) Such establishments shall be subordinate to the recreational character of the campground and shall be located, designed and intended to serve the exclusive trade and service needs of persons residing in the campground; and

(c) All commercial uses and other uses accessory to the campground shall comply with Section 18 of this ordinance.

3. Special Requirements for Commercial Campground (CD). All commercial campgrounds shall meet the following minimum requirements:

A. Minimum campground size - ten (10) acres.

B. Minimum width - 600 feet measured at the front yard setback line.

C. Maximum density - Nine (9) lots (hereinafter called campsite) per acre, gross density. Gross density (for campground only) is defined as the number of campsites per acre considering all land inside the campground area, including campsites, utility areas, natural areas, water areas and other supporting uses.

D. Required Facilities:

(1) Sanitary facilities, including flush toilets, and showers within four hundred (400) feet walking distance of every campsite as approved by the Collier County Health Department. Lighting shall be provided in sanitary facilities at all times.

(2) Potable water supply approved by the Collier County Health Department with a spigot for every two (2) campsites.

(3) At least one (1) garbage or trash receptacle for every two (2) campsites.

(4) Administration building and safety building open at all times wherein a portable fire extinguisher in operable conditions and first aid equipment is available, and a telephone is available for public use.

(5) One parking space per campsite.

(6) One picnic table per campsite.

(7) One fireplace or cooking area per campsite.

4. Design Standards.

A. Campsites shall be set back a minimum of 660 feet from any county, state or federal highway right-of-way.

B. Each campsite shall have minimum setback of ten (10) feet from the exterior boundary lines of the campground area or from any required bugger area.

C. Each campsite shall be directly accessible by an interior road.

D. At least twenty (20) percent of the total area of the campground shall be covered by vegetation at least two (2) feet high or may be left in its natural vegetative cover. At least one-half (½) of the total amount of vegetation or natural vegetative cover will be distributed at or between campsites. Such vegetation shall be maintained in good healthy conditions at all times.

E. A vegetation screen or ornamental fence which will substantially screen the campsites from view of public rights-of-way and neighboring properties shall be provided around or near the perimeter or that part of the campground containing campsites. Such screen shall be maintained in good condition at all times.

F. Each campsite shall contain a level area containing at least 600 square feet for erecting camping equipment.

G. No camping vehicle, or camping equipment shall be used for human habitation for a period exceeding sixty (60) consecutive days. The intent of this provision is to prohibit the use of camping areas for permanent or semi-permanent use as a dwelling.

H. Each separate campsite shall contain a minimum of 3,600 square feet.

I. Each campground shall reserve at least twenty five (25) percent of its total area as natural open space excluding perimeter screening. Such open space may include recreation open space and water areas, but may not include utility areas, administration buildings, commercial areas and similar activities.

5. Drainage and Other Construction Requirements.

The right-of-way widths, paving widths, and other construction standards, including gradient and alignment of all internal streets and drainage shall be reviewed and approved by the County Engineer.

6. Plan Approval Requirements.

Layout plans for a campground shall be submitted to the Director and construction shall be in accordance with approved plans and specifications.

7. Required Utilities.

All utilities shall be installed as required by the State of Florida, Collier County Health Department, Collier County Building Code, and such other regulations and requirements as may apply.

8. Compliance.

All campgrounds erected after the effective date of this ordinance shall comply with all requirements of this ordinance. No campground that exists on the effective date of this ordinance shall be altered so as to provide a lesser degree of conformity with the provisions of this section than existed on the effective date of this ordinance. Land already zoned campground district which does not meet the acreage requirement may be developed; however, the development shall conform with all other regulations of this ordinance.

Section 32. PC - PROFESSIONAL COMMERCIAL DISTRICT.

1. District Purpose. The provisions of this district are intended to apply to areas located adjacent to highways and arterial roads. The PC Professional Commercial District is intended to permit those uses which minimize pedestrian traffic.

Large lot sizes, landscaping, controlled ingress and egress, and other restrictions are intended to minimize frequent ingress and egress to the highway from abutting uses.

2. Permitted Uses and Structures. No building or structure, or part thereof shall be erected, altered or used, or land or water used, in whole or in part, for other than the following:

A. Permitted Principal Uses and Structures.

- (1) Business and professional offices.
- (2) Banks, financial institutions.
- (3) Churches and other places of worship.
- (4) Funeral homes.
- (5) Hospitals.
- (6) Medical laboratories, medical clinics, and medical offices for humans.
- (7) Parking Garages and Lots.
- (8) Research design and development activities and laboratories, provided that:
 - (a) No odor, noise, etc., detectable to normal senses from off the premises are generated.
 - (b) All work is done within enclosed structure.
 - (c) No product is manufactured or sold, except incidental to development activities.
- (9) Transportation, communication and utility offices.

B. Permitted Accessory Uses and Structures.

- (1) Accessory uses and structures customarily associated with uses permitted in this district.

C. Provisional Uses and Structures. The following uses may be permitted subject to provisions of Section 14 of this Ordinance.

- (1) Colleges and Universities.
- (2) Automobile Service Stations - without repairs. (See Sec. 8.13)
- (3) Motels, hotels, and transient lodging facilities containing a minimum of one hundred (100) dwelling units having a minimum lot area of ten (10) acres for the first one hundred (100) dwelling units and

one (1) acre for each additional fifteen (15) dwelling units or portion thereof.

Minimum lot width is 660 feet.

- (4) Museums.
- (5) Private Clubs.
- (6) Rest homes, convalescent centers, and nursing homes.
- (7) Restaurants, not including drive-ins.

3. Minimum Lot Area. 40,000 square feet.

4. Minimum Lot Width. Two hundred (200) feet measured at the front yard setback line.

5. Minimum Yard Requirements.

A. Depth of Front Yard Fifty (50) feet plus one (1) foot for each two (2) feet of building height above fifty (50) feet.

B. Depth of Side Yard Twenty-five (25) feet plus one (1) foot for each two (2) feet of building height above fifty (50) feet.

C. Depth of Rear Yard Fifty (50) feet plus one (1) foot for each two (2) feet of building height above fifty (50) feet.

6. Minimum Floor Area of Principal Structure. One thousand (1,000) square feet per building on ground floor.

7. Maximum Height of Structures. None.

8. Minimum Off-Street Parking and Off-Street Loading Requirements. As required in Section 18 of this Ordinance.

9. Minimum Landscaping Requirements. As required in Section 19 of this Ordinance.

10. Limitations on Signs. As permitted in Section 20 of this Ordinance.

Section 33. CC - CONVENIENCE COMMERCIAL DISTRICT.

1. District Purpose. The CC Convenience Commercial District is intended to apply to areas where selected establishments may be appropriately located to provide the small scale shopping and personal needs of the surrounding residential areas and within convenient traveling distance. It is generally intended to utilize this District to implement the Comprehensive Plan within, but not necessarily limited to, those areas of Collier County shown as "Convenience Commercial" on the Land Use Plan.

2. Permitted Uses and Structures. No building or structure, or part thereof, shall be erected, altered or used, or land or water used, in whole or in part, for other than the following:

A. Permitted Principal Uses and Structures.

- (1) Automobile service stations without repairs. (See Sec. 8.13)
- (2) Baker shops - including baking only when incidental to retail sales from the premises.
- (3) Barber and beauty shops.
- (4) Bicycle sales and service.
- (5) Delicatessens.
- (6) Drug Stores.
- (7) Dry cleaning - collecting and delivery only.
- (8) Food markets.
- (9) Hardware stores.
- (10) Ice cream shops.
- (11) Ice sales (not including ice plants).
- (12) Laundries, Self Service only.
- (13) Meat markets.
- (14) Post Offices.
- (15) Repair shops - radio, TV, small appliances, shoe.
- (16) Restaurants - not including drive-ins.
- (17) Veterinary clinics - No outside kenneling.

B. Permitted Accessory Uses and Structures.

- (1) Accessory uses and structures customarily associated with the uses permitted in this district.

3. Minimum Zoned Area. Two (2) acres.

4. Minimum Lot Area. None.

5. Minimum Lot Width. None.

6. Minimum Yard Requirements.
 - A. Depth of front yard - Fifteen (15) feet in which no parking shall be allowed nor any merchandise stored or displayed.
 - B. Depth of side yard - None or a minimum of five (5) feet with unobstructed passage from front yard to rear yard.
 - C. Depth of Rear Yard - Twenty-five (25) feet.
 - D. Any yard abutting a residentially zoned parcel - Fifty (50) feet.
7. Minimum Floor Area of Principal Structure. 1,000 square feet per building on the ground floor.
8. Maximum Height. Fifteen (15) feet above the finished grade of the lot.
9. Minimum Off-Street Parking and Off-Street Loading Requirements. As required in Section 18 of this Ordinance.
10. Minimum Landscaping Requirements. As required in Section 19 of this Ordinance.
11. Limitations on Signs. As permitted in Section 20 of this Ordinance.
12. Lighting. Maximum height fifteen (15) feet, arranged so that no source of light to be visible from any residentially zoned property.
13. Storage. There shall be no outside storage or display of merchandise.
14. Loading and Unloading Provisions. Shall be in accordance with Section 18 of this Ordinance and shall be arranged so that no unloading of trucks shall take place at the front of the store.
15. Utility Areas. Utility areas, including trash receptacles, shall be completely screened from the view of customers and adjacent property owners and shall be located in the rear yard in case of interior lots and in the side yard in case of corner or through lots.

Section 34. GRC - GENERAL RETAIL COMMERCIAL.

1. District Purpose. The GRC - General Retail Commercial District is intended to provide for a greater variety of commercial services and sales than is permitted in the CC - Convenience Commercial District.

The GRC, General Retail Commercial District, is also intended to serve a larger trade area of the community than the CC District and is designed to accommodate the motoring public as well as the local Pedestrian Consumers.

The GRC - General Retail Commercial District will be utilized in the implementation of the Comprehensive Plan by limiting its amount and location in accordance with the policies and objectives of the Comprehensive Plan.

2. Permitted Uses and Structures. No building or structure, or part thereof, shall be erected, altered or used, or land or water used, in whole or in part, for other than the following:

A. Permitted Principal Uses and Structures.

- (1) Antique Shops.
- (2) Appliance Stores.
- (3) Art Studios.
- (4) Art Supply Shops.
- (5) Automobile Parts Stores.
- (6) Automobile Service Stations without repairs. (See Sec. 8.13)
- (7) Awning Shops.
- (8) Bakery Shops.
- (9) Banks and Financial Institutions.
- (10) Barber and Beauty Shops.
- (11) Bath Supply Stores.
- △ (12) Bicycle Sales and Services.
- (13) Blueprint Shops.
- (14) Bookbinders.
- (15) Book Stores.
- (16) Business Machine Service.
- (17) Carpet Sales - Not including storage or installation.
- (18) Churches and other places of worship.
- (19) Clothing Stores.
- (20) Cocktail Lounges.
- (21) Commercial Recreation Uses - Indoor.
- (22) Commercial Schools.
- (23) Confectionery & Candy Stores.
- (24) Delicatessens.

- (25) Department Stores.
- (26) Drug Stores.
- (27) Dry Cleaning Shops.
- (28) Dry Goods Stores.
- (29) Electrical Supply Stores.
- (30) Florist Shops.
- (31) Fraternal and Social Clubs - Subject
- to Section 8.12..
- (32) Funeral Homes.
- (33) Furnitures Stores.
- (34) Furrier Shops.
- (35) Garden Supply Stores - outside display in rear
- (36) General Offices.
- (37) Gift Shops.
- (38) Glass and Mirror Sales - Not including
- Installation.
- (39) Gourmet Shop.
- (40) Hardware Stores.
- (41) Hat Cleaning & Blocking.
- (42) Health Food Stores.
- (43) Hobby Supply Stores.
- (44) Hospitals.
- (45) Hotels.
- (46) Ice Cream Stores.
- (47) Interior Decorating Showrooms and Office.
- (48) Jewelry Stores.
- (49) Laboratories - Film, Research and
- Testing.
- (50) Laundries, Self Service Only.
- (51) Leather Goods.
- (52) Legitimate Theatres.
- (53) Liquor Stores.
- (54) Locksmith
- (55) Marinas.
- (56) Markets, Food.
- (57) Markets, Meat.
- (58) Medical Clinics.
- (59) Millinery Shops.
- (60) Motels.
- (61) Motion Picture Theatres.
- (62) Museums.
- (63) Music Stores.
- (64) New Car Dealerships - Outside display
- permitted.
- (65) News Stores.
- (66) Office Supply Stores.
- (67) Paint and Wallpaper Stores.
- (68) Pet Shops.
- (69) Pet Supply Shops.
- (70) Photographic Equipment Stores.

- (71) Pottery Stores
- (72) Printing, Publishing and Mimeograph Service
- (73) Private Clubs
- (74) Professional Offices
- (75) Radio and Television Sales & Services
- (76) Research and Design Labs
- (77) Rest Homes and Sanitoriums
- (78) Restaurants, not including drive-ins
- (79) Shoe Repair
- (80) Shoe Stores
- (81) Shopping Centers-Less than 25,000 square feet gross floor area on ground floor
- (82) Souvenir Stores
- (83) Stationery Stores
- (84) Supermarkets
- (85) Tailor Shops
- (86) Taxidermists
- (87) Tile Sales-Ceramic Tile
- (88) Tobacco Shops
- (89) Toy Shops
- (90) Tropical Fish Stores
- (91) Variety Stores
- (92) Vehicle Rental-Automobiles only
- (93) Veterinarian Offices and Clinics-no outside kennels
- (94) Watch and Precision Instrument Repair Shops
- (95) Drapery Shops
- (96) Upholstery Shops
- (97) Bait and Tackle Shops
- (98) Any other commercial use or professional service which is comparable in nature with the foregoing uses and which the Director determines to be compatible in the district

B. Permitted Accessory Uses and Structures:
Accessory uses and structures customarily associated with the uses permitted in this district.

Private boat houses and docks, with or without boat hoists, on canal or waterway lots, not protruding more than five (5) feet into the canal or waterway, unless such canal or waterway has a width of one hundred (100) feet or more, then the dock may protrude twenty (20) feet into such canal or waterway of such additional length as may be justified to the Director based on water depth, currents, unusual land contour or configuration or some other natural condition. No boat or boat house may be used as a residence.

All docks, regardless of length shall have reflectors four (4") inches minimum size installed at the outermost end, on both sides.

C. Permitted Provisional Uses and Structures:
The following uses may be permitted subject to provisions of Section 14 of this Ordinance:

- (1) Shopping Centers-More than 25,000 square feet gross floor area on ground floor
- (2) Commercial Recreation-Outdoor
- (3) Drive-In Theatres
- (4) Car Wash
- (5) Residence in conjunction with business
- (6) Child Care Center

3. Minimum Lot Area: None
4. Minimum Lot Width: None
5. Minimum Yard Requirements:
 - A. Depth of Front Yard Setback - Fifteen (15) feet in which no parking shall be allowed nor any merchandise stored or displayed.
 - B. Depth of Side Yard Setback - None or a minimum of five (5) feet with unobstructed passage from front to rear yard.
 - C. Depth of Rear Yard Setback - Twenty-five (25) feet. No rear yard required for marinas.
6. Minimum Floor Area of Principal Structure: One Thousand (1,000) square feet per building on the ground floor.
7. Maximum Height: Thirty-five (35) feet above the finished grade of the lot.
8. Minimum Off-Street Parking and Off-Street Loading Requirements: As required in SECTION 18 of this Ordinance.
9. Minimum Landscaping Requirements: As required in Section 19 of this Ordinance.
10. Limitation On Signs: As required in Section 20 of this Ordinance.
11. Merchandise Storage and Display: Unless specifically permitted for a given use, outside storage or display of merchandise is prohibited.

Section 35. CI-COMMERCIAL INDUSTRIAL DISTRICT.

1. District Purpose. The provisions of this district are intended to permit a range of commercial uses and services not generally permitted in more restrictive commercial districts. The CI District is intended to permit inside storage and warehousing along with limited manufacturing, assembly, and processing operations which are conducted wholly within a building and which are not obnoxious by reason of emission of odor, fumes, dust, smoke, noise, or vibration.

The CI District is intended to provide uses and activities which are compatible with the policies and objectives of the Comprehensive Plan.

2. Permitted Uses and Structures. No building or structure, or part thereof shall be erected, altered or used, or land or water used, in whole or in part, for other than the following:

A. Permitted Principal Uses and Structures:

- (1) All principal uses permitted in GRC District.
- (2) Aluminum Fabricators and Screening Shops.
- (3) Assembling in Enclosed Building.
- (4) Auction Houses.
- (5) Bicycle Shops - Repair Only.
- (6) Boat Sales - With outside storage.
- (7) Body Shop - Mechanical Repair not associated with New Car Dealers.
- (8) Building Maintenance Service.
- (9) Building Supply.
- (10) Cabinet Shops.
- (11) Carpet Storage & Installation.
- (12) Car Wash.
- (13) Commercial Boat Houses, Boat Building, and Boat Ways.
- (14) Commercial Boat Storage - Non Waterfront.
- (15) Commercial Boat Yard.
- (16) Commercial Recreation - Outdoor.
- (17) Communications Equipment Repair.
- (18) Contractors Storage - Outside.
- (19) Equipment Rentals - Including Lawn mowers, power saws, etc.
- (20) Feed and Grain Sales.
- (21) Fish Markets.
- (22) Furniture Refinishing Shops.
- (23) Gas Stations with Repair.
- (24) Gunsmith.
- (25) Lawn Maintenance Shops.
- (26) Linen Supply Shops.

- (27) Motorcycle Sales and Service.
- (28) Motorcycle Shops - Repair Only.
- (29) Parking Garages and Lots - Commercial.
- (30) Pest Control Service.
- (31) Plumbing Shop.
- (32) Plumbing Supplies.
- (33) Poultry Markets.
- (34) Secondhand Stores.
- (35) Sign Painting Shops.
- (36) Swimming Pool Maintenance Shops.
- (37) Used Car Lots.
- (38) Vehicle Rentals.
- (39) Warehousing.
- (40) Wholesaling and Storage
- (41) Wholesaling, warehousing, storage, or distributing establishments and similar uses.
- (42) Light manufacturing, processing (including food processing, but not slaughter house), packaging, or fabricating in completely enclosed building.
- (43) Printing, lithographing, publishing or similar establishments.
- (44) Bulk storage yards, not including bulk storage of flammable liquids, subject to the provisions of the County or State Fire Codes.
- (45) Outdoor storage yards and lots, provided, such outdoor storage yard shall not be located closer than twenty five (25) feet to any public street and that such yard shall be completely enclosed, except for necessary ingress and egress, by a solid fence or wall not less than six (6) feet high; and provided further that this provision shall not permit wrecking yards (including automobile wrecking yard), junk yards, or yards used in whole or in part for scrap or salvage operations or for processing, storage, display, or sales of any scrap, salvage, or second-hand building materials, junk automotive vehicles, or second-hand automotive vehicle parts.
- (46) Retail and repair establishments for sale and repair of new and used automobiles, motorcycles, trucks and tractors, mobile homes, boats, automotive vehicle parts and accessories (but not junk yards or automotive vehicle wrecking yards), heavy machinery and equipment, farm equipment, retail establishments for sale of farm supplies, lumber and building supplies, monuments, and similar uses.
- (47) Service establishments catering to commerce and industry including linen supply, freight movers, communication services, business machine services, canteen services, restaurant (including drive-in restaurant) hiring and union halls, employment agency, sign company, automotive service or truck stops, and similar uses.
- (48) Vocational, technical, trade, or industrial schools and similar uses.

(49) Medical clinic in connection only with industrial activity.

(50) Miscellaneous uses such as express office, telephone exchange, commercial parking lots and parking garages, motor bus or truck or other transportation terminal and related uses.

(51) Radio and television stations and transmitters, but not tower.

Uses listed in numbers 41, 42, 44, 45, 50 and 51 above require a Site and Development Approval prior to the issuance of a building permit.

B. Permitted Accessory Uses and Structures.

Accessory uses and structures customarily associated with the uses permitted in this District.

C. Provisional Uses. The following uses may be permitted subject to provisions of Section 14 of this Ordinance.

(1) Commercial Fisheries.

(2) Outside Kenneling.

3. Minimum Lot Requirements.

A. Area - None

B. Width - None

4. Minimum Yard Requirements.

A. Depth of Front Yard - twenty five (25) feet in which no parking shall be allowed nor any merchandise stored or displayed.

B. Depth of Side Yard - None or a minimum of five (5) feet with unobstructed passage from front to rear yard. Twenty five (25) feet for all side yards abutting residentially zoned property.

C. Depth of Rear Yard - Twenty-five (25) feet.

D. Waterfront - Twenty-five (25) feet.

E. No setback is required from a railroad siding easement or railroad right-of-way.

5. Minimum Floor Area of Principal Structure. 1,000 square feet.

6. Maximum Height of Structures. Thirty-five (35) feet above the finished grade of the lot.

7. Minimum Off-Street Parking and Off-Street Loading Requirements. See Section 18.

8. Minimum Landscaping Requirements. See Section 19.

9. Limitations on Signs. See Section 20.

Section 36. I-INDUSTRIAL DISTRICT

1. District Purpose. The purpose of this district is to permit industrial uses under such conditions of operation as will protect residential and commercial uses and adjacent industrial uses. The I District is designed to allow outside storage of equipment and merchandise. The I District is intended to provide land for basic industrial uses which are not permitted in other zoning districts but which are essential to the needs and well-being of the community.

The I District is intended to implement the Comprehensive Plan by permitting and encouraging industrial uses which are compatible to its policies and objectives.

2. Permitted Uses and Structures. No building or structure, or part thereof, shall be erected, altered or used, or land or water used, in whole or in part, for other than the following:

A. Permitted Principal Uses

- (1) Airports and landing fields-Site Plan Review (See 39.8)
- (2) Body shops, mechanical repairs
- (3) Building supply
- (4) Clothing fabrication
- (5) Commercial and private parking lots and parking garages
- (6) Contractors' equipment storage yards, coal and wood yards or similar uses not otherwise contained in an enclosed building shall be fenced in accordance with the provisions contained herein.
- (7) Gasoline service stations, including those engaged in mechanical work.
- (8) Kenneling, stabling, animal clinics, veterinary hospitals
- (9) Manufacturing, warehousing, storing, processing, canning, packing, mining, extracting or similar uses.
- (10) Marinas, commercial boat houses, commercial boat storage, boat building, boat ways, boat yards and commercial fisheries.
- (11) Printing and publishing
- (12) Repair shops
- (13) Research and design labs
- (14) Restaurants
- (15) Wholesale establishments
- (16) Sales and service of trucks and heavy equipment
- (17) Light manufacturing and assembling in enclosed buildings
- (18) Storage yards
- (19) Any other industrial or manufacturing use which is comparable in nature with the foregoing uses and which the Director determines to be compatible in the district.

B. Permitted Accessory Uses and Structures.

Accessory uses and structures customarily associated with the uses permitted in this district including housing for security guards.

C. Provisional Uses. The following uses may be permitted subject to the provisions of Section 14 of this Ordinance. The following uses shall include but not be limited to any other uses which in the opinion of the Planning Commission is of a similar character as those specified below:

(1) Manufacturing: Involving primary production of the following products from raw materials: asphalt, cement, charcoal and fuel briquettes, aniline dyes, amonia, carbide, caustic soda, cellulose, chlorine, carbon black and bone black, creosote, hydrogen and oxygen, industrial alcohol, nitrates of explosive nature, potash, plastic materials and synthetic resins, pyroxylin, rayon yarn and hydrochloric, nitric, phosphoric, picric, and sulphuric acid, coal, coke and tar products, explosives, fertilizers, gelatin, animal glue and size, gas manufacturing; unless incidental to a principal use, turpentine, matches, rubber, soaps, fat rendering.

(2) Processing: Involving the following: nitration of cotton or other materials, magnesium foundry, reduction, refining, smelting or metal or metal ores, refining of petroleum products and by-products; curing or tanning of raw green or salted hides or skins; melting and alloying of metals; stock-yards, junkyards, slaughter houses, slag piles, and storage or fireworks or explosives and automobile wrecking.

(3) Wholesale storage of gasoline, liquified petroleum, gas, oil, or other flammable liquids or gases, but not located within five hundred (500) feet of the nearest residential district.

3. Minimum Lot Requirements:

Area - None
Width - None

4. Minimum Yard Requirements:

A. Depth of Front Yard Setback - Fifty (50) feet.

B. Depth of Side Yard Setback - Fifteen (15) feet except that no side yard shall be less than fifty (50) feet of an abutting residentially zoned lot.

C. Depth of Rear Yard Setback - Fifteen (15) feet except that no rear yard shall be less than fifty (50) feet of an abutting residentially zoned lot.

D. Waterfrong - Twenty-five (25) feet except that no waterfront yard shall be less than fifty (50) feet of an abutting residential zone lot. No setback is required from a railroad easement or right-of-way.

5. Minimum Floor Area of Principal Structures:

1,000 square feet.

6. Maximum Height of Structures - Thirty-five feet above the finished grade of the lot.

7. Minimum Offstreet Parking and Offstreet Loading Requirements. See Section 18.

8. Minimum Landscaping Requirements - See Section 19.

9. Limitations of Signs - See Section 20.

10. Fence Requirements. A fence shall be of masonry or wood, or other approved by the Director, at least seven (7) feet in height above ground level. In the case of junk yard, said fence or wall shall be of such construction so as to completely conceal and block the fenced junk from the view of neighboring land owners and passersby, and shall meet all rules and regulations concerning zoning and construction in Collier County. See Section 8.16, Fences, Walls and Hedges.

Section 37. A - AGRICULTURAL DISTRICT

1. District Purpose: The A - Agricultural District is intended to apply to those areas, the present or prospective use of which is primarily agricultural, pastoral or rural in nature.

This District is designed to accomodate traditional agricultural uses, outdoor recreational activities, and conservation measures, where appropriate, while protecting the rural areas of the County.

The regulations in this District are intended to permit a reasonable use of the property, while at the same time prevent the creation of conditions which would seriously endanger, damage, or destroy the agricultural or environmental resources of Collier County, the potable water supply, or the wildlife resources of the County.

It is the intent of this Ordinance to retain and encourage agriculture in accordance with the objectives of the Comprehensive Plan.

2. Permitted Uses and Structures: No building or structure, or part thereof, shall be erected, altered or used, or land or water used, in whole or in part, for other than the following:

A. Permitted Principal Uses:

(1) Single Family Residence excluding mobile homes except as permitted in 2B (2) and 2B (3).

(2) Hunting cabin subject to all building codes and permits.

(3) Wildlife management areas, plant and wildlife conservancies, refuges and sanctuaries.

(4) Agricultural activities, such as field crops horticulture, fruit and nut production, forestry, ranching, bee-keeping, poultry and egg production, milk production, animal breeding, raising, training, stabling or kenneling.

(5) Aquaculture and mariculture.

(6) Any use clearly intended as a measure for conservation. The applicant shall have the affirmative burden of establishing such intent.

(7) Wholesale plant nurseries

(8) On-site retail sales of farm products grown on the premises

B. Permitted Accessory Uses and Structures:

(1) Accessory uses and structures which are incidental to and customarily associated with uses permitted in the District.

(2) A mobile home or trailer, used in connection with the agricultural uses is permitted on a temporary basis only, not to exceed the duration of the agricultural use for which the mobile home is permitted or for three (3) years, whichever shall be the shorter, providing that a permit for such temporary use is obtained from the Director, and further

providing that the applicant is utilizing, for such agricultural use a tract of ten (10) acres or more, except that part lying in public road rights-of-way. Such mobile homes or trailers shall not be located closer than one hundred (100) feet from any County highway line, two hundred (200) feet from any State highway right-of-way, or five hundred (500) feet from any Federal highway right-of-way line.

The mobile home must be removed at the termination of the permitted period.

(3) Mobile home or trailer as a temporary residence while permanent residence is being constructed. Upon issuance of a building permit for the construction of a permanent residence, the Director may issue a permit for temporary use of a mobile home or trailer while permanent residence is being built. The duration of such permit shall be determined by the Director but in no case may it extend beyond the expiration date of the building permit or the completion of the residence, whichever is the sooner.

Prior to the issuance of a final certificate of occupancy, the mobile home or trailer must be removed from the premises.

(4) Private boat houses and docks, with or without boat hoists, on canal or waterway lots, not protruding more than five (5) feet into the canal or waterway, unless such canal or waterway has a width of one hundred (100) feet or more, then the dock may protrude twenty (20) feet into such canal or waterway of such additional length as may be justified to the Director based on water depth, currents, unusual land contour or configuration or some other natural condition. No boat or boat house may be used as a residence.

All dock, regardless of length shall have reflectors four (4") inches minimum size installed at the outermost end, on both sides.

C. Provisional Uses and Structures

(1) Oil and gas exploration and extraction and related processing and production

(2) Earth Mining and related processing

(3) Churches and places of worship

(4) Private landing strips for general aviation

(5) Sawmills, provided that no sawmill shall be located closer than 1,000 feet from any County, State or Federal property or highway right-of-way

(6) Cemeteries

(7) Sport race tracks and arenas

(8) Zoo, aquarium, aviary, botanical garden, or other similar uses.

3. Minimum Lot Area:

A. All permitted or provisional uses unless otherwise specified: 5 acres

4. Minimum Yard Requirements

A. Depth of Front Yard - 75 feet setback

B. Depth of Side Yard - Ten percent of the width of the lot, not to exceed a maximum requirement of 50 feet.

C. Depth of Rear Yard - Seventy-five (75) feet setback.

5. Minimum Lot Width: Three hundred (300) feet as measured at the front yard setback line of principal structure.

6. Minimum Floor Area of Principal Structure:

A. Hunting Cabin - Four Hundred (400) Square feet.

B. Single-Family Residences - Eight Hundred (800) square feet.

7. Maximum Height of Principal Structure: Thirty (30) feet above the finished grade, except for accessory structures such as silos and windmills.

8. Signs: As permitted in Section 20.

9. Non-Conforming Lots of Record: Any lot or parcel which was recorded or for which an agreement for deed was executed prior to October 14, 1974 (ORD 74-42 and ORD 75-24) and which lot or parcel does not meet the minimum width and lot area requirements as a result of the passage of this Ordinance shall be considered as a legal non-conforming lot and shall be eligible for the issuance of a building permit provided all the other requirements of this Ordinance and the Florida Statutes are met.

Section 38. E - ESTATES DISTRICT

1. District Purpose: The provisions of this district are intended to apply to an area of low density residences in a semirural to rural environment, permitting all necessary residential activities and limited agricultural activities.

2. Permitted Uses and Structures: No building or structure, or part thereof, shall be erected, altered or used, or land or water used, in whole in part, for other than the following:

A. Permitted Principal Uses And Structures: Single dwelling units which conform to the Collier County Building Code.

B. Permitted Accessory Uses and Structures:

(1) Accessory Uses and structures which are incidental to and customarily associated with the uses permitted in the district.

(2) Field crops raised for consumption of the people residing on the land.

(3) Keeping of fowl or poultry not to exceed twenty-five (25) in total number provided such fowl or poultry are kept in an enclosure located thirty (30) feet or more from any lot line and at least one hundred (100) feet from any existing residence located in adjacent property.

(4) Keeping of horses not to exceed one (1) per acre. Any roofed structure for the shelter and feeding of such animals shall be no less than fifty (50) feet from any lot line or closer than one hundred (100) feet to any existing residence located on adjacent property. No open feed lot storage for animals shall be permitted.

C. Provisional Uses and Structures: The following uses may be permitted subject to the provisions of Section 14 of this ordinance:

(1) Churches and other places of worship

(2) Cemeteries.

(3) Schools and colleges

3. Minumum Lot Area: Two and one-quarter (2 $\frac{1}{4}$) acres

4. Maximum Lot Coverage: The combined area occupied by all buildings and roofed structures shall not exceed ten (10) percent of the area of the plot.

5. Minimum Lot Line Dimension: One hundred fifty (150) feet as measured at the appropriate yard set back line.

6. Minimum Yard Requirements:

- A. Depth of Front Yard Setback - Seventy five (75) feet.
- B. Depth of Side Yard Setback - 10% of the width of the lot not to exceed a maximum requirement of 30 feet.
- C. Depth of Rear Yard Setback - Seventy five (75) feet.
- 7. Minimum Floor Area Of Principal Structures:
 - A. One story residence - 1,000 square feet.
 - B. Two story residence - 1,200 square feet.
- 8. Maximum Height Of Principal Structure: Thirty (30) feet above grade.
- 9. Signs: As permitted in Section 14 of this ordinance.
- 10. Non-Conforming Lots of Record: Any lot or parcel which was recorded or for which an agreement for deed was executed prior to October 14, 1974 (ORD 74-42 and ORD 75-24) and which lot or parcel does not meet the minimum width and lot area requirements as a result of the passage of this Ordinance shall be considered as a legal non-conforming lot and shall be eligible for the issuance of a building permit provided all the other requirements of this Ordinance and the Florida Statutes are met.

Section 39. ADMINISTRATION AND ENFORCEMENT: GENERALLY,
BUILDING PERMITS, CERTIFICATES OF OCCUPANCY, SITE AND
DEVELOPMENT PLAN APPROVAL.

1. General. An administrative official to be known as the Director, designated by the Board shall administer and enforce the zoning ordinances. The Director is authorized to act through aides and assistants. In the performance of his duties, the Director may request the assistance of any appropriate officer or agency of the County.

He shall investigate promptly complaints of violations, reporting his findings and actions to complainants, and shall use his best endeavors to prevent violations or to detect and secure the correction of violations. If he finds that any of the provisions of this ordinance are being violated, he shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it. He shall order the discontinuance of illegal use of land, buildings, or structures; removal or illegal buildings or structures or of illegal additions, alterations, or structural changes; discontinuance of any illegal use of land, buildings, or structures; removal of illegal buildings or structures or of illegal additions, alterations, or structural changes; discontinuance of any illegal work being done; or shall take any other lawful action authorized by this zoning ordinance necessary to insure compliance with or to prevent violation of this ordinance.

The Director shall maintain written records of all official actions of his office with relation to administration, and of all complaints and actions taken with regard thereto, and of all violations discovered by whatever means, with remedial action taken and disposition of all cases; and the same shall be a public record.

2. Zoning Action on Building Permits: The Director shall be responsible for determining whether applications for building permits as required by the building code of the County are in accord with the requirements of this zoning ordinance, and no building permit shall be issued without written certification that plans submitted conform to applicable zoning regulations. No building or structure shall be erected, moved, added to, or altered without a permit as required by the Collier County Building Code and no building permit shall be issued by the Director for the erection, moving, addition to, or alteration of any building or structure except in conformity with the provisions of this zoning ordinance, unless he shall receive a written order in the form of an administrative review from the Board of Zoning Appeals interpretation or variance as provided by this zoning ordinance or unless he shall receive a written order from a court of competent jurisdiction.

3. Application for Building Permit. All applications for building permits shall in addition to containing the information required by the Building Department, be accompanied by plot and construction plans drawn to scale, showing the actual shape and dimensions of the lot to be build upon; the exact sizes and locations on the lot of buildings already existing, if any; the exact size and location on the lot of the building or buildings to be erected or altered; the existing use of buildings on the lot, if any; the intended use of each building or buildings or parts thereof; the number of families the building is designed to accommodate; the location and number of required off-street parking and off-street loading spaces; approximate location of trees protected by County regulations; and such other information with regard to the lot and existing and proposed structures as may be necessary to determine compliance with and provide for the enforcement of this zoning ordinance. Where ownership or property lines are in doubt, the Director may require the submission of a survey certified by a land surveyor or engineer licensed in the State of Florida. Property stakes shall be in place at time of commencement of construction.

4. Certificate of Occupancy. It shall be unlawful and a violation of this ordinance to use or occupy, or to permit the use or occupancy, of any building, premises, or both, or part thereof hereafter erected, created, changed, converted, or wholly or partly enlarged in its use or structure until a certificate of occupancy has been issued by the Director stating that the proposed use of the structure or land conforms to the requirements of this zoning ordinance.

No permit for erection, moving, alteration, or repair of any building shall be issued until an application has been made for a certificate of occupancy, and the certificate shall be issued in conformity with the provisions of this zoning ordinance upon completion of the work.

5. Temporary Certificate of Occupancy. A temporary certificate of occupancy may be issued by the Director for a period not exceeding six (6) months during alterations or partial occupancy of a building pending its completion, provided such temporary certificate may include such conditions and safeguards as are necessary in the circumstances to protect the safety of building occupants and the general public.

6. Certificate of Occupancy: Records, Violations. The Director shall maintain a record of all certificates of occupancy, and a copy shall be furnished to any person upon request. Failure to obtain a certificate of occupancy as required by this zoning ordinance shall be a violation of this ordinance.

7. Construction and Use to be as Provided in Applications; Status of Permit Issued in Error. Building permits or certificates of occupancy issued on the basis of plans and specifications approved by the Director authorize only the use, arrangement, and construction set forth in such approved plans and applications, and no other use, arrangement, or construction. Use, arrangement, or construction different from that authorized shall be deemed a violation of this zoning ordinance.

Statements made by the applicant on the building permit application shall be deemed official statements. Approval of the application by the Director shall in no way exempt the applicant from strict observance of applicable provisions of this zoning ordinance and all other applicable regulations, ordinances, codes, and laws.

A building permit issued in error shall not confer any rights or privileges to the applicant to proceed to construction, but the County shall have the power to revoke such permit if actual construction has not commenced.

8. Site and Development Plan Approval.

A. Procedure. Where, by the terms of this zoning ordinance, approval by the Planning Commission of a site and development plan is required prior to the issuance of a building permit, such site and development plan shall be submitted to the Director. He shall circulate the site and development plan for comment and criticism to all County officers or departments which may have a responsibility for some aspect of the site and development plan. The site and development plan shall be submitted by the Director, along with all pertinent comment and criticism by appropriate County officers or departments, to the Planning Commission for consideration by the Planning Commission and determination by the Planning Commission as to whether or not the Director is to issue the building permit.

No public notice and hearing is required for site and development plan consideration by the Planning Commission, but such matters shall be handled in a public session, as a part of previously prepared agenda. All matters relating to Planning Commission consideration of site and development plans shall be a public record and approval shall require formal action of the Planning Commission.

Date as required by this zoning ordinance for site and development plan approval shall be submitted to the Director not less than fifteen (15) days prior to the public meeting of the Planning Commission at which the application for site and development plan approval is to be considered. The Planning Commission, upon recommendation of the Director, and a showing of justification by him, may delay consideration of the site and development plan application for not to exceed thirty (30) days beyond the Planning Commission meeting

for which the application was to have been originally considered.

B. Contents. The site and development plan required to be submitted under Section 39.8(A) above and by the requirements of this zoning ordinance shall include the following elements, where applicable:

- (1) Statements of ownership and control of the proposed development.
- (2) Statement describing in detail the character and intended use of the development.
- (3) General location map, showing relation of the site for which site and development plan approval is sought to major streets, schools, existing utilities, shopping areas, important physical features in and adjoining the project, and the like.
- (4) A site plan containing the title of the project and the names of the project planner and developer, date, and north arrow and, based on an exact survey of the property drawn to a scale of sufficient size to show boundaries of the project, any existing streets, buildings, water courses, easements, and section line; exact location of all buildings and structures; access and traffic flow and how vehicular traffic will be separated from pedestrian and other types of traffic; offstreet parking and offstreet loading areas; recreating facilities locations; all screens and buffers; refuse collection areas; and access to utilities and points of utilities hookups.
- (5) Tabulations of total gross acreage in the project and the percentages thereof proposed to be devoted to the various permitted uses; ground coverage by structures; and impervious surface coverage.
- (6) Tabulations showing the derivation of numbers of offstreet parking and offstreet loading spaces shown in subparagraph (4) above; and total project density in dwelling units per acre.
- (7) If common facilities (such as recreation areas or structures, private streets, common open space, etc.) are to be provided for the development, statements as to how such common facilities are to be provided and permanently maintained. Such statements may take the form of proposed deed restrictions, deeds of trust, homeowners associations, surety arrangements, or other legal instruments providing adequate guarantee to the County that such common facilities will not become a future liability for the County.
- (8) Storm drainage and sanitary sewage plans.
- (9) Architectural definitions for types of buildings in the development; exact number of dwelling units, sizes, and types, together with typical floor plans of each type.
- (10) Plans for signs, if any.

(11) Landscaping plan, including types, sizes, and locations of vegetation and decorative shrubbery, and showing provisions for irrigation and maintenance. Location on the site of all existing trees protected by County regulations shall be shown.

(12) Plans for recreation facilities, if any, including buildings for such use.

(13) Such additional data, maps, plans, or statements as may be required for the particular use or activity involved.

(14) Such additional data as the applicant may believe is pertinent to the site and development plan.

Items (3), (4), (8), and (9) above shall be prepared by a registered surveyor, engineer, or architect or practicing land planner as may be appropriate to the particular item.

C. Planning Commission Action. In reaching a decision as to whether the site and development plan as submitted shall be approved or approved with changes, with directions to the Director to issue building permits, or in reaching decision not to approve the site and development plan, the Planning Commission shall follow the procedure set out in Section 39.8(A) above and shall be guided in its decision and the exercise of discretion to approve, approve with conditions, or to deny by the following standards, and the Planning Commission shall show in its record that each was considered where applicable and shall make findings in regards to each of the following standards which it finds to be applicable:

(1) Sufficiency of Statements on ownership and control of the development and sufficiency of conditions of ownership or control, use, and permanent maintenance of common open space, common facilities, or common lands to insure preservation of such lands and facilities will not become a future liability for the County.

(2) Density and/or Purpose of the proposed development with particular attention to its relationship to adjacent and nearby properties and the effect thereon and relationship to the County's comprehensive plan.

(3) Ingress and Egress to the development and proposed structures thereon, with particular reference to automotive and pedestrian safety, separation of automotive traffic and pedestrian and other traffic, traffic flow and control, provision of services and servicing of utilities and refuse collection, and access in case of fire, catastrophe, or emergency.

(4) Location and Relationship of Offstreet Parking and Offstreet Loading Facilities to thoroughfares and internal traffic patterns within the proposed development, with particular reference to automotive and pedestrian safety, traffic flow and control, access in case of fire or catastrophe,

and screening and landscaping.

(5) Sufficiency of Proposed Screens and Buffers to preserve internal and external harmony and compatibility with uses inside and outside the proposed development.

(6) Manner of Drainage on the property, with particular reference to the effect of provisions for drainage on adjacent and nearby properties and the consequences of such drainage on overall County capacities.

(7) Utilities, with reference to hook-in locations and availability and capacity for the uses projected.

(8) Recreation Facilities and Open Spaces, with attention to the size, location, and development of the areas as to adequacy, effect on privacy of adjacent and nearby properties and uses within the proposed development, and relationship to community-wide open spaces and recreation facilities.

(9) General Site Arrangement, Amenities and Convenience, with particular reference to insuring that appearance and general layout of the proposed development will be compatible and harmonious with properties in the general area and will not be so at variance with other development in the area as to cause a substantial depreciation of property values.

(10) Such Other Standards as may be imposed by this zoning ordinance for the particular use or activity involved.

D. Effect of Site and Development Plan Approval. Upon approval of a site and development plan, no building permit or certificate of occupancy shall be issued except in strict conformity with the approved. Violation of the terms of the approved site and development plan is a violation of this zoning ordinance.

9. Improvement of Property Prohibited Prior to Issuance of Construction Permit. No site work, grading, improvement of property or construction of any type may be commenced prior to the issuance of a construction permit where the development proposed requires a construction permit under this zoning ordinance or other applicable County regulations.

10. Right of Entry. The Director shall enforce the provisions of this ordinance and he, or his duly authorized representative, may enter any building, structure, or premises during official business hours of the County to perform any duty imposed upon him by this ordinance.

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Section 40. PLANNING COMMISSION: POWERS AND DUTIES
UNDER ZONING ORDINANCE.

1. Generally. The Planning Commission, as created under Section 28-5 of the Collier County Code of Ordinances, (Sp. Acts. CH 67-1246, §5, Laws of Florida) shall have responsibilities, powers, and duties in relation to zoning as set out in this zoning ordinance and Chapter 67-1246 of the Laws of Florida in lieu of those powers enumerated by Chapter 163 Part II of the Florida Statutes.

Section 41. BOARD OF ZONING APPEALS: POWERS AND DUTIES.

1. Hearings; Appeals; Notice. Appeals to the Board of Zoning Appeals, as established by*section 28-13 of the Collier County Code of Ordinances, concerning interpretation or administration of this zoning ordinance or for variance under this zoning ordinance may be taken by any person aggrieved or by any officer, agency, or bureau of the County affected by any decision, determination or requirement of the Director. Such appeals shall be taken within a reasonable time, not to exceed thirty (30) days or such lesser period as may be provided by the rules of the Board, by filing with the Director and with the Board of Zoning Appeals a notice of appeal specifying the grounds thereof. The Director shall forthwith transmit to the Board of Zoning Appeals all papers constituting the record upon which the action appealed from was taken.

The Board of Zoning Appeals shall fix a reasonable time for the hearing of the appeal, give public notice as well as due notice to the parties in interest, and decide the same within a reasonable time. At the hearing, any party may appear in person or by agency or attorney.

2. Stay of Proceedings. An appeal stays all proceedings in furtherance of the action appealed from, unless the Director from whom the appeal is taken certifies to the Board of Zoning Appeals after the notice of appeal is filed with him that, by reasons of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life and property. In such case proceedings shall not be stayed other than by a restraining order which may be granted by the Board of Zoning Appeals or by a court of record on application, on notice to the Director and on due cause shown.

3. Powers and Duties. The Board of Zoning Appeals shall have the following powers and duties subject to the regulations prescribed:

A. Administrative Review. To hear and decide appeals where it is alleged there is error in any order, decision, or determination of the Director in the administration and enforcement of this zoning ordinance.

B. Variances; Powers; Conditions Governing Petitions; Procedures; Limitations. To authorize upon appeal from the decision of the Director in specific cases such variance from the terms of this zoning ordinance as will not be contrary to the public interest where, owing to special conditions peculiar to the property, a literal enforcement of this zoning ordinance would result in unnecessary

* (Sp. Acts CH 67-1246 §13 Laws of Florida)

and undue hardship. A variance from the terms of this zoning ordinance shall not be granted unless and until:

(1) Written Petition. A written petition for a variance is submitted by the applicant.

(2) Notice of Public Hearing. Notice of public hearing is given at least fifteen (15) days in advance of the public hearing. The owner of the property for which variance is sought, or his agent or attorney designated by him on his petition, shall be notified by mail. Notice of the public hearing shall be prominently posted on the property for which the variance is sought. Notice of the public hearing shall be advertised in a newspaper of general circulation in the County at least one time fifteen (15) days prior to the hearing.

(3) Public Hearing. The public hearing shall be held by the Board of Zoning Appeals. Any party may appear in person, or by agent or attorney.

(4) Considerations. The Board of Zoning Appeals shall consider and be guided by the following standards in making a determination on any petition:

(a) Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district;

(b) The special conditions and circumstances do not result from the actions of the applicant;

(c) Literal interpretation of the provisions of this zoning ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this zoning ordinance and would work unnecessary and undue hardship on the applicant;

(d) The variance, if granted, is the minimum variance that will make possible the reasonable use of the land, building or structure;

(e) Granting the variance requested will not confer on the petitioner any special privilege that is denied by these zoning regulations to other lands, buildings, or structures in the same zoning district;

(f) The grant of the variance will be in harmony with the general intent and purpose of this zoning ordinance, will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

(5) Conditions and Safeguards. In granting any variance the Board of Zoning Appeals may prescribe appropriate conditions and safeguards in conformity with these zoning regulations, including but not limited to, reasonable time limits within which the action for which variance is required shall be begun or completed, or both. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall

be deemed a violation of this zoning ordinance.

(6) Limitations on Power to Grant Variances. Under no circumstances shall the Board of Zoning Appeals grant a variance to permit a use not permitted under the terms of this zoning ordinance in the zoning district involved, or any use expressly or by implication prohibited by the terms of these regulations in the said zoning district.

No non-conforming use of neighboring lands, structures, or buildings in the same zoning district, and no permitted use of lands, structures, or buildings in any other district shall be considered grounds for the granting of a variance.

No provisional use under this zoning ordinance shall be granted by the Board of Zoning Appeals.

C. Special Authority of Board of Zoning Appeals in Relation to Certain Non-Conforming Uses. If no structural alterations are made, any non-conforming use of a structure or of a structure and premises in combination, may be changed to another non-conforming use of the same character, or to a more restricted but non-conforming use, provided that the Board of Zoning Appeals shall find after public notice and hearing that the proposed use is equally or more appropriate to the district than the existing non-conforming use and that the relation of the structure to surrounding properties is such that adverse effects on occupants and neighboring properties will not be greater than if the existing non-conforming use is continued. If permitting such change, the Board of Zoning Appeals may require appropriate conditions and safeguards in accord with the intent and purpose of these zoning regulations. Petition under this subsection shall be to the Director for transmittal to the Board of Zoning Appeals.

D. Board of Zoning Appeals Has Powers of Director on Appeals; Reversing Decision of Director. In exercising any of the above mentioned powers, the Board of Zoning Appeals may, so long as such action is in conformity with the terms of this zoning ordinance, reverse or affirm, wholly or partly, or may modify the order requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have the powers of the Director from whom the appeal is taken.

In matters of review, the concurring votes of a majority of all members of the Board of Zoning Appeals shall be necessary to reverse any order, requirement, decision or determination of the Director, or to decide in favor of the petitioner on any matter upon which it is required to pass under this zoning ordinance.

4. Appeals from Board of Zoning Appeals Decisions. Review of decisions of the Board of Zoning Appeals shall be as set out in section 28-18 of the Collier County Code or Ordinances and applicable law of Florida. (Sp. Acts. 67-1246 §18).

Section 42. SCHEDULE OF FEES AND CHARGES

The Board hereby establishes a schedule of fees and charges for matters pertaining to this zoning ordinance and allied matters. It is the intent of these regulations that the County shall not be required to bear any part of the cost of applications or petitions made under this zoning ordinance and that the fees and charges represent the actual cost of required legal advertising, postage, clerical filing, and other costs involved in the processing of applications and petitions.

The schedule of fees and charges shall be posted in the office of the Director. The charges listed may be changed by resolution of the Board and are not subject to the procedure for amendment of this zoning ordinance set out in Section 48.

Applications or petitions initiated officially by Collier County by its duly authorized agencies or officers are exempt from the payment of the fees or charges herein set out.

Until the applicable fees or charges have been paid in full, no action of any type or kind shall be taken on an application or petition.

SCHEDULE OF FEES

Amending the Comprehensive Plan		\$100.00
Rezone Petition		250.00
Provisional Use Petition		100.00
Tree Removal Petition	first acre	5.00
	each additional acre	
	or part of additional	
	acre of land	5.00
	maximum	50.00
Temporary Use Permit	Public Hearing	100.00
	Staff Review	50.00
Appeal from an Administrative Decision		25.00
Variance		100.00
Alcoholic Beverage Petition		100.00
DRI Review	\$5.00 per acre	
	minimum	250.00*
PUD Review	\$5.00 per acre	
	minimum (includes	
	rezone petition fee)	250.00*

EIS Review	100.00
ST Review	\$5.00 per acre minimum 100.00*
Preliminary Subdivision Review	First 100 lots, plus \$1.00 for each additional lot. 200.00
Final Subdivision Review	100.00
Modification of any development plan approved by Board of County Commissioners	One half of petition fee for original approval
Renewal of any development plan approved by Board of County Commissioners	One half of petition fee for original approval.

Signs

Class

A	\$25.00	F	5.00
B	15.00	G	5.00
C	10.00	H	Equivalent to corres- ponding class
D	5.00	I	Equivalent to corres- ponding
E	5.00		
Publications, maps, reports, etc.			As determined by the Director based on cost.
Comprehensive Plan			As determined by the Director based on cost
Zoning Ordinance			As determined by the Director based on cost.
Official Zoning Atlas		Map Sheet	\$2.00
Official Land Use Map (1:2000)			5.00
In-House Reports, Ets.			As determined by the Director based on cost
Xerox copies		Per sheet	\$.50

* Only one fee is required when Tree Removal Petition, EIS, "ST", DRI, and PUD Review is requested for same project review and public hearing. In such cases the fee shall be whichever is the greater.

Section 43. PROVISIONS OF ZONING ORDINANCE DECLARED TO
BE MINIMUM OR MAXIMUM REQUIREMENTS:

In their interpretation and application, the provisions of this zoning ordinance shall be held to be minimum or maximum requirements, as the case may be adopted for the promotion of the public health, safety, and general welfare. Wherever the requirements of this zoning ordinance are at variance with the requirements of any other lawfully adopted statute, rule, regulation, ordinance, code, or restrictive covenant or deed, the most restrictive or that imposing the higher standards shall govern.

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Section 44. PENALTIES FOR VIOLATION; RESORT TO OTHER REMEDIES.

Violation of the provisions of this zoning ordinance or failure to comply with any of the requirements, including violations of conditions and safeguards established in connection with grants of variances or provisional uses, shall constitute a misdemeanor. Any person who violates this zoning ordinance or fails to comply with any of the requirements shall upon conviction thereof be fined, or imprisoned, or both as provided by law and in addition shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense.

The owner or tenant of any building, structure, premises or part thereof, and any architect, building contractor, agent, or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.

Nothing herein contained shall prevent the County from taking such other lawful action, including, but not limited to, resort to equitable action, as is necessary to prevent or remedy any violation.

Section 45. PROSECUTION UNDER PREVIOUS ZONING REGULATIONS.

Any prosecution arising from a violation of any prior zoning code, ordinance, or regulation of Collier County superseded by this zoning ordinance, which prosecution was pending at the effective date of this zoning ordinance, or any prosecution which may be begun within one (1) year after the effective date of this zoning ordinance, in consequence of any violation of any prior zoning code, ordinance, or regulation superseded hereby, which violation was committed prior to the effective date of this zoning ordinance, shall be tried and determined exactly as if such prior zoning code, ordinance, or regulation had not been superseded.

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Section 46. SEPARABILITY CLAUSE.

Should any section or provision of this zoning ordinance be declared by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of this zoning ordinance as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

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Section 47. EFFECTIVE DATE.

This zoning ordinance shall take effect immediately upon receipt of acknowledgement that this ordinance has been filed with the Office of the Secretary of State of the State of Florida.

Section 48. AMENDMENTS.

This zoning ordinance, and the Official Zoning Atlas and the Official Schedule of District Regulations which are a part of this zoning ordinance, may from time to time be amended, supplemented, changed or repealed. Procedures shall be as follows:

1. Initiation of Proposals for Amendment. A zoning amendment may be proposed by:

- A. Board of County Commissioners;
- B. Planning Commission;
- C. Board of Zoning Appeals;
- D. Any other department or agency of the County;
- E. Any person other than those listed in A-D

above; provided, however, that no person shall propose an amendment for the rezoning of property (except as agent or attorney for an owner) which he does not own. The name of the owner shall appear on each application.

All proposals for zoning amendments shall be considered first by the Planning Commission in the manner herein set out.

All proposals for zoning amendments shall be submitted in writing to the office of the Director, accompanied by all pertinent information required by this zoning ordinance and which may be required by the Planning Commission for proper consideration of the matter, along with payment of such fees and charges as have been established by the Board. No application for zoning amendment shall be heard by the Planning Commission until such fees and charges have been paid.

2. Notice Generally. No request for amendment may be considered by the Planning Commission until such time as notice of a public hearing on the proposed amendment has been given to the citizens of the County by publication of a notice of the hearing in a newspaper of general circulation in the County, at least fifteen (15) days in advance of the public hearing.

3. Notice Where Proposed Amendment Would Change Zoning Classification of Land. In addition, in the case of an application for the rezoning of land, a sign shall be posted on the land which is the subject of the hearing at least fifteen (15) days prior to the date of the public hearing by the Planning Commission.

The sign to be posted on said land shall measure at least one and a half (1½) square feet in area and shall contain substantially the following language:

A PUBLIC HEARING CONCERNING THE REZONING OF
THIS PROPERTY FROM _____ TO _____
WILL BE HELD BY THE PLANNING COMMISSION
OF COLLIER COUNTY.
CALL (phone number) FOR INFORMATION.

The sign shall be erected in full view of the public on each street side of the said land by the Director. Where the property for which rezoning is sought is landlocked, the sign or signs shall be erected on the nearest street right of way, with an attached notation indicating generally the distance and direction to the property for which rezoning is sought. Where large parcels of property are involved with street frontages extending over considerable distances, the Director shall erect as many signs on a street frontage as may be deemed adequate to inform the public.

Notice of the time and place of the public hearing by the Planning Commission shall be sent at least fifteen (15) days in advance of the hearing by mail to the owner of the subject property or his designated agent or attorney, if any.

Notice of the time and place of the public hearing by the Planning Commission shall be sent at least fifteen (15) days in advance of the hearing by mail to all owners of property within three hundred (300) feet of the property lines of the land for which rezoning is sought; provided, however, that where the applicant is the owner of land not included in applicant's application and such land that is not included in the application is a part of or adjoins the parcel for which request for change in zoning classification is made, the three hundred (300) foot requirement shall be measured from the boundaries of the applicant's ownership, including the land not covered by applicant's application. For the purpose of this requirement, the names and addresses of property owners shall be deemed those appearing on the latest tax rolls of Collier County.

4. Planning Commission Hearing and Report to Board: Time Limits. The Planning Commission shall hold a hearing on a proposed amendment within 120 days from the date the application for amendment is filed with the Director. Unless a longer time be mutually agreed upon by the Planning Commission and the Board, the Planning Commission shall file its recommendations

with the Board within eight (8) days or, lacking a quorum, within fifteen (15) days after the public hearing before the Planning Commission.

5. Nature and Requirements of Planning Commission Report. When pertaining to the rezoning of land, the report and recommendations of the Planning Commission to the Board required in subsection 4 above shall show that the Planning Commission has studied and considered the proposed change in relation to the following, where applicable:

- A. Whether the proposed change would be contrary to the proposed land use plan and would have an adverse effect on the comprehensive plan;
- B. The existing land use pattern;
- C. The possible creation of an isolated district unrelated to adjacent and nearby districts;
- D. The population density pattern and possible increase or overtaxing of the load on public facilities such as schools, utilities, streets, etc.
- E. Whether existing district boundaries are illogically drawn in relation to existing conditions on the property proposed for change;
- F. Whether changed or changing conditions make the passage of the proposed amendment necessary;
- G. Whether the proposed change will adversely influence living conditions in the neighborhood;
- H. Whether the proposed change will create or excessively increase traffic congestion or otherwise affect public safety;
- I. Whether the proposed change will create a drainage problem;
- J. Whether the proposed change will seriously reduce light and air to adjacent areas;
- K. Whether the proposed change will adversely affect property values in the adjacent area;
- L. Whether the proposed change will be a deterrent to the improvement or development of adjacent property in accord with existing regulations;
- M. Whether the proposed change will constitute a grant of special privilege to an individual owner as contrasted with the public welfare;
- N. Whether there are substantial reasons why the property cannot be used in accord with existing zoning;
- O. Whether the change suggested is out of scale with the needs of the neighborhood or the County;
- P. Whether it is impossible to find other adequate sites in the County for the proposed use in districts already permitting such use.

6. When pertaining to rezoning amendments of this zoning ordinance, the Planning Commission shall determine that adequate community facilities and services are available. To determine this, the Official Land Use Guide and/or the Rating System shall be used.

Residential Rezone Petition: A petition requesting a density within the range set forth on the Official Land Use Guide shall be considered as having adequate community facilities and services.

A petition requesting a density greater than the range set forth on the Official Land Use Guide shall be graded by all the portions of the rating system. Any petition receiving 31 points shall be considered as having adequate community facilities and services and shall not be considered as leap frog growth.

Commercial or Industrial Rezone Petitions: A petition to rezone land to commercial or industrial shall be graded to determine adequate community facilities and services by the following portions of the rating system: Water, sewer, streets and highways, drainage, environmental compatibility and fire. Any petition receiving 26 points shall be considered as having adequate community facilities and services.

A Non-Commercial, Non-Industrial, Non-Residential Rezone Petition
A petition to rezone land to a use which is non-commercial, non-industrial, and non-residential, such as a civic or fraternal club, may be granted a waiver for certain portions of the rating system by the Director. In granting such a waiver, the Director must enumerate the reasons why certain portions of the rating system are not applicable. The enumeration should clearly show that the impact of the requested zone would not require the same extent or degree of facilities and services as would be normally required for any other rezone petition.

RATING SYSTEM FOR DETERMINING AVAILABILITY OF
ADEQUATE EXISTING COMMUNITY FACILITIES AND SERVICES

Water

- | | |
|-------------------------------------------------------------------|----------|
| (1) Municipal or County System | 5 Points |
| (2) Franchised Systems and Special Districts under County Control | 4 Points |
| (3) Private Central System | 3 Points |
| (4) Private Well | 1 Point |
| (5) Other | 0 Points |

Sewer

- | | |
|-------------------------------------------------------------------------------------------------------|----------|
| (1) Municipal or County System or Private System with Plant and Collection System Dedicated to County | 5 Points |
| (2) Franchised Systems and Special Districts under County Control | 4 Points |
| (3) Private Systems with Collection Systems only Dedicated to the County | 4 Points |
| (4) Private System | 3 Points |
| (5) Acceptable Septic Systems | 1 Point |
| (6) Other | 0 Points |

Streets and Highways

Proximity to Existing Arterial as Shown on Master Circulation Plan, Figure 8.

- | | |
|---------------------------------------------------------------------|----------|
| (1) Direct Access | 5 Points |
| (2) Within $\frac{1}{4}$ Mile of Arterial via an Approved Connector | 3 Points |
| (3) Within 1 Mile of Arterial | 1 Point |
| (4) Over 1 Mile of Arterial | 0 Points |

Drainage

- | | |
|-----------------------------------------------------|----------|
| (1) Approved by Water Management Advisory Board | 5 Points |
| (2) Not approved by Water Management Advisory Board | 0 Points |

Environmental Compatibility

- | | |
|----------------------------------------------------|----------|
| (1) Approved by Environmental Advisory Council | 5 Points |
| (2) Not Approved by Environmental Advisory Council | 0 Points |

Fire

- | | |
|-----------------------------------------------------------------|----------|
| (1) Within Fire District and within 2 Miles of Firehouse | 5 Points |
| (2) Within Fire District and between 2 and 3 Miles of Firehouse | 3 Point |
| (3) Within Fire District and over 3 Miles of Firehouse | 1 Point |
| (4) Other | 0 Points |

Existing Community Park*, or Recreational Facility in Conjunction with Public Schools.

- | | |
|-----------------------------------------------|----------|
| (1) Within 1 Mile with bicycle path sidewalks | 3 Points |
|-----------------------------------------------|----------|

*For Definition See Page 189

Existing Community Park, or Recreational Facility in Conjunction with Public Schools. (con't)

- | | |
|-----------------------------------------------------|----------|
| (2) Within 1 Mile without bicycle path or sidewalks | 2 Points |
| (3) From 1 to 2 Miles with bicycle path or sidewalk | 1 Point |
| (4) Other | 0 Points |

Elementary School

- | | |
|-----------------------------------------------------------------------------|----------|
| (1) Within 1 Mile of Existing School with Bicycle path or Sidewalk | 5 Points |
| (2) Within 1 Mile of Existing school without bicycle path or sidewalk | 4 Points |
| (3) Within 1 Mile of Existing School site with bicycle path or sidewalk | 3 Points |
| (4) From 1 to 2 Miles of Existing School with Bicycle Path or Sidewalk | 3 Points |
| (5) From 1 to 2 Miles of Existing School without Bicycle Path or Sidewalk | 2 Points |
| (6) From 1 to 2 Miles of Existing School Site with Bicycle Path or Sidewalk | 2 Points |
| (7) Other | 0 Points |

Mosquito Control

- | | |
|-------------------------------------------------------------------------------|----------|
| (1) Adjacent to existing spray area | 2 Points |
| (2) Within existing Mosquito District but not adjacent to existing spray area | 1 Point |

The petitioner may provide all required existing community facilities and services for the requested rezone needs in any one of the following manners:

- (1) Petition for a rezone at such time as all required adequate existing community facilities and services have been provided at public expense according to the Capital Improvement Plan, or,
- (2) Petition for a rezone at such time as all required existing community facilities and services have been provided at the private expense of the petitioner, or,
- (3) Post a surety in lieu of completed improvements to guarantee that all of the required (existing) community facilities and services will be provided.
- (4) Other acceptable to BCC.

RATING SYSTEM WITH RESPECT TO PLANNED UNIT DEVELOPMENT (PUD) DISTRICT.

In the case of an application for a rezone to a Planned Unit Development (PUD) District, the Planning Commission may recommend to the Board of County Commissioners waivers to the rating system requirements, if in their determination, such waivers will encourage a PUD development which is in accordance with the policies and objectives of the Comprehensive Plan in all other respects.

B. The need and justification for the change;

C. The relationship of the proposed amendment to the purposes and objectives of the County's comprehensive planning program and to the Comprehensive Plan, with appropriate consideration as to whether the proposed change will further the purposes of this zoning ordinance and other County codes, regulations, and actions designed to implement the Comprehensive Plan.

*Community Parks:

Size: 10 to 50 Acres (10 Acre Minimum).
 Standard: 2.5 Acres per 1,000 persons.
 Primary User Group: Above 12 Years.
 Normal Location: Adjacent to a school.
 User mode of transportation: "Bike-to", "Drive-to" park.
 Main Activity: Playground, ball fields, tennis courts, etc.

7. Status of Planning Commission Report and Recommendations. The report and recommendations of the Planning Commission required by subsections 4 and 5 above shall be advisory only and shall not be binding upon the Board of County Commissioners.

8. Board: Action on Planning Commission Report. Upon receipt of the Planning Commission's report and recommendations, the Board shall hold a second public hearing with notice to be given as set out in subsection 2 and 3 above.

In the case of all proposed changes or amendments, if the recommendation of the Planning Commission is adverse to the proposal, such changes or amendments shall not be adopted except by the affirmative vote of three (3) members of the Board.

9. Failure of Board to Act. If a Planning Commission recommendation is not legislatively decided within ninety (90) days of the date of closing of the public hearing by the Board, the application upon which the report and recommendation is based shall be deemed to have been denied, providing the Board may refer the application to the Planning Commission for further study.

10. Limitations on the Rezoning of Property.

A. Except where the proposal for the rezoning of property involves an extension of an existing district boundary, no change in the zoning classification of land shall be considered which involves less than forty thousand (40,000) square feet of area and two hundred (200) feet of street frontage.

B. Whenever the Board has denied an application for the rezoning of property, the Planning Commission shall not thereafter:

(1) Consider any further application for the same rezoning of any part or all of the same property for a period of twelve (12) months from the date of such action;

(2) Consider an application for any other kind of rezoning or any part or all of the same property for a period of six (6) months from the date of such action.

11. Waiver of Time Limits. The time limits of subsection 10,B above may be waived by three (3) affirmative votes of the Board when such action is deemed necessary to prevent injustice or to facilitate the proper development of Collier County.

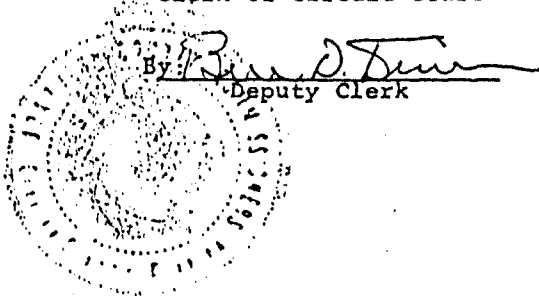
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Dated: June 29, 1976

BOARD OF COUNTY COMMISSIONERS
COLLIER COUNTY, FLORIDA

ATTEST:
MARGARET T. SCOTT
Clerk of Circuit Court

By: Clifford Wenzel
Vice Chairman



By: B. D. Turner
Deputy Clerk

Approved as to form and legality:

Donald Arthur Pickworth
Donald Arthur Pickworth
Collier County Attorney