PF-32

City of Marco Island
Growth Management Department
50 Bald Eagle Drive
Marco Island, FL 34145
Phone: 239-389-5000

APPEAL TO CITY COUNCIL OF ADMINISTRATIVE DECISION

Applicable Sections of the Marco Island Land Development Code Article XV Sec. 30-974 Appeals

Petition number: **BOAA**-_____ Date Received: _____

Planner: _____

ABOVE TO BE COMPLETED BY STAFF

PROPERTY INFORMATION

Property Owner(s): 666 6TH AVENUE LLC; 682 6TH AVE LLC; 658 6TH AVENUE LLC; 674 6TH AVE LLC

Owner's Address: c/o Agent

Phone #: c/o Agent Email: c/o Agent

AGENT INFORMATION

Agent's Name: Zachary W. Lombardo, Esq. and the law firm of Woodward, Pires & Lombardo, P.A.

Agent's Address: 606 BALD EAGLE DR. STE. 500, MARCO ISLAND, FL 34103

Phone #: (239) 649-7342 Email: zlombardo@wpl-legal.com; kchylinski@wpl-legal.com

SITE INFORMATION

Address: 666 6TH AVE.; 682 6TH AVE.; 658 6TH AVE.; 674 6TH AVE., Marco Island, FL 34145 Property ID #: 59130760009; 59130680008; 59130800008; 59130720007

Subdivision: Marco Highlands Addition Block: 3 Lot(s): 1-4

Zoning and Land Use

Property	Zoning	Land Use
Subject	RMF-6	Undeveloped Residential Multi-Family Lots
N	RSF-4	Developed Single-Family Residential Homes
S	6th Avenue, then RMF-6 beyond	6th Avenue and then Developed Multi-Family and Single-Family Residential Homes Beyond
E	RSF-4	Developed Single-Family Residential Home
W	RMF-6	Developed Multi-Family Residential Home

Please attach the following documents to this application for appeal to the City Council:

1. Documentation of the interpretation that is the subject of this appeal.
2. A full description of the position taken by petitioner, including the condition claimed to exist under Code Section 30-974 (a) and the analysis to be considered.
3. Documentation which, in the opinion of the Petitioner, supports the analysis which is the basis for appeal.
4. Required fee: $1,000.00, payable to the City of Marco Island.

The application and attachments should be returned to the Growth Management Division in digital form along with 3 hard copies.

As the authorized agent/applicant for this petition, I attest that all the information indicated on this checklist is included in this submittal package. I understand that failure to include all necessary submittal information may result in the delay of processing this petition and scheduling the appeal before City Council.

Signature of Petitioner or Agent

9/17/2025
Date

PUBLIC NOTICE REQUIREMENT: In addition to the fees required herein, all costs of newspaper notices and required notices for public petitions shall be paid in full prior to a scheduled public hearing. If such payment is not received prior to a scheduled public hearing, the petition will be continued and rescheduled. Any additional cost associated with a rescheduled item shall also be paid in full prior to the public hearing. Advertising for public hearings shall be prepared by staff and submitted to the newspapers as required in the Marco Island Land Development Code (LDC). If an application is filed for which a fee is not listed herein, staff shall assess the fee based upon actual time spent reviewing the petition.
Marco Island Code of Ordinances Section 30-8(a).

AFFIDAVIT OF AUTHORIZATION

I, MICHAEL J. VALE, as Manager of 658 6TH AVENUE LLC being first duly sworn, depose and say that I am the owner of the property described herein and which is the subject matter of the proposed application; that all the answers to the questions in this application, including the disclosure of interest information, all sketches, data, and other supplementary matter attached to and made a part of this application, are honest and true to the best of my knowledge and belief. I understand that the information requested on this application must be complete and accurate and that the content of this form, whether computer generated or printed, shall not be altered. I hereby also consent to access to the subject property (excluding entering any home or other enclosed structure) by CITY OF MARCO ISLAND staff members for the limited purpose of evaluating, observing, or understanding the subject property conditions as they relate to the application. While the application is pending, staff members will be allowed access upon the property provided they display CITY OF MARCO ISLAND Photo ID or a Valid Driver's License.

As property owner we/I further authorize ZACHARY W. LOMBARDO, ESQ. and the law firm of WOODWARD, PIRES & LOMBARDO, P.A., to act as my representative in any matters regarding this application

Michael J. Vale, Manager
Signature of Property Owner

Michael J. Vale, as Manager of
658 6TH AVENUE LLC
Printed Name of Property Owner

STATE OF Florida
COUNTY OF Collier

The foregoing instrument was acknowledged before me this 14 day of May 2025, by MICHAEL J. VALE, as Manager of 658 6TH AVENUE LLC, who is personally known to me or has produced _____ as identification.

FELICE KOTIK
Notary Public
State of Florida
Comm# HH213859
Expires 1/5/2026

(Seal)

Signature, Notary Public

Felice Kotik
Printed, Typed, or Stamped Name of Notary

AFFIDAVIT OF AUTHORIZATION

I, DONNA M. VALE, as Manager of 674 6TH AVE LLC, being first duly sworn, depose and say that I am the owner of the property described herein and which is the subject matter of the proposed application; that all the answers to the questions in this application, including the disclosure of interest information, all sketches, data, and other supplementary matter attached to and made a part of this application, are honest and true to the best of my knowledge and belief. I understand that the information requested on this application must be complete and accurate and that the content of this form, whether computer generated or printed, shall not be altered. I hereby also consent to access to the subject property (excluding entering any home or other enclosed structure) by CITY OF MARCO ISLAND staff members for the limited purpose of evaluating, observing, or understanding the subject property conditions as they relate to the application. While the application is pending, staff members will be allowed access upon the property provided they display CITY OF MARCO ISLAND Photo ID or a Valid Driver's License.

As property owner we/I further authorize ZACHARY W. LOMBARDO, ESQ. and the law firm of WOODWARD, PIRES & LOMBARDO, P.A., to act as my representative in any matters regarding this application

Donna M Vale, Manager
Signature of Property Owner

Donna M. Vale, as Manager of
674 6TH AVE LLC
Printed Name of Property Owner

STATE OF Florida
COUNTY OF Collier

The foregoing instrument was acknowledged before me this 14 day of May, 2025, by DONNA M. VALE, as Manager of 674 6TH AVE LLC, who is personally known to me or has produced _____ as identification.

FELICE KOTIK
Notary Public
State of Florida
Comm# HH213859
Expires 1/5/2026

Signature, Notary Public

Felice Kotik
Printed, Typed, or Stamped Name of Notary

(Seal)

AFFIDAVIT OF AUTHORIZATION

I, DONNA M. VALE, as Manager of 666 6TH AVENUE LLC being first duly sworn, depose and say that I am the owner of the property described herein and which is the subject matter of the proposed application; that all the answers to the questions in this application, including the disclosure of interest information, all sketches, data, and other supplementary matter attached to and made a part of this application, are honest and true to the best of my knowledge and belief. I understand that the information requested on this application must be complete and accurate and that the content of this form, whether computer generated or printed, shall not be altered. I hereby also consent to access to the subject property (excluding entering any home or other enclosed structure) by CITY OF MARCO ISLAND staff members for the limited purpose of evaluating, observing, or understanding the subject property conditions as they relate to the application. While the application is pending, staff members will be allowed access upon the property provided they display CITY OF MARCO ISLAND Photo ID or a Valid Driver's License.

As property owner we/I further authorize ZACHARY W. LOMBARDO, ESQ. and the law firm of WOODWARD, PIRES & LOMBARDO, P.A., to act as my representative in any matters regarding this application

Donna M Vale, Manager
Signature of Property Owner

Donna M. Vale, as Manager of
666 6TH AVENUE LLC
Printed Name of Property Owner

STATE OF Florida
COUNTY OF Collier

The foregoing instrument was acknowledged before me this 14 day of May, 2025, by DONNA M. VALE, as Manager of 666 6TH AVENUE LLC, who is personally known to me or has produced _____ as identification.

FELICE KOTIK
Notary Public
State of Florida
Comm# HH213859
Expires 1/5/2026

(Seal)

Signature, Notary Public

Felice Kotik
Printed, Typed, or Stamped Name of Notary

AFFIDAVIT OF AUTHORIZATION

I, DONNA M. VALE, as Manager of 682 6TH AVE LLC, being first duly sworn, depose and say that I am the owner of the property described herein and which is the subject matter of the proposed application; that all the answers to the questions in this application, including the disclosure of interest information, all sketches, data, and other supplementary matter attached to and made a part of this application, are honest and true to the best of my knowledge and belief. I understand that the information requested on this application must be complete and accurate and that the content of this form, whether computer generated or printed, shall not be altered. I hereby also consent to access to the subject property (excluding entering any home or other enclosed structure) by CITY OF MARCO ISLAND staff members for the limited purpose of evaluating, observing, or understanding the subject property conditions as they relate to the application. While the application is pending, staff members will be allowed access upon the property provided they display CITY OF MARCO ISLAND Photo ID or a Valid Driver's License.

As property owner we/I further authorize ZACHARY W. LOMBARDO, ESQ. and the law firm of WOODWARD, PIRES & LOMBARDO, P.A., to act as my representative in any matters regarding this application

Donna M Vale, Manager
Signature of Property Owner

Donna M. Vale, as Manager of
682 6TH AVE LLC
Printed Name of Property Owner

STATE OF Florida
COUNTY OF Collier

The foregoing instrument was acknowledged before me this 14 day of May, 2025, by DONNA M. VALE, as Manager of 682 6TH AVE LLC, who is personally known to me or has produced _____ as identification.

FELICE KOTIK
Notary Public
State of Florida
Comm# HH213859
Expires 1/5/2026

Signature, Notary Public

Felice Kotik
Printed, Typed, or Stamped Name of Notary

(Seal)

WPL
EST. 1971

WOODWARD, PIRES & LOMBARDO, P.A.
ATTORNEYS AT LAW

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REPLY TO:

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239-394-5161
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WWW.WPL-LEGAL.COM

September 11, 2025

By email, return receipt requested

Chairman Brechnitz
City Council sitting as the:
City of Marco Island Board of Zoning Appeals
EBrechnitz@marcocitycouncil.com

Subject: OI-25-000090 | Notice of Appeal

Mr. Brechnitz,

This firm represents 666 6TH AVENUE LLC; 682 6TH AVE LLC; 658 6TH AVENUE LLC; and 674 6TH AVE LLC, (collectively the "Appellant"), the respective owners of 666, 682, 658, and 674 6th Avenue, Marco Island, Florida, 34145 (collectively the "Subject Property").

The Appellant requested an interpretation that: "a duplex structure may be permitted and erected on each of the Subject Lots of Record identified above [the Subject Property] at the platted area and width."

Pursuant to section 30-4, LDC, the City's Community Development Director issued an official interpretation, OI-25-000090 (the "OI"), that stated while duplexes are a permitted use, development of such must conform with section 30-105(7), LDC. This interpretation renders the lots unsuitable for the construction of duplexes, despite duplexes being a permitted use and despite the construction of duplexes resulting in less density than is allowed under the comprehensive plan for the Subject Property, because the lots are less than 12,000 square feet in lot area.

By this Notice of Appeal, the Appellant hereby appeals the OI to the City Council sitting as the Board of Zoning Appeals, pursuant to section 30-68, LDC, because the OI is not supported by competent substantial evidence and is incorrect as demonstrated by existing duplexes in the City.

Basis for Appeal:

The standard of review established by section 30-4(g), LDC, is whether the OI was supported by competent substantial evidence. As stated herein, it was not. In fact, it was supported by no explanation.

The OI states that development of a duplex on the Subject Property must conform with section 30-105(7), LDC. This interpretation renders the lots unsuitable for the construction of duplexes, despite duplexes being a permitted use and despite the construction of duplexes resulting in less density than is allowed under the comprehensive plan for the Subject Property.

This OI provides no explanation why this section, 30-105(7), LDC, applies despite Appellant providing an explanation of why this section 30-105(7), LDC, does not apply.

The Appellant adopts as its argument its request for reconsideration, enclosed as **Exhibit A** and its initial request, **Exhibit E** to the request for reconsideration. Additionally, attached, as **Exhibit B**, is a full copy of Collier County Ordinance 76-30.

Stated simply: the Subject Property is made up of legally nonconforming lots of record, which, pursuant to section 30-6(d), LDC, may have permitted uses constructed on them, which here, as acknowledged by staff, are duplexes. Specifically:

> "*Nonconforming lots* of *record.* In any district, ***any permitted or permissible structure may be erected, expanded, or altered on any lot of record at the effective date of adoption or relevant amendment to this code***.
>
> The minimum size yard requirements in any commercial district shall be equal to the height of the proposed principal structure, or the minimum side yard requirement in the district, whichever is lesser."
>
> (*Emphasis added.*)

As stated in **Exhibits A** and **E**, 14 duplexes have been constructed without record of a variance under this interpretation. More importantly, the regulations established by section 30-6(d), LDC, were in existence before a version of section 30-105(7), LDC, was enacted by the County, which, before the incorporation of the City was the land-use authority, and, upon incorporation, the County's code was adopted in the City. *See* Ch. 97-367, Laws of Florida, § 7.03; *see also* City of Marco Ordinances 01-33 and 02-04.

For the foregoing reasons and to support the existing 14 duplexes that were constructed without variances, the Appellant respectfully requests that the City Council sitting as the Zoning Board of Appeals modify the OI to properly conclude that: a duplex structure may be permitted and erected on each of the lots of the Subject Property at the platted area and width.

Sincerely,

Zachary W. Lombardo, Esq.

Copies to D. Tolces, Esq., Daniel Smith, AICP, Michael McNees.

Exhibit “A”

WPL

WOODWARD, PIRES & LOMBARDO, P.A.
ATTORNEYS AT LAW

EST. 1971

MARK J. WOODWARD
Board Certified: Real Estate Law and in Condominium & Planned Development Law

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239-394-5161
239-642-6402 FAX

WWW.WPL-LEGAL.COM

July 18, 2025

Daniel J. Smith, AICP
Director of Community Affairs
City of Marco Island
dsmith@cityofmarcoisland.com

Subject: **OI-25-000090**
Request for Interpretation and Vested Rights for 658, 666,674, 682 6th Avenue, Marco Island (the "Subject Property")

Mr. Smith,

Please accept this letter in response to your letter dated June 25, 2025, and as a request to reconsider the Official Interpretation based on the additional information and clarification provided herein.

I. The Initial Interpretation

The letter dated June 25, 2025, (the "Initial Interpretation") provided an Official Interpretation of the current provisions of the City of Marco Island Land Development Code ("LDC"), but does not address the vested rights established by the predecessor City of Marco Island and Collier County land development regulations which were in effect at the relevant times.

The Initial Interpretation stated that the current section 30-105(7), LDC, applies to the Subject Property and requires 6,000 square feet of lot area per unit and thus, while a duplex is an allowable use, each of the lots within the Subject Property is too small (approximately 8,252 square feet per lot) on which to construct a duplex. The Initial Interpretation appears to be based on the argument that section 30-105(7), LDC, enacted by the City on November 5, 2001, Ordinance 01-33, was enacted before section 30-6(d), LDC, which was enacted on January 7, 2002, Ordinance 02-04, and thus only non-conformities as to minimum lot sizes created after January 7, 2002, may be continued, which, if correct, would not recognize nonconformities that existed before Ordinance 01-33. It is respectfully submitted that this is an incorrect interpretation.

From our research, it is clear Ordinances 01-33 and 02-04 are ***not*** the ordinances that applied when the nonconformity was created, nor were they the ordinances that applied when the City was established. Thus, the Initial Interpretation is incorrect.

The status of these ordinances is acknowledged in their titles. Specifically, Ordinance 01-33 is titled: "AN ORDINANCE TO ESTABLISH NEW RESIDENTIAL MULTI-FAMILY (RMF-6) DISTRICT STANDARDS AND REGULATIONS TO SUPERCEDE, REPLACE, AND/OR SUPPLEMENT STANDARDS AND REGULATIONS FOUND ***IN THE COLLIER COUNTY LAND DEVELOPMENT CODE (ORDINANCE 91-102, AS AMENDED, AND CURRENTLY APPLICABLE TO RESIDENTIAL MULTIPLE-FAMILY 6 DISTRICT USES AND DEVELOPMENT ON MARCO ISLAND.***" (Emphasis added.)

Ordinance 02-04 is titled: "AN ORDINANCE TO ESTABLISH NEW LAND DEVELOPMENT CODE GENERAL PROVISIONS TO SUPERCEDE, REPLACE AND/OR SUPPLEMENT SUCH GENERAL PROVISIONS FOUND IN ***THE COLLIER COUNTY LAND DEVELOPMENT CODE (ORDINANCE 91-102, AS AMENDED) AND CURRENTLY APPLICABLE TO LAND DEVELOPMENT ON MARCO ISLAND***." (Emphasis added.)

II. Applicable Land Development Regulations at Incorporation

Upon incorporation of the City of Marco Island, the Collier County Land Development Code became the transitional land development code for the City of Marco Island and applied to land development on the Island, *see* Chapter 97-367, section 7.03, Laws of Florida, enclosed as **Exhibit A** for reference, which states:

> 1) ***Until such time as the city adopts a comprehensive plan, the applicable provisions of the comprehensive plan and all existing land development regulations of Collier County, Florida, as the same exists on the day the city commences corporate existence, shall remain in effect as the city's transitional comprehensive plan and land development regulations.*** However, all planning functions, duties, and authority shall thereafter be vested in the city council of Marco Island, which shall be deemed the local planning agency until the council establishes a separate local planning agency. (Emphasis added.)

And thus, as explained below, and confirmed in the titles of Ordinances 01-33 and 02-04 above, the Collier County Land Development Code, Ordinance 91-102, as amended, available here: Ordinance 91-102, and attached as **Exhibit B**, was in effect upon incorporation and until replaced.

III. Request for Revised Interpretation

Because the provisions of the Collier County Land Development Code establishing vested rights prior to incorporation remained in effect and, as shown below, because section 30-105(7), LDC, was enacted after both the nonconformity arose and the predecessor to

section 30-6, LDC, was enacted, the Initial Interpretation should be revised to confirm that a duplex may be built on each of the lots of the Subject Property despite each lot being less than 12,000 square feet. This is consistent with each of the duplexes constructed in the same zoning district on lots less than 12,000 square feet in size as provided as shown in Figure 1 below.

DUPLEX LOTS ON MARCO ISLAND

Address	Plat	Year Plat Recorded	Square Footage[1]	Year duplex constructed	Jurisdiction
SUBJECT LOTS (MARCO HIGHLANDS ADDITION)					
658, 666, 674 & 682 6th Ave	Lots 1-4, Block 3	1959	8,252	N/A	City of Marco Island
DEVELOPED LOTS ON 6TH AVENUE (MARCO HIGHLANDS ADDITION)					
608 6th Ave	Lot 10, Block 3	1959	8,253	1973	Collier County
618 6th Ave	Lot 9, Block 3	1959	8,250	1965	Collier County
626 6th Ave	Lot 8, Block 3	1959	8,252	1965	Collier County
634 6th Ave	Lot 7, Block 3	1959	8,250	1971	Collier County
642 6th Ave	Lot 6, Block 3	1959	8,250	1972	Collier County
650 6th Ave	Lot 5, Block 3	1959	8,251	1972	Collier County
DEVELOPED LOTS (MARCO HIGHLANDS)					
150 1st Ave	Lot 3, Block 2	1957	7,788	1972	Collier County
158 1st Ave	Lot 2, Block 2	1957	7,789	1972	Collier County
164 1st Ave	Lot 1, Block 2	1957	7,789	1972	Collier County
172 1st Ave	Lot 1A, Block 2	1957	7,789	1998	Collier County
111 Marco Lake Drive	Lot 5, Block 2	1957	8,147	1992	Collier County
253 2nd Ave	Lot 6, Block 2	1957	7,786	1991	Collier County
261 2nd Ave	Lot 7, Block 2	1957	7,788	1973	Collier County
DEVELOPED LOT (OLD MARCO VILLAGE)					
857 Palm Street	Lot 19, Block 2	1964	11,873	2000	City of Marco Island

[1] *All square footages are listed as on record with the Collier County Property Appraiser*

Figure 1 – Comparable Duplex Lots

IV. Summary of Nonconformity

Here is a recap of the critical dates confirming the legal nonconformity and the correct interpretation:

1. 1959 - Creation of the Lots of Record

Each of the Subject Lots (Lots 1-4, Block 3, Plat of Marco Highlands Addition), became a "Lot of Record" on the date of recording of the Plat, here February 12, 1959, Book 3, Page 91.

2. 1965 - Enactment of the Definition of "Lots of Record" (the Predecessor to section 30-6, LDC)

In 1965, the Collier County Zoning Regulations (Revised 1965) define Lots of Record as:

> Where a lot has an area less than the minimum area and width for the district in which it is located, and was of record at the time of adoption of this Resolution, said lot may be used for any use permitted in the district in which it is located. P. 41.

The above code section appears to be the first version of what is now section 30-6(d), of the City of Marco LDC, and as can be seen above and attached as **Exhibit C**, was in place as of 1965 (thus before 2001). This code section created the rights that are sought to be protected in this request for interpretation and that have been applied to all of the 14 duplexes included in the initial submission, which as can be seen in Figure 1, were all constructed on lots platted before 1965, i.e. all were built on Lots of Record.

The 1965 code does not contain a per unit square footage requirement such as is found in section 30-105(7), LDC.

3. 1976 – Enactment of per unit square footage (the predecessor to section 30-105(7), LDC)

In 1976 (Ordinance 76-30 attached as **Exhibit D**), Collier County land development regulations were amended and appears for the first time to establish the required minimum lot area "per unit". *See*, *e.g.*, section 23, Ordinance 76-30.

Ordinance 76-30 also provided regarding Non-Conforming Lots of Record in section 15:

> 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.

The lots in the Subject Property were platted prior to 1965 and 1976.

4. 1991 – Creation of the Collier County LDC and the Creation of Marco Island

By virtue of the adoption of Ordinance 91-102, Collier County converted its land development regulations to a land development code before Marco Island came into existence. That ordinance in section 1.8.2, carried forward the 1965 Lots of Record regulations, and in section 2.2.5.4.7., it included a version of section 30-105(7), LDC. Keeping these sections in mind, the duplexes at 111 Marco Lake Drive and 857 Palm Street could not have been built unless the requested interpretation is correct because both were built after 1991 (and thus after section 2.2.5.4.7 of Ordinance 91-102). *See* Figure 1.

Accordingly, the minimum lot area and minimum lot width applicable to the subject lots remains vested at their platted dimensions and pursuant to land development regulations in place at the incorporation of the City (and since 1965). The enactment in 2001 and 2002 of various portions of the current City of Marco Island LDC does not impact this analysis because these enactments were not the creation of new land development regulations, they were the codifying of existing land development regulations into the City's LDC and the initial order of the relevant regulations was that the non-conforming lots of record section was enacted (1965) before the per unit square footage requirements (1976).

V. Prior Interpretations and Comprehensive Plan Consistency

As illustrated by our request of May 14, 2025, enclosed as **Exhibit E**, and above in Figure 1, duplex units have been constructed within the Plat of Marco Highlands Addition on similar lots of less than 12,000 square feet, i.e., also on 6th Avenue, having similar lot size and width, reflecting an interpretation and application identical to that which we have requested. Indeed, there are 14 duplexes within the City that were built consistent with the requested interpretation.

Finally, as mentioned in the initial request, the Subject Lots are within the High-Density Residential Future Land Use designation on the City of Marco Island Comprehensive Plan 2040 Future Land Use Map. The High-Density Residential Land Use Category

contemplates Multi-Family and Townhouse dwellings at a maximum density of up to 16 dwelling units/acre (or 3,630 square feet per unit). Duplex development of the Subject Lots of Record will represent a density of approximately 10.7 dwelling units an acre, substantially less than the sixteen (16) dwelling units per acre contemplated by the Comprehensive Plan. Thus, this interpretation is consistent with the comprehensive plan, while the Initial Interpretation is not.

Accordingly, we respectfully request your reconsideration and approval of our request, i.e., that a duplex structure may be permitted and erected on each of the Subject Lots of Record identified above at the platted area and width.

Sincerely,

Zachary W. Lombardo

Zachary W. Lombardo, Esq.

Enclosures as stated.

Exhibit “A”

1997 Fla. HB 1729

Enacted, May 30, 1997

Reporter
1997 Fla. ALS 367; 1997 Fla. Laws ch. 367; 1997 Fla. HB 1729

FLORIDA ADVANCE LEGISLATIVE SERVICE > FLORIDA 1997 REGULAR SESSION > CHAPTER 97-367 > COMMITTEE SUBSTITUTE FOR HOUSE BILL 1729

Synopsis

An act relating to Collier County; establishing and organizing a municipality to be known and designated as the City of Marco Island; defining territorial boundaries; providing for government, jurisdiction, elections, administrative code, procedure, powers, franchises, immunities, privileges, and means for exercising the same; prescribing the general powers to be exercised by said city; providing prohibitions; providing procedures for filling vacancies in office; providing for a city council, city manager, and city attorney; providing for an initial election; providing for ordinances; providing for budget adoption; providing for amendments to the city charter; providing for referendum petitions; providing severability; providing for dissolution of the Marco Island Fire Control District; providing for participation in state-shared revenue programs and local option gas taxes; providing for a referendum; providing a transition schedule; providing for county ordinances and services during transition period; providing effective dates.

Text

WHEREAS, residents of Marco Island in Collier County, Florida, desiring to have the rights of self-determination, to the fullest extent allowed by law, in the establishment and operation of facilities and services desired by the residents, do seek the benefits conferred on municipal corporations by the Constitution and Laws of the State of Florida, NOW, THEREFORE,

Be It Enacted by the Legislature of the State of Florida:

PROPOSED CHARTER - CITY OF MARCO ISLAND ARTICLE I - POWERS

Section 1.01 Powers of the City of Marco Island. -- The city known as Marco Island shall have all powers possible for a city to have under the constitution and laws of the state as fully and completely as though they were specifically enumerated in this charter unless prohibited by or contrary to the provisions of this charter; and in addition to the foregoing and not by way of limitation, the city shall have the following powers:

(1) To organize and regulate its internal affairs and to establish, alter, abolish, and terminate, such termination to be only for cause, offices, positions, and employments, including citizen board positions, and to define functions, powers, and duties, and fix their term, tenure, and compensation.

(2) To adopt, amend, and repeal such ordinances, resolutions, and codes as may be required for the good government of the city, including local police ordinances carrying penalties, zoning ordinances, housing codes, building and related technical codes, business regulations, and ordinances relating to and regulating the sale of alcoholic beverages.

(3) To prepare and adopt comprehensive plans for the development of the city, including provision for subdivision regulation, environmental protection, pollution control, community facilities, and all other related activities, including growth management. The principles of Deltona's development plan for Marco Island shall be a guide in the development of zoning regulations for the City of Marco Island.

(4) To sue and be sued; to have a corporate seal; to contract and be contracted with; to buy, receive by gift or devise, sell, lease, hold, and dispose of real and personal property for any public purpose; to have the power of eminent domain and to acquire by condemnation or otherwise all private lands, riparian and other rights, necessary for public purposes and improvements.

(5) To raise funds by taxation and to make such levy upon the taxable property in the City of Marco Island as will provide funds necessary for the operation of the city and for such other purposes as may be provided in general law, pursuant to the general laws of Florida.

(6) To appropriate and expend money for any public purpose. Operating expenditures shall be limited to an increase from the prior year's expenditures of 3 percent plus the then-current Federal C.O.L.A. (Department of Labor, Bureau of Statistics, Consumer Price Index) per annum following the third full year of incorporation; except that this shall not apply to expenditures under section 3.11, and shall not apply to capital expenditures as provided in section 6.02.

(7) To borrow money for public purposes.

(8) To levy special or local assessments for local improvements and to hold liens for public improvements.

(9) To license and tax privileges, businesses, occupations, and professions carried on and engaged in within the corporate limits of the city and to classify and define such privileges, businesses, occupations, and professions for the purpose of taxation.

(10) To do and perform all other acts as seem necessary and best adapted to the improvement and general interest of the city, and the protection of the health, life, and property of the city and its inhabitants, not contrary to the laws of Florida.

Section 1.02 Construction of Powers. --

(1) The powers of the city under this charter shall be construed liberally in favor of the city.

(2) The charter of the city may be revoked in accordance with the dissolution procedure of chapter 165, Florida Statutes.

Section 1.03 Intergovernmental Relations. -- The city may exercise any of its powers or perform any of its functions and may participate in the financing thereof, jointly or in cooperation, by contract or otherwise, with any one or more other municipalities, state or local governments or civil divisions or agencies thereof or the United States Government or any agency thereof.

Section 1.04 Elections. -- All elections required under any article or section of this charter, as adopted and subsequently amended, shall be conducted in accordance with the provisions of Florida's Election Code in its entirety and as it is subsequently amended. The Florida Elections laws are hereby expressly adopted except that council elections shall be nonpartisan; candidates for the council shall qualify by seat or group numbers; qualifying shall be by petition equal to 1 percent of the voter registration in the last general election; and council elections shall be held as prescribed in Section 5.02 of this charter.

Section 1.05 Administrative Code. -- An administrative code shall be adopted by the city council and amended as necessary, defining the departmental organization of the city and appropriate rules and regulations for the conduct of such departments. The administrative code, as adopted, shall describe the line of authority and responsibility of the various departments, as well as the various relationships between line and staff departments. In addition, a graphic table of organization shall be included in said administrative code which shall be adopted by ordinance.

ARTICLE II - CORPORATE LIMITS

Section 2.01 Description of Corporate Limits. -- The following shall constitute the Corporate Limits of the City of Marco Island:

A Corporate Line lying offshore from Marco Island, in portions of Township 52 South, Range 26 East, Collier County, Florida, which line is described as follows: From the corner common to Sections 17, 18, 19, and 20, Township 52 South, Range 26 East, run Westerly along the line common to said Sections 18 and 19 to a point 2,640 feet offshore in the Gulf of Mexico from the Mean High Tide Line Section 18 and the point of beginning. From said point of beginning, run Southerly 2,640 feet offshore from the Mean High Tide Line of Marco Island, past the Southerly point of said Island to the mouth of Caxambas Pass, thence run Northeasterly in the waters of Caxambas Pass to the center line of the channel of said Caxambas Pass; thence run Easterly along the centerline of the channel of Caxambas Pass, to a point intersecting a marked channel running Northerly towards Barfield Bay; thence run Northerly along the centerline of said channel to a point 300 feet offshore in Barfield Bay from the Mean High Tide Line of the Easterly end of lands formerly known as J.M. Barfield Subdivision, thence run Northerly, Easterly, and Southerly, 300 feet offshore in Barfield Bay from the Mean High Tide Line of Marco Island to intersection with the centerline of Blue Hill Creek; thence run Southeasterly along the centerline of Blue Hill Creek to a point 300 feet offshore in Blue Hill Bay from the Mean High Tide Line of Marco Island; thence continue Northerly, Easterly, and Southerly 300 feet offshore in Blue Hill Bay from the Mean High Tide Line of Marco Island to centerline of the aforementioned Blue Hill Creek; thence run Northeasterly along the centerline of Blue Hill Creek, but to a point

intersecting the line common to Range 26 East and Range 27 East, Township 52 South, Collier County, Florida; thence run Northerly along the line common to said Range 26 and 27 but to a point intersecting the centerline of the channel of the Big Marco River, thence Northerly, Northwesterly, and Westerly along the centerline of the aforementioned Big Marco River and out through the marked Capri Pass, being 2640 feet offshore from the Mean High Tide Line of Marco Island; thence run Southwesterly, Southerly and Southeasterly 2640 feet offshore from the Mean High Tide Line of Marco Island to the point of Beginning lying along the East-West line common to Sections 18 and 19, Township 52 South; Range 26 East.

ARTICLE III - LEGISLATIVE

Section 3.01 City Council; Composition; Qualifications of Council. --

(1) There shall be a seven-member city council, elected from and representing the city at-large.

(2) If at any time subsequent to the initial election, the electorate and/or the city council conclude that the demographics of the city warrant that some of the city council seats should represent certain city districts while still being voted on by all the city electors, such changes can be effected as provided for in the Municipal Home Rules Powers Act, chapter 166, Florida Statutes, or as provided for in section 6.01 and section 7.01 of this charter.

(3) To qualify for office:

(a) Each individual seeking to qualify as a candidate for a seat on the council shall submit a petition supporting his/her candidacy to the city manager (or, for the initial election, to the Supervisor of Elections of Collier County) containing valid signatures of city electors equal to 1 percent of the number of city electors registered in the last general election for the respective office sought.

(b) Each candidate for the office of city council shall be a qualified elector of the city as provided in section 5.01.

(c) Each candidate for city council office shall have been a resident of the city for a minimum period of 1 year prior to qualifying for office.

(d) If elected, the council members shall maintain residency throughout his/her term of office within the boundaries of the city. For the initial election, following the referendum approving the creation of the city, candidates for office shall qualify as provided in section 3.02(1) and section 5.03 where that section does not conflict with section 3.02. Thereafter, candidates shall qualify as provided in sections 3.01 and 5.03.

(4) The term of office for council shall be 4 years, except that, in order to provide for the staggering of terms, the initial term of office for the council members shall be as outlined in section 3.02. No person elected as council member shall be able to serve more than two full consecutive terms. Each council member shall remain in office until his/her successor is elected and assumes the duties of the position.

(5) At all elections for council, those persons certified as duly elected by the election supervisor shall take office at noon on the Monday following their election.

Section 3.02 Initial Election. --

(1) The initial election for council shall be by mail ballot and occur within 70 days from the date of voter approval of the charter referendum.

(2) Qualifying for office. -- At the initial election to be held under this charter, persons wishing to qualify for the initial election of council members shall simply designate the office sought as "council."

(a) Qualifying petitions shall be obtained from and returned to the Supervisor of Elections.

(b) To become a qualified candidate, petitions shall contain valid signatures of city voters equal to 1 percent of the total number of city electors registered in the last general election.

(c) The qualifying period shall commence at noon on the day following voter approval of the charter referendum and shall end at noon on the 30th day following voter approval of the charter referendum.

(3) Instructions to voters for the initial council election shall be:

(a) To "Vote for no more than seven" in the council races.

(b) No elector may cast more than one vote for any one candidate.

(4) Determination of winners shall be:

(a) In the council races, those seven candidates receiving the highest number of votes shall be elected.

(b) Those council members elected at such initial election, upon certification of the results of said election by the Supervisor of Elections of Collier County, shall take office at noon on the Monday following their election.

(5) At the first council meeting, those initially elected council members shall determine the staggering of terms for reelection as described in paragraphs (a) and (b); one council member shall be elected chairman by the council and shall preside. One council member shall be elected vice chairman by the council.

(a) The three council members receiving the highest number of votes shall serve an initial term ending at noon on the Monday following the second Tuesday of March 2002.

(b) The four council members receiving the lowest number of votes shall serve an initial term ending at noon on the Monday following the second Tuesday of March 2000.

Section 3.03 Salary of Council. -- The salary of each council member, except for the chairman, shall be $ 6,000 per year, payable in equal monthly installments. The salary of the chairman shall be $ 9,000 per year, payable in equal monthly installments. No increase in the salary of council members shall be effective until after the next election for each office.

Section 3.04 Presiding Officer; Chairman; Vice Chairman. -- The council shall, at the first regular meeting after each city council election and the annual anniversary thereof, elect one of its own members to be chairman and elect one of its members to be vice chairman for a term of 1 year. The vice chairman shall, in the absence or disability of the chairman, have all the power and prerogative and perform the duties of the chairman. The chairman shall preside at the meetings of the council and shall have a voice and vote in its proceedings. He/she will be the liaison officer between the city council and the city manager and city attorney, except when the council is in session. He/she shall be recognized as head of the city government and by the Governor for purposes of military law.

Section 3.05 General Powers and Duties. -- All legislative powers of the city shall be vested in the city council, which shall provide for the exercise thereof and for the performance of all duties and obligations imposed on the city by law. The council may delegate to the city manager the power to execute contracts, deeds, and other documents approved by the council, and to represent the city in all agreements with other governmental entities or certifications to other governmental entities.

Section 3.06 Prohibitions. --

(1) Holding Other Office. -- No former elected city official shall hold any compensated appointive city office or city employment until 4 years after the expiration of the term for which he or she was elected.

(2) Members of Council Not to Interfere. -- No council member shall direct or request the appointment of any person to, or his/her removal from, office by the city manager or by any of his/her subordinates, or in any manner take part in the appointment or removal of officers and employees in the administrative service of the city except as provided in this charter. Except for the purpose of inquiry, the council and its members shall deal with the administrative service solely through the city manager and neither the council nor any member thereof shall give orders to any subordinates of the city manager, either publicly or privately. Any council member violating the provisions of this section shall be subject to recall as herein provided.

Section 3.07 Vacancies, Forfeiture of Office, Filling of Vacancies. --

(1) Vacancies. -- The office of council member shall become vacant upon death, incapacitation due to long-term illness, resignation, removal from office in any manner authorized by general law, or forfeiture of the council member's office.

(2) Forfeiture of Office. -- The council member shall forfeit office if he or she:

(a) Lacks at any time during the term of office any qualification for the office prescribed by this charter or by general law;

(b) Violates any standard of conduct or code of ethics established by general law for public officials; or

(c) Is absent from four consecutive regular council meetings without being excused by the council.

(3) Filling of Vacancies. -- A vacancy in the office of a council member shall be filled as provided by general law, except that if there are 28 months or less of the term remaining, the council shall appoint by 5/7 vote a replacement. If 28 months or more are remaining the vacancy shall be filled at the next regularly scheduled election.

(4) Extraordinary Vacancies. -- In the event that four or more vacancies occur on the council for whatever reason and by whatever cause, the Governor shall appoint interim council members to fill the vacancies. The newly constituted council shall call a special election as provided in subsection (3). Such election shall be done and the council organized in the same manner as the first election of council members under this charter.

Section 3.08 City Manager to Serve as City Clerk. -- The city manager shall serve as clerk of the city and shall give notice of council meetings to its members and to the public and shall keep the journal of its proceedings which shall be a public record.

Section 3.09 Procedure. --

(1) Meetings. -- The council shall meet regularly at least once in every month at such times and places as the council may prescribe by rule. Special meetings may be held on the call of the chairman or of a majority of the members and, whenever practicable, upon no less than 24 hour's notice to each member and the public. All meetings shall be public.

(2) Rules and Journal. -- The council shall determine its own rules and order of business and shall have a journal containing all minutes of meetings.

(3) Voting. -- Voting, on ordinances and resolutions, shall be by roll call and shall be recorded in the journal. A majority of the council shall constitute a quorum; but a smaller number may recess from time to time and may compel the attendance of absent members in the manner and subject to the penalties prescribed by the rules of the city council. No action of the city council except as otherwise provided herein and in section 3.06 shall be valid or binding unless adopted by the affirmative vote of the majority of all council members. All council members present shall vote on all matters before the city council except on those matters on which a council member announces a conflict of interest or the city attorney determines that there is a conflict of interest.

Section 3.10 Ordinances in General. -- The procedure for adoption of ordinances shall be as provided by general law.

Section 3.11 Emergency Ordinances. -- The council may by a five-sevenths vote enact emergency ordinances without complying with the requirements of section 3.10 or section 10.04. Every emergency ordinance except emergency appropriations shall become effective immediately and shall automatically stand repealed as of the 61st day following the date on which it was adopted, but this shall not prevent reenactment of the ordinance under regular procedures, or if the emergency continues to exist, in the manner specified in this section. An emergency ordinance may also be repealed by adoption of a repealing ordinance in the same manner specified in this section for adoption of emergency ordinances.

Section 3.12 Budget Adoption. -- The council shall by ordinance adopt a balanced annual budget pursuant to general law and section 1.01(5) and section 1.01(6).

Section 3.13 Appropriation Amendments During the Fiscal Year. --

(1) Supplemental Appropriations. -- If during the fiscal year revenues in excess of those estimated in the budget are available for appropriation, the council may make supplemental appropriations for the year up to the amount of such excess.

(2) Reduction of Appropriations. -- If at any time during the fiscal year it appears probable to the city manager that the revenue available will be insufficient to meet the amount appropriated, he/she shall report to the council without delay, indicating the estimated amount of the deficit, any remedial action taken by him/her and his/her recommendations as to any other steps to be taken. The council shall then take such further action as it deems necessary to prevent any deficit and for that purpose it may reduce one or more appropriations.

(3) Limitations, Effective Date. -- No appropriation for debt service may be reduced or transferred, and no appropriation may be reduced below any amount required by law to be appropriated or by more than the amount of unencumbered balance thereof. The supplemental and emergency appropriations and reduction or transfer of appropriations authorized by this section may be made effective immediately upon adoption.

(4) Transfer of Appropriations. -- At any time during the fiscal year the city manager may transfer part or all of any unencumbered appropriation balance among programs within a department, office, or agency and, upon written request by the city manager, the council may transfer part or all of any unencumbered appropriation balance from one department, office, or agency to another.

Section 3.14 Authentication, Recording, and Disposition of Charter Amendments, Ordinances and Resolutions. --

(1) Authentication. -- The chairman and the city manager shall authenticate by their signatures all ordinances and resolutions adopted by the council. In addition, when charter amendments have been approved by the electors, the chairman and the city manager shall authenticate by their signatures the charter amendment, such authentication to reflect the approval of the charter amendment by the electorate.

(2) Recording. -- The city manager shall keep properly indexed books in which shall be recorded, in full, all ordinances and resolutions passed by the council. Ordinances shall be periodically codified. The city manager shall also maintain the city charter in current form and shall enter all charter amendments and send certified copies of amendments to the Secretary of State.

(3) Printing. -- The council shall, by ordinance, establish procedures for making all resolutions, ordinances, technical codes adopted by reference, and this charter available to the people of the city for public inspection and available for purchase at a reasonable price.

Section 3.15 Codes of Technical Regulations. -- The council may adopt any standard code of technical regulations by reference thereto in an adopting ordinance and such ordinance may amend the code. The procedure and requirements governing such an adopting ordinance shall be as prescribed for ordinances generally except that:

(1) The requirements of section 3.14 for distribution and filing of copies of the ordinances shall be construed to include copies of the code of technical regulations as well as of the adopting ordinance, and

(2) A copy of each adopted code of technical regulations as well as the adopting ordinance shall be authenticated and recorded by the city manager pursuant to section 3.14.

Section 3.16 Planning Commission. -- There shall be a planning commission advisory to the council. The planning commission shall have such functions and duties as delegated to it by ordinance of the council, which shall include zoning. The planning commission shall consist of no fewer than five unsalaried residents of the city, appointed by the council.

ARTICLE IV - ADMINISTRATIVE

Section 4.01 City Manager. -- There shall be a city manager who shall be the chief administrative officer of the city. The city manager shall be responsible to the council for the administration of all city affairs placed in the manager's charge by or under this charter.

Section 4.02 Appointments; Removal; Residency; Compensation. --

(1) Appointment. -- The council shall appoint a city manager by a vote of five of the seven council members. The city manager shall serve at the will of the council and shall not be given a fixed term by resolution, ordinance, contract, or otherwise.

(2) Removal. -- The council may remove the city manager for good cause shown, by the affirmative vote of at least four members of the council. Upon request by the city manager, to be made within 5 days after receipt of written notification of such vote, a public hearing shall be held within 10 days after receipt of such request. After such hearing, the council by affirmative vote of at least four council members shall decide whether to reconsider its previous action.

(3) Residency. -- The manager need not be a resident of the city or state at the time of the manager's appointment but may reside outside the city while in office only with the approval of the council.

(4) Compensation. -- The compensation of the city manager shall be fixed by the council.

Section 4.03 Acting City Manager. -- By letter filed with the council, the city manager may designate a qualified city administrative officer to exercise the powers and perform the duties of manager during the city manager's temporary absence or disability, not to exceed a period of 30 days. During such absence or disability, the council may revoke such designation at any time and appoint another officer of the city to serve until the city manager shall return or the city manager's disability shall cease.

Section 4.04 Powers and Duties of the City Manager. -- The city manager shall:

(1) Appoint and, when deemed necessary for the good of the city, suspend or remove any city employees and appointive administrative officers provided for by or under this charter, except as otherwise provided by law, this charter, or personnel rules adopted pursuant to this charter. The city manager may authorize any administrative officer who is subject to the direction and

supervision of the city manager to exercise these powers with respect to subordinates in that officer's department.

(2) Direct and supervise the administration of all departments, offices, and agencies of the city, except as otherwise provided by this charter or by law.

(3) Attend all council meetings and shall have the right to take part in discussion, but may not vote.

(4) See that all laws, provisions of this charter, and acts of the council, subject to enforcement by the city manager or by officers subject to the city manager's direction and supervision, are faithfully executed.

(5) Prepare and submit the annual budget, budget message, and capital program to the council in a form provided by ordinance.

(6) Submit to the council and make available to the public a complete report on the finances and administrative activities of the city as of the end of each fiscal year.

(7) Make such other reports as the council may require concerning the operations of city departments, offices, and agencies subject to his/her direction and supervision.

(8) Keep the council fully advised as to the financial condition and future needs of the city and make such recommendations to the council concerning the affairs of the city as he/she deems desirable.

(9) Perform such other duties as are specified in this charter or as may be required by the council.

Section 4.05 Supervision of Departments. -- Except as otherwise provided in this charter or by general law, the city manager shall be responsible for the supervision and direction of all departments, agencies, or offices of the city. All departments, offices, and agencies under the direction and supervision of the manager shall be administered by an officer appointed by and subject to the direction and supervision of the manager. With the consent of council, the manager may serve as the head of one or more such departments, offices, or agencies or may appoint one person as the head of two or more of them. The city manager shall prepare and enforce personnel policies and shall keep such policies current and in conformity with applicable federal and state laws. These policies shall be approved by the city council.

Section 4.06 Administrative Code. -- The manager shall develop and keep current an administrative code for the purpose of implementing ordinances passed by the council.

Section 4.07 City Attorney. -- There shall be a city attorney, appointed by the council, who shall serve as chief legal advisor to the council and city administrators and shall represent the city in all legal proceedings and perform such other related duties as the council may deem necessary. The city attorney may be full time or part time or on retainer as the council may deem necessary. If the position of city attorney is full time, the provisions of section 4.02 applicable to the city manager shall be equally applicable to the city attorney.

ARTICLE V - NOMINATIONS AND ELECTIONS

Section 5.01 Electors. -- Any person who is a resident of the city, who has qualified as an elector of this state, and who registers in the procedural manner prescribed by general law, shall be an elector of the city.

Section 5.02 Nonpartisan Elections. -- All nominations and elections for the office of city council member shall be conducted on a nonpartisan basis. There shall be no designation of the political party affiliation of any nominee on any nomination petition or ballot. All candidates for office must have been city residents for at least 1 year immediately prior to qualifying. Elections shall be held on the second Tuesday in March of even-numbered years and shall be by mail ballot except in presidential primary years when the election shall be held concurrently with the state primary election unless the state primary election date is changed from March to another month.

Section 5.03 Nominations. -- Candidates for the city council seats for which there are vacancies shall be nominated no later than the seventh Tuesday preceding the election, and no sooner than the ninth Tuesday prior to the election. Nominating petitions shall conform to state law. Candidates shall comply with state campaign finance laws. Nominating petitions shall be obtained from and submitted to the city manager. Each petition must contain the candidate's name and the office sought; i.e., City of Marco Island Council Member. Filing of a written petition with the designated city official shall be in the following manner:

(1) Any elector of the city may be nominated for election by petition signed by electors of the city not less in number than 1 percent of the number of persons registered in the city at the last general election.

(2) The signatures shall be executed in ink. The printed name of the signer, date of signing, and the signer's current street address of residence shall be indicated next to the signature.

(3) Each candidate's nominating petition must be accompanied by a certification of the Collier County Supervisor of Elections that the candidate had sufficient petitions signed by qualified voters of the city.

Section 5.04 Form of Ballots. -- Unless otherwise stipulated by general law, the council by ordinance shall prescribe the form of the ballot. An ordinance or charter amendment to be voted on by the city shall be presented for voting by ballot title. The ballot title of a measure may differ from its legal title and shall be a clear, concise statement describing the substance of the measure without argument or prejudice, followed by the word "Yes" and also the word "No" and shall be styled in such manner that "Yes" indicates approval of the measure and "No" indicates rejection of the measure.

Section 5.05 Elections. --

(1) The candidates receiving the most votes for the office sought shall be elected.

Section 5.06 Canvass of Elections. -- For the canvass of votes for any election held pursuant to this charter, except for an election held concurrently with any regular state or countywide

election, the canvassing board shall be composed of the chairman or his/her designee if he/she is opposed or incapacitated, the city manager, and the city attorney.

ARTICLE VI - INITIATIVE, REFERENDUM, RECALL

Section 6.01 Initiative. -- The qualified voters of the city shall have the power to propose ordinances to the council and, if the council fails to adopt an ordinance so proposed without any change in substance, to adopt or reject it at a city election, provided that such power shall not extend to the budget or capital program or to any ordinances relating to appropriation of money, levy of taxes, or salaries of city officers or employees.

Section 6.02 Referendum. -- The qualified voters of the city shall, through the initiative process, have the power to propose or require repeal by the council of any adopted ordinance if the council fails to repeal or amend an ordinance so proposed to approve or reject it at a city election, provided that such ordinance shall not extend to the operating budget or any emergency ordinance relating to appropriation of money, but shall extend to an ordinance providing any single capital expenditure in excess of $ 250,000. If the proposed ordinance to repeal an existing city ordinance has met the signature requirements of *section 166.031, Florida Statutes*, council shall repeal or amend the ordinance rather than place it on the ballot for a vote by the qualified electors.

Section 6.03 Recall. -- Recall of elected officials shall be as provided for by general law.

Section 6.04 Commencement of Proceedings. -- Any five qualified voters may commence initiative and referendum proceedings by filing with the city manager or other official designated by the council an affidavit stating they will constitute the petitioner's committee and be responsible for circulating the petition and filing it in proper form, stating their names and addresses and specifying the address to which all notices to the committee are to be sent, and setting out in full the proposed initiative ordinance or citing the ordinance sought to be reconsidered. Promptly after the affidavit of the petitioner's committee is filed, the city manager or other official designated by the council shall, at the committee's request, issue the appropriate petition blanks to the petitioner's committee at the committee's expense.

Section 6.05 Petition. --

(1) Number of Signatures. -- Initiative and referendum petitions must be signed by qualified voters of the city equal in number to at least 10 percent of the total number of qualified voters as of the last regular city election.

(2) Form and Content. -- All papers of a petition shall be uniform in size and style and shall be assembled as one instrument for filing. Each signature shall be followed by the printed name and current street address of the person signing and the date on which the petition was signed. Petitions shall contain or have attached thereto throughout their circulation the full text of the ordinance proposed or sought to be reconsidered. Petitions must be accompanied by certification of the Collier County Supervisor of Elections as to the number of petitions signed by qualified voters of the city. There can be only one signature per petition form.

(3) Time for Filing Referendum Petitions. -- Referendum petitions must be filed within 45 days after adoption by the council of the ordinance sought to be reconsidered.

Section 6.06 Procedure for Filing. --

(1) Process for Petitioning. -- City initiative petition proceedings shall commence only after petitioners have filed appropriate papers with the City Manager forming a political action committee as required by the general election laws of the State of Florida. The format and content of the petition to be circulated shall conform to the requirements of general law for amending municipal charters and the general election laws and administrative rules for initiative petitions. Prior to circulation of any petition, it shall be submitted to the City Attorney for review of the petition's format for technical sufficiency. The City Attorney shall provide written comment of that review within seven (7) days. No review as to the legal sufficiency of the proposed amendment's text is to be undertaken by the City Attorney. The number of valid voter signatures are as provided in *section 166.031, Florida Statutes*. Petitions for amendments of the city charter or proposing ordinances for the city shall be received and considered by council only if accompanied by a certificate from the county's supervisor of elections as to the number of valid city electors thereon.

(2) Within twenty business days after certification of the registered voters is received from the supervisor of elections, the city manager or other official designated by the council shall complete a certificate as to its sufficiency, or, if it is insufficient, specifying the particulars wherein it is defective, and shall promptly send a copy of the certificate to the petitioner's committee by registered mail. Grounds for insufficiency are only those specified in section 6.05. No petitions shall be circulated which are deficient as to form or compliance with section 6.05 pursuant to the written review by the City Attorney in subsection (1) of this section. If the number of signatures is insufficient, the council shall notify the committee filing the petition and allow 30 additional days for filing of additional petition papers, at the end of which time the sufficiency or insufficiency of the petition shall be finally determined.

Section 6.07 Referendum Petition; Suspension of Effect of Ordinance. -- When a referendum petition is filed with the city manager or other official designated by the council and deemed sufficient, the ordinance sought to be reconsidered shall be suspended from taking effect. Such suspension shall terminate when:

(1) The petitioner's committee withdraws the petition;

(2) The council repeals the ordinance; or

(3) After a vote of the city electors on the ordinance has been certified.

Section 6.08 Action on Petitions. --

(1) Action by Council. -- Once the certification of valid city electors is received, council shall take appropriate action addressing the sufficiency of the petition pursuant to *section 166.031, Florida Statutes*. If the petition is sufficient, council shall schedule the item for an election or, if appropriate under section 6.02 of this charter, council may repeal or amend an existing ordinance thereby negating the need for an election. The council, in its discretion, may

schedule the matter at either the next city election or a special election. If the petition is to repeal an ordinance, council shall determine whether or not to repeal or amend the existing ordinance at the next regularly scheduled council meeting following the determination of petition sufficiency. If council, in its discretion, determines not to amend or repeal the ordinance petitioned for repeal, a special election shall be called not less than ninety (90) days from the date of determination of petition sufficiency. The special election on the repeal of an ordinance shall be by mail ballot unless such election can be scheduled concurrently with a city, county, state, or federal election occurring within that time period.

(2) Submission to Voters. -- If council decides a special election is to be held, it shall be conducted by mail ballot not less than ninety (90) days from the date of council's determination of the need for a special election if there is no intervening city, county, state or federal election on which this matter could be placed. Passage of the times provided in subsection (1) without action by the council shall be considered rejection, refusal, or declination. Copies of the proposed ordinance shall be made available to the voters -- either at the polls or by mail ballot, whichever is appropriate. Any petition rejected by the voters may not be submitted again for one year. If repeal of a law is rejected by the voters, the law shall not again be suspended until repeal is supported by the voters or the council repeals it.

(3) Withdrawal of Petitions. -- An initiative or referendum petition may be withdrawn at any time prior to the fortieth day preceding the day scheduled for a vote of the city by filing with the city manager or other official designated by the council a request for withdrawal signed by at least four members of the petitioner's committee. Upon the filing of such request, the petition shall have no further force or effect and all proceedings thereon shall be terminated. Any and all costs, including labor, associated with the preparation and acquisition of supplies for the conduct of an election scheduled, but subsequently canceled because of the withdrawal of the petition, shall be reimbursed by the city to the supervisor of elections in full.

Section 6.09 Results of Election. --

(1) Initiative. -- If a majority of the qualified electors voting on a proposed initiative ordinance vote in its favor, it shall be considered adopted upon certification of the election results and shall be treated in all respects in the same manner as ordinances of the same kind adopted by the council. If conflicting ordinances are approved at the same election, the one receiving the greatest number of affirmative votes shall prevail to the extent of such conflict.

(2) Referendum. -- If a majority of the qualified electors voting on a referred ordinance vote against it, it shall be considered repealed upon certification of the election results.

ARTICLE VII - GENERAL PROVISION

Section 7.01 Charter Amendment. -- This charter may be amended in accordance with the provisions for charter amendments as specified in the Municipal Home Rules Powers Act., ch.

166, Florida Statutes, as the same may be amended from time to time or its successor, or as may otherwise be provided by general law.

Section 7.02 Code of Ethics. --

(1) Public officers, employees, members of licensing or advisory boards, and candidates shall conform to the "Code of Ethics for Public Officials and Employees," Part III of chapter 112, Florida Statutes.

(2) Public officers shall file Form 1 with the Collier County Supervisor of Elections annually by July 1. Candidates shall file Form 1 along with their qualification documents. Employees and members of licensing or advisory boards shall file Form 1 annually by July 1 if required by state law. Persons such as attorneys, engineers, certified public accountants, and the like, serving the city under contract, full or part time, shall file Form 1 and Form 3 annually by July 1. In the event that the Florida Code of Ethics is amended or the forms changed, this Code of Ethics would comply with the updated version.

Section 7.03 Transitional Comprehensive Plan and Land Development Regulations. --

(1) Until such time as the city adopts a comprehensive plan, the applicable provisions of the comprehensive plan and all existing land development regulations of Collier County, Florida, as the same exists on the day the city commences corporate existence, shall remain in effect as the city's transitional comprehensive plan and land development regulations. However, all planning functions, duties, and authority shall thereafter be vested in the city council of Marco Island, which shall be deemed the local planning agency until the council establishes a separate local planning agency.

(2) All powers and duties of the Collier County Planning Commission and any Board of Adjustment and Appeals created pursuant to statutes, trade codes, and County Commission of Collier County, Florida, as set forth in these transitional zoning and land use regulations, shall be vested in the city council of Marco Island until such times as the city council delegates all or a portion thereof to another entity.

(3) Subsequent to the commencement of the city's corporate existence, no amendment of the comprehensive plan or land development regulations enacted by the Collier County Commission shall be deemed as an amendment of the city's transitional comprehensive plan or land development regulations or shall otherwise take effect within the city's corporate limits unless approved by the city council.

Section 7.04 Legislation Review. -- The council shall review during and within each even-decade year the city charter, the city ordinances and the city resolutions then in existence. Following such review it shall take such action as may be in the best interests of the city in accordance with the provisions of this charter. Nothing herein shall invalidate any charter provision, ordinance, or resolution then in effect.

Section 7.05 Penalties. -- Violations of ordinances shall be punishable in accordance with the uniform fines and penalties set by general law.

Section 7.06 Severability. -- If any article, section, subsection, sentence, clause, or provision of this charter or the application thereof shall be held invalid for any reason, the remainder of the charter and of any ordinances or regulations made thereunder shall remain in full force and effect.

ARTICLE VIII - MARCO ISLAND FIRE CONTROL DISTRICT

Section 8.01 Dissolution. -- Upon the effective date of this charter, the Marco Island Fire Control District, an independent special district created by a special act of the Legislature, shall cease to exist; and chapters 65-1413, 78-491, 79-444, 80-595, 82-282, 84-415, 89-456, 90-464, Laws of Florida; sections 8.01-8.07 of chapter 90-457, Laws of Florida; and sections 8.01-8.07 of *chapter 93-384, Laws of Florida*, are repealed. However, the District shall continue to operate and function as normal until council members have been elected and decide to alter responsibilities or functions. From that date forward, the city shall have, exercise, and enjoy all rights, immunities, powers, benefits, privileges, and franchises now and formerly possessed or held by said Marco Island Fire Control District.

Section 8.02 Transfer of Assets. -- The assets, liabilities, and contracts of the Marco Island Fire Control District, including all rights, obligations, duties, and relationships now existing by law or agreement, including responsibility to provide fire protection service to the area of Marco Island known as Goodland, shall be unaffected and shall remain in full force and effect and shall become those of the City of Marco Island. All rights, claims, actions, orders, and all contracts between the special district and district personnel, and all legal or administrative proceedings involving the district, shall continue in full force and effect under the jurisdiction of the City of Marco Island.

Section 8.03 Transfer of Resolutions and Policies. -- To the extent not inconsistent with this charter, all resolutions and policies of the Marco Island Fire Control District shall remain in effect until amended, revised, or repealed by the city council.

Section 8.04 Transfer of Services. -- Fire protection services to the area formerly served by the Marco Island Fire Control District shall thereafter be a function of the City of Marco Island. Service to the area known as Goodland, outside the boundaries of the city, will be provided in accordance with an intergovernmental agreement with Collier County.

Section 8.05 Transfer of Personnel. -- Employees of the Fire Control District shall become employees of the city, and all rights as to vacation, sick leave, pay grades, retirement, insurance, and similar personnel benefits shall be preserved until such time as rules, regulations, and personnel procedures have been established by the city.

Section 8.06 Establishment of Advisory Board. -- Those elected Fire Commissioners of the Marco Island Fire Control District currently in office shall continue as an advisory board of the city until the expiration of their terms of office.

Section 8.07 Further Provisions by Ordinance. -- Such further provisions as are deemed necessary to effect this transition and to provide for the operation of the Marco Island Fire Department shall be provided by ordinance.

ARTICLE IX - STATE-SHARED REVENUES AND LOCAL OPTION GAS TAXES

Section 9.01 City Participation in State-Shared Revenues Programs and Local Option Gas Taxes. --

(1) It is recognized that the services provided by independent districts within municipal boundaries provide essential services which would customarily be provided by municipal government. It is therefore declared that the City of Marco Island shall be eligible to participate in revenue-sharing beyond the minimum entitlement in any fiscal year, provided that the City and all independent special districts created under special law, combined, levy ad valorem taxes in amounts as required by *section 218.23, F.S.*

(2) State-shared revenues. -- The City of Marco Island shall be entitled to participate in all shared revenue programs of the State of Florida effective immediately on the date of incorporation. The provisions of sub*section 218.23(1), F.S.*, shall be waived for the purpose of eligibility to receive revenue sharing funds from the date of incorporation through the state fiscal year 1997-1998. For purposes of meeting provisions of sub*section 218.23(1), F.S.*, relating to ad valorum taxation, the millage levied by special districts within the corporate limits of the City may be used for an indefinite period of time. *Section 218.26(3), F.S.*, shall be waived for the 1997-1998 state fiscal year and the apportionment factors for the municipalities and counties shall be recalculated pursuant to *section 218.245, F.S.* Initial population estimates for calculating eligibility for shared revenues shall be determined by the University of Florida Bureau of Economic and Business Research. Should the Bureau be unable to provide an appropriate population estimate, the Collier County Department of Community Development shall provide an appropriate estimate.

(3) Local Option Gas Taxes. -- Notwithstanding the requirements of *Section 336.025, F.S.*, to the contrary, the City of Marco Island shall be entitled to receive local option gas tax revenues beginning October 1, 1997. The said revenues shall be distributed in accordance with *Section 336.025, F.S.*

ARTICLE X - TRANSITION SCHEDULE

Section 10.01 Referendum. -- The referendum election called for by this act shall be held within 120 days after approval by the State Legislature and, in any case, no later than September 1, 1997, at which time the following question shall be placed on the mail ballot:

INCORPORATION OF THE CITY OF MARCO ISLAND

"Shall HB _____ , as enacted by the 1997 Legislature creating a City of

Marco Island and providing for its Charter, be approved?"

[] YES

[] NO

In the event this question is answered affirmatively by a majority of the voters voting in the referendum, the provisions of this charter shall take effect in accordance with this transition schedule.

Section 10.02 Council Election. -- The timing and schedule for the initial election is described in section 3.02. The expense of such election shall be repaid by the city within 12 months.

Section 10.03 Schedule. --

(1) First Council Meeting. -- The organizational meeting shall be held on the first Tuesday following the election at 9:00 a.m. at the Frank Mackle Community Park, Marco Island. The city council shall organize in accordance with the provisions of Article III of this charter.

(2) The newly elected council members will promptly appoint an acting city attorney.

(3) Terms of Office of First Council. -- Council members elected pursuant to this section shall hold office until their successors are elected in the elections for city offices called, pursuant to section 3.01.

Section 10.04 First-Year Expenses. -- The city council, in order to provide moneys for the expenses and support of the city until such times as a budget is adopted and revenues are raised in accordance with provisions of this charter, shall have the power and authority to borrow money by resolution of the city council upon notes or other obligations of the city; but in no event shall such borrowings exceed $ 750,000.

Section 10.05 Transition Ordinances. -- The council shall adopt ordinances and resolutions required to effect the transition. Ordinances adopted within 60 days of the first council meeting under this charter for the purpose of facilitating the transition may be passed as emergency ordinances following the procedures in Article III, except that transition ordinances shall be effective for up to 90 days after enactment. Thereafter, such ordinances may be readopted, renewed, or otherwise continued only in the manner prescribed for normal ordinances in Article III.

Section 10.06 County Ordinances and Services During Transition Period. --

(1) Pursuant to Article VIII of the Florida Constitution, the ordinances, rules, and regulations of Collier County shall continue to be in effect within the boundaries of the City of Marco Island, except that a county ordinance, rule, or regulation in conflict with an ordinance, rule, or regulation of the City of Marco Island shall not be effective to the extent of such conflict. Any existing Collier County ordinances, rules, and regulations, as of the date this charter is approved, shall not be altered, changed, rescinded, or added to, nor shall any variance be granted thereto insofar as such action would affect the City of Marco Island, without the approval of the city council. Collier County is authorized to continue to provide all Municipal Service Taxing District ("MSTD") and/or Municipal Service Taxing Unit ("MSTU") services budgeted to be provided, as of the date this charter is approved, unless the city council of Marco Island votes to terminate any or all such services.

(2) If the city council of Marco Island terminates any MSTD and/or MSTU service, from that date forward, the city shall have, exercise, and enjoy all rights, immunities, powers, benefits,

privileges, and franchises now and formerly possessed or held by said MSTD and/or MSTU. The assets, liabilities, and contracts of said MSTD and/or MSTU, including all rights, obligations, duties, and relationships now existing by law or agreement, shall be unaffected and shall remain in full force and effect and shall become those of the City of Marco Island. All rights, claims, actions, orders, and all contracts between the terminated MSTD and/or MSTU and key personnel, and all legal or administrative proceedings, shall continue in full force and effect under the jurisdiction of the City of Marco Island. To the extent not inconsistent with this charter, all resolutions and policies of the terminated MSTD and/or MSTU shall remain in effect until amended, revised, or repealed by the city council.

Section 10.07 Effect of Incorporation on Certain Existing Indebtedness. -- Nothing in this act shall affect the obligation of the city, or any property owners therein, for their rightful share of any indebtedness incurred through the Collier County Public Park and Recreation Municipal Service Taxing Unit or the Marco Water and Sewer District in existence and legally due as of the date of incorporation.

Section 10.08 Deletion of Obsolete Schedule Items. -- The council shall have power, by resolution, to delete from this Article any section, including this one, when all events to which the section to be deleted is or could become applicable have occurred.

Section 10.09 This act shall take effect upon approval of a majority of the registered electors residing within the proposed corporate limit and voting in a referendum election as provided in section 10.01, except that section 10.01 and this section shall take effect upon becoming a law.

History

Became law without the governor's signature: May 30, 1997

Filed in the Office of the Secretary of State: May 30, 1997

Sponsor

Saunders

FLORIDA ADVANCE LEGISLATIVE SERVICE
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End of Document

Exhibit “B”

ORDINANCE NO. 91-102

AN ORDINANCE ENACTING AND ESTABLISHING A LAND DEVELOPMENT CODE FOR UNINCORPORATED COLLIER COUNTY, FLORIDA PURSUANT TO THE LOCAL GOVERNMENT COMPREHENSIVE PLANNING AND LAND DEVELOPMENT REGULATION ACT, AND CHAPTERS 9J-5 AND 9J-24, FLORIDA ADMINISTRATIVE CODE. PROVIDING FOR SECTION ONE FINDINGS; PROVIDING FOR SECTION TWO SHORT TITLE AND CITATION; PROVIDING FOR SECTION THREE ENACTING AND ESTABLISHING A LAND DEVELOPMENT CODE WHICH PROVIDES FOR ARTICLE ONE, GENERAL PROVISIONS, RELATING TO LEGISLATIVE AUTHORITY, FINDINGS, PURPOSE AND INTENT, APPLICABILITY, INTERPRETATIONS, VESTED RIGHTS, NONCONFORMITIES, ENFORCEMENT, FEES, LAWS INCORPORATED BY REFERENCE, AMENDMENTS TO THIS CODE, CONFLICT WITH OTHER LAWS, SEVERABILITY, REPEALER, AND CODIFICATION, EFFECTIVE DATE AND ENACTMENT; PROVIDES FOR ARTICLE TWO, ZONING, RELATING TO GENERAL, ZONING DISTRICTS, PERMITTED USES, CONDITIONAL USES, DIMENSIONAL STANDARDS, OFF-STREET PARKING AND LOADING, LANDSCAPING AND BUFFERING, SIGNS, SUPPLEMENTAL DISTRICT REGULATIONS, AND ZONING ADMINISTRATION AND PROCEDURES; PROVIDES FOR ARTICLE THREE, DEVELOPMENT REQUIREMENTS, RELATING TO GENERAL, SUBDIVISIONS, SITE DEVELOPMENT PLANS, EXPLOSIVES, EXCAVATION, WELL CONSTRUCTION, SOIL EROSION CONTROL, ENVIRONMENTAL IMPACT STATEMENTS (EIS), VEGETATION REMOVAL PROTECTION AND PRESERVATION, SEA TURTLE PROTECTION, ENDANGERED THREATENED OR LISTED SPECIES PROTECTION, COASTAL ZONE MANAGEMENT, COASTAL CONSTRUCTION LINE VARIANCE, VEHICLE ON THE BEACH REGULATIONS, AND ADEQUATE PUBLIC FACILITIES; PROVIDES FOR ARTICLE FOUR, IMPACT FEES, RELATING TO ROAD IMPACT FEES, PARK AND RECREATIONAL IMPACT FEES, LIBRARY SYSTEM IMPACT FEES, REGIONAL WATER SYSTEM IMPACT FEE, AND REGIONAL SEWER SYSTEM IMPACT FEE; PROVIDES FOR ARTICLE FIVE, DECISION-MAKING AND ADMINISTRATIVE BODIES, RELATING TO BOARD OF COUNTY COMMISSIONERS, PLANNING COMMISSION, BOARD OF ZONING APPEALS, BUILDING BOARD OF ADJUSTMENTS AND APPEALS, CODE ENFORCEMENT BOARD, BUILDING CONTRACTORS' LICENSING BOARD, COUNTY MANAGER, GROWTH MANAGEMENT DEPARTMENT, COMMUNITY DEVELOPMENT SERVICES DIVISION, DEVELOPMENT SERVICES DEPARTMENT, GROWTH PLANNING DEPARTMENT, HOUSING AND URBAN IMPROVEMENT DEPARTMENT; ENVIRONMENTAL ADVISORY BOARD AND HISTORIC/ARCHAEOLOGICAL PRESERVATION BOARD CREATED AND ESTABLISHED; PROVIDES FOR ARTICLE SIX, DEFINITIONS, RELATING TO RULES OF CONSTRUCTION, ABBREVIATIONS AND DEFINITIONS; PROVIDING FOR SECTION FOUR THAT THE LAND DEVELOPMENT CODE SETOUT HEREIN SHALL SUPERSEDE AND REPEAL ANY AND ALL RESOLUTIONS AND ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SECTION FIVE ADOPTION OF ZONING ATLAS MAPS; PROVIDING FOR SECTION SIX SEVERABILITY; AND PROVIDING FOR SECTION SEVEN EFFECTIVE DATE.

Whereas, Chapter 163, Part II, Florida Statutes also known as the Local Government Comprehensive Planning and Land Development Regulation Act of 1985 and Chapter 9J-5, Florida Administrative Code mandates the adoption of land development

regulations that are consistent with and implement the adopted Comprehensive Plan; and

Whereas, the Board of County Commissioners did appoint an Ad-Hoc Committee to provide input and recommendations to the staff on revising the Land Development Code, to assist staff in establishing reasonable land development regulations and to recommend a strategy to implement the Land Development Code focusing on public awareness and Commission involvement, and

Whereas, the Ad-Hoc Committee did meet with Collier County Staff in meetings open to the public and encouraged public participation throughout the Code preparation process and held 16 Ad-Hoc Committee Steering Committee meetings, 25 Zoning Subcommittee meetings, 22 Development Rights Subcommittee meetings, 7 Definitions and General Provision Subcommittee meetings; and

Whereas, both the County Planning Commission and Board of County Commissioners held public workshop hearings to provide for and encourage public participation; and

Whereas, the Collier County Planning Commission in a manner prescribed by law did hold public hearings concerning the adoption of the Land Development Code on September 27, 1991 and October 11, 1991 and recommended its adoption to the Board of County Commissioners; and

Whereas, the Board of County Commissioners did take action in the manner prescribed by law and did hold public hearings concerning the adoption of the Land Development Code on October 16, 1991 and October 30, 1991; and

Whereas, all applicable substantive and procedural requirements of law have been met.

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

SECTION I FINDINGS:

The Board of County Commissioners of Collier County, Florida, hereby makes the following findings:

A. GENERAL

1. Collier County, pursuant to Sec. 163.3161, et. seq., Fla. Stat., the Florida Local Government Comprehensive Planning and Land Development Regulation Act (hereinafter the "Act"), is required to prepare and adopt a Comprehensive Plan.

2. After adoption of the Comprehensive Plan, the Act, and in particular Sec. 163.3202(1), Fla. Stat., mandates that Collier County adopt land development regulations that are consistent with and implement the adopted Comprehensive Plan.

3. Sec. 163.3201, Fla. Stat., provides that it is the intent of the Act that the adoption and enforcement by Collier County of land development regulations for the total unincorporated area shall be based on, be related to, and be a means of implementation for, the adopted Comprehensive Plan as required by the Act.

4. Sec. 163.3194(1)(b), Fla. Stat., requires that all land development regulations enacted or amended by Collier County shall be consistent with the adopted Comprehensive Plan, or element or portion thereof, and any land development regulations existing at the time of adoption which are not consistent with the adopted Comprehensive Plan, or element or portion thereof, shall be amended so as to be consistent.

5. Sec. 163.3202(3), Fla. Stat., states that the Act shall be construed to encourage the use of innovative land development regulations.

6. On January 10, 1989, Collier County adopted the Collier County Growth Management Plan (Hereinafter the "Growth Management Plan" or "GMP") as its Comprehensive Plan pursuant to the requirements of Sec. 163.3161 et. seq., Fla. Stat., and Rule 9J-5, F.A.C.

7. Section 163.3194(1)(a), Fla. Stat., mandates that after a Comprehensive Plan, or element or portion thereof,

has been adopted in conformity with the Act, all development undertaken by, and all actions taken in regard to development orders by, governmental agencies in regard to land covered by such Comprehensive Plan or element shall be consistent with such Comprehensive Plan or element as adopted.

8. Pursuant to Sec. 163.3194(3)(a), Fla. Stat., a development order or land development regulations shall be consistent with the Comprehensive Plan if the land uses, densities or intensities, and other aspects of development permitted by such order or regulation are compatible with and further the objectives, policies, land uses, and densities or intensities in the Comprehensive Plan and if it meets all other criteria enumerated by the local government.

9. Section 163.3194(3)(b), Fla. Stat., requires that a development approved or undertaken by a local government shall be consistent with the Comprehensive Plan if the land uses, densities or intensities, capacity or size, timing, and other aspects of development are compatible with and further the objectives, policies, land uses, densities or intensities in the Comprehensive Plan and if it meets all other criteria enumerated by the local government.

10. Collier County finds that this Land Development Code is intended and necessary to preserve and enhance the present advantages that exist in Collier County; encourage the most appropriate use of land, water, and resources, consistent with the public interest; overcome present handicaps; and deal effectively with future problems that may result from the use and development of land within the total unincorporated area of Collier County and it is intended that this Land Development Code preserve, promote, protect, and improve the public health, safety, comfort, good order, appearance, convenience, and general welfare of Collier County; prevent the overcrowding of land and avoid undue concentration of population; facilitate the adequate

and efficient provision of transportation, water, sewerage, schools, parks, recreational facilities, housing, and other requirements and services; conserve, develop, utilize, and protect natural resources within the jurisdiction of Collier County; and to protect human, environmental, social, and economic resources; and maintain, through orderly growth and development, the character and stability of present and future land uses and development in Collier County.

11. It is the intent of the Board of County Commissioners of Collier County to effectuate and directly advance these requirements, findings, purposes and intentions for the enhancement of the community character of Collier County, for the betterment of the general welfare, and for the reasons set forth herein through the implementation of the Land Development Code pursuant to the Collier County Growth Management Plan.

12. It is the intent of the Board of County Commissioners of Collier County to implement the Land Development Code in accordance with the provisions of the Collier County Growth Management Plan, Chapter 125, Fla. Stat., and Chapter 163, Fla. Stat., through the adoption of this Code.

B. ADEQUATE PUBLIC FACILITIES

1. As part of that Comprehensive Plan, Collier County is required to prepare and adopt a Capital Improvement Element (CIE) which covers at least a five (5) year period and is designed to consider the need for and location of Public Facilities; and

2. The CIE is required to:

a) establish a level of service to determine the adequacy of Public Facilities; and

b) based upon the established level of service, estimate Public Facility needs both to correct existing deficiencies and accommodate needs projected by new growth

and development; and

c) based on Public Facility needs, project costs to provide the necessary Public Facilities and find realistic revenue sources to fund the Public Facilities; and

3. The Comprehensive Plan with the CIE is designed to ensure that adequate Public Facilities are available concurrent with the impact of development; and

4. Sec. 163.3177(10)(h), Fla. Stat., provides that Public Facilities and services needed to support development must be available concurrent with the impacts of such development; and

5. Sec. 163.3202(2)(g), Fla. Stat., also provides that not later than one (1) year after its due date established by the State land planning agency's rule for submission of local Comprehensive Plans, a local government shall not issue a development order or permit which results in a reduction in the level of service for the affected Public Facilities below the level of service provided in the Comprehensive Plan and CIE; and

6. Rule 9J-5.0055, Florida Administrative Code (F.A.C.) requires that a concurrency management system must be implemented after adoption of a Comprehensive Plan with its CIE to ensure that Public Facilities and services needed to support development are available concurrent with the impacts of such development; and

7. On January 10, 1989, Collier County adopted the Collier County Growth Management Plan including a CIE pursuant to the requirements of Sec. 163.3161 et. seq., Fla. Stat; and

8. It is the intent of the Board of County Commissioners of Collier County to implement the "concurrency requirements" of the Collier County Growth Management Plan, Sec. 163.3177(10)(h) and 163.3202(2)(g),

Fla. Stats., and Rule 9J-5, F.A.C. through this land development code.

C. AFFORDABLE HOUSING DENSITY BONUS.

1. Sec. 163.3194(1)(b), Fla. Stat., requires that if Collier County allows an existing land development regulation which is inconsistent with the adopted Comprehensive Plan, or element or portion thereof, to remain in effect, Collier County shall adopt a schedule for bringing the land development regulation into conformity with the provisions of the most recently adopted Comprehensive Plan, or element or portion thereof; and

2. Sec. 163.3194(1)(b), Fla. Stat., further requires that during the interim period when the provisions of the most recently adopted Comprehensive Plan, or element, or portion thereof, shall govern any action taken in regard to an application for a development order; and

3. Collier County has recognized and attempted to address the problem of lack of adequate and affordable housing for moderate, low, and very-low income households in the County and the need for innovative programs to assist in the provision of such housing by including several provisions in the Collier County Growth Management Plan, including objective 1.4, policy 1.4.1, objective 1.5, policy 1.5.3, policy 1.5.4, objective 1.6, policy 1.6.3, objective 2.1, policy 2.1.2 policy 2.1.5, and policy 2.1.6 of the Housing Element, statements regarding affordable housing opportunities through density bonuses as discussed on page H-1-62 of the Housing Element, and establishment of a density rating system for provision of affordable housing as described on pages LU-1-29, 30 and 31 and page LU-1-4 of the of the Future Land Use Element, of the Collier County Growth Management Plan, and by providing that land development regulations be adopted and contain provisions to implement the Collier County Growth Management Plan and include at a minimum, inter alia, the establishment of an Affordable

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Housing Density Bonus Program; and

4. The Affordable Housing Density Bonus Program is part of the land development regulations required to be consistent with and implemented under the Collier County Growth Management Plan in that it provides for the Affordable Housing Density Bonus Program recommended in the Collier County Growth Management Plan; and

5. In order to comply with the Act, it is necessary to implement an Affordable Housing Density Bonus Program in the unincorporated portion of Collier County consistent with the Growth Management Plan; and

6. Collier County finds that the Affordable Housing Density Bonus Program is intended and necessary to preserve and enhance the present advantages that exist in Collier County; encourage the most appropriate use of land, water, and resources, consistent with the public interest; overcome present handicaps; and deal effectively with future problems that may result from the use and development of land within the total unincorporated area of Collier County; and it is intended that the Affordable Housing Density Bonus Program preserve, promote, protect, and improve the public health, safety, comfort, good order, appearance, convenience, and general welfare of Collier County; facilitate the adequate and efficient provision of transportation, water, sewerage, schools, parks, recreational facilities, housing, and other requirements and services; conserve, develop, utilize, and protect natural resources within the jurisdiction of Collier County; and to protect human, environmental, social, and economic resources; and maintain, through orderly growth and development, the character and stability of present and future land uses and development in Collier County; and

7. It is the intent of the Board of County Commissioners of Collier County to effectuate and directly advance these requirements, findings, purposes and intentions for the enhancement of the community character of

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Collier County, for the betterment of the general welfare, and for the reasons set forth herein through the implementation of the Affordable Housing Density Bonus Program generally described in the Collier County Growth Management Plan; and

8. It is the intent of the Board of County Commissioners of Collier County to implement the Affordable Housing Density Bonus Program of the Collier County Growth Management Plan through this land development code.

D. BOARD OF ADJUSTMENTS AND APPEALS

1. The Board of County Commissioners adopted Collier County Ordinance No. 83-16, establishing the Board of Adjustments and Appeals.

E. COASTAL CONSTRUCTION SETBACK LINE VARIANCE

1. The right to acquire and possess property includes the right to reasonably use the property.

2. The Florida Department of Natural Resources has determined that construction along the coast needs to be restricted to minimize destruction to the beach system and limit impact on development resulting from storm events. Chapter 16B-33, F.A.C. and Section 161.053, F.S. have established standards and criteria for development adjacent to the coast.

3. It is necessary to define an area where special design considerations are necessary to protect the beach-dune system, structures proposed for placement adjacent to the coast and adjacent property.

4. Certain aspects of coastal development may potentially have undesirable impacts on the County and it is appropriate to impose certain reasonable regulations on coastal development within the County as in this land development code.

F. COASTAL ZONE MANAGEMENT

1. The Growth Management Plan adopted by the Board of County Commissioners provides for the adoption of a program

to protect and preserve the coastal barrier system of Collier County.

2. Policies 11.6.1, 11.6.2 and 11.6.3 of the Conservation and Coastal Management Element of the Growth Management Plan establish the guidelines for protecting the coastal barrier system and controlling development within them.

3. The coastal barrier system provides an important habitat for native plants and animals and serves as a first line barrier to hurricane storm surges. Preservation and management of development within the coastal barrier system is essential to maintaining this sensitive ecosystem and the beaches which are a key element of the County's natural resources.

G. CORRIDOR MANAGEMENT PLAN.

1. Chapter 163, Part II, (Local Government Comprehensive Planning and Land Development Regulation Act), Florida Statutes, provides that counties shall have the power and responsibility to plan comprehensively for their future development and growth including the adoption and implementation of appropriate land development regulations which are necessary or desirable to implement a comprehensive plan, including the regulation of land uses and zoning as provided in Section 163.3202, Florida Statutes.

2. The Future Land Use Element of the Growth Management Plan requires that certain Land Development Regulations be adopted to implement the Plan.

3. Policy 4.2 of the Future Land Use Element of the Growth Management Plan requires that a Corridor Management Plan be prepared in conjunction with the City of Naples for Goodlette-Frank Road and Golden Gate Parkway from U.S. 41 to Santa Barbara Boulevard.

4. The Corridor Management Plan was presented to the Board of County Commissioners and the Naples City Council in

a joint workshop on February 8, 1989.

5. The Board of County Commissioners directed staff to draft Land Development Regulations consistent with the City of Naples to implement the Corridor Management Plan.

6. The Collier County Planning Commission (Local Planning Agency) has determined that this proposed zoning ordinance is consistent with the adopted Growth Management Plan as required by Section 163.3194(2)(a), Florida Statutes.

H. ENDANGERED, THREATENED OR LISTED SPECIES PROTECTION

1. The Growth Management Plan adopted by the Board of County Commissioners provides for the development and implementation of a program for protecting animal wildlife.

2. Policies 7.3.3, 7.3.4 and 7.3.5 of the Conservation and Coastal Management Element of the Growth Management Plan require the establishment of management guidelines for the protection of endangered, threatened or listed species and the use of interim guidelines through letters of technical assistance from State and Federal agencies.

3. Wildlife preservation is a high priority issue statewide, regionally and nationwide to protect endangered or potentially endangered species. Protection of wildlife is essential to maintaining the quality of the community and a biologically diverse environment.

I. ENVIRONMENTAL ADVISORY BOARD

1. The Board of County Commissioners adopted Collier County Ordinance No. 74-50 as amended by Collier County Ordinance No. 87-97 creating the Water Management Advisory Board (WMAB) to review proposed projects and to advise the Board on the impacts of such projects on the land and water resources and environmental quality of Collier County.

2. The Board of County Commissioners created the Environmental Advisory Council (EAC) on February 10, 1970 to collect biological, hydrological and geological facts affecting Collier County in order to advise the Board on

matters concerning air, land and water pollution as an aid to proper zoning and the preservation of the environment.

3. The EAC and the WMAB exhibit overlapping areas of responsibilities because they are both directed to advise the Board on matters affecting the conservation and maintenance of the County's natural resources.

4. The existence of two advisory boards, one to review environmental quality matters, the other to review water management matters, creates an unnecessary duplication in closely related natural resource functions and features.

5. The merger of the two advisory boards into one Environmental Advisory Board (EAB) would eliminate both the fragmentation of the County's natural resource review and the unnecessary duplication involved in the presentation of land development projects to members of both advisory boards.

6. Objective 1.1 of the Conservation and Coastal Management Element of the Growth Management Plan requires the establishment of a Technical Advisory Committee to advise and assist the County in the development and implementation of the County environmental resources management program.

7. The creation of the Collier County Development Services Department with a sufficient number of professionally qualified review staff reduces the need for appointed advisory boards to duplicate administrative reviews.

8. Collier County Ordinance No. 77-66 provides for the EAC to function as an appeals board for Environmental Impact Statements.

9. Collier County Ordinance No. 86-41 has established standards for the creation of advisory boards and qualifications for membership and process of appointments.

J. ENVIRONMENTAL IMPACT

1. The Growth Management Plan adopted by the Board of

County Commissioners provides for the identification, protection, conservation, and appropriate use of its native vegetative communities and wildlife habitats.

2. Policy 6.4.1 of the Conservation and Coastal Management Element of County Growth Management Plan requires that viable naturally functioning native habitat communities be identified on all plans for development requiring development plans.

3. 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.

4. 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.

5. There is great public need for the conservation of natural resources including healthful, safe, productive, aesthetically and culturally pleasing surrounds and conditions; natural scenic, recreational, drainage, air, water supply and other resources and systems; ecology of the area and community.

6. It is necessary in the greater interest of private landowners and the public to conserve and enhance the qualities of life provided by these resources in order to maintain and encourage the continued increase in general land values reflected by healthful and safe surroundings that please the residents of and visitors to the areas.

7. The general public interest shall be further served by developments designed and executed for appropriate use of natural resources and to create and maintain conditions for this and future generations to exist in productive harmony with nature to fulfill present and future economic and other needs and minimize present and future expenditure of public funds.

8. It is necessary to utilize a systematic,

inter-disciplinary approach to insure the integrated use of the physical, natural and social sciences and arts in the planning decision process to minimize negative impacts upon and maximize the benefits and resources of the area.

K. EXCAVATION

1. The right to acquire and possess property includes the right to use the property and to conduct excavations thereon.

2. The excavation of private property within the County for site development or recovery of natural resources generates economic benefits to the citizens of the County through increased employment opportunities, higher tax revenues for improved property and reduces costs for certain building materials.

3. Certain aspects of the excavation process may potentially have undesirable impacts on the County and it is appropriate to impose certain reasonable regulations on excavations within the County as in this land development code.

L. EXPLOSIVES

1. The United States Department of Labor Occupational Safety and Health Administration has caused to be issued Occupational Safety and Health Standards Subpart H - "Explosives and Blasting Agents", Section 1926.900 through and including Section 1926.914.

2. The Legislature of the State of Florida enacted Chapter 552 of the Florida Statutes which encourages local regulation of explosives, and the State Fire Marshal has issued regulatory rules designated as Chapter 4A-2, Florida Administrative Code pursuant thereto in order to regulate the manufacture, distribution, storage and use of explosives.

3. The National Fire Protection Association 495 published a Code for the Manufacture, Transportation, Storage and Use of Explosive Materials 1985 Edition.

4. The United States Department of the Interior, Bureau of Mines, has performed studies and prepared reports relating to the effects of using explosives within the vicinity of various types of structures.

5. It is well known that improper use of explosives represent a hazard to life and property and it is appropriate to impose certain reasonable regulations on the use of explosives within the County as provided in this land development code.

M. HISTORIC/ARCHAEOLOGICAL PRESERVATION

1. There are located within Collier County certain historic and prehistoric archaeological sites and historic areas, structures, buildings, improvements and appurtenances, both public and private, both individual properties and districts, which are monuments and landmarks of past eras, events and persons important in local, state and national history; significant scientific repositories of prehistoric cultures; and that provide significant examples of past architectural styles and are unique and irreplaceable assets to the County.

2. These sites, areas, structures, buildings, improvements, and appurtenances provide concrete evidence for this and future generations of our physical surroundings in past generations and of our cultural development and these historic resources are the tangible remains of the prehistoric and historic heritage of Collier County and the State of Florida.

3. The recognition, protection, enhancement, and sensitive use of such resources is in the public interest, and is essential to the health, safety, and welfare of the residents of Collier County.

4. It is a matter of public policy that the identification, evaluation, preservation, protection, enhancement and sensitive use of historic and archaeological sites and districts are public necessities because of their

value as visual reminders of the heritage of this mmunity.

5. The identification and preservation of significant historic and archaeological sites and properties is consistent with Collier County's Growth Management Plan - Future Land Use Element, Policy 3.1.i and Conservation and Coastal Management Element, Policy 12.1.1.

6. This land development regulation is necessary to protect the public interest, to halt illicit digging or excavation activities which could result in the destruction of prehistoric and historic archaeological sites, and to regulate the use of land in a manner which affords the maximum protection to historic and archaeological sites, districts, structures, buildings and properties consistent with individual property rights. It is not the intent of this land development regulation to deny anyone the use of his property, but rather to regulate the use of such property in a manner which will ensure, to the greatest degree possible, that historic and archaeological sites, districts, structures, buildings and properties are protected from damage, destruction, relocations, or exportation.

N. LANDSCAPING AND BUFFERING.

1. The current County Growth Management Plan, that has been approved by the Board of County Commissioners provides for identification, protection, conservation, and appropriate use of its native vegetative communities, and wildlife habitats.

2. Policy 6.4.1 of the Conservation and Coastal Management Element of the County Growth Management Plan requires identification of native habitat communities.

3. Policy 6.4.3 of the Conservation and Coastal Management Element of the County Growth Management plan requires new developments to implement a program for removal and long-term control of exotic plants.

4. Policy 6.4.5 of the Conservation and Coastal

Management Element of the County Growth Management Plan requires that developments greater than 2.25 acres receive a tree removal permit according to the requirements of the Tree Removal Ordinance (ord. 75-21), as amended.

5. Policies 6.4.6, 6.4.7, and 6.4.8 of the Conservation and Coastal Management Element of the County Growth Management Element requires that new developments retain an appropriate amount of native vegetation on site.

6. Policies 7.3.6 of the Conservation and Coastal Management Element of the County Growth Management Plan requires a survey for protected species.

7. The current County Growth Management Plan, that has been approved by the Board of County Commissioners provides for identification, protection, conservation, and appropriate use of its native vegetative communities, and wildlife habitats.

8. Policy 6.4.1 of the Conservation and Coastal Management Element of the County Growth Management Plan requires identification of native habitat communities.

9. Policy 6.4.3 of the Conservation and Coastal Management Element of the County Growth Management Plan requires new development to implement a program for removal and long-term control of exotic plants.

10. Policy 6.4.5 of the Conservation and Coastal Management Element of the County Growth Management plan requires that developments greater than 2.25 acres receive a tree removal permit according to the requirements of the Tree Removal Ordinance (Ord. 75-21), as amended.

11. Policies 7.3.6 of the Conservation and Coastal Management Element of the County Growth Management Plan requires a survey for protected species.

O. MOBILE HOME OVERLAY

1. The Comprehensive Zoning Ordinance 82-2 establishes the Mobile Home Subdivision and Mobile Home Rental Park Districts.

2. It is necessary and appropriate that there be modifications and additions to the language governing said districts.

3. These modifications and additions to the language of said districts will not be to the detriment of the public health, safety, comfort, order, appearance, convenience, morals, and the general welfare.

4. The Community Development Services Division, petitioned the Board of County Commissioners of Collier County, Florida, to amend Ordinance No. 82-2 by amending Subsections 7.17 and 7.18.

5. Collier County has recognized and attempted to address the problem of lack of adequate and affordable housing for moderate, low, and very-low income households in the County and the need for innovative programs to assist in the provision of such housing by including several provisions in the Collier County Growth Management Plan, including Objective 1.4, Policy 1.4.1, Objective 1.5, Objective 1.6, Policy 1.6.3, Objective 2.1, and Policy 2.1.2, of the Housing Element, of the Collier County Growth Management Plan, and by providing that land development regulations be adopted and contain provisions to implement the Collier County Growth Management Plan.

P. PARKING REQUIREMENTS.

1. Chapter 163, Part II, (Local Government Comprehensive Planning and Land Development Regulation Act), Florida Statutes, provides that counties shall have the power and responsibility to plan comprehensively for their future development and growth including the adoption and implementation of appropriate land development regulations which are necessary or desirable to implement a comprehensive plan.

2. There is an identified need to provide the optimum minimum parking and stacking requirements which will improve public safety and convenience and minimize environmental

impacts and economic costs.

3. The Collier County Planning Commission (Local Planning Agency) has determined that this proposed ordinance is consistent with the adopted Growth Management Plan as required by Section 163.3194(2), Florida Statutes.

4. On January 5, 1982, the Board of County Commissioners approved Ordinance No. 82-2, which established Section 8, Supplementary District Regulations, Subsection 8.23, Off-Street Parking: Required Amounts, of the Collier County Zoning Ordinance.

5. The Community Development Services Division, petitioned the Board of County Commissioners of Collier County, Florida, to amend Ordinance No. 82-2, the Collier County Zoning Ordinance, as set forth below.

6. On January 5, 1982, the Board of County Commissioners approved Ordinance No. 82-2, which established Section 8, Supplementary District Regulations, Subsection 8.12d., Off-Street Vehicular Facilities - Parking and Loading, of the Collier County Zoning Ordinance.

Q. SEA TURTLE PROTECTION

1. Many beaches of Collier County serve as nesting habitat for sea turtles.

2. Coastal development threatens the survival of turtle hatchlings because the artificial light causes disorientation in young hatchlings and may deter nesting of adult female sea turtles.

3. Sea turtles are an essential member of the food chain, some of Florida's most unique reptiles, and have been identified as a threatened and endangered species.

4. The protection of sea turtle adults and hatchlings is of significant public interest.

5. This land development regulation is necessary to protect the natural reproductive cycle of the sea turtle during the nesting and hatching season which runs generally from May 1, through October 31, of each year.

R. SIGNS.

1. Chapter 125, Florida Statutes, Establishes the right and power of counties to provide for the health, welfare and safety of existing and future residents by enacting and enforcing zoning and business regulations necessary for the protection of the public including sign ordinances.

2. The Future Land Use Element of the Growth Management Plan requires that certain Land Development Regulations be adopted to implement the Plan.

3. Policy 3.1.E. of the Future Land Use Element requires that signage be regulated by amending the existing sign regulations to include amendments to the frontage requirements for signs, to consider shared signs on smaller properties, to provide for definition of terms to clarify the intent and to establish an amortization schedule for non-conforming signs.

4. The Collier County Planning Commission (Local Planning Agency) has determined that this proposed sign ordinance is consistent with the adopted Growth Management Plan as required by Section 163.3194(2)(a), Florida Statutes.

S. SITE DEVELOPMENT PLAN

1. It is essential that prior to the issuance of a final local development order an applicant's building and land utilization project must undergo a comprehensive review to ensure compliance with appropriate land development regulations, maintain the integrity of those regulations and ensure their uniform application for the betterment of the community.

2. The Site Development plant review process is necessary for the purpose of ensuring that a proposed development complies with the fundamental planning and engineering and environmental design principles and all applicable regulations of this Land Development Code.

3. It is the intent of the Site Development plan review process to ensure consistency with all elements of the Collier County Growth Management Plan, address the layout and arrangement of buildings and open spaces; traffic circulation including driveways, parking areas and emergency access; the availability and capacity of drainage and utility facilities and other supporting infrastructure; and, overall compatibility with adjacent development and the preservation and enhancement of the natural features of the site.

T. SOIL EROSION CONTROL

1. The Growth Management Plan adopted by the Board of County Commissioners provides for the establishment of a program to control soil erosion.

2. Policies 5.4.1, 5.4.2, 5.4.3 and 5.4.4 of the Conservation and Coastal Management Element of the Growth Management Element require the adoption of design criteria and incorporation of stipulations for development orders to ensure that soil erosion is controlled during development of projects.

3. Controlling soil erosion is essential for limiting sediment transport, minimizing impact on adjacent receiving waters and preserving the quality of the surface waters of Collier County.

U. SUBDIVISION

1. Article VIII of the 1968 Constitution of the State of Florida vests County governments with powers of self-government as provided by general and special law.

2. Section 125.01, Florida Statutes, vests counties with the power to establish, coordinate and enforce business regulations, building, housing, and related technical codes regulations as are necessary for the protection of the public and to perform other acts not inconsistent with laws which are in the common interest of the people of the County and to exercise all powers and privileges not specifically

prohibited by law.

3. Sections 125.01, 336.02 and 336.08, Florida Statutes, provide that counties have the power and authority to establish new roads and locate and change the same.

4. Chapter 163 and Special acts, Chapter 67-1246, Laws of Florida, authorize the Board of County Commissioners to adopt, prescribe and promulgate rules and regulations governing the filing of plats and development of subdivisions, in order to aid in the coordination of land development in counties and incorporated municipalities in accordance with orderly physical patterns; to discourage haphazard, premature, uneconomic, or scattered land development; to insure safe and convenient traffic control; to encourage development of economically stable and healthful communities; to insure adequate utilities; to prevent periodic and seasonal flooding by providing protective flood control and drainage facilities; to provide public open spaces for recreation; to insure land subdivision with installation of adequate and necessary physical improvements; to insure that the citizens and taxpayers of Collier County will not have to bear the costs resulting from haphazard subdivision of land and the lack of authority to require installation by the developer of adequate and necessary physical improvements; to insure the purchaser of land in a subdivision that necessary improvements of lasting quality have been installed.

5. It is expedient for the good government, public safety and general welfare of Collier County to regulate the filing of plats and developing of subdivisions within the unincorporated area of Collier County, Florida.

V. VEGETATION REMOVAL, PROTECTION AND PRESERVATION

1. The current Growth Management Plan, adopted by the Board of County Commissioners provides for the identification, protection, preservation, conservation and appropriate use of native vegetative communities and

wildlife habitats.

2. Many exotic species have been determined to be harmful to the County's native species habitats; and

3. Policy 6.4.3 in the Conservation and Coastal Management Element of the current Growth Management Plan requires new developments to submit and implement a plan for removal and long term control of exotic plants.

4. Policy 6.4.5 of the Conservation and Coastal Management Element Plan requires that a County Tree Removal Permit be obtained for developments greater than 2.25 acres.

5. Policies 6.4.6, 6.4.7 and 6.4.8 of the Conservation and Coastal Management Element of the County Growth Management Element require preservation and conservation of native vegetation in new developments.

6. Trees serve the essential function of converting carbon dioxide into oxygen for sustaining human and animal life.

7. Trees are a positive physical and psychological factor making urban life more comfortable by providing shade, cooling the air, and reducing noise levels and glare, by breaking the monotony of man's development of the land and providing varied environmental amenities.

8. Tree protection results in use of trees for landscape purposes and effectively protects and conserves property values.

9. Coastal mangrove trees serve to ameliorate the destructive effects of hurricane storm surge.

10. The protection of trees within Collier County is desirable and essential to the health, welfare, and general well-being of residents and visitors and the maintenance of property values to the present and future owners.

W. VEHICLES UPON BEACH SAND DUNES

1. The highest and best use of Collier County's coastal resources is as a source of public and private recreation.

2. The beaches and dunes are a primary resource of important economic, recreational and aesthetic value to the visitors, citizens and landowners to and of Collier County.

3. The value of this resource, if not degraded, continues to increase.

4. Sand dunes which inhibit adverse beach erosion, stabilize and nourish gulf beaches, are highly susceptible to degradation and destruction, and improper development will cause such degradation and destruction causing deterioration of this valuable resource and irreversible economic, recreational and aesthetic loss to landowners, citizens, and visitors.

5. The operation of vehicles upon beaches and sand dunes is a hazard to safety and inconsistent with and destructive of the value and use of beaches and sand dunes.

X. WELL CONSTRUCTION

1. It is necessary and in the public interest to regulate the location, construction, alteration, repair, equipment, maintenance, and plugging of wells in Collier County as defined herein in the interest of the public health, safety and welfare.

2. Regulation of well construction is necessary because improperly constructed, repaired, or abandoned wells, test holes, or hydraulic elevator shafts, have the capacity to create hazards to the health, welfare and safety of the citizens of Collier County and to pollute or otherwise adversely affect the quality of water resources of Collier County.

Y. ZONING

1. 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.

2. 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.

3. The Board of County Commissioners of Collier County, Florida, have adopted comprehensive zoning regulations for those unincorporated lands and waters subject to the jurisdiction of the County, to the end that the public health, safety, comfort, order, appearance, convenience, morals, and the general welfare will be served.

4. On January 5, 1982, the Board of County Commissioners approved Ordinance No. 82-2, which established the Comprehensive Zoning Regulations for the unincorporated area of Collier County.

SECTION TWO: SHORT TITLE AND CITATION

This Ordinance, as described herein, shall be known and cited as the Collier Count/ Land Development Code.

SECTION THREE: ENACTMENT OF LAND DEVELOPMENT CODE

The Collier County Land Development Code, consisting of the following parts:

Article One:
General provisions, Relating to legislative authority, findings, Purpose and intent, Applicability, Interpretations, Vested Rights, Nonconformities, Enforcement, Fees, Laws incorporated by reference, Amendments to this code, Conflict with other laws, Severability, Repealer,and Codification, Effective date and enactment;
Article Two:
Zoning, Relating to general, Zoning Districts, Permitted Uses, Conditional Uses, Dimensional Standards, Off-Street Parking and Loading, Landscaping and Buffering, Signs, Supplemental District Regulations, and Zoning Administration and Procedures;
Article Three:
Development Requirements, Relating to general, Subdivisions, Site Development Plans, Explosives, Excavation, Well Construction, Soil Erosion Control, Environmental Impact Statements (EIS), Vegetation Removal Protection and Preservation, Sea Turtle Protection, Endangered Threatened or Listed Species Protection, Coastal Zone Management, Coastal Construction Line Variance, Vehicle on the Beach Regulations, and Adequate Public Facilities;
Article Four:
Impact Fees, Relating to Road Impact Fees, Park and Recreational Impact Fees, Library System Impact Fees, Regional Water System Impact Fee, and Regional Sewer System Impact Fee;
Article Five:
Decision-making and Administrative Bodies, Relating to Board of County Commissioners, Planning Commission, Board of Zoning Appeals, Building Board of Adjustments and Appeals, Code Enforcement Board, Building Contractors' Licensing board, County Manager, Growth

Management Department, Community Development Services Division, Development Services Department, Growth Planning Department, Housing and Urban Improvement Department; Environmental Advisory Board and Historic/Archaeological Preservation Board Created and Established;
Article Six:
Definitions, Relating to Rules of Construction, Abbreviations and Definitions,

attached hereto and incorporated by reference herein, as Exhibit A, is hereby adopted by the Board of County Commissioners.

SECTION FOUR: REPEALER

The Land Development Code setout herein shall supercede and repeal any and all resolutions and ordinances in conflict herewith except as specifically set forth in the Land Development Code.

SECTION FIVE: ZONING ATLAS MAPS

The Zoning Atlas Maps numbered 462728 through 3923N attached hereto and incorporated by reference herein are hereby adopted and made a part of the Collier County Land Development Code.

SECTION SIX: SEVERABILITY.

If any phrase or portion of this Ordinance is held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion.

SECTION SEVEN: EFFECTIVE DATE.

This Ordinance shall become effective upon receipt of notice from the Secretary of State that this Ordinance has been filed with the Secretary of State.

PASSED AND DULY ADOPTED by the Board of County Commissioners of Collier County, Florida this 30th day of OCTOBER, 1991.

DATE: OCTOBER 30, 1991

BOARD OF COUNTY COMMISSIONERS
COLLIER COUNTY, FLORIDA

BY: Patricia Anne Goodnight
PATRICIA ANNE GOODNIGHT, CHAIRMAN

ATTEST:
JAMES C. GILES, CLERK

BY: Louise Chesonis
Deputy Clerk

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

Marjorie M. Student
MARJORIE M. STUDENT
ASSISTANT COUNTY ATTORNEY

MNH/mmd/943

This ordinance filed with the Secretary of State's Office the 5th day of Nov., 1991 and acknowledgement of that filing received this 13th day of Nov 1991
By: Louise Chesonis
Deputy Clerk

EXHIBIT "A"

Collier County Land Development Code

STATE OF FLORIDA)

COUNTY OF COLLIER)

I, JAMES C. GILES, Clerk of Courts in and for the Twentieth Judicial Circuit, Collier County, Florida, do hereby certify that the foregoing is a true and correct copy of:

Ordinance No. 91-102

which was adopted by the Board of County Commissioners on the 30th day of October, 1991, during Special Session.

WITNESS my hand and the official seal of the Board of County Commissioners of Collier County, Florida, this 7th day of November, 1991.

JAMES C. GILES
Clerk of Courts and Clerk
Ex-officio to Board of
County Commissioners

By: /s/Louise Chesonis
Deputy Clerk

COLLIER COUNTY

LAND DEVELOPMENT CODE



Adopted on October 30, 1991
By the Collier County Board of County Commissioners

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COLLIER COUNTY BOARD OF COUNTY COMMISSIONERS

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COMMUNITY DEVELOPMENT SERVICES ADMINISTRATOR

Frank W. Brutt

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CONSULTANT

William W. Merrill, III, Esq.
Icard, Merrill, Cullis, Timm, Furen & Ginsburg, P.A.

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SPECIAL APPRECIATION TO
THE UNIFIED LAND DEVELOPMENT CODE AD HOC COMMITTEE
FOR ITS VALUABLE REVIEW AND COMMENTS AND PROMOTION OF PUBLIC PARTICIPATION

Mark B. Morton, Chairman
R. Bruce Anderson
A. Gail Boorman
J. Gary Butler
Edward J. Erpelding
Gerrard F. McNeil
Robert A. Pahl
Craig J. Pajer
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DIV. 1.1 TITLE AND CITATION.

This Code shall be known as the "Collier County Land Development Code" and may be cited and referred to herein as the "Code" or "LDC." Citation to provisions contained in this Code shall be referenced as "Sec.___, LDC."

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DIV. 1.2 LEGISLATIVE AUTHORITY.

The Board of County Commissioners of Collier County has the authority to prepare, adopt, and enforce this Code pursuant to Article VIII, Sec. 1(f), Fla. Const., Sec. 125.01, et seq., Fla. Stat., Sec. 163.3161, et. seq., Fla. Stat., Sec. 163.3161(8), Fla. Stat., Sec. 163.3201, Fla. Stat., Sec. 163.3202, Fla. Stat., Rule 9J-5, F.A.C., Rule 9J-24, F.A.C., and such other authorities, and provisions established in statutory or common law.

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DIV. 1.3 FINDINGS.

The Board of County Commissioners of Collier County, Florida, hereby makes the following findings:

SEC. 1.3.1 Collier County, pursuant to Sec. 163.3161, et. seq., Fla. Stat., the Florida Local Government Comprehensive Planning and Land Development Regulation Act (hereinafter the "Act"), is required to prepare and adopt a Comprehensive Plan; and

SEC. 1.3.2 After adoption of the Comprehensive Plan, the Act, and in particular Sec. 163.3202(1), Fla. Stat., mandates that Collier County adopt land development regulations that are consistent with and implement the adopted Comprehensive Plan; and

SEC. 1.3.3 Sec. 163.3201, Fla. Stat., provides that it is the intent of the Act that the adoption and enforcement by Collier County of land development regulations for the total unincorporated shall be based on, be related to, and be a means of implementation for, the adopted Comprehensive Plan as required by the Act; and

SEC. 1.3.4 Sec. 163.3194(1)(b), Fla. Stat., requires that all land development regulations enacted or amended by Collier County shall be consistent with the adopted Comprehensive Plan, or element or portion thereof, and any land development regulations existing at the time of adoption which are not consistent with the adopted Comprehensive Plan, or element or portion thereof, shall be amended so as to be consistent; and

SEC. 1.3.5 Sec. 163.3202(3), Fla. Stat., states that the Act shall be construed to encourage the use of innovative land development regulations; and

SEC. 1.3.6 On January 10, 1989, Collier County adopted the Collier County Growth Management Plan (hereinafter the "Growth Management Plan" or "GMP") as its Comprehensive Plan pursuant to the requirements of Sec. 163.3161 et. seq., Fla. Stat., and Rule 9J-5, F.A.C.;

SEC. 1.3.7 Section 163.3194(1)(a), Fla. Stat., mandates that after a Comprehensive Plan, or element or portion thereof, has been adopted in conformity with the Act, all development undertaken by, and all actions taken in regard to development orders by, governmental agencies in regard to land covered by such Plan or element shall be consistent with such Plan or element as adopted; and

SEC. 1.3.8 Pursuant to Sec. 163.3194(3)(a), Fla. Stat., a development order or land development regulations shall be consistent with the Comprehensive Plan if the land uses, densities or intensities, and other aspects of development permitted by such order or regulation are compatible with and further the objectives, policies, land uses, and densities or intensities in the Comprehensive Plan and if it meets all other criteria enumerated by the local government; and

SEC. 1.3.9 Section 163.3194(3)(b), Fla. Stat., requires that a development approved or undertaken by a local government shall be consistent with the Comprehensive Plan if the land uses, densities or intensities, capacity or size, timing, and other aspects of development are compatible with and further the objectives, policies, land uses, densities or intensities in the Comprehensive Plan and

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if it meets all other criteria enumerated by the local government; and

SEC. 1.3.10 Collier County finds that this Land Development Code is intended and necessary to preserve and enhance the present advantages that exist in Collier County; encourage innovative land development; encourage the most appropriate use of land, water, and resources, consistent with the public interest; overcome present handicaps; and deal effectively with future problems that may result from the use and development of land within the total unincorporated area of Collier County; and it is intended that this Land Development Code preserve, promote, protect, and improve the public health, safety, comfort, good order, appearance, convenience, and general welfare of Collier County; prevent the overcrowding of land and avoid undue concentration of population; facilitate the adequate and efficient provision of transportation, water, sewerage, schools, parks, recreational facilities housing, and other requirements and services; conserve, develop, utilize, and protect natural resources within the jurisdiction of Collier County; and to protect human, environmental, social, and economic resources; and maintain, through orderly growth and development, the character and stability of present and future land uses and development in Collier County; and

SEC. 1.3.11 It is the intent of the Board of County Commissioners of Collier County to effectuate and directly advance these requirements, findings, purposes and intentions and the findings established in the ordinance adopting this Code, for the enhancement of the community character of Collier County, for the betterment of the general welfare, and for the reasons set forth herein through the implementation of the Land Development Code pursuant to the Collier County Growth Management Plan; and

SEC. 1.3.12 It is the intent of the Board of County Commissioners of Collier County to implement the Land Development Code in accordance with the provisions of the Collier County Growth Management Plan, Chapter 125, Fla. Stat., and Chapter 163, Fla. Stat., through the adoption of this Code.

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DIV. 1.4 PURPOSE AND INTENT.

It is the purpose of the Board of County Commissioners of Collier County to establish the standards, regulations and procedures for review and approval of all proposed development of property in unincorporated Collier County, and to provide a development review process that will be comprehensive, consistent, and efficient in the implementation of the goals, objectives, and policies of the Collier County Growth Management Plan.

In order to foster and preserve public health, safety, comfort and welfare, and to aid in the harmonious, orderly, and progressive development of the unincorporated areas of Collier County, it is the intent of this Code that the development process in Collier County be efficient, in terms of time and expense, effective, in terms of addressing the natural resource and public facility implications of proposed development, and equitable, in terms of consistency with established regulations and procedures, respect for the rights of property owners, and consideration of the interests of the citizens of Collier County.

The Board of County Commissioners deems it to be in the best public interest for all property and development to be conceived, designed, built, and used in accordance with good planning and design practices and the minimum standards set forth in this Code.

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DIV. 1.5 APPLICABILITY.

The provisions of this Code shall apply to all land, property and development in the total unincorporated area of Collier County except as expressly and specifically provided otherwise in this Code. No development shall be undertaken without prior authorization pursuant to this Code. Specifically, no building, structure, land or water shall hereafter be developed, used or occupied, and no building, structure, or part thereof shall be erected, reconstructed, moved, located, or structurally altered except in conformity with the regulations set forth herein and for the zoning district in which it is located.

SEC. 1.5.1 RELATIONSHIP TO GROWTH MANAGEMENT PLAN.

The adoption of this Code is consistent with, compatible with and furthers the goals, policies, objectives, land uses, and densities or intensities contained and required in the Growth Management Plan, and it implements and directly advances the goals, policies and objectives of the Growth Management Plan. The Board of County Commissioners of Collier County hereby declares and affirmatively states that in the event that any land development regulation, this Code, or any provision hereof or amendment hereto is not consistent with the adopted Collier County Growth Management Plan, as amended, the provisions of the Collier County Growth Management Plan, as amended, shall govern any action taken with regard to an application for a development order or other activity. Furthermore, any land development regulation, this Code, or any provision hereof or amendment hereto shall be interpreted, construed and implemented in such a manner which will make it most consistent with the Collier County Growth Management Plan, as amended.

SEC. 1.5.2 EXCEPTIONS.

1.5.2.1 Previously Issued Building Permits. The provisions of this Code and any amendments hereto shall not affect the validity of any lawfully issued and effective building permit issued prior to the effective date of this Code if:

1.5.2.1.1 The development activity authorized by the permit has commenced prior to the effective date of this Code or any amendment hereto, or will commence after the effective date of this Code but prior to the permit's expiration or termination; and

1.5.2.1.2 The development activity continues without interruption in good faith until development is complete. If the building permit expires, any further development shall be in conformance with the requirements of this Code or any amendment hereto.

1.5.2.2 Certain Previously Approved Development Orders. The provisions of this Code shall not affect the types, densities and intensities of land uses or the yard or landscape buffer width requirements of any 1) final subdivision plat and final improvement plan, 2) final site development plan, or 3) phased site development plan that has been approved for at least one final site development plan, provided each such development order was lawfully issued prior to the effective date of this Code and remains effective according to the time limits and provisions established by this Code.

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SEC. 1.5.3 TIME LIMITS ON PREVIOUSLY APPROVED DEVELOPMENT ORDERS AND NON-CONFORMING SIGNS.

Any time limits on any development orders or approved prior to the adoption of this Code shall continue to run and shall not be enlarged, expanded or stayed by the adoption of this Code. Furthermore, any time limits required under this Code for any types of development orders which are more restrictive or shorter than the time limits remaining on previously approved development orders shall apply retroactively to all such previously approved development orders. However, the application of such more restrictive time limits under this Code to previously approved development orders shall commence to run on the effective date of this Code.

This subsection shall not apply to final subdivision plats approved prior to February 17, 1976.

SEC. 1.5.4 TIME LIMITS ON NON-CONFORMING SIGNS.

Any time limits on any non-conforming signs shall continue to run and shall not be enlarged, expanded or stayed by the adoption of this Code.

DIV. 1.6 INTERPRETATIONS.

SEC. 1.6.1 AUTHORITY.

The Development Services Director shall have the authority to make all interpretations of the text of this Code and the boundaries of zoning districts on the Official Zoning Atlas, and the Growth Planning Director shall have the authority to make all interpretations of the text of the Growth Management Plan and the boundaries of land use districts on the Future Land Use Map. In cases where interpretations of both the Code or Official Zoning Atlas, and the Growth Management Plan or Future Land Use Map are required, the Development Services Director and the Growth Planning Director shall have authority to jointly make an interpretation. Any conflicts between interpretations by the Development Services Director and the Growth Planning Director shall be resolved by the County Manager.

SEC. 1.6.2 INITIATION.

An interpretation may be requested by any affected person, resident, developer, land owner, government agency or department, or any person having a contractual interest in land in Collier County.

SEC. 1.6.3 PROCEDURES.

1.6.3.1 Submission of request for interpretation. Before an interpretation shall be provided by the Development Services Director or the Growth Planning Director, whichever is applicable, a Request for Interpretation shall be submitted to the Development Services Director or Growth Planning Director, whichever is applicable, in a form established by him. A fee for the request and processing of the request shall be established at a rate set by the Board of County Commissioners from time to time and shall be charged to and paid by the applicant.

1.6.3.2 Determination of completeness. After a Request for Interpretation has been received, the Development Services Director or the Growth Planning Director, whichever is applicable, shall determine whether the request is complete. If the Development Services Director or the Growth Planning Director, whichever is applicable, determines that the request is not complete, he shall serve a written notice on the applicant specifying the deficiencies. The Development Services Director or Growth Planning Director, whichever is applicable, shall take no further action on the Request for Interpretation until the deficiencies are remedied.

1.6.3.3 Rendering of Interpretation. After the Request for Interpretation has been determined complete, the Development Services Director or Growth Planning Director, whichever is applicable, shall review and evaluate the request in light of the Growth Management Plan, the Future Land Use Map, the Code and/or the Official Zoning Atlas, whichever is applicable, and render an interpretation. The Development Services Director and the Growth Planning Director may consult with the County Attorney and other County departments before rendering an interpretation.

SEC. 1.6.4 FORM.

The interpretation shall be in writing and shall be sent to the applicant by certified mail return receipt requested.

SEC. 1.6.5 OFFICIAL RECORD.

The Development Services Director shall maintain an official record of all interpretations in the Development Services Department, which shall be available for public inspection during normal business hours.

SEC. 1.6.6. APPEAL TO BOARD OF ZONING APPEALS OR BUILDING BOARD OF ADJUSTMENTS AND APPEALS.

Within thirty (30) days after receipt by applicant of a written interpretation sent by certified mail return receipt requested by the Development Services Director or the Growth Planning Director, the applicant may appeal the interpretation to the Building Board of Adjustments and Appeals for matters relating to Building and Technical Codes as shown in Div. 1.18 or to the Board of Zoning Appeals for all other matters in this Code. A fee for the application and processing of an appeal shall be established at a rate set by the Board of County Commissioners from time to time and shall be charged to and paid by the applicant. The Board of Zoning Appeals or the Building Board of Adjustments and Appeals, whichever is applicable, shall hold an advertised public hearing on the appeal and shall consider the interpretation of the Development Services Director or the Growth Planning Director, whichever is applicable, and public testimony in light of the Growth Management Plan, the Future Land Use Map, the Code or the Official Zoning Atlas, whichever is applicable. The Board of Zoning Appeals or the Building Board of Adjustments and Appeals, whichever is applicable, shall adopt the Development Services Director's or the Growth Planning Director's interpretation, whichever is applicable, with or without modifications or conditions, or reject his interpretation. The Board of Zoning Appeals or the Building Board of Adjustments and Appeals, whichever is applicable, shall not be authorized to modify or reject the Development Services Director's or the Growth Planning Director's interpretation unless such Board finds that the determination is not supported by substantial competent evidence or that the interpretation is contrary to the Growth Management Plan, the Future Land Use Map, the Code or the Official Zoning Atlas, whichever is applicable.

SEC. 1.6.7 RULES FOR INTERPRETATION OF BOUNDARIES.

Interpretations regarding boundaries of land use districts on the Future Land Use Map or boundaries of zoning districts on the Official Zoning Atlas shall be made in accordance with the provisions of this section.

1.6.7.1 District Regulations Extend to all Portions of Districts Surrounded by Boundaries. Except as otherwise specifically provided, a district symbol or name shown within district boundaries on the Future Land Use Map or the Official Zoning Atlas indicates that district regulations pertaining to the district extend throughout the whole area surrounded by the boundary line.

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1.6.7.2 Where uncertainty exists as to the boundaries of land use districts as shown on the Future Land Use Map or boundaries of zoning districts as shown on the Official Zoning Atlas, the following rules shall apply:

1.6.7.2.1 Boundaries indicated as approximately following the centerlines of dedicated streets, highways, alleys, or rights-of-way shall be construed as following such centerline 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.

1.6.7.2.2 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 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 Sec. 1.6.7.2.1.

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

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

1.6.7.2.5 Boundaries indicated as following mean high water lines or center lines or streams, canals, lakes, or other bodies of water shall be construed as following such mean high water lines or centerlines. In case of a change in mean high water line, 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.

1.6.7.2.6 Boundaries indicated as entering any body of water but not continuing to intersect with other zoning boundaries or with the limits of jurisdiction of Collier 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.

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

1.6.7.2.8 Boundaries indicated as parallel to or extensions of features indicated in Sec. 1.6.7.2.1 through 1.6.7.2.7 shall be construed as being parallel to or extensions of such feature.

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1.6.7.2.9 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.

SEC. 1.6.8 CASES NOT COVERED BY SEC. 1.6.7 In cases not covered by Sec. 1.6.7, or where the property or street layout existing on the ground is at variance with that shown on the Official Zoning Atlas, the interpretation of the Future Land Use Map or the Official Zoning Atlas shall be in accordance with the purpose and intent of the Growth Management Plan and this Code.

SEC. 1.6.9 DIVISION OF A LOT OF RECORD BY A 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 the front lot may be permitted as a conditional use for not to exceed fifty (50) feet beyond the district line into the remaining portion of the lot.

SEC. 1.6.10 CONTINUITY OF ZONING. In the event any unincorporated territory within Collier County shall hereafter become incorporated, to insure that there shall be no lapse of zoning, then, any and all zoning regulations which may be in effect in such territory and administered by the County shall remain in full force and effect and shall continue to be administered and enforced by the County under this Code until such time as municipal zoning within such territory shall be adopted and take effect.

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DIV. 1.7 VESTED RIGHTS.

SEC. 1.7.1 ADMINISTRATIVE PROCESS.

An applicant claiming that certain property rights vested prior to the effective date of these regulations will be provided an administrative process which will ensure adequate procedural due process including notice, public hearing, the right to present and rebut evidence, a formal record and an impartial Hearing Officer. The impartial Hearing Officer, subject to the procedures in this Division shall issue formal findings of fact, conclusions of law, a finding of consistency or inconsistency with the Growth Management Plan and the Code and a determination of vested rights. The claim shall be administered as provided in this Division.

SEC. 1.7.2 APPLICATION.

An application for Determination of Vested Rights shall be submitted in the form established by the Development Services Director. An application for Determination of Vested Rights shall be filed, if at all, within one (1) year of the effective date of this Code. Failure to file such application for a property within the one (1) year period shall forever waive and bar all claims for vested rights or equitable estoppel for such property, it being the express intent of the County that such development rights be "amortized" over the one-year period, plus if applicable, the additional two-year limitation period established in Sec. 1.7.9. An application fee in an amount to be determined by the Board of County Commissioners shall accompany and be part of the application. The application shall, at a minimum, include:

1.7.2.1 Name, address, and telephone number of the owner and authorized applicant if other than the owner;

1.7.2.2 Street address, legal description, and acreage of the property; and

1.7.2.3 All factual information and knowledge reasonably available to the owner and applicant to address the criteria established in Sec. 1.7.8.

SEC. 1.7.3 DETERMINATION OF COMPLETENESS. After receipt of an Application for Determination of Vested Rights, the Development Services Director shall determine whether the application submitted is complete. If he determines that the application is not complete, the Development Services Director shall notify the applicant in writing of the deficiencies. The Development Services Director shall take no further steps to process the application until the deficiencies have been remedied.

SEC. 1.7.4 REVIEW AND DETERMINATION OR RECOMMENDATION BY DEVELOPMENT SERVICES DIRECTOR AND COUNTY ATTORNEY. After receipt of a completed Application for Determination of Vested Rights, the Development Services Director and the County Attorney shall review and evaluate the application in light of all of the criteria in Sec. 1.7.8. Based on the review and evaluation, the Development Services Director and the County Attorney shall prepare a written recommendation to the Hearing Office that the application should be denied, granted or granted with conditions by the Hearing Officer. Such recommendation shall

include findings of fact for each of the criteria established in Sec. 1.7.8 to the extent that information is presented or obtained or inclusion is feasible or applicable.

If the Development Services Director and the County Attorney agree based on the review and evaluation that the Application for Determination of Vested Rights so clearly should be granted or granted with conditions, then they may enter into a written Stipulated Determination of Vested Rights with the owner, in lieu of the written recommendation to the Hearing Officer and the provisions in Secs. 1.7.5, 1.7.6, and 1.7.7. However, any such Stipulated Determination shall be in writing, signed by the Development Services Director, the County Attorney and the owner, and shall include findings of fact based on the criteria established in Sec. 1.7.8, conclusions of law for such criteria, findings of consistency or inconsistency with the Growth Management Plan and the Code, and the determination granting or granting with conditions, in whole or in part, the vested rights.

SEC. 1.7.5 REVIEW AND DETERMINATION OF VESTED RIGHTS DETERMINATION BY HEARING OFFICER. Upon receipt by the Hearing Officer of the Application for Determination of Vested Rights and the written recommendation of the Development Services Director and the County Attorney, the Hearing Officer shall hold a public hearing on the application. At the hearing, the Hearing Officer shall take evidence and sworn testimony in regard to the criteria set forth in Sec. 1.7.8, and shall follow the rules of procedure set forth in Sec. 120.57(1)(b),4,6,7, and 8. Fla. Stat., and Sec. 120.58(1)(a),(d) and (f), Fla. Stat., and Sec. 120.58(1)(b), Fla. Stat., only to the extent that the Hearing Officer is empowered to swear witnesses and take testimony under oath. The Hearing Officer shall follow the procedures established for administrative hearings in Rules 221-6.009, 6.017, 6.020, 6.022, 6.023, 6.024, 6.025, 6.027, and 6.031, Florida Administrative Code, except as expressly set forth herein. The parties before the Hearing Officer shall include the County, the owner or applicant, and the public. Testimony shall be limited to the matters directly relating to the standards set forth in Sec. 1.7.8. The County Attorney shall represent the County, shall attend the public hearing, and shall offer such evidence as is relevant to the proceedings. The owner of the property and its authorized agents, may offer such evidence at the public hearing as is relevant to the proceedings and criteria. The order of presentation before the Hearing Officer at the public hearing shall be as follows: 1) the County's summary of the application, written recommendation, witnesses and other evidence; 2) owner or applicant witnesses and evidence; 3) public witnesses and evidence; and 4) County rebuttal, if any.

SEC. 1.7.6 ISSUANCE OF VESTED RIGHTS DETERMINATION BY HEARING OFFICER. Within fifteen (15) working days after the completion of the public hearing under Sec. 1.7.5, the Hearing Officer shall consider the Application for Determination of Vested Rights, the recommendation of the Development Services Director and the County Attorney, and the evidence and testimony presented at the public hearing, in light of all of the criteria set forth in Sec. 1.7.8, and shall deny, grant, or grant with conditions the Application for Determination of Vested Rights for the property or properties at issue. The determination shall be in writing and shall include findings of fact for each of the applicable criteria established in Sec. 1.7.8, conclusions of law for each of such criteria, and a determination denying, granting, or granting with conditions, in whole or in part, the vested rights.

SEC. 1.7.7 APPEAL TO THE BOARD OF COUNTY COMMISSIONERS. Within thirty (30) days after issuance of the Hearing Officer's written determination of vested rights, the County Attorney, the Development Services Director, or the owner or its authorized attorney or agent, may appeal the

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determination of vested rights of the Hearing Officer to the Board of County Commissioners. A fee for the application and processing of an owner-initiated appeal shall be established at a rate set by the Board of County Commissioners from time to time and shall be charged to and paid by the owner or its authorized agent. The Board of County Commissioners shall adopt the Hearing Officer's determination of vested rights, with or without modifications or conditions, or reject the Hearing Officer's determination of vested rights. The Board of County Commissioners shall not be authorized to modify or reject the Hearing Officer's determination of vested rights unless the Board of County Commissioners finds that the Hearing Officer's determination is not supported by evidence in the record of the Hearing Officer's public hearing or that the Hearing Officer's determination of vested rights is contrary to the criteria established in Sec. 1.7.8.

SEC. 1.7.8 CRITERIA FOR VESTED RIGHTS. This section is intended to strictly adhere to and implement existing Florida case law and statutory law as they relate to the doctrine of vested rights and equitable estoppel as applied to a local government exercising its authority and powers in zoning, the provision of adequate public facilities concurrent with development (concurrency), subdivision, site development, land development regulations, and related matters. It is the express intent of Collier County to require application of the provisions of this Code to as much development and property in the unincorporated areas of the County as is legally possible without violating the legally vested rights which the owner may have obtained in accordance with Florida common law and statutory law, particularly Sec. 163.3167(8), Florida Statutes. The criteria herein provided shall be considered in rendering a vested rights determination under this Division. It is intended that each case be decided on a case by case factual analysis. An owner shall be entitled to a positive determination of vested rights only if he demonstrates by substantial competent evidence that he is entitled to complete his development without regard to the otherwise applicable provisions of this Code based on the provisions of Sec. 163.3167(8), Florida Statutes, or all three of the following requirements of the three-part test under Florida common law:

> 1) Upon some act or omission of the County, 2) a property owner relying in good faith, 3) has made such a substantial change in position or has incurred such extensive obligations and expenses that it would be highly inequitable and unjust to destroy the rights acquired.

SEC. 1.7.9 LIMITATION ON DETERMINATION OF VESTED RIGHTS. A Determination of Vested Rights which grants an application for determination of vested rights shall expire and be null and void unless construction is commenced pursuant to a final development order, final subdivision plat, or final site development plan, within two (2) years after the issuance of the determination of vested rights under this Division, or unless substantial permanent buildings have been, or are being constructed or installed pursuant to a valid, unexpired, final development order of Collier County within two (2) years after issuance of the determination of vested rights under this Division, and such development pursuant to a final development order, final subdivision plat, or final site development plan is continuing in good faith. The aforementioned two (2) year time limitation on the determination of vested rights shall be stayed during any time periods within which commencement of construction pursuant to a final development order, final subdivision plat, or final site development plan is prohibited or deferred by the County solely as a result of lack of adequate public facilities to serve the property, pursuant to this Code.

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DIV. 1.8 NONCONFORMITIES.

SEC. 1.8.1 GENERALLY.

1.8.1.1 **Intent.** Within the zoning districts established by the Land Development Code or amendments that may later be adopted, there may exist lots, structures, uses of land, water and structures, and characteristics of use which were lawful before this Code was adopted or amended, but which would be prohibited, regulated, or restricted under the terms of this Code or future amendments. It is the intent of this Division to permit these non-conformities to continue until they are voluntarily renovated or removed as required by this Code, but not to encourage their survival. It is further the intent of the Land Development Code that the 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.

1.8.1.2 **Declaration.** Non-conforming uses are declared by this Division to be incompatible with permitted uses in the districts involved. A non-conforming use of a structure, a non-conforming use of land or water, or a non-conforming use of structure, land or water in combination shall not be extended or enlarged after the effective date of this Code or relevant amendment thereto by attachment on a structure or premises of additional signs intended to be seen from off the premises, or by the addition of other uses of a nature which would be prohibited generally in the district involved, except as provided for within Section 1.8.10.4.

1.8.1.3 **Vested Projects.** To avoid undue hardship, nothing in this Code shall be deemed to require a change in the plans, construction, or designated use of a building or property on which a building permit had been applied for prior to the effective date of adoption of relevant amendment of this Code.

In addition, nothing in this Code shall be deemed to require a change in the plans, construction, or designated use of any property for which a Development Plan was lawfully required and approved prior to the effective date of adoption of relevant amendment of this Code, provided that such plan shall expire two years from the date of said approval, or one year from the date of adoption of this Code, whichever shall first occur, if prior to actual construction has been commenced and thereafter all development shall be in accordance with the zoning regulations then in effect. Any such approved plat or plan may be amended by approval of the Board of County Commissioners, provided the degree of non-conformity with this Code shall not be increased.

SEC. 1.8.2 NON-CONFORMING LOTS OF RECORD.

In any district, any permitted or permissible structure may be erected, expanded, or altered on any lot of record at the effective date of adoption or relevant amendment to this Code. The minimum width and minimum yard requirements shall be as for the most similar district to which such lot of record most closely conforms in area, width and permitted use, except that when possible the greater of any yard requirement in either district shall apply, and except when specifically provided for in the district regulations.

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SEC. 1.8.3 NON-CONFORMING USES OF LANDS OR WATERS OR STRUCTURES ONLY.

Where, at the effective date of adoption or relevant amendment of this Code, lawful use of lands or waters exists which would not be permitted under this Code, the use may be continued, so long as it remains otherwise lawful, provided:

1.8.3.1 Enlargement, Increase, Intensification, Alteration. No such non-conforming use shall be enlarged, intensified, increased, or extended to occupy a greater area of land, structure, or water than was occupied at the effective date of adoption or relevant amendment of this Land Development Code, except a single family, duplex, or mobile home use as provided for within Sec. 1.8.10.4.

1.8.3.2 Movement. No 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 relevant amendment of this Land Development Code.

1.8.3.3 Discontinuance. If any such non-conforming use ceases for any reason (except where 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 Code for the district in which such land is located.

1.8.3.4 Subdivision or Structural Additions. No land in nonconforming 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.

1.8.3.5 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, equipment and machinery storage, junk yard, commercial animal yards and the like, shall be discontinued within one (1) year of the effective date of this Code or relevant amendment of this Code.

SEC. 1.8.4 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 relevant amendment of this Code. 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 relevant amendment of this Code.

SEC. 1.8.5 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.

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SEC. 1.8.6 CHANGE IN USE.

If no structural alterations are made, any nonconforming 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 nonconforming use, provided the Board of Zoning Appeals, upon application to the Development Services Director, 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 effect on occupants and neighboring 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 Code.

SEC. 1.8.7 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.

SEC. 1.8.8 USES UNDER CONDITIONAL USE PROVISIONS NOT NON-CONFORMING USES.

All uses lawfully existing on the effective date of this Code which are permitted as a Conditional Use in a district under the terms of this Code shall not be deemed a non-conforming use in such district, but shall without further action be deemed to have a conditional use permit.

SEC. 1.8.9 CHANGE TO CONFORMING USE REQUIRES FUTURE CONFORMITY WITH DISTRICT REGULATIONS.

Where a structure, or structure and premises in combination, in or on which a non-conforming use is replaced by a permitted use shall thereafter conform to the regulations for the district in which the structure is located, and the non-conforming use shall not thereafter be resumed nor shall any other non-conforming use be permitted.

SEC. 1.8.10 NON-CONFORMING STRUCTURES.

Where a structure exists lawfully under this at the effective date of its adoption or relevant amendment that could not be built under this Code 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 remains otherwise lawful, subject to the following provisions:

1.8.10.1 No 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; provided, however, that the alteration, expansion, or replacement of non-conforming single family dwellings, duplexes or mobile homes shall be permitted in accordance with Section 1.8.10.4.

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1.8.10.2 Should such non-conforming structure or non-conforming portion of structure be destroyed by any means to an extent of more than fifty percent of its actual replacement cost at time of destruction, as determined by a cost-estimate submitted to the Development Services Director, it shall not be reconstructed except in conformity with provisions of this Zoning Code.

Notwithstanding the foregoing restrictions as to reconstruction, any residential structure or structures in any residential zone district may be rebuilt after destruction to the prior extent, height and density of units per acre regardless of the percentage of destruction. In the event of such rebuilding, all setbacks and other applicable district requirements shall be met unless a variance therefore is obtained from the Board of Zoning Appeals. For the purpose of this Division, a hotel, motel, or boatel shall be considered to be a residential structure.

1.8.10.3 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.

1.8.10.4 Non-conforming residential structures, which for the purpose of this section shall mean detached single family dwellings, duplexes or mobile homes in existence at the effective date of this Zoning Code or its relevant amendment and in continuous residential use thereafter, may be altered, expanded, or replaced upon recommendation of the Collier County Planning Commission and approval of the Board of Zoning Appeals by Resolution.

Since the size and nature of the alteration, expansion or replacement of such non-conforming structures may vary widely, a site plan, and if applicable, preliminary building plans indicating the proposed alteration, expansion or replacement shall be presented with each petition. Prior to granting such alteration, expansion or replacement of a non-conforming single family dwelling, duplex or mobile home, the Planning Commission and the Board of County Commissioners shall consider and base its approval on the following standards and criteria:

1.8.10.4.1 The alteration, expansion or replacement will not increase the density of the parcel or lot on which the non-conforming single family dwelling, duplex or mobile home is located;

1.8.10.4.2 The alteration, expansion or replacement will not exceed the building height requirements of the district most closely associated with the subject non-conforming use;

1.8.10.4.3 The alteration, expansion or replacement will not further encroach upon any non-conforming set-back;

1.8.10.4.4 The alteration, expansion or replacement will not decrease or further decrease the existing parking areas for the structure;

1.8.10.4.5 The alteration, expansion or replacement will not damage the character or quality of the neighborhood in which it is located or hinder the proper future development of the surrounding properties; and

1.8.10.4.6 Such alteration, expansion or replacement will not present a threat to the health, safety or welfare of the community or its resident.

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SEC. 1.8.11 IMPROVEMENTS OR ADDITIONS TO NON-CONFORMING MOBILE HOMES.

Improvements or additions to non-conforming mobile homes containing conforming uses, in the "A" - Agriculture District only, shall be permitted if the addition or improvement complies fully with the setback and other applicable regulations.

SEC. 1.8.12 DESTRUCTION OF MAJOR STRUCTURE OR STRUCTURES.

When 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 structure shall eliminate the non-conforming status of the land. "Destruction" of the structure for purposes of this subsection is hereby defined as damage to the extent of more than fifty (50) percent of the replacement cost at the time of the destruction. Upon removal or destruction as set out in this section, the use of land and structures shall therefore conform to the regulations for the district in which such land is located.

SEC. 1.8.13 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 nonbearing 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.

SEC. 1.8.14 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 Collier 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.

SEC. 1.8.15 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 this 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 the unsafe by the authorized official of Collier 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 Sec. 1.8.12, as the case may be, shall apply.

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DIV. 1.9 ENFORCEMENT.

SEC. 1.9.1 GENERAL.

The provisions of this Code shall be enforced by (1) the Collier County Code Enforcement Board pursuant to the authority granted by Sec. 162.01 et. seq., Fla. Stat., (2) by the Board of County Commissioners through its authority to enjoin and restrain any person violating the Code, or (3) by Collier County through the prosecution of violations in the name of the State of Florida pursuant to the authority granted by Sec. 125.69, Fla. Stat. The County Manager shall have the right to inspect those lands, waters, or structures affected by this Code and to issue citations for violations.

SEC. 1.9.2 VIOLATION.

Whenever, by the provisions of this Code, the performance of any act is required, or the performance of any act is prohibited, or whenever any regulation or limitation is imposed on the use or development of any land or water, or on the erection of a structure, a failure to comply with such provisions shall constitute a violation of this Code.

SEC. 1.9.3 COMPLAINTS REGARDING VIOLATIONS.

Whenever a violation of this Code occurs, or is alleged to have occurred, any person may file a complaint. Such complaint stating fully the causes and basis thereof shall be filed in writing with the County Manager. The County Manager shall record properly such complaint, immediately investigate, and take action thereon as provided by this Code. He shall maintain as a public record in his office the disposition made of the complaint.

SEC. 1.9.4 LIABILITY.

Any owner, tenant, or occupant of any land or structure, or part thereof, and any architect, builder, contractor, agent, or other person, firm, or corporation, either individually or through its agents, employees, or independent contractor, violates the provisions of this Code, or who participates in, assists, directs, creates, or maintains any situation that is contrary to the requirements of this Code, shall be held responsible for the violation and be subject to the penalties and remedies provided herein or as otherwise provided by statute or ordinance.

SEC. 1.9.5 PROCEDURES UPON DISCOVERY OF VIOLATIONS.

Upon the determination that any provision of this Code is being violated, the County Manager shall send a written notice by registered or by certified mail return receipt requested or by hand delivery to the person(s) responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it. Additional written notices may be sent at the County Manager's discretion.

The written notice shall state the action the County Manager intends to take, if the violation is not corrected, and shall advise that the County Manager's order may be appealed to the County Manager rather than his designee.

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Upon receipt of the notice of violation, the person(s) responsible or liable for the violation shall have fifteen (15) calendar days to correct the violation. The County Manager may grant one ten (10) calendar day extension if, in the County Manager's judgment, substantial progress toward correction of the violation is evident and additional time is necessary.

If the violation is of a nature that it can be corrected by an Official Zoning Atlas amendment or through the granting of a variance, the County Administrator is authorized to suspend enforcement actions pending the outcome of such proceedings; provided that the person(s) responsible for the violation file the appropriate application forms for Official Zoning Atlas amendment or variance hearing with the County Manager within ten (10) calendar days of the receipt of notice of violation. If the outcome of an Official Zoning Atlas amendment request or variance request does not remedy the violation, the person(s) responsible for the violation shall have fifteen (15) calendar days to correct the violation, unless granted an extension by the County Manager as set forth above.

In cases where delay would seriously threaten the effective enforcement of this Code or pose a danger to the public health, safety, or general welfare, the County Manager may seek enforcement without prior written notice by invoking any of the remedies contained in this Code or otherwise provided by law.

SEC. 1.9.6 CRIMINAL PENALTIES AND REMEDIES.

A person who violates any of the provisions of this Code, or fails to comply with any of its requirements, or fails to abide by and obey all orders and resolutions promulgated as herein provided, shall be subject to prosecution in the name of the State in the same manner as misdemeanors are prosecuted, pursuant to the terms of Section 125.69, Florida Statutes, as amended, and shall be subject to all criminal penalties authorized by the State of Florida for such violation. Upon conviction, such person shall be punished by a fine not to exceed five hundred dollars ($500.00) or by imprisonment in the County Jail not to exceed sixty (60) days, or by both such fine and imprisonment.

Each calendar day that any violation continues after receipt of a written notice of such violation shall constitute a separate violation and a separate offense for purposes of the penalties and remedies specified herein.

In addition to the penalties and remedies above, the County Manager may institute any appropriate actions or proceedings to prevent, restrain, correct, or abate a violation of this Code, as provided by law.

SEC. 1.9.7 CIVIL PENALTIES AND REMEDIES.

1.9.7.1 Cease and Desist Orders. The County Manager is authorized to issue cease and desist orders in the form of written official notices sent by registered mail to the person(s) responsible for the violation.

1.9.7.2 Revocation of Building Permits, Certificates of Occupancy, or Other Development Orders, Permits or Approvals. The County Manager may revoke any Building Permit, Certificate of Occupancy, Development Order, Development Permit, or Development Approval, whatsoever, in those cases where an administrative determination has been duly made that, relevant to the provisions and requirements of this Code, false statements or misrepresentations existed as to

material fact(s) in the application or plans upon which the permit or approval was based.

1.9.7.3 Suspension of Building Permits, Certificates of Occupancy, or Other Development Orders, Permits or Approvals. The County Manager may, to the extent permitted by law, suspend any Building Permit, Certificate of Occupancy, Development Order, Development Permit, or Development Approvals whatsoever, where an administrative determination has been duly made that, relevant to the provisions and requirements of this Code, an error or omission on either the part of the applicant or government agency existed in the issuance of the permit or approval. A valid permit or certificate shall be issued in place of the incorrect permit or certificate after correction of the error or omission.

1.9.7.4 Stop Work Order. For any violation of the provisions of this Code which constitutes a threat to life or to public or private property, the County Manager shall have the authority to issue a stop work order in the form of a written official notice given to the owner of the subject property or to his agent or to the person doing the work where such a violation has been committed or exists. Upon notice from the County Administrator that any action or work is occurring contrary to the provisions of this Code, and it constitutes a threat to life or to public or private property, such action or work shall immediately be stopped. The notice shall state the conditions under which the action or work may be resumed. Where any emergency exists, oral notice given by the County Administrator shall be sufficient.

SEC. 1.9.8 OTHER REMEDIES.

The County Manager or the Board of County Commissioners may have recourse to such other remedies in law and equity as may be necessary to ensure compliance with the provisions of the Code, including the following:

1.9.8.1 Injunctive relief to enjoin and restrain any person from violating the provisions of the Code and recovery of damages for such violation;

1.9.8.2 Prosecution by the State Attorney's Office as provided by Section 125.69, Florida Statutes, as amended;

1.9.8.3 Prosecution before the Collier County Code Enforcement Board;

1.9.8.4 Revocation of any permit or changing the conditions of any permit;

1.9.8.5 Withholding the issuance of any Construction Plan approval, Building Permit, Certificate of Occupancy, or inspection by the County;

1.9.8.6 Requiring replacement by the property owner of any vegetation removed in violation of the land alteration and landscaping regulations or in violation of any permit issued under the Code. Replacement trees shall be of sufficient size and quantity to replace the DBH inches removed. At the time of planting, a replacement tree shall have a minimum caliper of 1 - 1-1/2 inches and a minimum height of 7 - 8 feet. Vegetation planted in accordance with this requirement shall be replaced if it dies any time within one (1) year after planting; and

1.9.8.7 Recovery of attorneys' fees, expert witness fees, and costs, including those on appeal, incurred by the County for in-house County Attorneys and staff experts and for outside legal counsel experts.

SEC. 1.9.9 NOTICE AND APPEAL.

All administrative decisions concerning the issuance, revocation, suspension, or stop work order, or other remedy pertaining to Building Permits, Certificates of Occupancy, Development Orders, Development Permits, or Development Approvals, whatsoever, shall be stated in official written notice sent by registered mail to the permit applicant. Decisions of the County Manager may be appealed to the Board of County Commissioners.

SEC. 1.9.10 PROSECUTION UNDER PREVIOUS REGULATIONS.

Any prosecution arising from a violation of any prior code, ordinance, or regulation of Collier County superseded by this Code, which prosecution was pending at the effective date of this Code, or any prosecution which may be begun within one (1) year after the effective date of this Code, in consequence of any violation of any prior Code, ordinance, or regulation superseded hereby, which violation was committed prior to the effective date of this Code, shall be tried and determined exactly as if such prior code, ordinance, or regulation had not been superseded.

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DIV. 1.10 FEES.

SEC. 1.10.1 ESTABLISHMENT OF SCHEDULE OF FEES, COSTS AND OTHER CHARGES.

The Board of County Commissioners shall, from time to time, establish and adopt by resolution, a schedule of fees and charges for application and document processing, public meetings, public hearings, other meetings and hearings, transcripts, approvals, denials, development permits, development orders, development, construction, interpretations, enforcement, inspection services, sales of documents, review, resubmission, and any other zoning or development related services, and any other services provided or costs incurred by or on behalf of the County.

SEC. 1.10.2 MAINTENANCE AND AMENDMENT OF SCHEDULE.

The schedule of fees, costs and other charges shall be maintained in the County Manager's office and shall be available for public inspection during normal business hours. Additional copies or part or all of the schedule of fees, costs and other charges may be maintained in other appropriate County departments. The schedule of fees, costs and other charges may be amended, modified or otherwise changed in accordance with standard resolution adoption and amendment procedures of the Board of County Commissioners. Repeal, amendment or adoption of the schedule of fees, costs and other charges shall not be subject to procedures otherwise required for adoption or amendment of this Code.

SEC. 1.10.3 PAYMENT OF FEES, COSTS, AND OTHER CHARGES.

The appropriate fees, costs, and other charges specified in the schedule of fees, costs and other charges shall be submitted with, and paid at the time of, initial application submission or other initial document submission except as otherwise specified in this Code or the schedule of fees, costs, and other charges. The applicant, or if no applicant, the person requesting the County service, document, or other item, shall be responsible for the payment of all fees, costs and other charges identified in the schedule of fees, costs and other charges, except as expressly provided otherwise in this Code or the schedule of fees, costs, and other charges. The fees, costs, and other charges specified in the schedule of fees and costs and other charges shall be twice the amount listed for petitions or requests applied for or approval after-the-fact, with the exception of minor after-the-fact yard encroachment requests. Until the applicable fees, costs and other charges have been paid in full, no action or activity of any type or kind shall be taken on an application, petition, or request. Applications, petitions, or requests initiated officially by Collier County by its duly authorized agents and officers are exempt from payment of the fees, costs, and charges required herein.

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DIV. 1.11 RESERVED

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DIV. 1.12 RESERVED

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DIV. 1.13 RESERVED

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DIV. 1.14 RESERVED

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DIV. 1.15 RESERVED

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DIV. 1.16 RESERVED

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DIV. 1.17 RESERVED

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DIV. 1.18 LAWS INCORPORATED HEREIN BY REFERENCE.

The following Collier County ordinances and laws, as amended or superseded, are hereby incorporated into this Code by reference as if fully set forth and recited herein. Repeal or amendment of these ordinances, or adoption of successor ordinances, shall not be subject to procedures otherwise required for adoption of amendments to this Code, except as otherwise required by general law.

Subject	Ordinance Number
Building Construction Administrative Code	91-56
Standard Building Code 1988 Code with 89 & 90 Revisions	91-58
Standard Plumbing Code 1988 Code with 89 & 90 Revisions	91-59
Standard Mechanical Code 1988 Code with 89 & 90 Revisions	91-60
Standard Gas Code 1988 Code with 89 & 90 Revisions	91-61
Standard Swimming Pool Code Edition: 1985	87-21
National Electric Code Edition: 1990	91-62
National Fire Protection (NFPA) Edition: 1986	86-54
Flood Plain	86-28 87-80 90-31
Coastal Building Zone (Wind)	87-20
Utility Standards	88-76 89-23 89-32
Public Right of Way Standards	82-91 89-26

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Seawall Construction	85-2 85-26 86-5
Water Policy	74-50

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DIV. 1.19 AMENDMENTS TO THIS CODE.

SEC. 1.19.1 TIMING. Amendments to this Code may be made not more than two (2) times during any calendar year as scheduled by the County Manager, except:

1.19.1.1 Any amendments to the Collier County Official Zoning Atlas may be made more often than twice during the calendar year.

1.19.1.2 In the case of an emergency, amendments to this Code may be made more often than twice during the calendar year if the additional Code amendment receives the approval of all of the members of the Board. For this purpose, "emergency" means any occurrence or threat thereof whether accidental or natural, caused by man, in war or peace, which results or may result in substantial injury or harm to the population or substantial damage to or loss of property or public funds.

SEC. 1.19.2 PROCEDURE. The procedure for amendment to this Code shall be as provided in Division 2.7. This Code may only be amended in such a way as to preserve the consistency of the Code with the Growth Management Plan.

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DIV. 1.20 CONFLICT WITH OTHER LAWS.

If the provisions of this Code conflict with those of any other statute, code, local ordinance, resolution, regulation or other applicable Federal, State or local law, the more stringent standard, limitation or requirement shall govern or prevail to the extent of the conflict.

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DIV. 1.21 SEVERABILITY.

It is the legislative intent of the Board of County Commissioners in adopting this Code that all provisions hereof shall be liberally construed to protect and preserve the peace, health, safety, and general welfare of the inhabitants of the unincorporated portion of Collier County. It is the further intent of the Board of County Commissioners that this Code shall stand, notwithstanding the invalidity of any part thereof, and that should any provision of this Code be held to be unconstitutional or invalid by a court or tribunal of competent jurisdiction, such holding shall not be construed as affecting the validity of any of the remaining provisions.

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DIV. 1.22 REPEALER.

SEC. 1.22.1 REPEALER. The following ordinances and laws are hereby repealed and replaced by the provisions of this Code:

Subject	Ordinance Number
Subdivision	76-06, as amended by 82-64, 83-17, 86-17, 89-15, 89-24, 89-47, and 89-63 or otherwise.
Excavation	88-26, as amended by 88-98 or otherwise.
Blasting	88-12, as amended.
Well Construction	88-99, as amended.
Collier County Planning Commission	85-51, as amended by 86-76 or otherwise.
Code Enforcement Board	88-89, as amended.
Contractor's Licensing Board	90-105, as amended, is repealed to the extent that it is inconsistent with the provisions of this Code, provided, however, that any provisions of 90-105 not included in the provisions of this Code are retained and shall remain in full force and effect.
Environmental Advisory Board	91-68, as amended.
Board of Adjustments & Appeals	83-16, as amended by 91-57 or otherwise.
Tree Removal	75-21, as amended by 88-88, 89-58 or otherwise.
Sea Turtle Protection	88-52, as amended.
Exotics	82-37, as amended by 82-113, and 89-53 or otherwise.
EIS	77-66, as amended by 89-52 or otherwise.
CCSL	75-19, as amended by 80-19 and 82-88, or otherwise.

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Vehicles on the Beach	72-5, as amended by 74-8, 74-31, and 79-46 or otherwise.
Water Management Advisory Board	87-97, as amended.
Signs	89-60, as amended by 90-13 and 90-114 or otherwise.
Historical/Archaeological Preservation	91-70
Zoning	82-2, as amended (including the official zoning atlas adopted thereunder), except that no Planned Unit Development (PUD) Ordinance valid and effective immediately prior to the effective date of this Code shall be repealed by the adoption of this Code; and provided that Section 10.6, Temporary Use Permits, of Ordinance 82-2, is repealed to the extent that it is inconsistent with the provisions of this Code, provided, however, that any subsections of Section 10.6 of Ordinance 82-2 not included in this Code are retained and shall remain in full force and effect.

SEC. 1.22.2 CODIFICATION. The following ordinances and laws are not repealed or replaced by the provisions of this Code, but rather are codified by, and included in, the provisions of this Code:

Subject	Ordinance Number
Adequate Public Facilities	90-24
Affordable Housing Density Bonus	90-89

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DIV. 1.23 EFFECTIVE DATE; ENACTMENT.

SEC. 1.23.1 EFFECTIVE DATE.

The provisions of this Code shall be effective on and after the 13th day of November, 1991.

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ZONING

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DIV. 2.1 GENERAL.

SEC. 2.1.1 SHORT TITLE. This article shall be known as the "Collier County Zoning Code" and may be cited and referred to herein as the "Zoning Code."

SEC. 2.1.2 GENERAL PURPOSE.

It is the intent and purpose of this Code to establish and adopt comprehensive zoning regulations governing the use of land and water in the unincorporated areas of Collier County, Florida. These regulations are based on a comprehensive plan for future development, 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 County.

This Code intends 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 consistent with the Growth Management Plan.

In order to ensure that all development in unincorporated Collier County is consistent with the Collier County Growth Management Plan, it is necessary and proper to establish a series of zoning districts to ensure that each permitted, accessory and conditional use is compatible with surrounding land uses, served by adequate public facilities, and sensitive to natural and coastal resources. Each zoning district has its own purpose and establishes permitted uses, uses accessory to permitted uses, conditional uses, dimensional standards and other land use, density and intensity regulations and references, sign regulations, off-street parking and loading regulations, landscaping regulations, and other regulations that control the use of land in each zoning district. All development within each zoning district shall be consistent with the purposes and regulations stated for that zoning district in Div. 2.2.

SEC. 2.1.3 ZONING DISTRICTS ESTABLISHED. In order to carry out and implement the Collier County Growth Management Plan and the purposes of this Code, the following zoning districts with their applicable symbols are hereby established:

Golf Course District (GC)
Rural Agriculture District (A)
Estate District (E)
Residential Single Family-1 District (RSF-1)
Residential Single Family-2 District (RSF-2)
Residential Single Family-3 District (RSF-3)
Residential Single Family-4 District (RSF-4)
Residential Single Family-5 District (RSF-5)
Residential Single Family-6 District (RSF-6)

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Residential Multiple Family-6 District (RMF-6)
Residential Multiple Family-12 District (RMF-12)
Residential Multiple Family-16 District (RMF-16)
Residential Tourist District (RT)
Village Residential District (VR)
Mobile Home District (MH)
Travel Trailer-Recreational Vehicle Campground District (TTRVC)
Commercial Professional District (C-1)
Commercial Convenience District (C-2)
Commercial Intermediate District (C-3)
General Commercial District (C-4)
Heavy Commercial District (C-5)
Industrial District (I)
Conservation District (CON)
Public Use District (P)
Community Facilities District (CF)
Planned Unit Development District (PUD)
Corridor Management Overlay District (CMO)
Mobile Home Overlay District (MHO)
Airport Overlay Districts (APO)
Special Treatment Overlay District (ST)
Historical and Archaeological Sites (H)

SEC. 2.1.4 **ESTABLISHMENT OF OFFICIAL ZONING ATLAS.** The location and boundaries of the zoning districts established in this Code shall be set forth and shown on the official zoning atlas of Collier County which is incorporated by reference into this Code as if fully described and set forth herein. The district symbol or symbols as set forth in this Zoning Code shall be used to designate each district on the official zoning atlas.

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 Collier County 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 _____, 19_."

A copy of the official zoning atlas shall be located at all times for inspection by the general public during regular business hours in the Office of the Development Services Director and the Clerk to the Board of County Commissioners.

SEC. 2.1.5 **AMENDMENT TO THE OFFICIAL ZONING ATLAS.** If, pursuant to the terms of this Code and the applicable Laws of Florida, amendments are made to the districts, boundaries, or other matters portrayed on the official zoning atlas, such amendments shall be entered on the official zoning atlas by the Development Services Director within twenty (20) days after amendment. Failure to so enter any such amendments within twenty (20) days shall not affect the validity of any such amendments. However, no amendment to this Zoning Code which involves a matter portrayed on the Official Zoning Atlas shall become effective until such change and entry has been made on the Official Zoning Atlas in the manner herein established. Each amended page of the

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official zoning atlas shall contain an entry which reads as follows: On _____, 19__, by Ordinance No. _____, the following amendments were made to the official zoning atlas: [include brief description of nature of amendment]," which entry shall be attested by the Clerk of the Circuit Court.

SEC. 2.1.6 UNAUTHORIZED AMENDMENTS TO OFFICIAL ZONING ATLAS OR CODE PROHIBITED. No changes of any nature shall be made in the official zoning atlas or any matter shown thereon, or in the zoning districts or regulations contained herein, except in conformity with the procedures established in this Zoning Code and consistent with the Growth Management Plan. Any unauthorized change of whatever kind by any person shall be considered a violation of this Code.

SEC. 2.1.7 FINAL AUTHORITY OF OFFICIAL ZONING ATLAS AND CODE. Regardless of the existence of purported copies of the official zoning atlas or other parts of this Zoning Code, which from time to time may be made or published, the official zoning atlas located in the Office of the Clerk shall be the final authority as to the current zoning of all land and water in unincorporated Collier County, and the Zoning Code located in the Office of the Clerk to the Board of County Commissioners shall be the final authority as to the various zoning districts and regulations herein established.

SEC. 2.1.8 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 Collier County prior to the effective date of adoption of this Zoning Code shall be retained as a public record as a guide to the zoning status of lands and waters prior to such date. Upon the date of adoption of this Zoning Code, the immediately prior official zoning atlas of that date shall be microfilmed and such filmed record retained permanently in a place separate from the original prior official zoning atlas.

SEC. 2.1.9 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 ordinance adopt a new official zoning atlas, or any page or pages thereof, which shall supersede the prior official zoning atlas or 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 in the form of an amendment to this Zoning Code.

The official zoning atlas, or portion 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) by Ordinance No. _____ dated _____, 19__, replaced the official zoning atlas (or page or pages thereof) adopted _____, 19__, as part of Ordinance No. _____ of the County of Collier, Florida."

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Unless the prior official zoning atlas has been lost, or has been totally destroyed, the prior official zoning 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.

SEC. 2.1.10 ZONING REGULATIONS ARE MAXIMUM OR MINIMUM LIMITATIONS. The regulations established in this Zoning Code and 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, land or water, except where specific provision is made in this Zoning Code.

SEC. 2.1.11 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.

SEC. 2.1.12 MULTIPLE USE OF REQUIRED SPACE PROHIBITED. No part of a required yard, required open space, required off-street parking space, or required 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 Code.

SEC. 2.1.13 REDUCTION OF LOT AREA PROHIBITED. No lot, even though it may consist of one or more adjacent lots of record, or yard existing at the effective date of this Zoning Code shall thereafter be reduced in size, dimension, or area below the minimum requirements set forth 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 effective date of this Zoning Code shall meet at least the minimum requirements established herein.

SEC. 2.1.14 DEFINITIONS OF GROUPINGS OF VARIOUS DISTRICTS.

2.1.14.1 Where the phrases "agricultural districts", "zoned agricultural", "agriculturally zoned", "agricultural zoning", "rural zoning" or phraseology of similar intent, are used in this Zoning Code, the phrases shall be construed to include: A and E.

2.1.14.2 Where the phrases "all residential districts", "residential districts", "zoned residentially", or "residentially zoned", or phraseology of similar intent, are used in this Zoning Code, the phrases shall be construed to include the following districts: RSF-1, RSF-2, RSF-3, RSF-4, RSF-5, RSF-6, RMF-6, RMF-12, RMF-16, RT, VR, and MH, and residential components in PUDs.

2.1.14.3 Where the phrases "commercial districts", "zoned commercially", "commercially zoned", "commercial zoning", or phraseology of similar intent, are used in this Zoning Code, the phrases shall be constructed to include: C-1, C-2, C-3, C-4, C-5, TTRVC, and commercial components in PUDs.

2.1.14.4 Where the phrases "industrial districts", "zoned industrially", "industrially zoned", "industrial zoning", or phraseology of similar intent, are used in this Zoning Code, the phrases shall be construed to include: I and industrial components in PUDs.

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SEC. 2.1.15 PROHIBITED USES AND STRUCTURES. Any use or structure not specifically permitted in a zoning district as a permitted use, conditional use or use allowed by reasonable implication shall be prohibited in such zoning district.

SEC. 2.1.16 EFFECT OF APPROVALS UNDER THE ZONING REEVALUATION ORDINANCE. Any use or structure that has been granted a compatibility exception, an exemption, or vested rights pursuant to the Collier County Zoning Reevaluation Ordinance, Ordinance No. 90-23 (1990), shall be a permitted use in the zoning district in which it is located to the extent of its approved maximum density or intensity of use and to the extent that it remains effective. Such use or structure shall nevertheless comply with all other requirements and regulations of the Land Development Code.

SEC. 2.1.17 TIME LIMITS ON PREVIOUSLY APPROVED DEVELOPMENT ORDERS.

Any time limits on any development orders approved prior to the adoption of this Code shall continue to run and shall not be enlarged, expanded or stayed by the adoption of this Code. Furthermore, any time limits required under this Code for any types of development orders which are more restrictive or shorter than the time limits remaining on previously approved development orders shall apply retroactively to all such previously approved development orders. However, the application of such more restrictive time limits under this Code to previously approved development orders shall commence to run on the effective date of this Code.

This subsection shall not apply to final subdivision plats approved prior to February 17, 1976.

SEC. 2.1.18 CONTINUATION OF PROVISIONAL USES.

Any provisional use, including all stipulations and requirements thereto, approved by the Board of County Commissioners prior to the effective date of this Code and valid and effective immediately prior to the effective date of this Code shall be treated under this Code as follows:

1. If such provisional use is provided for as a conditional use in the zoning district in which it is located under this Code, then it shall be permitted as a conditional use under this Code.

2. If such Provisional Use is not provided for as a conditional use or permitted use in the zoning district in which it is located under this Code, then it shall be a legal non-conforming use under this Code.

DIV. 2.2 ZONING DISTRICTS, PERMITTED USES, CONDITIONAL USES, DIMENSIONAL STANDARDS.

This division sets forth the purpose and intent, permitted uses, conditional uses, dimensional standards, and other requirements for each zoning district established herein.

SEC. 2.2.1 GOLF COURSE DISTRICT (GC).

2.2.1.1 Purpose and Intent. The purpose and intent of this district is to provide lands for golf courses and normal accessory uses to golf courses, including certain uses of a commercial nature. This GC District shall be in accordance with the Urban Mixed Use District and the Agricultural Rural District of the Future Land Use Element of the Collier County Growth Management Plan.

2.2.1.2 Permitted Uses. The following uses are permitted as of right, or as uses accessory to permitted uses, in the Golf Course District (GC).

2.2.1.2.1 Permitted Uses.

1. Golf Courses.

2.2.1.2.2 Uses Accessory to Permitted Uses.

1. Uses and structures that are accessory and incidental to uses permitted as of right in the GC District.
2. Recreational facilities that serve as an integral part of the permitted use, including but not limited to club house, community center building, practice driving range, shuffleboard courts, swimming pools and tennis facilities, snack shops and rest rooms.
3. A maximum of two (2) residential dwelling units for use by golf course employees in conjunction with the operation of the golf course .

2.2.1.3 Conditional Uses. The following uses are permissible as conditional uses in the GC District, subject to the standards and provisions established in Division 2.7.4.

1. Commercial establishments oriented to the permitted uses of the District including gift shops, pro shops, golf equipment sales, restaurants, cocktail lounges, and similar uses, exclusively intended to serve patrons of the golf course.

2.2.1.4 Dimensional Standards. The following dimensional standards shall apply to all permitted, accessory, and conditional uses in the Golf Course District (GC).

2.2.1.4.1 Minimum Lot Area. Not applicable.

2.2.1.4.2 Minimum Lot Width. Not applicable.

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2.2.1.4.3 Minimum Yard Requirement. For any yard abutting residentially designated property, the minimum yard shall be fifty feet (50') with landscaping and buffering as required for the district or use with the most similar types, densities and intensities of use.

2.2.1.4.4 Maximum Height. Thirty-Five (35').

2.2.1.4.5 Maximum Density. Not applicable. However, a maximum of two (2) residential units for use by golf course employees in conjunction with the operation of the golf course as described in the uses accessory to permitted uses may be allowed in the district.

2.2.1.4.6 Distance Between Structures. Not applicable.

2.2.1.4.7 Minimum Floor Area. Not applicable.

2.2.1.4.8 Maximum Lot Coverage. Not applicable.

2.2.1.4.9 Minimum Off-Street Parking. As required in Div. 2.3.

2.2.1.4.10 Lighting. The maximum height of lights shall be twenty-five (25') feet except as otherwise provided for during the review and approval of a site development plan. Lights shall be located and designed so that no light is aimed directly toward property designated residential, which is located within two hundred feet (200') of the source of the light.

2.2.1.4.11 Landscaping. As required in Division 2.4.

2.2.1.5 Signs. As required in Division 2.5.

SEC. 2.2.2 RURAL AGRICULTURAL DISTRICT (A).

2.2.2.1 Purpose and Intent. The purpose and intent of the Rural Agricultural District (A) is to provide lands for agricultural, pastoral, and rural land uses by accommodating traditional agricultural, agricultural related activities and facilities, support facilities related to agricultural needs, and conservation uses. Uses that are generally considered compatible to agricultural uses that would not endanger or damage the agricultural, environmental, potable water, or wildlife resources of Collier County, are permissible as conditional uses in the A District. The A District corresponds to and implements the Rural Agricultural land use designation on the Future Land Use Map of the Collier County Growth Management Plan, and in some instances, may occur in the designated Urban Area. The maximum density permissible in the Rural Agricultural District within the Urban Mixed Use District shall be guided, in part, by the Density Rating System contained in the Future Land Use Element of the Collier County Growth Management Plan. The maximum density permissible or permitted in a district shall not exceed the density permissible under the Density Rating System. The maximum density permissible in the Rural Agricultural District within the Agricultural/Rural District of the Future Land Use Element of the Collier County Growth Management Plan shall be consistent with and not exceed the density permissible or permitted under the Agricultural/Rural District of the Future Land Use Element.

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2.2.2.2 **Permitted Uses.** The following uses are permitted as of right, or as uses accessory to permitted uses, in the Rural Agricultural District (A).

2.2.2.2.1 **Permitted Uses:**

1. Single-family dwelling.
2. Agricultural activities, including, but not limited to: crop raising; dairying; horticulture; fruit and nut production; forestry; groves; nurseries; ranching; beekeeping; poultry and egg production; milk production; livestock raising; and animal breeding, raising, training, stabling or kenneling, and aquiculture for native species subject to State of Florida Game and Freshwater Fish Commission permits.
3. Wildlife management, plant and wildlife conservancies, wildlife refuges and sanctuaries.
4. Wholesale plant nurseries.
5. Conservation uses.
6. Oil and gas exploration subject to State drilling permits and Collier County Site Development Plan review procedures.
7. Family Care Facilities, subject to Sec. 2.6.26.

2.2.2.2.2 **Uses Accessory to Permitted Uses.**

1. Uses and structures that are accessory and incidental to the uses permitted as of right in the A District.
2. Farm labor housing, subject to Sec. 2.6.25.
3. Retail sales of fresh fruit and produce grown primarily on the property and further subject to a review of traffic circulation and safety concerns.
4. Packing house or similar agricultural processing of farm products produced on the property subject to the following restrictions:

   a. Agricultural packing, processing or similar facilities shall be located on a major or minor arterial street, or shall have access to an arterial street by a public street that does not abut or is not located within any properties zoned RSF-1 - RSF-6, RMF-6, RMF-12, RMF-16, RT, VR, MH, TTRVC and PUD or residentially used.

   b. A buffer yard of not less than one hundred fifty feet (150') in width shall be provided along each boundary of the site which abuts any residentially zoned or used property, and shall contain an Alternative B type buffer as defined within Div. 2.4 of this Code. Such buffer and buffer yard shall be in lieu of front, side, or rear yards on that portion of the lot which abuts those districts and uses identified in Section 2.2.2.2.2.(4)(a).

   c. The facility shall emit no obnoxious, toxic, or corrosive dust, dirt, fumes, vapors, or gases which can cause damage to human health, to animals or vegetation, or to other forms of property beyond the lot line of the use creating the emission.

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d. A site development plan shall be provided in accordance with Div. 3.3 of this Code.

5. Extraction or earthmining, and related processing and production subject to the following criteria:

a. The activity is clearly incidental to the agricultural development of the property.

b. The affected area is within a Surface Water Management System for agricultural use as permitted by the South Florida Water Management District.

6. Guest houses, subject to Sec. 2.6.14.

7. Private boathouses and docks on lake, canal or waterway lots, subject to Sec. 2.6.21.

8. Use of a mobile home as a temporary residence while a permanent single family dwelling is being constructed, subject to the following:

a. Receipt of a temporary use permit from the Development Services Director pursuant to Div. 2.6.33, that allows for use of a mobile home while a permanent single family dwelling is being built;

b. Assurance that the temporary use permit for the mobile home will expire at the same time of the building permit for the single family dwelling, or upon the completion of the single family dwelling, whichever comes first; and

c. Proof that prior to the issuance of a final certificate of occupancy for the single family dwelling, the mobile home is removed from the premises.

d. A mobile home or trailer, used in connection with the rural agricultural district uses is permitted on a temporary basis only, not to exceed the duration of the rural agricultural use of land for commercial purposes for which the mobile home is a permitted accessory use for three (3) years. Said mobile home use is renewable annually thereafter providing that a permit for such temporary use is obtained from the Director, upon a showing that said agricultural use of land for commercial purposes is a continuing use and further providing that the applicant is utilizing, for such agricultural use a tract of five (5) 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 feet (100') from any County highway line, two hundred feet (200') from any State highway right-of-way, or five hundred feet (500') from any Federal highway right-of-way line.

e. The mobile home must be removed at the termination of the permitted period.

9. Recreational facilities that serve as an integral part of a residential development and have been designated, reviewed and approved on a site development plan or subdivision master plan for that development. Recreational facilities may include but are not limited to golf course, clubhouse, community center building and tennis facilities, parks, playgrounds and playfields.

2.2.2.3 Conditional Uses. The following uses are permitted as conditional uses in the Rural Agricultural District (A), subject to the standards and procedures established in Div. 2.7.4.

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1. Extraction or earthmining, and related processing and production not incidental to the agricultural development of the property.
2. Sawmills.
3. Zoo, aquarium, aviary, botanical garden, or other similar uses.
4. Hunting cabins.
5. Aquaculture for non-native or exotic species subject to State of Florida Game and Fresh Water Fish Commission permits.
6. Churches and other places of worship.
7. Private landing strips for general aviation, subject to any relevant state and federal regulations.
8. Cemeteries.
9. Schools, Public and Private.
10. Child care centers.
11. Collection and transfer sites for resource recovery.
12. Communication towers.
13. Social and fraternal organizations.
14. Portable Asphaltic Concrete Batch Plants, subject to the following conditions:

    a. The Plant is located on a parcel of land of at least eighty (80) acres in size;
    b. The Plant is no greater than sixty (60) feet in height and any material storage silos accessory to the Plant are no greater than ninety (90) feet in height;
    c. The earth mining facility used by the Plant is setback at least five hundred (500) feet from the property line;
    d. All petroleum related products used at the Plant are stored above ground, in a diked impervious cell, to safeguard against vertical and horizontal ground contamination;
    e. The majority of the raw materials used at the Plant come from the excavation on site;
    f. The Plant receives an approved conditional use permit prior to its operation;
    g. The Plant receives a County commercial excavation permit prior to its operation;
    h. The duration of the Plant's operation does not exceed the expiration date of an excavation permit or any other required permit, whichever occurs first;
    i. The hours of operation of the Plant shall be limited to insure compatibility with and protection of surrounding land uses;
    j. The Plant receives approval for a site development plan, pursuant to the requirements of Div. 3.3; and
    k. The Plant complies with all state and federal standards of performance for Portable Asphaltic Concrete Batch Plants.

15. Veterinary Clinic.
16. Group Care Facilities (Category I and II); Care Units: and Nursing Homes subject to Sec. 2.6.26.
17. Golf Courses.
18. Oil and gas field development and production subject to State field development permits.
19. Sports Instructional Schools and Camps.
20. Sporting and Recreational Camps.

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2.2.2.4 Dimensional Standards. The following dimensional standards shall apply to all permitted, accessory, and conditional uses in the Rural Agricultural District (A).

2.2.2.4.1 Minimum Lot Area. 5 acres.

2.2.2.4.2 Minimum Lot Width. One hundred and sixty five feet (165').

2.2.2.4.3 Minimum Yard.

1. Front Yard. Fifty feet (50').
2. Side Yard. Thirty feet (30').
3. Rear Yard. Fifty feet (50').

2.2.2.4.4 Minimum Floor Area. Five Hundred and Fifty (550) square feet for single family dwelling units.

2.2.2.4.5 Maximum Height. Thirty feet (30'), except as provided in Sec. 2.6.3.

2.2.2.4.6 Maximum Density. One (1) dwelling unit for each five (5) acres.

2.2.2.4.7 Off-Street Parking. As required in Div. 2.3.

2.2.2.4.8 Landscaping. As required in Div. 2.4 .

2.2.2.5 Signs. As required in Div. 2.5.

SEC. 2.2.3 ESTATES DISTRICT (E).

2.2.3.1 Purpose and Intent. The purpose and intent of the Estates District (E) is to provide lands for low density residential development in a semi-rural to rural environment, with limited agricultural activities. In addition to low density residential development with limited agricultural activities, the E District is also designed to accommodate as conditional uses, development that provides services for and is compatible with the low density residential, semi-rural and rural character of the E District. The E District corresponds to and implements the Estates land use designation on the Future Land Use Map of the Collier County Growth Management Plan, although in limited instances, it may occur outside of the Estates land use designation. The maximum density permissible in the Estates District shall be consistent with and not exceed the density permissible or permitted under the Estates District (E) of the Future Land Use Element of the Growth Management Plan or as provided under the Golden Gate Master Plan.

2.2.3.2 Permitted Uses. The following uses are permitted as of right, or as uses accessory to permitted uses, in the Estates District (E):

2.2.3.2.1 Permitted Use.

1. Single-family dwelling.
2. Family Care Facilities, subject to Sec. 2.6.26.

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2.2.3.2.2 Uses Accessory to Permitted Uses:

1. Uses and structures that are accessory and incidental to uses permitted as of right in the E District.
2. Field crops raised for the consumption by persons residing on the premises.
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 a minimum of thirty feet (30') from any lot line, and a minimum of one hundred feet (100') from any residence on an adjacent parcel of land.
4. Keeping of horses and livestock (except for hogs), not to exceed two (2) such animals for each acre, and with no open fed lots. Any roofed structure for the shelter and feeding of such animals shall be a min mum of thirty feet (30') from any lot line and a minimum of one hundred feet (100') from any residence on an adjacent parcel of land.
5. One guest house, subject to Sec. 2.6.14.
6. Recreational facilities that serve as an integral part of a residential development and have been designated, reviewed and approved on a site development plan or subdivision master plan for that development. Recreational facilities may include but are not limited to golf course, clubhouse, community center building and tennis facilities, parks, playgrounds and playfields.

2.2.3.3 Conditional Uses. The following uses are permissible as conditional uses in the Estates District (E), subject to the standards and procedures established in Div. 2.7.4:

1. Churches and other places of worship.
2. Social and fraternal organizations.
3. Child care centers.
4. Schools, Public and Private.
5. Group Care facilities (Category I and II); Care Units, Nursing Homes subject to Sec. 2.6.26.

2.2.3.4 Dimensional Standards. The following dimensional standards shall apply to all permitted, accessory, and conditional uses in the Estates District (E).

2.2.3.4.1 Minimum Lot Area. Two and one-quarter (2 1/4) acres.

2.2.3.4.2 Minimum Lot Width. One hundred and fifty feet (150').

2.2.3.4.3 Minimum Yard Requirements.

1. Front Yard. Seventy five feet (75').
2. Side Yard. Thirty feet (30') except for legal non-conforming lots of record which shall be computed at the rate of ten (10%) percent of the width of the lot not to exceed a maximum requirement of thirty (30') feet.
3. Rear Yard. Seventy five feet (75').

2.2.3.4.4 Maximum Height. Thirty feet (30').

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2.2.3.4.5 Maximum Density. One (1) dwelling unit for each two and one-quarter (2 1/4) acres.

2.2.3.4.6 Minimum Floor Area. One thousand (1,000) square feet.

2.2.3.4.7 Minimum Off-Street Parking. As required in Div. 2.3.

2.2.3.4.8 Landscaping. As required in Div. 2.4.

2.2.3.5 Signs. As required in Div. 2.5.

SEC. 2.2.4 RESIDENTIAL SINGLE FAMILY DISTRICTS (RSF).

2.2.4.1 Purpose and Intent. The purpose and intent of the residential single family districts (RSF) is to provide lands primarily for single-family residences. These districts are intended to be single family residential areas of low density. The nature of the use of property is the same in all of these districts. Variation among the RSF-1, RSF-2, RSF-3, RSF-4, RSF-5 and RSF-6 districts is in requirements for density, lot area, lot width, yards, height, floor area, lot coverage, parking, landscaping and signs. Certain structures and uses designed to serve the immediate needs of the single family residential development in the RSF districts such as governmental, educational, religious, and non-commercial recreational uses are permitted as conditional uses as long as they preserve, and are compatible with the single family residential character of the RSF district. The RSF districts correspond to and implement the Urban Mixed Use land use designation on the Future Land Use Map of the Collier County Growth Management Plan. The maximum density permissible in the residential single family districts and the Urban Mixed Use land use designation shall be guided, in part, by the Density Rating System contained in the Future Land Use Element of the Collier County Growth Management Plan. The maximum density permissible or permitted in a district shall not exceed the density permissible under the Density Rating System.

2.2.4.2 Permitted Uses. The following uses are permitted as of right, or as uses accessory to permitted uses, in the residential single family districts (RSF).

2.2.4.2.1 Permitted Uses:

1. Single-family dwellings.
2. Family Care Facilities, subject to Sec. 2.6.26.

2.2.4.2.2 Uses Accessory to Permitted Uses:

1. Uses and structures that are accessory and incidental to uses permitted as of right in the RSF districts.
2. Private boat houses and docks, subject to Sec. 2.6.21.
3. One (1) guest house, subject to Sec. 2.6.14.
4. Recreational facilities that serve as an integral part of a residential development and have been designated, reviewed and approved on a site development plan or subdivision master plan for that development. Recreational facilities may include but are not limited to golf course, clubhouse, community center building and tennis facilities, parks, playgrounds and playfields.

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2.2.4.3 **Conditional Uses.** The following uses are permissible as conditional uses in the residential single family districts (RSF), subject to the standards and procedures established in Div. 2.7.4.

1. Non-commercial boat launching facilities, and multiple dock facility.
2. Churches and houses of worship.
3. Schools, Public and Private.
4. Child care centers .
5. Cluster housing, subject to Sec. 2.6.27.
6. Golf courses.
7. Group Care Facilities (Category I and II); Care Units; and Nursing Homes; subject to Sec. 2.6.26.

2.2.4.4 **Dimensional Standards.** The following dimensional standards shall apply to all permitted, accessory, and conditional uses in the residential single family districts (RSF).

2.2.4.4.1 **Maximum Density.**

1. RSF-1: One (1) unit for each gross acre
2. RSF-2: Two (2) units for each gross acre
3. RSF-3: Three (3) units for each gross acre
4. RSF-4: Four (4) units for each gross acre
5. RSF-5: Five (5) units for each gross acre
6. RSF-6: Six (6) units for each gross acre

Actual maximum density shall be determined through the application of the Density Rating System established in the Collier County Growth Management Plan, not to exceed the above specified density for each district.

2.2.4.4.2 **Minimum Lot Area.**

1.	RSF-1:	43,560 sq. ft.
2.	RSF-2:	20,000 sq. ft.
3.	RSF-3:	10,000 sq. ft.
4.	RSF-4:	7,500 sq. ft.
5.	RSF 5&6:	6,000 sq. ft.

2.2.4.4.3 **Minimum Lot Width.**

1.	RSF-1:	150 ft.
2.	RSF-2:	120 ft.
3.	RSF-3:	Corner Lots - 95 ft. Interior Lots - 80 ft.
4.	RSF-4:	Corner Lots - 75 ft. Interior Lots - 70 ft.
5.	RSF 5&6:	Corner Lots - 70 ft. Interior Lots - 60 ft.

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2.2.4.4.4 Minimum Yard Requirements.

1. Front Yard.

RSF-1:	50 ft.
RSF-2:	40 ft.
RSF-3:	30 ft.
RSF-4:	25 ft.
RSF-5&6:	25 ft.

2. Side Yard.

RSF-1:	30 ft.
RSF-2:	20 ft.
RSF-3:	7.5 ft.
RSF-4:	7.5 ft.
RSF-5&6:	7.5 ft.

3. Rear Yard.

RSF-1:	50 ft.
RSF-2:	30 ft.
RSF-3:	25 ft.
RSF-4:	25 ft.
RSF-5&6:	20 ft.

4. Accessory Structure Yard. See Sec. 2.6.2.

2.2.4.4.5 Maximum Height.

1. Principal Structures. Thirty-five feet (35').

2. Accessory Structures. Twenty feet (20').

2.2.4.4.6 Minimum Floor Area.

	One Story	Two Story
RSF-1&2	1500 sq. ft.	1800 sq. ft.
RSF-3	1000 sq. ft.	1200 sq. ft.
RSF-4	800 sq. ft.	1200 sq. ft.
RSF-5&6	600 sq. ft.	800 sq. ft.

2.2.4.4.7 Maximum Lot Coverage. [RESERVED]

2.2.4.4.8 Minimum Off-Street Parking. As required in Div. 2.3.

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2.2.4.4.9 Landscaping. As required in Div. 2.4 .

2.2.4.5 Signs: As required in Div. 2.5.

SEC. 2.2.5 RESIDENTIAL MULTI-FAMILY-6 DISTRICT (RMF-6).

2.2.5.1 Purpose and Intent. The purpose and intent of the Residential Multiple Family-6 District (RMF-6) is to provide for existing zoned lands for single family, two-family and multi-family residences having a low profile silhouette, surrounded by open space, being so situated that it is located in close proximity to public and commercial services and has direct or convenient access to collector and arterial roads on the County major road network.

Under the previous Collier County Zoning Code, the RMF-6 district provided for an additional district to distinguish density levels for the RMF districts. Under this Code, it is determined to be in the best interest of the citizens of Collier County to no longer make that distinction. To eliminate the RMF-6 district, however, would result in a number of nonconformities and cause hardship. Therefore, it is intended that existing RMF-6 zoned lands be allowed to remain as conforming uses, but that no further lands be zoned to RMF-6 after the effective date of this Code.

The RMF-6 District corresponds to and implements the Urban Mixed Use land use designation on the Future Land Use Map of the Collier County Growth Management Plan. The maximum density permissible in the RMF-6 District and the Urban Mixed Use land use designation shall be guided, in part, by the Density Rating System contained in the Future Land Use Element of the Growth Management Plan. The maximum density permissible or permitted in this district shall not exceed the density permissible under the Density Rating System.

2.2.5.2 Permitted Uses. The following uses are permitted as of right, or as uses accessory to permitted uses, in the RMF-6 district.

2.2.5.2.1 Permitted Uses:

1. Single-family dwellings.
2. Duplexes.
3. Multiple family dwellings.
4. Family Care Facilities, subject to Sec. 2.6.26.

2.2.5.2.2 Uses Accessory to Permitted Uses:

1. Uses and structures that are accessory and incidental to uses permitted as of right in the RMF-6 district.
2. Private boat houses and docks, subject to Sec. 2.6.21.
3. Recreational facilities that serve as an integral part of a residential development and have been designated, reviewed and approved on a site development plan or subdivision master plan for that development. Recreation facilities may include but are not limited to golf course, clubhouse, community center building and tennis facilities, parks, playgrounds and playfields.

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2.2.5.3 Conditional Uses: The following uses are permissible as conditional uses in the RMF-6 district, subject to the standards and procedures established in Div. 2.7.4:

1. Churches and houses of worship.
2. Schools, Public and Private.
3. Child care centers.
4. Civic and cultural facilities.
5. Recreational facilities not accessory to principal use.
6. Group care facilities (Category I and II); Care Units; Nursing Homes; subject to Sec. 2.6.26.
7. Non-commercial boat launching facilities.
8. Cluster Housing, subject to Sec. 2.6.27.

2.2.5.4 Dimensional Standards. The following dimensional standards shall apply to all permitted, accessory, and conditional uses in the RMF-6 district.

2.2.5.4.1 Minimum Lot Area: 7,260 square feet for each dwelling unit.

2.2.5.4.2 Minimum Lot Width: 100 feet.

2.2.5.4.3 Minimum Yard Requirements:

1. Front Yard: Thirty-Five (35) feet.
2. Side Yard: Fifteen (15) feet.
3. Rear Yard: Thirty (30) feet.

2.2.5.4.4 Maximum Height of Structures:

1. Principal Structures: Three (3) habitable stories.
2. Accessory Structures: 15'.

2.2.5.4.5 Maximum Density: Actual maximum density shall be determined through application of the Density Rating System established in the Collier County Growth Management Plan, not to exceed six (6) dwelling units per acre.

2.2.5.4.6 Distance Between Structures: The distance between any two (2) principal structures on the same parcel shall be thirty feet (30'), or a distance equal to one-half (1/2) the sum of their heights, whichever is greater. For accessory structure yards, see Sec. 2.6.2.

2.2.5.4.7 Development Standards for Non-Conforming Lots of Record: The following development standards for non-conforming lots of record in the RMF-6 district shall be the exclusive exception to development standards in the RMF-6 district available to such lots. No other variance, waiver, exemption or other exception to the RMF-6 district development standards for lot area or density shall be permitted.

1. Single-family dwellings, in conformance with the development standards of the RSF-6 district.

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2. Multi-family dwellings, in conformance with the development standards of the RMF-6 district; except non-conforming lots of record need 6,500 square feet for each dwelling unit as the minimum lot area; and further providing that when calculating the density on these non-conforming lots, a fractional unit of .50 or greater of a unit shall entitle the applicant to an additional unit.

2.2.5.4.8 Minimum Floor Area: 750 square feet.

2.2.5.4.9 Minimum Off-Street Parking: As required in Div. 2.3.

2.2.5.4.10 Landscaping: As required in Div. 2.4.

2.2.5.4.11 Signs: As required in Div. 2.5.

SEC. 2.2.6 RESIDENTIAL MULTIPLE FAMILY-12 DISTRICT (RMF-12).

2.2.6.1 Purpose and Intent. The purpose and intent of the Residential Multiple Family-12 District (RMF-12) is to provide lands for multiple family residences having a mid-rise profile, generally surrounded by lower structures and open space, located in close proximity to public and commercial services, with direct or convenient access to collector and arterial roads on the County major road network. Governmental, social, and institutional land uses that serve the immediate needs of the multiple family residences are permitted as conditional uses as long as they preserve and are compatible with the mid-rise multiple family character of the district. The RMF-12 district corresponds to and implements the Urban Mixed Use land use designation on the Future Land Use Map of the Collier County Growth Management Plan. The maximum density permissible in the RMF-12 District and the Urban Mixed Use land use designation shall be guided, in part, by the Density Rating System contained in the Future Land Use Element of the Collier County Growth Management Plan. The maximum density permissible or permitted in the RMF-12 district shall not exceed the density permissible under the Density Rating System.

2.2.6.2 Permitted Uses. The following uses are permitted as of right, or as uses accessory to permitted uses, in the Residential Multiple Family- 12 District (RMF- 12).

2.2.6.2.1 Permitted Uses:

1. Multiple family dwellings.
2. Townhouses.
3. Duplexes.
4. Single family dwelling units for existing nonconforming lots.
5. Family Care Facilities, subject to Sec. 2.6.26.

2.2.6.2.2 Uses Accessory To Permitted Uses:

1. Uses and structures that are accessory and incidental to uses permitted as of right in the RMF- 12 district.
2. Private boat houses and docks, subject to Sec. 2.6.21.

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3. Recreational facilities that serve as an integral part of a residential development and have been designated, reviewed and approved on a site development plan or subdivision master plan for that development. Recreational facilities may include but are not limited to golf course, clubhouse, community center building and tennis facilities, parks, playgrounds and playfields.

2.2.6.3 Conditional Uses. The following uses are permissible as conditional uses in the Residential Multiple Family-12 District (RMF-12), subject to the standards and procedures established in Div. 2.7.4:

1. Child care centers.
2. Churches and houses of worship.
3. Civic and cultural facilities.
4. Non-commercial boat launching facilities.
5. Schools, Public and Private.
6. Cluster housing, subject to Sec. 2.6.27.
7. Group Care Facilities, (Category I and II); Care Units; and Nursing Homes, subject to Sec. 2.6.26.

2.2.6.4 Dimensional Standards. The following dimensional standards shall apply to all permitted, accessory, and conditional uses in the Residential Multiple Family -12 District (RMF- 12).

2.2.6.4.1 Minimum Lot Area. One (1) acre.

2.2.6.4.2 Minimum Lot Width. One hundred and fifty feet (150').

2.2.6.4.3 Minimum Yard Requirements. Thirty feet (30') with one foot (1') of additional setback for each one foot (1') of height over 35 feet (35').

2.2.6.4.4 Maximum Height. Fifty feet (50').

2.2.6.4.5 Maximum Density. Actual maximum density shall be determined through application of the Density Rating System established in the Collier County Growth Management Plan, not to exceed twelve (12) units for each gross acre.

2.2.6.4.6 Distance Between Structures. The distance between any two (2) principal structures on the same parcel shall be fifteen feet (15') or a distance equal to one-half (1/2) the sum of their heights, whichever is greater. For accessory structure yards, see Sec. 2.6.2.

2.2.6.4.7 Minimum Floor Area. Efficiency - four hundred and fifty (450) square feet; one bedroom- six hundred (600) square feet; two or more bedrooms - Seven hundred and fifty (750) square feet.

2.2.6.4.8 Maximum Lot Coverage. [RESERVED]

2.2.6.4.9 Minimum Off-Street Parking. As required in Div. 2.3.

2.2.6.4.10 Landscaping. As required in Div. 2.4

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2.2.6.5 Signs. As required in Div. 2.5.

SEC. 2.2.7 RESIDENTIAL MULTIPLE FAMILY-16 DISTRICT (RMF-16).

2.2.7.1 Purpose and Intent. The purpose and intent of the Residential Multiple Family- 16 District (RMF-16) is to provide lands for medium to high density multiple family residences, generally surrounded by open space, located in close proximity to public and commercial services, with direct or convenient access to arterial and collector roads on the County major road network. Governmental, social, and institutional land uses that serve the immediate needs of the multiple family residences are permitted as conditional uses as long as they preserve and are compatible with the medium to high density multiple family character of the District. The (RMF- 16) District corresponds to and implements the Urban Mixed Use land use designation on the Future Land Use Map of the Collier County Growth Management Plan. The maximum density permissible in the RMF-16 District and the Urban Mixed Use land use designation shall be guided, in part, by the Density Rating System contained in the Future Land Use Element of the Collier County Growth Management Plan. The maximum density permissible or permitted in a district shall not exceed the density permissible under the Density Rating System.

2.2.7.2 Permitted Uses. The following uses are permitted as of right, or as uses accessory to permitted uses, in the Residential Multiple Family- 16 District (RMF- 16).

2.2.7.2.1 Permitted Uses:

1. Multiple family dwellings.
2. Townhouses.
3. Family Care Facilities, Subject to Sec. 2.6.26.

2.2.7.2.2 Uses Accessory to Permitted Uses.

1. Uses and structures that are accessory and incidental to uses permitted as of right in the RMF- 16 district.
2. Private boat houses and docks, subject to Sec. 2.6.21.
3. Recreational facilities that serve as an integral part of a residential development and have been designated, reviewed and approved on a site development plan or subdivision master plan for that development. Recreational facilities may include but are not limited to golf course, clubhouse, community center building and tennis facilities, parks, playgrounds and playfields.

2.2.7.3 Conditional Uses. The following uses are permissible as conditional uses in the Residential Multiple Family-16 District (RMF-16), subject to the standards and procedures established in Div. 2.7.4:

1. Child care centers.
2. Churches and houses of worship.
3. Civic and cultural facilities.
4. Non-commercial boat launching facilities.
5. Schools, Public and Private.

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6. Cluster housing, subject to Sec. 2.6.27.
7. Group Care Facility, (Category I and II); Care Units; Nursing Homes, subject to Sec. 2.6.26.

2.2.7.4 Dimensional Standards. The following dimensional standards shall apply to all permitted, accessory, and conditional uses in the Residential Multiple Family- 16 District (RMF- 16).

2.2.7.4.1 Minimum Lot Area. One (1) acre.

2.2.7.4.2 Minimum Lot Width. One hundred and fifty feet (150').

2.2.7.4.3 Minimum Yard Requirements. Thirty Five feet (35'), plus one foot (1') for each foot over fifty feet (50') in height.

2.2.7.4.4 Maximum Height. Seventy five feet ('5').

2.2.7.4.5 Maximum Density. Actual maximum density shall be determined through application of the Density Rating System established in the Collier County Growth Management Plan, not to exceed sixteen (16) dwelling units for each acre.

2.2.7.4.6 Distance Between Structures. The distance between any two (2) principal structures on the same parcel shall be fifteen feet (15'), or a distance equal to one-half (1/2) the sum of their heights, whichever is greater. For accessory structure yards, see Sec. 2.6.2.

2.2.7.4.7 Minimum Floor Area. Efficiency - four hundred and fifty (450) square feet; one bedroom - six hundred (600) square feet; two or more bedrooms - Seven hundred and fifty (750) square feet.

2.2.7.4.8 Maximum Lot Coverage. [RESERVED]

2.2.7.4.9 Minimum Off-Street Parking. As required in Div. 2.3.

2.2.7.4.10 Landscaping. As required in Div. 2.4.

2.2.7.5 Signs. As required in Div. 2.5.

SEC. 2.2.8 RESIDENTIAL TOURIST DISTRICT (RT).

2.2.8.1 Purpose and Intent. The purpose and intent of the Residential Tourist District (RT) is to provide lands for tourist accommodations and support facilities, and multiple family uses. The (RT) District corresponds with and implements the Urban Mixed Use District and the Activity Center District in the Urban Designated Area on the Future Land Use Map of the Collier County Growth Management Plan.

2.2.8.2 Permitted Uses. The following uses are permitted as of right, or as uses accessory to permitted uses, in the Residential Tourist District (RT).

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2.2.8.2.1 Permitted Uses:

1. Hotels and motels.
2. Multiple family dwellings.
3. Family Care Facilities, subject to Sec. 2.6.26.

2.2.8.2.2 Uses Accessory To Permitted Uses.

1. Uses and structures that are accessory and incidental to the uses permitted as of right in the (RT) District.
2. Shops, personal service establishments, eating or drinking establishments, dancing and staged entertainment facilities, and meeting rooms and auditoriums where such uses are an integral part of a hotel or a motel and to be used by the patrons of the hotel/motel.
3. Private boat houses and docks, subject to Sec. 2.6.21.
4. Recreational facilities that serve as an integral part of the permitted use designated on a site development plan or subdivision master plan that has been previously reviewed and approved, which may include but are not limited to golf course, clubhouse, community center building and tennis facilities, parks, playgrounds and playfields.

2.2.8.3 Conditional Uses. The following uses are permitted as conditional uses in the Residential Tourist District (RT), subject to the standards and procedures established in Div. 2.7.4:

1. Churches and other places of worship.
2. Marinas.
3. Non-commercial boat launching facilities.
4. Group Care Facilities, (Category I and II); Care Units; Nursing Homes, subject to Sec. 2.6.26.
5. Private Clubs.
6. Yacht Clubs.
7. Permitted uses not to exceed 125 feet in height.

2.2.8.4 Dimensional Standards. The following dimensional standards shall apply to all permitted, accessory, and conditional uses in the Residential Tourist District (RT).

2.2.8.4.1 Minimum Lot Area. One (1) acre.

2.2.8.4.2 Minimum Lot Width. One hundred and fifty feet (150').

2.2.8.4.3 Minimum Yard Requirements. Fifty-five (55%) percent of the building height with a minimum of twenty (20') feet.

2.2.8.4.4 Maximum Height. Ten (10) stories or one hundred (100) feet, whichever is greater.

2.2.8.4.5 Maximum Density Permitted. A maximum of twenty six (26) units per acre for hotels and motels, and sixteen (16) units per acre for time shares and multi-family when located within an Activity Center or if the RT zoning was in existence at the time of adoption of this Code. When located outside an Activity Center, except as provided above, the density shall be determined

through application of the Density Rating System established in the Collier County Growth Management Plan, but shall not exceed sixteen (16) units per acre.

2.2.8.4.6 Distance Between Structures. Between any two (2) principal buildings on the same parcel of land, there shall be provided a distance equal to fifteen feet (15') or one-half (1/2) of the sum of their heights, whichever is greater. For accessory structure yards, see Sec. 2.6.2.

2.2.8.4.7 Floor Area Requirements.

2.2.8.4.7.1 Five hundred (500) square foot minimum for time share facilities. Requirements for multiple family, efficiency - four hundred fifty (450) square feet; 1 bedroom - six hundred (600') square feet; 2 bedroom or more - seven hundred fifty (750) square feet.

2.2.8.4.7.2 Three hundred (300) square foot minimum with a five hundred (500) square foot maximum for hotels and motels, except that twenty percent (20%) of the total units may be utilized for suites.

2.2.8.4.8 Maximum Lot Coverage. [RESERVED]

2.2.8.4.9 Off-Street Parking and Off-Street Loading. As required in Div. 2.3.

2.2.8.4.10 Landscaping Requirements. As required in Div. 2.4.

2.2.8.5 Signs. As required in Div. 2.5.

SEC. 2.2.9 VILLAGE RESIDENTIAL DISTRICT (VR).

2.2.9.1 Purpose and Intent. The purpose and intent of the Village Residential District (VR) is to provide lands where a mixture of residential uses may exist. Additionally, uses are located and designed to maintain the village residential character of the VR District. The VR District corresponds to and implements the Mixed Residential land use designation on the Immokalee Future Land Use Map of the Collier County Growth Management Plan. It is intended for application in those Urban areas outside of the Coastal Urban Area designated on the Future Land Use Map of the Collier County Growth Management Plan. The maximum density permissible in the Village Residential District and the Urban Mixed Use land use designation shall be guided, in part, by the Density Rating System contained in the Future Land Use Element of the Collier County Growth Management Plan. The maximum density permissible or permitted in a district shall not exceed the density permissible under the Density Rating System or as designated on the Immokalee Future Land Use Map of the Growth Management Plan.

2.2.9.2 Permitted Uses. The following uses are permitted as of right, or as uses accessory to permitted uses, in the Village Residential District (VR).

2.2.9.2.1 Permitted Uses:

1. Single-family dwellings.
2. Duplexes.
3. Multiple family dwellings.

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4. Mobile homes.
5. Family Care Facilities, subject to Sec. 2.6.26.

2.2.9.2.2 Uses Accessory to Permitted Uses.

1. Uses and structures that are accessory and incidental to the uses permitted as of right in the VR District.
2. Private boat houses and docks, subject to Sec.2.6.21.
3. Recreational facilities that serve as an integral part of a residential development and have been designated, reviewed and approved on a site development plan or subdivision master plan for that development. Recreational facilities may include but are not limited to golf course, clubhouse, community center building and tennis facilities, parks, playgrounds and playfields.
4. Storage, repair and maintenance areas and structures for fishing and farming equipment, when used by the residents of the permitted use.

2.2.9.3 Conditional Uses. The following uses are permissible as conditional uses in the Village Residential District (VR), subject to the standards and procedures established in Div. 2.7.4:

1. Boat yards and marinas.
2. Child care centers.
3. Churches and other houses of worship.
4. Civic and cultural facilities.
5. Cluster housing, subject to Sec. 2.6.27.
6. Fraternal and social clubs.
7. Schools, Public and Private.
8. Group Care Facilities, (Category I and II); Care Units; Nursing Homes, subject to Sec. 2.6.26.

2.2.9.4 Dimensional Standards. The following dimensional standards shall apply to all permitted, accessory, and conditional uses in the Village Residential District (VR).

	Single Family Dwelling & Mobile Home	Duplex	Multiple Family Dwelling	Accessory Uses	Conditional Uses
1. Min Lot Area.	6,000 sq. ft.	10,000 sq. ft.	1 acre	n/a	1 acre
2. Min Lot Width.	60 feet	100 feet	150 feet	n/a	100 feet
3. Min Yard Requirement.					
Front Yard	20 feet	35 feet	35 feet	Sec. 2.6.2	35 feet
Side Yard.	5 feet	15 feet	15 feet	Sec. 2.6.2	15 feet
Rear Yard.	20 feet	30 feet	30 feet	Sec. 2.6.2	30 feet

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4. Max Height.	30 feet	30 feet	35 feet	15 feet	50 feet
5. Max Density.	As determined by the Density Rating System, or the Immokalee Future Land Use Map established in the Collier County Growth Management Plan, not to exceed 16 units for each acre.			n/a	n/a
6. Distance Between Structures.	n/a	n/a	1/2 sum of the building height	n/a	
7. Minimum Floor Area.	[RESERVED]				
8. Max Lot Coverage:	[RESERVED]				

9. Off-Street Parking and Loading. As required in Div. 2.3.

10. Landscaping. As required in Div. 2.4.

2.2.9.5 Signs. As required in Div. 2.5.

SEC. 2.2.10 MOBILE HOME DISTRICT (MH).

2.2.10.1 Purpose and Intent. The purpose and intent of the Mobile Home District (MH) is to provide lands for mobile homes that ensure they are consistent and compatible with surrounding land uses. The MH District corresponds to and implements the Urban Mixed Use land use designation on the Future Land Use Map of the Collier County Growth Management Plan. The maximum density permissible in the Mobile Home District and the Urban Mixed Use land use designation shall be guided, in part, by the Density Rating System contained in the Future Land Use Element of the Collier County Growth Management Plan. The maximum density permissible or permitted in a district shall not exceed the density permissible under the Density Rating System or as identified in the Immokalee Future Land Use Map of the Growth Management Plan.

2.2.10.2 Permitted Uses. The following uses are permitted as of the right, or as uses accessory to permitted uses, in the Mobile Home District (MH).

2.2.10.2.1 Permitted Uses:

1. Mobile Homes.

2.2.10.2.2 Uses Accessory To Permitted Uses.

1. Uses and structures customarily associated with mobile home development, such as administration buildings, service buildings, utilities. [illegible]ions which complement a mobile home.
2. Private boat houses and docks, subject to Sec. 2.6.21.
3. Recreational facilities that serve as an integral part of a residential development and have been designated, reviewed and approved on a site development plan or subdivision master plan for that development. Recreational facilities may include but are not limited to golf course, clubhouse, community center building and tennis facilities, parks, playgrounds

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and playfields.

4. One (1) single family dwelling in conjunction with the operation of the mobile home park.

2.2.10.3 Conditional Uses. The following uses are permissible as conditional uses in the Mobile Home District (MH), subject to the standards and procedures established in Div. 2.7.4:

1. Child care centers.
2. Churches and houses of worship.
3. Civic and cultural facilities.
4. Schools, Public and Private.

2.2.10.4 Dimensional Standards. The following dimensional standards shall apply to all permitted, accessory, and conditional uses in the Mobile Home District (MH).

2.2.10.4.1 Minimum Lot Area. Six thousand (6,000) square feet. Any legally platted mobile home lot or any legally existing mobile home lot located within a mobile home rental park before the effective date of this Code and not conforming to the lot area standards of this Code shall be deemed to be a conforming lot.

2.2.10.4.2 Minimum Lot Width. Sixty feet (60').

2.2.10.4.3 Minimum Yards Requirements.

2.2.10.4.3.1 Front Yard. Twenty five feet (25'), except when adjacent to public roads external to the boundaries of the project, fifty feet (50').

2.2.10.4.3.2 Side Yard. Seven and one/half feet (7½'), except when adjacent to public roads external to the boundaries of the project, fifty feet (50').

2.2.10.4.3.3 Rear Yard. Ten feet (10'), except when adjacent to public roads external to the boundaries of the boundaries of the project, fifty feet (50').

2.2.10.4.4 Maximum Height.

2.2.10.4.4.1 Permitted Uses. Thirty feet (30').

2.2.10.4.4.2 Uses Accessory To Permitted Uses. Twenty feet (20').

2.2.10.4.5 Maximum Density. Maximum density shall be determined through application of the Density Rating System established by the Collier County Growth Management Plan.

2.2.10.4.6 Maximum Lot Coverage. [RESERVED]

2.2.10.4.7 Minimum Off-Street Parking. As required in Div. 2.3.

2.2.10.4.8 Landscaping Requirements. As required in Div. 2.4.

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2.2.10.4.9 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:

1. Three hundred (300) square feet for each lot, for the first one hundred (100) lots.
2. Two hundred (200) square feet for each lot in excess of one hundred (100) lots.
3. One-half (1/2) of the water surface within the park may be credited toward the required recreation area, except that at least fifty percent (50%) of the required recreation area shall be land area.

2.2.10.5 Signs. As required in Div. 2.5.

2.2.10.6 Requirements and Standards for Hurricane Shelters: All new, or existing mobile home subdivisions in the process of expanding, which are 26 units or larger in size and are located in category 1, 2 and 3 hurricane vulnerability zones as specified in the current National Oceanic and Atmospheric Administration's Storm Surge model (SLOSH) shall be required to provide emergency shelters.

2.2.10.6.1 Minimum Shelter Size: Determined by the following formula:

Minimum shelter size = a (sq.ft.) x b x c (units) x d (%)

Example: 20 sq. ft x 1.75 x units x 50%

Where:

a = the area approved for short-term shelter by the American Red Cross for sleeping space per person.
b = the occupancy rate of each mobile home or unit.
c = the total number of lots in the subdivision.
d = the average population rate occupying the subdivision during the June through November time frame.

2.2.10.6.2 Shelter Elevation: The shelter shall be elevated to a minimum height equal to, or above, worst case Category 3 flooding level (+16 feet above MSL) utilizing the current National Oceanic and Atmospheric Administration Storm Surge Model "SLOSH" (Sea, Lake and Overland Surges from Hurricanes).

2.2.10.6.3 Shelter Construction: The design and construction of the required shelters shall be guided by the wind loads applied to buildings and structures designated as "Essential Facilities" in the Standard, Building Code/1988 Edition, Table 1205.

2.2.10.6.4 Additional Requirements: All shelters shall provide the following:

1. adequate glass protection by shutters or boards.
2. equipment for adequate emergency power.
3. adequate ventilation.
4. first aid equipment

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5. potable water storage at the rate of 10 gal./unit divided by 2
6. kitchen facilities operated by natural or L.P. gas.
7. toilets and showers at the minimum rate of one fixture for every forty units divided by 2.
8. a minimum 144 square foot locked storage room.
9. separate rooms that can be used for nursing and office/administration.
10. available year round.
11. have a shelter team trained by the Red Cross Shelter Management Training Program, provided by the park management, developer, association or other acceptable body.
12. have the park management confirm the availability of a shelter team to the Emergency Management Department, Emergency Services Division, prior to June 1st of each year.
13. a permanent exterior wall sign size 2 feet x 2 feet to be located at the main entrance which shall identify the building as an emergency storm shelter, and capacity limits.
14. a telephone and battery operated radio within the shelter.
15. a written agreement specifying the use of a shelter management team and the designated emergency storm shelters shall be entered into with the Emergency Management Department, Division of Emergency Services.
16. a Certificate of Occupancy shall be issued for the emergency storm shelter before occupancy of the twenty-sixth (26) unit is authorized. The shelter team shall be formed, trained and operational before a Certificate of Occupancy is issued for the shelter.
17. any required shelter space as herein provided may be equally designed to incorporate the above requirements and to serve a double purposes for the day-to-day needs of mobile home park residents as part of the common amenities regularly available to park residents.

SEC. 2.2.11 TRAVEL TRAILER-RECREATIONAL VEHICLE CAMPGROUND DISTRICT (TTRVC).

2.2.11.1 Purpose and Intent. The provisions of this district are intended to apply to trailer lots for travel trailers, park model travel trailers and recreational vehicles, not exceeding 480 square feet in gross floor area. Such trailer lots are intended to accommodate travel trailers, park model travel trailers, pick-up coaches, motor homes, and other vehicular accommodations which are suitable for temporary habitation, used for travel, vacation, and recreational purposes. Campsites are intended to accommodate temporary residency while camping, vacationing or recreating. TTRVC vehicles may be permanently located on a lot; however, no person or persons may occupy said vehicles as permanent places of residence. The maximum density permissible in the Travel Trailer-Recreational Vehicle Campground District within the Urban Mixed Use land use designation shall be guided, in part, by the Density Rating System contained in the Future Land Use Element of the Collier County Growth Management Plan. The maximum density permissible or permitted in a district shall not exceed the density permissible under the Density Rating System. The maximum permitted density permissible in the TTRVC District within the Agricultural Rural District of the Future Land Use Element shall be one unit per five acres.

2.2.11.2 Permitted Uses. The following uses are permitted as of right, or as uses accessory to permitted uses in the Travel Trailer-Recreational Vehicle Campground District (TTRVC).

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2.2.11.2.1 Permitted Uses:

1. Travel trailers, park model travel trailers, pick-up coaches, motor homes and other recreational vehicles.

2.2.11.2.2 Uses Accessory To Permitted Uses.

1. Uses and structures that are accessory and incidental to the uses permitted as of right in the TTRVC District.
2. One (1) single family dwelling (not a TTRVC unit) in conjunction with the operation of the TTRVC park.
3. Accessory uses and structures customarily associated with travel trailer recreational vehicle parks, including recreation facilities, (both indoor and outdoor) administration buildings, service buildings including bathrooms, laundries and similar services for residents of the park, and utilities.
4. Accessory uses and structures customarily associated with travel trailer recreational vehicle lots, including:

   (1) Enclose utility/storage area of the same siding material and architectural style as that of the associated recreational vehicles, not to exceed an area of sixty (60) square feet. Any utility/storage area shall be located adjacent to its associated recreation vehicle and made a continuous part of a screen-in porch where such a porch is attached to the vehicle as herein provided.

   (2) A screened-in porch elevated or at ground level with a solid roof structure, architecturally compatible with its associated recreation vehicle, not to exceed an area equal to the area of the recreational vehicle to which it is attached. Said screened-in porch shall provide for any site utility/storage space requirements as herein provided and shall not contain any other interior walls. All such screened enclosures must be permitted and constructed according to this Code and applicable building codes. No heating, air conditioning or heater systems or parts of systems including ducts or grills may be constructed or contained in such screened-in porch. Exterior walls may be enclosed with vinyl windows, except that the storage area may be enclosed with the same material as the principal unit.

5. Campgrounds containing 100 spaces or more shall be permitted a convenience commercial facility no greater than fifteen thousand square feet (15,000) in total land area. This facility shall provide for the exclusive sale of convenience items to park patrons only, and shall present no visible evidence of their commercial character, including signage and lighting, from any public or private street or right of way external to the park.

2.2.11.3 Conditional Uses. The following uses are permissible as conditional uses in the Travel Trailer-Recreational Vehicle Park Campground District (TTRVC), subject to the standards and procedures established in Div. 2.7.4:

1. Camping Cabins subject to the following standards:

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a. One Camping Cabin per approved TTRVC Lot.
b. The maximum number of Camping Cabin Lots in any one TTRVC Park shall be ten percent (10%) of the total number of approved TTRVC Lots, not to exceed a total number of twenty (20) Camping Cabin Lots.
c. Maximum floor area of Two hundred and twenty (220) square feet.
d. No internal water or cooking facilities.
e. Camping Cabin may not be designed as a permanent residence, however, tie-downs or other safety devises may be used in order to provide security against high winds.
f. Camping Cabin must be constructed of natural wood materials such as logs, redwood, cedar, or cypress in order that it may blend harmoniously into the natural landscape character normally found in an TTRVC or camp ground setting.
g. The general development standards required for the TTRVC park shall be applicable to the Camping Cabins Lots.
h. All materials and construction must be in accordance with the Collier County Building Code and the requirements of the Standard Building Code (SBC).
i. At least one room of the camping cabin must have a minimum of one hundred and fifty (150) square feet of floor area.
j. If Camping Cabins are to be located in a flood hazard zone as delineated on the most recent Flood Insurance Rate Maps, all requirements of Collier County's Flood Damage Prevention Ordinance must be met.
k. A party shall be allowed a maximum length of stay of two (2) weeks in a Camping Cabin.

2.2.11.4 Dimensional Standards. The following dimensional standards shall apply to all permitted, accessory, and conditional uses in the Travel-Trailer-Recreational Vehicle Campground District (TTRVC).

2.2.11.4.1 Minimum Park Size. Twenty (20) acres.

2.2.11.4.2 Minimum Lot Area.

2.2.11.4.2.1 Two thousand and eight hundred (2,800) square feet for travel trailer and park model lots.

2.2.11.4.2.2 One thousand and eight hundred (1,800) square feet for campsites lots.

2.2.11.4.3 Minimum Lot Width. Forty feet (40') for travel trailer and park model lots; thirty feet (30') for campsite lots.

2.2.11.4.4 Minimum Yards (Principal and Accessory Structures).

1. Front Yard. Ten feet (10').
2. Side Yard. Five feet (5').
3. Rear Yard. Eight feet (8').
4. From exterior boundary of Park. Fifty-feet (50').

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5. From public street. Internal Street - Twenty-five feet (25'), external street - fifty feet (50').
6. From buildings or structures. Ten feet (10').

2.2.11.4.5 Maximum Height of Structures. Thirty feet (30').

2.2.11.4.6 Maximum Density. Actual maximum density shall be determined through application of the Density Rating System established in the Collier County Growth Management Plan not to exceed twelve (12) units for each acre.

2.2.11.4.7 Required Recreation Area. The following amount of land or water shall be set aside and developed for recreational purposes within the TTRVC Park.

1. Two hundred (200) square feet for each travel trailer and park model lot or campsite for the first one hundred (100) lots or spaces;

2. One hundred fifty (150) square feet for each lot or designed space in excess of one hundred (100) lots or spaces;

3. One-half (1/2) of the water surface within the park may be credited toward the required recreation area, except that at least fifty percent (50%) of the required recreation area shall be land area.

2.2.11.4.8 Plan Approval Requirements. Layout plans for a TTRVC park shall be submitted to the Development Services Director and construction shall be in accordance with approved plans and specifications and further subject to the provisions of site development plans in Div. 3.3. Such plans shall meet the requirements of this district and shall show, at a minimum, those items identified herein.

2.2.11.4.9 Required Internal Park Street System. All lots/spaces within a TTRVC park shall have direct access from an internal street. All internal streets within the district 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 subject to the standards for development of supporting infrastructure as provided in the Subdivision Regulations, Div. 3.2. For the purpose of this subsection, internal streets shall refer to streets, including necessary right-of-way or easement, located within the confines of the project legal description and providing no access to other land parcels.

2.2.11.4.10 Required Facilities for Campsites and TTRV Lots.

1. Sanitary facilities, including flush toilets, and showers within three hundred feet (300') walking distance from every campsite lot and as approved by the Collier County Health Department, or in the event of a private on-site system connection to a County system subject to County Ordinances. Lighting shall be provided in sanitary facilities at all times and the facilities shall be accessible to park residents at all times.

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2. Potable water supply as approved by the Collier County Health Department and/or the Director of Development Services pursuant to Div. 3.2.

3. A trash container such as a dumpster shall be located in areas easily accessible and not obstructed by campsites, lots or other TTRVC lots or parking areas.

4. An enclosed space shall be open at all times wherein a portable fire extinguisher in operable condition and first aid equipment is available, and a telephone is available for public use.

5. One parking space per campsite or TTRV lot.

2.2.11.4.11 Sanitary Waste Disposal. Unless every travel trailer site has a sanitary waste outlet, a central pump-out station shall be provided.

2.2.11.4.12 Off-Street Parking. As required in Div. 2.3.

2.2.11.4.13 Required Buffers. Visual screens are required in the following areas:

1. TTRVC parks fronting on a highway shall provide and maintain a clear area not less than twenty feet (20') in width alongside and parallel to the highway. There shall be an additional landscaped area of five feet (5') inside the entire length of the clear area. The landscape plan for this area will be determined at time of submission of a site development plan pursuant to Div. 3.3. The entire clear area and landscape area may be combined to achieve a visual screen between the public road and the TTRVC park.

2. TTRVC parks abutting lands zoned other than for such parks shall be screened from such land by a buffer strip at least fifteen feet (15') wide, in which ornamental screening composed of structural or plant material shall be placed. Such screen shall be maintained at all times and constructed in accordance with the landscape provisions of Div. 2.4.

2.2.11.4.14 Permanent location of TTRV Vehicles. TTRV vehicles including park model, travel trailers, may be permanently located on a lot; however, no permanent residency is allowed.

2.2.11.4.15 Compliance. Where travel trailer/park model lots are being sold to individuals the developer/owner of the lots shall include in the title transfer document a covenant attesting to the fact that the lot cannot be used as a place of permanent occupancy. All TTRVC parks which commenced construction after the effective date of this district shall comply with all requirements of this district except as further provided herein. No TTRVC park that exists on the effective date of this district shall be altered so as to provide a lesser degree of conformity with the provisions of this district than existed on the effective date of this district. Land already zoned TTRVC which does not meet the acreage requirements may be developed; however, the development shall conform with all other regulations of this district.

Every proprietor, manager, homeowner association, or condominium association, of a TTRV park shall maintain a register of tenants or occupants noting the duration of the rental arrangement or length of occupancy for owner/occupied sites with respect to one or more travel trailers or park

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models. Said register shall be made available upon demand to the County Manager. In the event of owner/occupied lots within the TTRVC district, said owner is responsible for registering his or her arrival and departure from their recreation residence with the manager of the TTRVC park. Failure to register will hold the owner responsible for penalties as herein provided. Failure of park owner/manager to provide said register, duly describing the persons who have occupied a travel trailer or park model trailer, and the duration of their occupancy shall be guilty of a misdemeanor and subject to the penalties provided by this Code. Any proprietor or manager who maintains a falsified register to allow persons to occupy a travel trailer or park model trailer within the TTRVC facility under their supervision and control for a period of time in excess of seven (7) months shall be similarly guilty of a misdemeanor and subject to penalties as provided in this Code.

2.2.11.4.16 Flood Plain Elevations. All travel trailers, park model travel trailers, recreational vehicles and accessory structures shall meet flood plain elevation if permanently attached to the ground or utility facilities.

2.2.11.4.17 Anchoring/Sewer, Water and Electrical Connections. Park model travel trailers when positioned on a lot in this District must be anchored in accordance with the standards set forth in the Collier County Mobile Home District (MH) and TTRVC District and other applicable regulations and be connected to a public or private water and sewer system. Additionally, such units must obtain electrical service directly from the electric utility authorized to provide such service in Collier County.

2.2.11.4.18 Building Permit. A building permit shall be required for any permitted use prior to water, sewer or electric connection.

2.2.11.5 Signs. As required in Div. 2.5.

SEC. 2.2.12 COMMERCIAL PROFESSIONAL/TRANSITIONAL DISTRICT (C-1/T).

2.2.12.1 Purpose and Intent. The provisions of this district are intended to apply to areas located adjacent to highways and arterial roads. The C-1 Commercial Professional/Transitional District is intended to permit those uses which minimize pedestrian and vehicular traffic. Landscaping, controlled ingress and egress, and other restrictions are intended to minimize frequent ingress and egress to the highway from abutting uses. The C-1 District is designed to be compatible with all residential uses as well as residential uses located along arterials. This district is also intended to apply to those areas that are transitional, located between areas of higher and lower intensity development that are no longer appropriate for residential development. The uses in this district are intended as an alternative to retail and meet the intent of the C-1 Commercial Professional/Transitional District. Those areas identified an transitional (T) shall be further noted on the zoning atlas as C-1/T. This district is consistent with the locational criteria for commercial and the goals, objectives and policies as identified in the Future Land Use Element of the Collier County Growth Management Plan. The maximum density permissible in the Commercial Professional/Transitional District and the Urban Mixed Use land use designation shall be guided, in part, by the Density Rating System contained in the Future Land Use Element of the Collier County Growth Management Plan. The maximum density permissible or permitted in a district shall not exceed the density permissible under the Density Rating System.

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2.2.12.2 Permitted Uses. The following uses, as identified with a number from the Standard Industrial Classification Manual (1987) , or as otherwise provided for within this Section, are permitted as of right, or as uses accessory to permitted uses in the C-1 Commercial Professional/Transitional District.

2.2.12.2.1 Permitted Uses:

1. Accounting, Auditing and Bookkeeping Services (8721)
2. Automobile Parking (7521)
3. Business Services (groups 7311, 7313, 7322-7331, 7338, 7361, 7371, 7372,7374-7376, 7379)
4. Child Day Care Services (8351)
5. Group Care Facilities (Category I and II); Care Units; and Nursing Homes; subject to Sec. 2.6.26.
6. Engineering, Architectural, and Surveying Services (groups 8711-8713)
7. Insurance Carriers, Agents and Brokers (groups 6311-6399, 6411)
8. Legal Services (8111)
9. Management and Public Relations Services (groups 8741-8743, 8748)
10. Miscellaneous Personal Services (7291)
11. Museums and Art Galleries (8412)
12. Nondepository Credit Institutions (groups 6141-6163)
13. Real Estate (groups 6531-6541)
14. Any other commercial use of professional services which is comparable in nature with the foregoing uses.

2.2.12.2.2 Uses Accessory To Permitted Uses.

1. Uses and structures that are accessory and incidental to the uses permitted as of right in the C-1, C-1/T District.
2. Caretakers residence, subject to Sec. 2.6.16.

2.2.12.3 Conditional Uses. The following uses are permissible as conditional uses in the Commercial Professional/Transitional District (C-1, C-1/T), subject to the standards and procedures established in Div. 2.7.4.

1. Civic, Social and Fraternal Associations (8641)
2. Depository Institutions (groups 6011-6099)
3. Educational Services (8211-8231)
4. Health Services (8011-8049)
5. Increased building height to a maximum of fifty feet (50')
6. Mixed residential and commercial uses subject to the following criteria:

   a. A site development plan is approved pursuant to Div. 3.3 that is designed to protect the character of the residential uses and of the neighboring lands;
   b. The commercial uses in the development may be limited in hours of operation, size of delivery trucks, and type of equipment;

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c. The residential uses are designed so that they are compatible with the commercial uses;
d. Residential dwelling units are located above principle uses;
e. Residential and commercial uses do not occupy the same floor of a building;
f. The number of residential dwelling units shall be controlled by the dimensional standards of the C-1/T District, together with the specific requirement that in no instance shall the residential uses exceed fifty percent (50%) of the gross floor area of the building or the density permitted under the Growth Management Plan;
g. Building height may not exceed two (2) stories;
h. Each residential dwelling unit shall contain the following minimum floor areas: efficiency and one bedroom = four hundred fifty (450) sq.ft.; two bedroom = six hundred fifty (650) sq.ft.; three bedroom = nine hundred (900) sq.ft.;
i. The residential dwelling units shall be restricted to occupancy by the owners or lessees of the commercial units below;
j. A minimum of thirty percent (30%) of the mixed use development shall be maintained as open space. The following may be used to satisfy the open space requirements: areas used to satisfy water management requirements, landscaped areas, recreation areas, or setback areas not covered with impervious surface or used for parking (parking lot islands may not be used unless existing native vegetation is maintained);
k. The mixed commercial/residential structure shall be designed to enhance compatibility of the commercial and residential uses through such measures as, but not limited to, minimizing noise associated with commercial uses; directing commercial lighting away from residential units; and separating pedestrian and vehicular access ways and parking areas from residential units, to the greatest extent possible.

7. Nursing and Personal Care Facilities (8082)
8. Personal Services (7261)
9. Religious Organizations (8661)

2.2.12.4 Dimensional Standards. The following dimensional standards shall apply in the C-1, C-1/T District.

2.2.12.4.1 Minimum Lot Area. Twenty thousand (20,000) sq. ft.

2.2.12.4.2 Minimum Lot Width. One hundred (100') feet.

2.2.12.4.3 Minimum Yard Requirements:

1. Front Yard - Twenty five feet (25')
2. Side Yard - Fifteen feet (15')
3. Rear Yard - Fifteen feet (15')
4. Minimum Yard Requirement From Any Residentially Zoned or Used Property: Twenty five feet (25').

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2.2.12.4.4 Maximum Height of Structures: Thirty five feet (35')

2.2.12.4.5 Minimum Floor Area of Principal Structure: One thousand (1,000) sq. ft. for each building on the ground floor.

2.2.12.4.6 Maximum Lot Coverage: [RESERVED]

2.2.12.4.7 Floor Area Ratio: [RESERVED]

2.2.12.4.8 Minimum Off-Street Parking and Off-Street Loading. As required in Div. 2.3.

2.2.12.4.9 Landscaping. As required in Div. 2.4.

2.2.12.4.10 Lighting. The maximum height of lights shall be twenty-five feet (25'). Lights shall be located so that no light is aimed directly toward a property designated residential, which is located within two hundred feet (200') of the source of the light.

2.2.12.5 Signs. As required in Div. 2.5.

2.2.12.6 Additional Standards for C-1/T. The following standards shall apply to the C-1/T District in addition to the corresponding standards indicated above. These requirements are mandated in the Future Land Use Element of the Growth Management Plan.

2.2.12.6.1 Maximum Lot Width. Two hundred feet (200').

2.2.12.6.2 Maximum Floor Area. Twenty five thousand (25,000) square feet.

2.2.12.6.3 Traffic Generation. The proposed use must not generate in excess of ten percent (10%) of the average daily traffic on abutting streets.

SEC. 2.2.13 COMMERCIAL CONVENIENCE DISTRICT (C-2).

2.2.13.1 Purpose and Intent. The purpose and intent of the Commercial Convenience District is to provide lands where commercial establishments may be located to provide the small scale shopping and personal needs of the surrounding residential land uses within convenient travel distance. It is intended that the C-2 District implements the Collier County Growth Management Plan within those areas designated Agricultural/Rural; Estates Neighborhood Center District of the Golden Gate Master Plan; the Neighborhood Center District of the Immokalee Master Plan; and the Urban Mixed Use District of the Future Land Use Element permitted in accordance with the locational criteria for commercial and the goals, objectives and policies as identified in the Future Land Use Element of the Collier County Growth Management Plan. The maximum density permissible in the Commercial Convenience District and the Urban Mixed Use land use designation shall be guided, in part, by the Density Rating System contained in the Future Land Use Element of the Collier County Growth Management Plan. The maximum density permissible or permitted in a district shall not exceed the density permissible under the Density Rating System.

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2.2.13.2 Permitted Uses. The following uses, as defined with a number from the Standard Industrial Classification Manual (1987), or as otherwise provided for within this Section, are permitted as of right, or as uses accessory to permitted uses in the C-2 Commercial Convenience District.

2.2.13.2.1 Permitted Uses.

1. All permitted uses and all conditional uses except increased height and mixed residential and commercial uses of the C-1/T Commercial Professional/Transitional District.
2. Business Services (groups 7311, 7313, 7322-7338, 7361, 7371-7376, 7378, 7379, 7384)
3. Drug Stores and Proprietary Stores (5912)
4. Eating Places (5812 except contract feeding, dinner theaters, food service (institutional), industrial feeding)
5. Electrical Repair Shops (7622 radio, television, stereo and video recorder repair only, 7629 except aircraft, business and office machines, large appliances such as refrigerators and washing machines)
6. Food Stores (groups 5411 except supermarkets, 5421-5499)
7. Gasoline Service Stations (5541 subject to section 2.6.29)
8. Hardware Stores (5251)
9. Health Services (groups 8011-8049, 8082)
10. Personal Services (groups 7215, 7231-7251)
11. Security and Commodity Brokers, Dealer, Exchanges and Services (groups 6211-6289)
12. United States Postal Service (4311 except major distribution center)
13. Veterinary Services (0742 excluding outside kenneling)
14. Video Tape Rental (7841)
15. Any other convenience commercial use which is comparable in nature with the foregoing uses.

2.2.13.2.2 Uses Accessory to Permitted Uses.

1. Uses and structures that are accessory and incidental to the customary uses permitted as of right in the C-2 District.

2.2.13.3 Conditional Uses. The following uses are permissible as conditional uses in the Commercial Convenience District (C-2), subject to the standards and procedures established in Div. 2.7.4.

1. Mixed residential and commercial uses subject to the following criteria:
   a. A site development plan is approved pursuant to Div. 3.3 that is designed to protect the character of the residential uses and neighboring lands;
   b. The commercial uses in the development may be limited in hours of operation, size of delivery trucks, and type of equipment;
   c. The residential uses are designed so that they are compatible with the commercial uses;
   d. Residential dwelling units are located above principle uses;
   e. Residential and commercial uses do not occupy the same floor of a building;

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f. The number of residential dwelling units shall be controlled by the dimensional standards of the C-2 District, together with the specific requirement that in no instance shall the residential uses exceed fifty percent (50%) of the gross floor area of the building or the density permitted under the Growth Management Plan;

g. Building height may not exceed two (2) stories;

h. Each residential dwelling unit shall contain the following minimum floor areas: efficiency and one bedroom = four hundred fifty (450) sq.ft.; two bedroom = six hundred fifty (650) sq.ft.; three bedroom = nine hundred (900) sq.ft.;

i. The residential dwelling units shall be restricted to occupancy by the owners or lessees of the commercial units below;

j. A minimum of thirty percent (30%) of the mixed use development shall be maintained as open space. The following may be used to satisfy the open space requirements: areas used to satisfy water management requirements, landscaped areas, recreation areas, or setback areas not covered with impervious surface or used for parking (parking lot islands may not be used unless existing native vegetation is maintained);

k. The mixed commercial/residential structure shall be designed to enhance compatibility of the commercial and residential uses through such measures as, but not limited to, minimizing noise associated with commercial uses; directing commercial lighting away from residential units; and separating pedestrian and vehicular access ways and parking areas from residential units, to the greatest extent possible.

2.2.13.4 Dimensional Standards. The following dimensional standards shall apply in the Commercial Convenience District (C-2). Where specific development criteria and standards also exist in the Golden Gate Master Plan, Immokalee Master Plan or the Future Land Use Element of the Collier County Growth Management Plan , they shall supersede any less stringent requirement or place additional requirements on development.

2.2.13.4.1 Minimum Lot Area. Fifteen thousand (15,000) square feet.

2.2.13.4.2 Minimum Lot Width. One hundred and fifty feet (150').

2.2.13.4.3 Minimum Yard Requirements.

1. Front Yard. Twenty five feet (25').
2. Side Yard. Twenty five feet (25').
3. Rear Yard. Twenty five feet (25').
4. Any yard abutting a residential parcel. A minimum of 50 feet (50').

2.2.13.4.4 Maximum Height. Thirty five feet (35').

2.2.13.4.5 Maximum Lot Coverage. [RESERVED]

2.2.13.4.6 Floor Area Ratio: [RESERVED]

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2.2.13.4.7 Minimum Floor Area of Structures. One thousand (1,000) square feet for each building on the ground floor.

2.2.13.4.8 Minimum Off-Street Parking and Off-Street Loading. As required in Div. 2.3.

2.2.13.4.9 Landscaping. As required in Div. 2.4.

2.2.13.4.10 Lighting. Lighting facilities shall be arranged in a manner that protects roadways and neighboring properties from direct glare or other interference.

2.2.13.5 Merchandise Storage and Display. There shall be no outside storage or display of merchandise.

2.2.13.6 Signs. As required in Div. 2.5.

SEC. 2.2.14 COMMERCIAL INTERMEDIATE DISTRICT (C-3).

2.2.14.1 Purpose and Intent. The purpose and intent of the Commercial Intermediate District (C-3) is to provide for a wider variety of goods and services, in areas that have a higher degree of automobile traffic. This district is intended to be compatible with residential areas and is not intended to permit wholesaling, or activities which require outside storage of merchandise and equipment. The C-3 Intermediate District is permitted in accordance with the locational criteria for commercial and the goals, objectives and policies as identified in the Future Land Use Element of the Collier County Growth Management Plan. The maximum density permissible in the Commercial Intermediate District and the Urban Mixed Use land use designation shall be guided, in part, by the Density Rating System contained in the Future Land Use Element of the Collier County Growth Management Plan. The maximum density permissible or permitted in a district shall not exceed the density permissible under the Density Rating System.

2.2.14.2 Permitted Uses. The following uses, as defined with a number from the Standard Industrial Classification Manual (1987), or as otherwise provided for within this Section, are permitted as of right, or as uses accessory to permitted uses in the Commercial Intermediate District (C-3).

2.2.14.2.1 Permitted Uses:

1. Unless otherwise provided for in this Section, all permitted uses of the C-2 Commercial Convenience District.
2. Apparel and Accessory Stores (groups 5611-5699)
3. Auto and Home Supply Stores (5531)
4. Business Services (groups 7311, 7313, 7322-7338, 7361-7379, 7384, 7389 except auctioneering service, field warehousing, bottle labeling, packaging and labeling, salvaging of damaged merchandise, scrap steel cutting and slitting)
5. Eating and Drinking Places (groups 5812-5813 except contract feeding, food service (institutional), dinner theaters, industrial feeding, bottle clubs, cabarets, cocktail lounges, discotheques and night clubs. All establishments engaged in the retail sale of alcoholic beverages are subject to locational requirements of Sec. 2.6.10)
6. Food Stores (groups 5411-5499)
7. General Merchandise Stores (groups 5311-5399)

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8. Group Housing, excluding Family Care Facilities, subject to Sec. 2.6.26.
9. Home Furniture, Furnishing, and Equipment Stores (groups 5712-5736)
10. Libraries (8231)
11. Membership Organizations (8611-8699)
12. Miscellaneous Repair Services (groups 7629-7631)
13. Miscellaneous Retail (groups 5912-5963 except pawnshops and all uses dealing with secondhand merchandise, 5992-5999)
14. Museums and Art Galleries (8412)
15. Non-depository Credit Institutions (groups 6111-6163)
16. Paint, Glass and Wallpaper Stores (5231)
17. Personal Services (groups 7212, 7215, 7221-7251, 7291)
18. Public Administration (groups 9111-9199, 9229, 9311, 9411-9451, 9511-9532, 9611-9661)
19. Retail Nurseries, Lawn and Garden Supply Stores (5261)
20. Veterinary Services (groups 0742, 0752 excluding outside kenneling)
21. Video Tape Rental (7841)
22. United States Postal Service (4311 except major distribution centers)
23. Any other general commercial use which is comparable in nature with the foregoing uses.

2.2.14.2.2 Uses Accessory to Permitted Uses.

1. Uses and structures that are necessary and incidental to the uses permitted as of right in the C-3 District.
2. Caretaker's residence, subject to Sec. 2.6.16.

2.2.14.3 Conditional Uses. The following uses are permissible as conditional uses in the Commercial Intermediate District (C-3), subject to the standards and procedures established in Div. 2.7.4.

1. Amusements and Recreations Services (groups 7911, 7933, 7991, 7993)
2. Hospitals (groups 8062-8069)
3. Justice, Public Order and Safety (groups 9211-9224)
4. Mixed Residential and Commercial uses subject to the following criteria:

   a. A site development plan is approved pursuant to Div. 3.3 that is designed to protect the character of the residential uses and neighboring lands;
   b. The commercial uses in the development may be limited in hours of operation, size of delivery trucks, and type of equipment,
   c. The residential uses are designed so that they are compatible with the commercial uses;
   d. Residential dwelling units are located above principle uses;
   e. Residential and commercial uses do not occupy the same floor of a building;
   f. The number of residential dwelling units shall be controlled by the dimensional standards of the C-3 District, together with the specific requirement that in no instance shall the residential uses exceed fifty percent (50%) of the gross floor area of the building or the density permitted under the Growth Management Plan;
   g. Building height may not exceed two (2) stories;

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h. Each residential dwelling unit shall contain the following minimum floor areas: efficiency and one bedroom = four hundred fifty (450) sq. ft.; two bedroom = six hundred fifty (650) sq. ft.; three bedroom = nine hundred (900) sq. ft.;

i. The residential dwelling units shall be restricted to occupancy by the owners or lessees of the commercial units below;

j. A minimum of thirty percent (30%) of the mixed use development shall be maintained as open space. The following may be used to satisfy the open space requirements: areas used to satisfy water management requirements, landscaped areas, recreation areas, or setback areas not covered with impervious surface or used for parking (parking lot islands may not be used unless existing native vegetation is maintained);

k. The mixed commercial/residential structure shall be designed to enhance compatibility of the commercial and residential uses through such measures as, but not limited to, minimizing noise associated with commercial uses; directing commercial lighting away from residential units; and separating pedestrian and vehicular access ways and parking areas from residential units, to the greatest extent possible.

5. Used Merchandise Stores (5932- except pawn shops and building materials)
6. Vocational Schools (8243-8299)

2.2.14.4 Dimensional Standards. The following dimensional standards shall apply to all permitted, accessory, and conditional uses in the Commercial Intermediate District (C-3).

2.2.14.4.1 Minimum Lot Area. Ten thousand (10,000) square feet.

2.2.14.4.2 Minimum Lot Width. Seventy five feet (75').

2.2.14.4.3 Minimum Yard Requirements.

1. Front Yard - Twenty five feet (25').
2. Side Yard - Fifteen feet (15').
3. Rear Yard - Fifteen feet (15').
4. Any yard abutting a residential parcel. Twenty five feet (25').
5. Waterfront. Twenty five feet (25').

2.2.14.4.4 Maximum Height. Fifty feet (50').

2.2.14.4.5 Minimum Floor Area of Principle Structure. One thousand (1,000) square feet for each building on the ground floor.

2.2.14.4.6 Maximum Lot Coverage. [RESERVED]

2.2.14.4.7 Floor Area Ratio: [RESERVED]

2.2.14.4.8 Minimum Off-Street Parking and Off-Street Loading. As required in Div. 2.3.

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2.2.14.4.9 Landscaping. As required in Div. 2.4.

2.2.14.5 Merchandise Storage and Display. Unless specifically permitted for a use, outside storage or display of merchandise is prohibited.

2.2.14.6 Signs. As required in Div. 2.5.

SEC. 2.2.15 GENERAL COMMERCIAL DISTRICT (C-4).

2.2.15.1 Purpose and Intent. The purpose and intent of the General Commercial District (C-4) is to concentrate commercial development at the intersections of arterial roads on the County's major road network where traffic impacts can readily be accommodated, to avoid strip and disorganized patterns of commercial development, and to create commercial centers within Collier County where commercial development can benefit for proximity to other commercial centers. The C-4 District will allow a broad range of commercial uses with appropriate standards to ensure adequate access, landscaping, and buffering of adjacent land uses. The C-4 District is permitted in accordance with the locational criteria for commercial and the goals, objectives and policies as identified in the Future Land Use Element of the Collier County Growth Management Plan. The maximum density permissible or permitted in a district shall not exceed the density permissible under the Density Rating System.

2.2.15.2 Permitted Uses. The following uses, as identified within the Standard Industrial Classification Manual, or as otherwise provided for within this section, are permitted as of right, or as uses accessory to permitted uses in the General Commercial District (C-4).

2.2.15.2.1 Permitted Uses.

1. Unless otherwise provide for in this Code, all permitted uses in the C-3 Commercial Intermediate District.
2. Agricultural Services (groups 0741 except outdoor kenneling, 0742 except outdoor kenneling, 0752-0783 except outdoor kenneling)
3. Amusements and Recreation Services - Indoor (7911-7941, 7991-7993, 7997, 7999 fishing piers and lakes operation, houseboat rental, pleasure boat rental, operation of party fishing boats canoe rental only)
4. Automotive Dealers and Gasoline Service Stations (groups 5511, 5531, 5541 with services and repairs as described in Section 2.6.28, 5571, 5599 new vehicles only)
5. Automotive Repair, Services and Parking (groups 7514, 7515, 7521)
6. Building Materials, Hardware and Garden Supplies (groups 5231-5261)
7. Business Services (groups 7311-7352, 7359 except airplane, industrial truck, portable toilet and oil field equipment renting and leasing, 7361-7397 except armored car and dog rental, 7389 except auctioneering, bronzing, field warehousing, salvaging of damaged merchandise)
8. Communications (groups 4812-4841 except principle transmission towers)
9. Engineering, Accounting, Research, Management and Related Services (groups 8711-8748)
10. Glass and Glazing Work (1793)
11. Hotels and Motels (groups 7011, 7021, 7041 when located within an Activity Center)

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12. Marinas (4493, 4499 except canal operation, cargo salvaging, ship dismantling, lighterage, marine salvaging, marine wrecking, steamship leasing)
13. Miscellaneous Repair Services (groups 7622-7641, 7699 except agricultural equipment repair, awning repair, beer pump coil cleaning and repair, blacksmith shops, catch basin, septic tank and cesspool cleaning, coppersmithing, farm machinery repair, fire equipment repair, furnace and chimney cleaning, industrial truck repair machinery cleaning, repair of service station equipment, boiler cleaning, tinsmithing tractor repair)
14. Miscellaneous Retail (groups 5912-5963, 5992-5999)
15. Motion Picture Theaters (7832)
16. Public or Private Parks and Playgrounds
17. Personal Services (groups 7215, 7217, 7219-7261 except crematories, 7291-7299)
18. Real Estate (groups 6512)
19. Vocational Schools (groups 8243-8299)
20. Any other general commercial use which is comparable in nature with the foregoing uses.

2.2.15.2.2 Uses Accessory to Permitted Uses for C-4 Lands.

1. Uses and structures that are necessary and incidental to the uses permitted as a right in the C-4 District.
2. Caretaker's residence, subject to Sec. 2.6.16.

2.2.15.3 Conditional Uses for C-4. The following uses are permitted as conditional uses in the General Commercial District (C-4), subject to the standards and procedures established in Div. 2.7.4.

1. Agricultural Services (groups 0741-0742, 0752, with outdoor kenneling)
2. Amusement and Recreation Services - Outdoor (groups 7948, 7992, 7996, 7999)
3. Auctioneering Services, Auction Rooms (7389, 5999)
4. Automotive Dealers and Gasoline Service Stations (groups 5521, 5551, 5561, 5599 outdoor display permitted)
5. Automotive rental and leasing, outdoor display permitted (groups 7513, 7519)
6. Fishing, Hunting and Trapping (groups 0912-0919)
7. Fuel Dealers (groups 5983-5989)
8. Hotels and Motels (groups 7011, 7021, 7041 when located outside and Activity Center)
9. Justice, Public Order and Safety (groups 9222-9224)
10. Kiosks
11. Motion Picture Theaters (7833)

2.2.15.4 Dimensional Standards. The following dimensional standards shall apply to all permitted, accessory and conditional uses in the General Commercial District (C-4).

2.2.15.4.1 Minimum Lot Area. Ten thousand (10,000) square feet.

2.2.15.4.2 Minimum Lot Width. One hundred feet (100').

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2.2.15.4.3 Minimum Yard Requirements.

1. Front Yard. Twenty five feet (25'), plus one foot (1') for each one foot (1') of building height over fifty feet (50').
2. Side Yard. Fifteen feet (15').
3. Rear Yard. Zero feet (0') or five feet (5').
4. Any yard abutting a residential parcel. Twenty five feet (25').
5. Railroad ROW. No setback is required from a railroad siding easement for railroad right-of-way.
6. Waterfront. Twenty five feet (25'), except none for marinas.

2.2.15.4.4 Maximum Height. One hundred feet (100').

2.2.15.4.5 Minimum Floor Area. One thousand (1,000) square feet for each building on the ground floor.

2.2.15.4.6 Maximum Lot Coverage. [RESERVED]

2.2.15.4.7 Floor Area Ratio: [RESERVED]

2.2.15.4.8 Maximum Density. Twenty-six (26) units per acre for hotels, motels and time share facilities when located within Activity Centers. Sixteen (16) units per acre when located outside an Activity Center.

2.2.15.4.9 Minimum Off-Street Parking and Off-Street Loading. As required in Div. 2.3.

2.2.15.4.10 Minimum Landscaping. As required in Div. 2.4.

2.2.15.5 Merchandise Storage and Display. Unless specifically permitted for a use, outside storage or display of merchandise is prohibited.

2.2.15.6 Lighting. Lighting shall be located so that no light is aimed directly toward a property designated residential if lighting is located within two hundred feet (200') of residential property.

2.2.15.7 Signs. As required in Div. 2.5.

SEC. 2.2.15½ HEAVY COMMERCIAL DISTRICT (C-5).

2.2.15½.1 Purpose and Intent. In addition to the uses provided in the C-4 zoning district, the C-5 district allows a range of more intensive commercial uses and services. The C-5 district permits heavy commercial services such as full service automotive repair, and establishments primarily engaged in construction and specialized trade activities such as contractor offices, plumbing, heating and air conditioning services and similar uses. Outdoor storage yards are permitted with the requirement that such yards are completely enclosed or opaquely screened. The C-5 district is permitted in accordance with the locational criteria for commercial and the goals, objectives and policies as identified in the Future Land Use Element of the Collier County Growth Management Plan. The maximum density permissible in the Heavy Commercial and the Urban Mixed Use land use designation shall be guided, in part by the Density Rating System contained in the Future Land

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Use Element of the Collier County Growth Management Plan. The maximum density permissible or permitted in a district shall not exceed the density permissible under the Density Rating System.

2.2.15½.2 Permitted Uses. The following uses, as identified within a number from the Standard Industrial Classification Manual (1987), or as otherwise provided for within this section, are permitted as of right, or as uses accessory to permitted uses in the Heavy Commercial District (C-5).

2.2.15½.2.1 Permitted Uses.

1. Unless otherwise provide for in this Section, all permitted uses in the C-4 General Commercial District.
2. Auctioneering/Auction Houses (groups 7389, 5999)
3. Automotive Dealers and Gasoline Service Stations (groups 5511-5599)
4. Automotive Repair, Services and Parking (groups 7513-7549)
5. Building Construction-General Contractors (groups 1521-1542)
6. Building Materials (groups 5211-5261)
7. Business Services (groups 7311-7353, 7359)
8. Construction-Special Trade Contractors (groups 1711-1793, 1796, 1799)
9. Education Services (groups 8243-8249)
10. Motor Freight Transportation and Warehousing (4225 mini and self storage warehousing only)
11. Fishing, Hunting and Trapping (groups 0912-1919)
12. Crematories (7261)
13. Justice, Public Order and Safety (groups 2111, 9221, 9222, 9229)
14. Local and Suburban Transit (groups 4111-4121)
15. Mobile Home Dealers (5271)
16. Miscellaneous Repair Services (groups 7622-7699)
17. Outdoor Storage Yard, provided outdoor storage yard shall not be located closer than twenty-five feet to any public street and that such yard shall be completely enclosed, except for necessary ingress and egress, by an opague fence or wall not less than six feet high, or equivalent landscaping or combination thereof, and provided further that this provision shall not permit wrecking yards, 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.
18. Printing, Publishing, and Allied Industries (groups 2711, 2721)
19. Transportation Services (groups 4724-4729)
20. Any other heavy commercial use which is comparable in nature with the foregoing uses.

2.2.15½.2.2 Uses Accessory to Permitted Uses.

1. Uses and structures that are necessary and incidental to the uses permitted as of right in the C-5 District.
2. Caretaker's residence, subject to Sec. 2.6.16.

2.2.15½.3 Conditional Uses for C-4. The following uses are permissible as conditional uses in the Heavy Commercial District (C-5), subject to the standards and procedures established in Div. 2.7.4.

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1. Agricultural Services (groups 0741-0742, 0752, with outdoor kenneling)
2. Amusement and Recreation Services - Outdoor (groups 7948, 7992, 7996, 7999)
3. Child Day Care Services (8351), provided

   a. All areas and surfaces readily accessible to children shall be free of toxic substances and hazardous materials. This shall include all adjacent and abutting properties lying within 500 feet of the Child Care Center's nearest property line.

      (1) For purposes of this subsection, the following definitions shall apply:

         (a) Hazardous Materials - A material that has any of the following properties, ignitable, corrosive, reactive and or toxic.
         (b) Toxic Substances - A substance which is or is suspected to be carcinogenic, mutagenic, teratogenic, or toxic to human beings.

   b. It shall not be located within 500 feet of the nearest property line of land uses encompassing wholesale storage of gasoline, liquefied petroleum, gas, oil, or other flammable liquids or gases.
   c. It shall not be located on the same street customarily utilized by construction truck traffic from asphalt plants and excavation quarries.
   d. It shall have a minimum lot area of 20,000 square feet and a minimum lot width of 100 feet.
   e. It shall provide a minimum usable open space of no less than 30% of the total square footage of the lot area.
   f. It shall provide that all open spaces to be used by children will be bounded by a fence of no less than five feet in height, to be constructed of wood, masonry or other approved material.
   g. It shall provide a landscape buffer in accordance with Division 2.4.
   h. It shall comply with the State of Florida, Department of Health and Rehabilitative Services Child Day Care Standards, Florida Administrative Code, Chapter 10M-12, Effective March 11, 1986.
   i. Where a Child Care Center is proposed in conjunction with, and on the same parcel as, a facility which is a permitted use, the requirements set forth in subparagraphs a-h above, with the exceptions of d and e, shall be used to provide the protections to children using the Child Care Center intended by this section consistent with the development of the proposed permitted use.

4. Communications (groups 4812-4841 with principle transmission towers)
5. Farm Product Raw Materials (groups 5153-5159)
6. Fuel Dealers (groups 5983-5989)
7. Hotels and Motels (groups 7011, 7921, 7041 when located outside an Activity Center)
8. Justice, Public Order and Safety (groups 9223-9224)
9. Kiosks
10. Local and Suburban Passenger Transportation (groups 4131-4173)
11. Motion Picture Theaters (7833, drive-ins)
12. Permitted uses with less than 1,000 square feet gross floor area in the principal structure.

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2.2.15½.4 Dimensional Standards. The following dimensional standards shall apply to all permitted, accessory and conditional uses in the Heavy Commercial District (C-5).

2.2.15½.4.1 Minimum Lot Area. Ten thousand (10,000) square feet.

2.2.15½.4.2 Minimum Lot Width. One hundred feet (100').

2.2.15½.4.3 Minimum Yard Requirements.

1. Front Yard. Twenty five feet (25'), plus one foot (1') for each one foot (1') of building height over fifty feet (50').
2. Side Yard. Fifteen feet (15').
3. Rear Yard. Zero feet (0') or five feet (5').
4. Any yard abutting a residential parcel. Twenty five feet (25').
5. Railroad ROW. No setback is required from a railroad siding easement for railroad right-of-way.
6. Waterfront. Twenty five feet (25'), except none for marinas.

2.2.15½.4.4 Maximum Height. Thirty-five feet (35').

2.2.15½.4.5 Minimum Floor Area. One thousand (1,000) square feet for each building on the ground floor.

2.2.15½.4.6 Maximum Lot Coverage. [RESERVED]

2.2.15½.4.7 Floor Area Ratio: [RESERVED]

2.2.15½.4.8 Maximum Density. Twenty-six (26) units per acre for hotels, motels and time share facilities located within Activity Centers. Sixteen (16) units per acre when located outside an Activity Center.

2.2.15½.4.9 Minimum Off-Street Parking and Off-Street Loading. As required in Div. 2.3.

2.2.15½.4.10 Minimum Landscaping. As required in Div. 2.4.

2.2.15½.5 Merchandise Storage and Display. Unless specifically permitted for a use, outside storage or display of merchandise is prohibited within any front yard. Temporary display of merchandise during business hours is permissible, provided it does not adversely affect pedestrian or vehicular traffic or public health or safety. Merchandise storage and display shall be allowed within the side and rear yards of lots.

2.2.15½.6 Lighting. Lighting shall be located so that no light is aimed directly toward a property designated residential if lighting is located within two hundred feet (200') of residential property.

2.2.15½.7 Signs. As required in Div. 2.5.

SEC. 2.2.16 INDUSTRIAL DISTRICT (I).

[redacted] 049A PAGE 152

2.2.16.1 Purpose and Intent. The purpose and intent of the Industrial District (I) is to provide lands for manufacturing, processing, storage and warehousing, wholesaling, and distribution. Service and commercial activities that are related to support manufacturing, processing, storage and warehousing, wholesaling, and distribution activities, as well as commercial uses relating to automotive and heavy equipment sales and repair are also permissible in the I District. The I District corresponds to and implements the Industrial land use designation on the Future Land Use Map of the Collier County Growth Management Plan.

2.2.16.2 Permitted Uses. The following uses, as identified within the Standard Industrial Classification Manual, or as otherwise provided for within this section, are permitted as a right, or as uses accessory to permitted uses in the Industrial District (I).

2.2.16.2.1 Permitted Uses:

1. Agricultural Services (groups 0711-0724, 0761, 0782, 0783).
2. Apparel and Other Finished Products (groups 2311-2399).
3. Automotive Repair, Service, and Parking (groups 7513-7549).
4. Building Construction (groups 1521-1542).
5. Business Services (groups 7312, 7313, 7319, 7334-7336, 7342-7389).
6. Communications (groups 4812-4899, excluding primary communications towers).
7. Construction-Special Trade Contractors (groups 1711-1799).
8. Eating Places (5812).
9. Educational Services (8243-8249).
10. Electronic and Other Electrical Equipment (groups 3612-3699).
11. Engineering, Accounting, Research, Management and Related Services (groups 8711-8713, 8731, 8734).
12. Fabricated Metal Products (groups 3411-3479, 3491-3499).
13. Food and Kindred Products (groups 2011-2099 except slaughtering plants).
14. Furniture and Fixtures (groups 2511-2599).
15. Heavy Construction (groups 1611-1629).
16. Health Services (8011, accessory to industrial activities conducted on site only).
17. Industrial and Commercial Machinery and Computer Equipment (3511-3599).
18. Leather and Leather Products (groups 3131-3199).
19. Local and Suburban Transit (groups 4111-4173).
20. Lumber and Wood Products (groups 2426, 2431-2499).
21. Measuring, Analyzing, and Controlling Instruments; Photographic, Medical and Optical Goods; Watches and Clocks (groups 3812-3873).
22. Membership Organizations (groups 8611, 8631).
23. Miscellaneous Manufacturing Industries (groups 3911-3999).
24. Motor Freight Transportation and Warehousing (groups 4212, 4213-4225, 4226, except oil and gas storage, and petroleum and chemical bulk stations).
25. Paper and Allied Products (2621-2679).
26. Personal Services (groups 7211-7219).
27. Printing Publishing and Allied Industries (groups 2711-2796).
28. Railroad Transportation (4011, 4013).
29. Rubber and Miscellaneous Plastics Products (groups 3021, 3052, 3053).

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30. Stone, Clay, Glass, and Concrete Products (groups 3221, 3251, 3253, 3255-3273, 3275, 3281).
31. Textile Mill Products (groups 2211-2221, 2241-2259, 2273-2289, 2297, 2298).
32. Transportation Equipment (groups 3714, 3716, 3731, 3732, 3751, 3761, 3764, 3769, 3792, 3799).
33. Transportation by Air (groups 4512-4581, except airports and flying fields).
34. Transportation Services (groups 4731-4783, 4789 except stockyards).
35. United States Postal Service (4311).
36. Welding Repair (7692).
37. Wholesale Trade-Durable Goods (groups 5012-5014, 5021-5049, 5063-5092, 5094-5099).
38. Wholesale Trade-Nondurable Goods (groups 5111-5159, 5181, 5182, 5192-5199).

2.2.16.2.2 Uses Accessory To Permitted Uses.

1. Uses and structures that are accessory and incidental to uses permitted as of right in the I District.
2. Caretaker's residence, subject to Sec. 2.6.16.
3. Retail sales and/or display areas as accessory to the principal use, not to exceed an area greater than twenty percent (20%) of the gross floor area of the permitted principal use and subject to retail standards for landscaping, parking and open space.

2.2.16.3 Conditional Uses. The following uses are permitted as conditional uses in the Industrial District (I), subject to the standards and procedures established in Div. 2.7.4:

1. Child Day Care Services (8351).

a. All areas and surfaces readily accessible to children shall be free of toxic substances and hazardous materials. This shall include all adjacent and abutting properties lying within 500 feet of the Child Care Center's nearest property line.

(1) For purposes of this subsection, the following definitions shall apply:

(a) Hazardous Materials: A material that has any of the following properties, ignitable, corrosive, reactive and/or toxic.

(b) Toxic Substances: A substance which is or is suspected to be carcinogenic, mutagenic, teratogenic, or toxic to human beings.

b. Shall not be located within 500 feet of the nearest property line of land uses encompassing wholesale storage of gasoline, liquified petroleum, gas, oil, or other flammable liquids or gases.

c. Shall not be located on the same street customarily utilized by construction truck traffic from asphalt plants and excavation quarries.

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d. Shall have a minimum lot area of 20,000 square feet and a minimum lot width of 100 feet.

e. Shall provide a minimum usable open space of no less than 30% of the total square footage of the lot area.

f. Shall provide that all open spaces to be used by children will be bounded by a fence of no less than five feet in height, to be constructed of wood, masonry or other approved material.

g. Shall provide a landscape buffer in accordance with Div. 2.4 of this Code.

h. Shall comply with the State of Florida Department of Health and Rehabilitative Services Child Day Care Standards, Florida Administrative Code, Chapter 10M-12, Effective March 11, 1986.

i. Where a Child Care Center is proposed in conjunction with, and on the same parcel as, a facility which is a permitted use, the requirements set forth in subparagraphs a-h above, with the exceptions of d and e shall be used to provide the protections to children using the Child Care Center intended by this section consistent with the development of the proposed permitted use.

2. Chemical and Allied Products (groups 2812-2899).
3. Communications (groups 4812-4899, including communications towers subject to all requirements of Sec. 2.6.35.)
4. Electric, Gas, and Sanitary Services (groups 4911-4971).
   Fabricated Metal Products (groups 3482-3489).
5. Food and Kindred Products (2011 and 2048 including slaughtering plants for human and human consumption).
6. Leather Tanning and Finishing (3111) Lumber and Wood Products (groups 2411, 2421, 2429).
7. Motor Freight Transportation and Warehousing (group 4226, oil and gas storage, and petroleum and chemical bulk stations).
8. Oil and Gas Extraction (groups 1321, 1382).
   Paper and Allied Products (2611).
9. Petroleum Refining and Related Industries (groups 2911-2999).
10. Primary Metals Industries (groups 3312-3399)
    Rubber and Miscellaneous Plastics Products (groups 3061-3089).
    Stone, Clay, Glass, and Concrete Products (groups 3211, 3221, 3229, 3241, 3274, 3291-3299).
    Textile Mill Products (groups 2231, 2261-2269, 2295, 2296).
11. Transportation By Air (4581 Airport, flying fields).
12. Transportation Services (4789 stockyards).
13. Wholesale Trade-Durable Goods (groups 5015, 5051, 5052, 5093).
    Wholesale Trade-Nondurable Goods (groups 5162, 5169, 5171, 5172, 5191).

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2.2.16.4 Dimensional Standards. The following dimensional standards shall apply to all permitted, accessory, and conditional uses in the Industrial District (I).

2.2.16.4.1 Minimum Lot Area. Ten thousand (10,000) square feet.

2.2.16.4.2 Minimum Lot Width. One hundred feet (100').

2.2.16.4.3 Minimum Yard Requirements.

1. Front Yard. Fifty feet (50').
2. Side Yard. Twenty feet (20').
3. Rear Yard. Thirty-five feet (35').
4. Waterfront. Twenty-five feet (25').
5. Railroad ROW. No setback is required from a railroad easement, or right-of-way.
6. Yard abutting residential parcel. Fifty feet (50').

2.2.16.4.4 Maximum Height of Structures. Fifty feet (50').

2.2.16.4.5 Minimum Floor Area. One thousand (1,000) square feet.

2.2.16.4.6 Maximum Lot Coverage. [RESERVED]

2.2.16.4.7 Minimum Off-Street Parking and Off-Street Loading. As required in Div. 2.3.

2.2.16.4.8 Landscaping. As required in Div. 2.4.

2.2.16.5 Signs. As required in Div. 2.5.

2.2.16.6 Fence Requirements. All permitted or conditional uses allowing for storage other than within an enclosed building, including but not limited to the storage of manufactured products; raw or finished materials; or vehicles other than passenger; shall be required to screen said storage areas with a fence at least seven (7) feet in height above ground level from all adjacent or abutting residentially zoned or used land. Said fence or wall shall be opaque in design and made of masonry, wood, or other materials approved by the Development Services Director.

SEC. 2.2.17 CONSERVATION DISTRICT (CON).

2.2.17.1 Purpose and Intent. The purpose and intent of the Conservation District (CON) is to conserve, protect and maintain vital natural resource lands within unincorporated Collier County that are owned primarily by the public. The CON District includes such public lands as Everglades National Park, Big Cypress National Preserve, portions of Big Cypress Area of Critical State Concern, Fakahatchee Strand State Preserve, Collier-Seminole State Park, Rookery Bay National Estuarine Sanctuary Research Reserve, Delnor-Wiggins State Park, and the Audubon Corkscrew Swamp Sanctuary. It is the intent of the CON District to require review of all development proposed within the CON District to ensure that the inherent value of Collier County's natural resources are not destroyed or unacceptably altered. The CON District corresponds to and implements the Conservation land use designation on the Future Land Use Map of the Collier

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County Growth Management Plan. The maximum density permissible in the Conservation District shall be as provided in the Conservation District of the Future Land Use Element of the Growth Management Plan.

2.2.17.2 Permitted Uses. The following uses are permitted as of right, or as uses accessory to permitted uses, in the Conservation District (CON).

2.2.17.2.1 Permitted Uses:

1. Publicly owned parks.
2. Open space and recreational uses.
3. Biking, hiking, canoeing, and nature trails.
4. Equestrian paths.
5. Nature preserves and wildlife sanctuaries.
6. Single-family dwellings.
7. Oil and gas exploration subject to State drilling permits and Collier County Site Development Plan review procedures.

2.2.17.2.2 Uses Accessory to Permitted Uses

1. Uses and structures that are accessory and incidental to uses permitted as of right in the CON District.

2.2.17.3 Conditional Uses. The following uses are permitted as conditional uses in the Conservation District (CON), subject to the standards and procedures established in Div. 2.7.4:

1. Extraction and related processing and production.
2. Churches and houses of worship.
3. Cemeteries.
4. Schools.
5. Earth Mining.
6. Agricultural.
7. Oil and gas field development and production subject to State field development permits.

2.2.17.4 Dimensional Standards. The following dimensional standards shall apply to all permitted and accessory uses in the Conservation District (CON).

2.2.17.4.1 Minimum Lot Area. Five (5) acres.

2.2.17.4.2 Minimum Lot Width. One hundred and fifty feet (150').

2.2.17.4.3 Minimum Yard Requirements.

1. Front Yard. Fifty feet (50').
2. Side Yard. Fifty feet (50').
3. Rear Yard. Fifty feet (50').

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2.2.17.4.4 Maximum Height. Thirty five feet (35').

2.2.17.4.5 Maximum Density. One (1) dwelling unit for each five (5) gross acres, except that within the Big Cypress Preserve the maximum density shall be one (1) dwelling unit for each three (3) gross acres.

2.2.17.4.6 Off-Street Parking. As required in Div. 2.3.

2.2.17.4.7 Landscaping Requirements. As required in Div. 2.4.

2.2.17.5 Signs. As required in Div. 2.5.

SEC. 2.2.18 PUBLIC USE DISTRICT (P).

2.2.18.1 District Purpose and Intent. The Public Use District (P) is intended to accommodate only local, state and federally owned or leased and operated government facilities that provide essential public services. The P District is intended to facilitate the coordination of urban services and land uses while minimizing the potential disruption of the uses of nearby properties.

Any public facilities that lawful existed prior to the effective date of this Code and that are not zoned for Public Use District (P) are determined to be conforming with these zoning regulations.

Any future expansion of these public facilities on lands previously reserved for their use shall be required to meet the regulations in effect for the zoning district in which the public facility is located.

Government owned properties rented or leased to non-governmental agencies for purposes not related to providing governmental services or support functions to a primary civic or public institutional use shall not be zoned for the Public Use District, but rather, shall be zoned or rezoned according to the use types or the use characteristics which predominate.

2.2.18.2 Permitted Uses. The following uses are permitted as of right, or as uses accessory to permitted uses, in the Public Use District (P).

2.2.18.2.1 Permitted Uses.

1. Administrative service facilities.
2. Child care, not for profit.
3. Collection and transfer sites for resource recovery.
4. Communication towers
5. Education facilities.
6. Essential public service facilities.
7. Fairgrounds.
8. Libraries.
9. Museums.
10. Park and recreational service facilities.
11. Parking facilities.

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12. Safety service facilities.
13. Any other public structures and uses which are comparable in nature with the foregoing uses .

2.2.18.2.2 Uses Accessory to Permitted Uses.

1. Accessory uses and structures customarily associated with the principal permitted uses.
2. Residential and commercial uses of an accessory nature which are incidental and customarily associated with support of a primary public use of the site for public purpose and which are consistent with the Growth Management Plan.
3. Temporary use of the site for public purpose in accordance with Sec. 2.6.33.
4. Accessory uses which are provided by concessionaires under agreement with the County for the provision of the service.
5. Any other public uses which are comparable in nature with the foregoing uses .
6. Earth Mining, provided the use of the excavated materials is utilized for governmental projects.

2.2.18.3 Conditional Uses. The following uses are permissible as conditional uses in the Public Use District (P), subject to the standards and procedures established in Div. 2.7.4:

1. Airports and parking facilities.
2. Animal control.
3. Detention facilities and jails.
4. Detoxification facilities.
5. Electric or gas generating plants.
6. Incinerators.
7. Major maintenance and service facilities.
8. Mental health and rehabilitative facilities - not for profit.
9. Resource recovery plants.
10. Rifle and pistol range for law enforcement training.
11. Sanitary landfills.
12. Any other public uses which are compatible in nature with the foregoing uses .
13. Earth Mining.

2.2.18.4 Dimensional Standards. The following dimensional standards shall apply to all permitted and accessory uses in the Public Use District (P).

2.2.18.4.1 Minimum Lot Area: None.

2.2.18.4.2 Minimum Lot Width: None.

2.2.18.4.3 Minimum Yard Requirements: The yard requirements of the most restrictive adjoining district shall apply to all portions of the site within one-hundred feet (100') of the adjoining district.

2.2.18.4.4 Maximum Height: The height of the most restrictive adjoining district within one-hundred feet (100') of such district, unless exempted by Sec. 2.6.3.1.

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2.2.18.4.5 Maximum Lot Coverage: [RESERVED]

2.2.18.4.6 Maximum Off-Street Parking and Off-Street Loading Requirements: As required in Sec. 2.3, provided, however, that the Development Services Director may determine that the required number of spaces is excessive for a specific use based upon an analysis of factors including but not limited to: the number of employees; square footage of the proposed facilities versus those areas intended for public use; and customer parking. Landscaping equivalent to a Type A Buffer shall be substituted in lieu of paved parking with said areas reserved for future parking should the Board of County Commissioners find that the spaces are needed.

2.2.18.4.7 Minimum Landscaping Requirements: As required in Div. 2.4.

2.2.18.4.8 Lighting: Lighting facilities shall be arranged in a manner which will protect roadways and neighboring property from direct glare or other interference.

2.2.18.5 Signs: As permitted in Div. 2.5.

SEC. 2.2.19 COMMUNITY FACILITY DISTRICT (CF).

2.2.19.1 Purpose and Intent. This district is intended to implement the Future Land Use Element of the Growth Management Plan by permitting non-residential land uses as generally identified in the Urban Designation of the Future Land Use Element. These uses can be characterized as public facilities, institutional uses, open space uses, recreational uses, water-related or dependent uses, and other such uses generally serving the community-at-large. The dimensional standards are intended to insure compatibility with existing or future nearby residential development. This zoning district is limited to properties within the Urban Mixed Use land use designation as identified on the Future Land Use Map.

2.2.19.2 Permitted Uses. The following uses are permitted as of right, or as uses accessory to permitted uses, in the Community Facility District (CF).

2.2.19.2.1 Permitted Uses:

1. Child care centers
2. Churches and houses of worship.
3. Civic and cultural facilities
4. Museums
5. Nursing homes, ACLFs, family care facilities, group care facility - Category I subject to Sec. 2.6.26.
6. Parks and playgrounds, non-commercial recreation facilities, open space uses
7. Public, private and parochial schools
8. Social and fraternal organizations

2.2.19.2.2 Uses Accessory to Permitted Uses: Accessory uses and structures that are accessory and incidental to the uses permitted as of right in the CF District.

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2.2.19.3 Conditional Uses: The following uses are permitted as conditional uses in the Community Facility District (CF), subject to the standards and procedures established in Div. 2.7.4:

1. Archery ranges.
2. Cemeteries.
3. Community Centers.
4. Golf driving ranges.
5. Group care facility - Category II, care unit subject to Sec. 2.6.26.
6. Marinas, boat ramps.
7. Private clubs, yacht clubs.
8. Public swimming pools.
9. Tennis facilities.

2.2.19.4 Dimensional Standards: The following dimensional standards shall apply in the CF District.

2.2.19.4.1 Minimum Lot Area: Ten thousand (10,000) square feet.

2.2.19.4.2 Minimum Lot Width: Eighty (80) feet.

2.2.19.4.3 Minimum Yard Requirements:

1. Front Yard: Twenty-Five feet (25')
2. Side Yards: Fifteen feet (15')
3. Rear Yard: Fifteen feet (15')
4. Any Yard Abutting a Residential Parcel: Twenty-five feet (25').

2.2.19.4.4 Minimum Distance Between Structures: Twenty-five feet (25') or 1/2 the sum of the building heights, whichever is greater.

2.2.19.4.5 Maximum Height of Structures: Thirty feet (30'), except for antennas and towers which is forty feet (40').

2.2.19.4.6 Minimum Floor Area of Principal Structure: One thousand (1,000) square feet for each building on the ground floor.

2.2.19.4.7 Maximum Lot Coverage: [RESERVED]

2.2.19.4.8 Floor Area Ratio: [RESERVED]

2.2.19.4.9 Minimum Off-Street Parking and Off-Street Loading: As required in Div. 2.3.

2.2.19.4.10 Landscaping: As required in Div. 2.4.

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2.2.19.4.11 Lighting. The maximum height of lights shall be twenty-five feet (25'). Lights shall be located so that no light is aimed directly toward a property designated residential if it is located within two hundred feet (200') of the source of the light.

2.2.19.5 Signs: As required in Div. 2.5.

SEC. 2.2.20 PLANNED UNIT DEVELOPMENT DISTRICT (PUD).

2.2.20.1 Purpose and Intent. The purpose and intent of establishing the Planned Unit Development District (PUD) is to provide procedures and standards to encourage mixed use planned developments that may be instituted at appropriate locations, or planned developments that may or may not be mixed use in the Urban Fringe Areas, all in accordance with the planning and development objectives of the County under the Code and the Growth Management Plan. It is further the purpose and intent of these PUD regulations to encourage ingenuity, innovation and imagination in the planning, design, and development or redevelopment of relatively large tracts of land under unified ownership or control. Planned Unit Developments produced in compliance with the terms and provisions of this Code and the Growth Management Plan may depart from the strict application of setback, height, and minimum lot requirements of conventional zoning districts while maintaining minimum standards by which flexibility may be accomplished, and while protecting the public interest, so that:

1. A more creative approach may be taken to the development of contiguous tracts of land and to encourage development of infill parcels of contiguous tracts of land in certain circumstances.
2. A more desirable environment may be accomplished than would be possible through strict application of the minimum requirements of this Zoning Code.
3. Land may be used more efficiently, resulting in smaller networks of utilities and streets with consequent lower construction and future maintenance costs.
4. 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.
5. The development employs techniques featuring 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 the topography and other natural characteristics of the land involved. Exceptions to variations in siting, mixed land uses and/or varied dwelling types may be granted on PUD Infill Development.

The maximum density permissible in the planned unit development district and the Urban Mixed Use land use designation shall be guided, in part, by the Density Rating System contained in the Future Land Use Element of the Collier County Growth Management Plan. The maximum density permissible or permitted in a district shall not exceed the density permissible under the Density Rating System. Anything to the contrary notwithstanding, all PUD development shall be consistent with the Collier County Growth Management Plan.

2.2.20.2 General.

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2.2.20.2.1 Relation of Planned Unit Development Regulations to the Growth Management Plan, Zoning, Subdivision, or Other Applicable Regulations. All applications for Planned Unit Developments shall be in full compliance with the Future Land Use Element and the goals, objectives, and policies of all elements of the Growth Management Plan. All development regulations and other applicable provisions of all County ordinances such as, but not limited to, all provisions of the Collier County Land Development Code, as may be amended, shall apply unless specifically modified by the approved PUD Document and PUD Master Plan.

2.2.20.2.2 Establishment of Planned Unit Development Districts. PUD Districts shall hereafter be established by amendment of the Official Zoning Atlas according to the procedures established in Div. 2.7 and requirements established herein.

2.2.20.2.3 Unified Control. All land included for purpose of development within the 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, partnership or corporations. The applicant shall present competent substantial 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 accordance with:

   a. The PUD Master Plan of development officially adopted for the district;
   b. Regulations and development standards as set forth in the PUD Document and PUD Master Plan;
   c. Such other conditions or modifications as may be attached to the rezoning of land to the PUD classification; and
   d. The Collier County Growth Management Plan.

2. Provide written agreement, contracts, deed restrictions, or sureties acceptable to the County for completion of the undertaking in accord with the adopted PUD Master Plan as well as for the continuing operation and maintenance of such areas, functions and facilities that are not to be provided, operated or maintained at general public expense, and;

3. Bind his successors in title to any commitments made under section 2.2.20.

2.2.20.2.4 Minimum Area Required. The minimum area required for a Planned Unit Development District (PUD) shall be ten (10) contiguous acres except when located within an Activity Center or within the Urban Fringe Areas as designated on the Future Land Use Map of the Growth Management Plan where no minimum acreage requirements must be met. For infill parcels as defined in Article 6 and the Growth Management Plan, the minimum area required for a Planned Unit Development District (PUD) shall be two (2) contiguous acres.

2.2.20.2.5 Development Planning - External Relationships. Development within a PUD District shall be compatible with established or planned uses of surrounding neighborhoods and property. The PUD shall provide protection of the development from potentially adverse surrounding influences and protection of surrounding area from potentially adverse influences generated by or within the

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PUD. Such protection shall include, but is not limited to, adequate buffering and screening as follows: fences, walls, or vegetative screening at the boundaries of PUD Districts shall be provided in accordance with the landscaping/buffering requirements of Div. 2.4 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. Off-street parking areas for five (5) or more cars, services areas for loading or unloading vehicles other than passengers, and areas for storage and collection of trash and garbage shall be so screened.

2.2.20.2.6 Development Planning - Internal Relationships. The development plan for a PUD District shall provide for safe, efficient, convenient, and harmonious grouping of structures, uses and facilities, and for appropriate relation of space inside and outside buildings to intended uses and structural features.

2.2.20.3 Development Standards. In addition to all general provisions and procedures established in Sec. 2.2.20.2, the following specific requirements, limitations and standards shall apply to all PUD Districts except that Sec. 2.2.20.3.1 shall not apply when there is no residential component within the PUD and Sec. 2.2.20.3.13 shall not apply when there is no industrial component in the PUD:

2.2.20.3.1 Maximum Residential Densities.

1. Maximum residential density permissible for the overall PUD shall be guided, in part, by the Density Rating System contained in the Future Land Use Element of the Growth Management Plan. The overall maximum residential density permissible or permitted in of a PUD shall be calculated by dividing the total number of dwelling units by the total of gross acreage of the proposed PUD excluding the acreage of the commercial and industrial tracts or increments. The maximum density permissible or permitted in a PUD shall not exceed the density permissible under the Density Rating System.

2. The Board of County Commissioners may lessen density or intensity of development when it has been determined that development to the maximum density or intensity permissible in Sec. 2.2.20.3.1.1 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 facilities which serve or are proposed to serve the PUD, or

   d. Be in conflict with the intent or provisions of the Growth Management Plan, or

   e. Create a threat to property or incur abnormal public expense in areas subject to natural hazards.

   f. Be incompatible or inconsistent with surrounding neighborhoods or areas.

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g. Otherwise be inappropriate.

2.2.20.3.2 Multi-Family Entry Level Rental Housing Areas. This area is intended to apply to an area of entry level multi-family residential rental units having a mid-rise profile silhouette and generally surrounded by low profile structures and open space and so situated that it is well-served by public and commercial services and has direct and convenient access to thoroughfares and collector streets. Multi-Family Entry Level Rental Housing regulations shall not be used in conjunction with Affordable Housing Density Bonus regulations.

1. 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. Multi-family rental dwelling units.

2. Maximum Density. The maximum residential density permissible shall be guided, in part, by the Density Rating System contained in the Future Land Use Element of the Growth Management Plan. The maximum density permissible or permitted shall not exceed the density permissible under the Density Rating System.

3. Minimum Lot Area Requirement. Five (5) acres.

4. Minimum Lot Width. One hundred and fifty (150) feet as measured at the front yard building line setback.

5. Minimum Yard Requirements.

a. Depth of front yard. Thirty (30) feet plus one (1) foot for each two (2) feet of building height over thirty (30) feet.

b. Depth of side yard. Fifteen (15) feet plus one (1) foot for each two (2) feet of building height over thirty (30) feet.

c. Depth of rear yard. Thirty (30) feet plus one (1) foot for each two (2) feet of building height over thirty (30) feet.

6. Distance Between Structures.

a. If there is a separation between any two (2) principal structures on the same parcel, said separation shall be a minimum of fifteen (15) feet or a distance equal to one-half (½) the sum of their heights, whichever is the greater.

7. Minimum and Maximum Floor Area of Principal Structures.

a. Efficiency Apartments.

(1) Minimum Floor Area - 450 square feet.
(2) Maximum Floor Area - 525 square feet.

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b. One Bedroom Apartment.

(1) Minimum Floor Area - 450 square feet.
(2) Maximum Floor Area - 650 square feet.

c. Two Bedroom Apartment.

(1) Minimum Floor Area - 650 square feet.
(2) Maximum Floor Area - 900 square feet.

d. Three Bedroom Apartment.

(1) Minimum Floor Area - 900 square feet.
(2) Maximum Floor Area - 1,050 square feet.

8. **Maximum Height of Structures.**

a. Three (3) living floors.

9. **Minimum Landscaping Requirements.** As required in Div. 2.4.

10. **Minimum Off-Street Parking.**

a. Efficiency Apartments. 2 spaces per dwelling unit.

b. One Bedroom. 2 spaces per dwelling unit.

c. Two Bedrooms or more. 2 spaces per dwelling unit

2.2.20.3.3 Minimum Dimensional Standards Within a PUD. Except as provided for within the Industrial component of this section, dimensional standards within any tract or increment of the proposed PUD shall conform to the minimum dimensional and other standards of the zoning district to which it most closely resembles in type, density, and intensity of use. Where there is uncertainty, the more restrictive standards shall apply. Variation from these minimum dimensional standards may be approved if the PUD demonstrates unique or innovative design. For purposes of this section, examples of unique and innovative design may include, but are not limited to:

1. Providing usable common open space within individual tracts or increments to off-set and compensate for decreases in typical lot sizes or yard requirements.

2. Providing for public access to open space areas beyond the boundaries of the property.

3. The use(s) occurring within the PUD are such that compatibility with surrounding uses can be assured by applying different requirements than would be applicable under another zoning district.

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4. Providing places for public assembly such as parks and plazas which are linked together and centrally located to ensure accessibility.

5. Siting buildings and dwelling units to provide optimum access to open space areas.

6. Providing for the integration and preservation of natural resources with development, through conservation of natural resources such as streams, lakes, flood-plains, ground water, wooded areas and areas of unusual beauty or importance to the natural ecosystem.

Submission of schematic architectural drawings, site plans, floor plans, elevations, and perspectives which shall graphically demonstrate the proposed reduction in dimensional standards for all proposed land use types and their accessory uses within the PUD shall also be required to provide support documentation for reduction in the minimum standards of the Zoning Code.

2.2.20.3.4 Off-Street Parking and Off-Street Loading Requirements. Off-street parking and off-street loading requirements shall be as for comparable type, density and intensity of uses established in Sec. 2.2.20.3.3. No parking spaces on or within any public or private road or travel-way shall be counted in fulfilling the required number of spaces. Landscaping for vehicular areas shall be as established in Div. 2.4.

2.2.20.3.5 Usable Open Space Requirements. Within PUD Districts composed entirely of residential dwelling units and accessory uses, at least sixty percent (60%) of the gross area shall be devoted to usable open space. Within PUD districts containing commercial, industrial and mixed use including residential, at least thirty percent (30%) of the gross area shall be devoted to usable open space. Usable open space shall include active and passive recreation areas such as playgrounds, golf courses, lakes, both natural and man-made, beach frontage, waterways, lagoons, flood plains, nature trails, and similar open spaces. Open water areas beyond the perimeter of the site, internal street rights-of-ways, driveways, off-street parking areas, and off-street loading areas shall not be counted in determining usable open space.

2.2.20.3.6 Dedication of Usable Open Space. An appropriate percentage of the gross project area shall be required to be dedicated to public use as useable open space for all development after a determination by the Board of County Commissioners that a public need exists for such public facilities and that the amount of area dedicated is directly related to the impacts or needs created by the proposed development.

2.2.20.3.7 Dedication of the Public Facilities. The Board of County Commissioners may, as a condition of approval and adoption of the PUD zoning and in accordance with the PUD 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.

2.2.20.3.8 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:

1. The PUD shall provide for and establish an organization for the ownership and maintenance of any common open space and/or common facilities, and such organization

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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 PUD Master Plan.

2. 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 fails to meet conditions in accordance with the adopted PUD Master Plan of Development, the Development Services 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 Development Services Director shall call upon any public or private agency to maintain the common open space for a period of one (1) year. When the Development Services 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.

3. 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.

2.2.20.3.9 Preservation and Protection of Desirable Natural, Historic or Archaeological Features. The desirable natural, historic, or archaeological features of the site including trees and other vegetation of consequence of a PUD District shall be preserved and protected. 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.

2.2.20.3.10 Utilities. Within residential portion 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 opaquely screened and thereby may be exempted from these requirements; 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.

2.2.20.3.11 Streets, Drives, Parking and Service Areas. Streets, drives, 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 than is required to provide access as indicated, nor create unnecessary fragmentation of the development into small blocks, nor shall streets be 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 limited access facilities and the only vehicular access thereto shall be public streets unless otherwise provided for within the approved PUD Master Plan.

1. Principal vehicular access points shall be designed to encourage smooth traffic flow and minimize hazards to vehicular or pedestrian traffic. Merging and turn lanes and/or traffic

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dividers shall be required where existing or anticipated heavy traffic flows indicate need. The interconnection of collector and local streets within the PUD to adjacent lands or developments shall be encouraged, except that the interconnection of local streets shall be designed to discourage through traffic, and not adversely impact local streets in the neighboring residential areas. Where streets within the district intersect adjoining streets, visibility triangle shall be maintained.

2. All streets or roads within the PUD shall be public unless specifically identified and approved as private on the PUD Master Plan, and shall comply with all requirements for streets and roads as contained in the Collier County Subdivision Regulations.

2.2.20.3.12 Sign Limitation. Signs shall be in accordance with Sec. 2.5.

2.2.20.3.13 Special Requirements for Industrial Planned Unit Developments. Industrial PUD'S are intended to implement the Industrial Under Criteria subdistrict as provided for in urban designated areas on the Future Land Use Map. The boundaries of the proposed PUD must be transitional, therefore, requiring uses along the perimeter to be compatible with non-industrial uses. The project must have direct access to an arterial street, with an internal circulation system that prohibits industrial traffic from traveling through predominantly residential areas. The PUD must have central water and sewer, and shall not generate light, noise or odors so as to be incompatible with surrounding land uses. Minimum development standards shall be as described within this section, Special Requirements for Industrial Planned Unit Developments. In Industrial PUD's, 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 as described below.

1. Permitted Principle Uses and Structures:

   a. Corporate headquarters.
   b. Laboratories.
   c. Light manufacturing, processing and packaging;
   d. Medical laboratories, clinics, treatment facilities and research and rehabilitative centers.
   e. Printing, lithographing and publishing.
   f. Technological research, design and product development.

2. Permitted Accessory Uses and Structures:

   a. Accessory uses and structures customarily associated with the uses permitted in this district.
   b. Recreational facilities such as a health spa, handball courts and golf courses, or other similar recreational activities.
   c. Restaurants, or offices available for use by employees of businesses located within the permitted and accessory use buildings.
   d. Child Care Centers.
   e. Wholesale and storage as accessory to the principle use.

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f. Retail sales and/or display areas as accessory to the principle use, not to exceed an area greater than ten (10%) percent of the gross floor area of the permitted principle structure.

3. Development Standards:

a. Minimum PUD Area: 10 acres, except that a PUD less than 10 acres but no less than 2 acres in size may be considered if it meets the requirements for infill parcels in this Code and the Growth Management Plan and is compatible with surrounding land uses.

b. Minimum Lot Area: 1 acre.

c. Minimum Lot Width: 150 feet.

d. Minimum Yard Requirements:

(1) Front Yard: Fifty (50') feet.

(2) Side Yard: Twenty (20') feet, except when abutting residentially zoned property then fifty (50') feet.

(3) Rear Yard: Fifty (50') feet.

e. Maximum Height of Structures: Sixty-five (65') feet, except when abutting residentially zoned property then thirty-five (35') feet.

f. Landscape Buffer Areas: As required in Div. 2.4.

g. Fence Requirements: When required, a fence shall be of masonry, wood, concrete block, or decorative iron or steel.

h. No outside storage or display shall be permitted. All manufacturing, processing and packing shall be conducted within a fully enclosed building.

i. Usable Open Space Required: Thirty (30%) percent of the gross PUD area.

j. Environmental controls, sound proofing, lighting and emission controls shall be required to mitigate impacts of the development on surrounding residential property.

2.2.20.3.14 Special Requirements for Mixed Use Planned Unit Developments Containing Commercial.

1. When a residential mixed-use PUD containing a commercial tract or increment is located outside of an Activity Center, all commercial components of the PUD shall be subject to all provisions of the Future Land Use Element and other elements of the Growth

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Management Plan. Minimum development standards shall be as described within section 2.2.20.3.

2. When a residential mixed use PUD is located outside of an Activity Center as designated on the Future Land Use Map of the Growth Management Plan, all commercial components of that PUD shall be subject to the provisions of the Growth Management Plan PUD Neighborhood Commercial Subdistrict.

3. The uses permitted within the commercial components of the mixed use PUD shall be limited to those uses listed in the C-3 District.

SEC. 2.2.21 CORRIDOR MANAGEMENT OVERLAY DISTRICT (CMO): SPECIAL REGULATIONS FOR PROPERTIES ABUTTING GOLDEN GATE PARKWAY WEST OF SANTA BARBARA BOULEVARD AND GOODLETTE - FRANK ROAD SOUTH OF PINE RIDGE ROAD.

2.2.21.1 Purpose and Intent. The purpose of this overlay district is to supplement existing zoning regulations for properties bordering Golden Gate Parkway west of Santa Barbara Boulevard and Goodlette-Frank Road south of Pine Ridge Road. The overlay district will implement the urban design concepts developed in the Corridor Management Study for Goodlette-Frank Road and Golden Gate Parkway. These regulations recognize that two (2) separate jurisdictions govern land uses in these corridors and are designed to develop greater consistency in design standards between Collier County and the City of Naples.

2.2.21.2 Applicability. These regulations apply to all properties adjacent to the rights-of-way of Goodlette-Frank Road from US 41 to Pine Ridge Road and Golden Gate Parkway from US 41 to Santa Barbara Boulevard as measured perpendicular from the abutting right-of-way for a distance of three-hundred and thirty feet (330'). Except as provided in this regulation, all other use, dimensional and development requirements shall be as required in the underlying zoning categories.

2.2.21.3 Building Setbacks.

2.2.21.3.1 Goodlette Frank Road. Fifty feet (50').

2.2.21.3.2 Golden Gate Parkway. Fifty feet (50') for the first floor of all commercial development, one hundred feet (100') for the first floor of all other development except for properties zoned Estates District (E), which shall be setback seventy-five feet (75').

2.2.21.3.3 As building height increases, the front yard setback shall be increased by twenty-five feet (25') for each additional floor or buildings shall be stepped back to provide a vertical slope setback of two to one (2:1). Single family residence development shall be exempt from this provision.

2.2.21.4 Access. Two (2) way ingress and egress shall be a minimum of three-hundred thirty feet (330') from the nearest street intersection (measured from intersecting right-of-way lines). One way ingress and egress shall be a minimum of one-hundred and fifty feet (150') from the nearest

intersection. If a property abuts a side street except that if the property is five (5) acres or less in size, access shall be limited to the side street.

2.2.21.5 Landscaping.

2.2.21.5.1 Goodlette-Frank Road.

1. The minimum landscaping area shall be ten feet (10') in width measured from the right-of-way line.

2. Tree plantings shall consist of canopy trees with a minimum canopy spread of five feet (5') and height of ten feet (10') at the time of planting. Trees must be placed every thirty feet (30') in landscaped areas.

3. Palm trees may not be substituted for canopy trees.

4. Landscape designs shall incorporate the use of xeriscape plant materials species as listed in the Xeriscape Plant Guide published by the South Florida Water Management District.

2.2.21.5.2 Golden Gate Parkway.

1. The minimum landscaping area shall be twenty-five feet (25') in width as measured from the right-of-way line except for single family homes in the Estates District (E). Provisional uses approved in the Estates District (E) shall be subject to the minimum landscaping requirements.

2. Tree plantings shall replicate indigenous native species or be compatible with the existing vegetation and have a minimum of a twenty foot (20') canopy at maturity.

3. Two (2) slash pines may be substituted for one (1) canopy tree provided each tree is a minimum of eight feet (8') in height with a four foot (4') spread at time of planting.

4. A minimum of eighty-five percent (85%) of the existing native vegetation within the landscape area must be retained.

2.2.21.5.3 PUD's. In certain instances, Planned Unit Developments (PUD's) may fulfill the intent of this section through the implementation of an urban design concept as an alternative to the landscape and buffer requirements. The Development Services Director shall recommend an exception to this section be granted if the development meets the intent by creating a continuous, coordinated visual image through distinctive design features such as golf courses, water features, parks, or other visually attractive buffers or open space.

2.2.21.5.4 Screening and Walls. Vegetative screens are required within the minimum setback areas with a minimum height of two feet (2') and a maximum height of four feet (4'). Perimeter walls are permitted provided they are at least seventy-five percent (75%) screened by plant materials or

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buffered by berming. Entranceway walls are permitted without screening for a distance of fifty feet (50') from such entrances.

2.2.21.6 Signs. As permitted in Div. 2.5.

2.2.21.6.1 Goodlette-Frank Road. As permitted in Div. 2.5.

2.2.21.6.2 Golden Gate Parkway. Property identification signs shall not be higher than four feet (4') above the ground or exceed sixty (60) square feet per side in size. Post mounted signs shall not be allowed. Signs shall be set back a minimum of fifteen feet (15') from the road right-of-way.

SEC. 2.2.22 MOBILE HOME OVERLAY DISTRICT (MHO): SPECIAL REGULATIONS FOR MHO IN RURAL AGRICULTURE (A) DISTRICTS.

2.2.22.1 Purpose and Intent. This section is intended to apply to those agricultural areas where a mixture of housing types are found to be appropriate within the district. It is intended that mobile homes allowed under this section shall be erected only in the "A" Rural Agricultural District and only when the requirements and procedures of this section are met.

2.2.22.2 Establishment of Mobile Home Overlay District (MHO). An overlay zoning classification to be known as "Mobile Home Overlay District (MHO), and to be designated on the Official Zoning Atlas by the symbol "MHO" together with the symbol of the basic zoning district which it overlays, is hereby established. The placement or removal of this overlay district shall be governed by the procedure for amending the Zoning Code and the Official Zoning Atlas as prescribed in Sec. 2.7.2.

2.2.22.3 Minimum Zoned Area Required For MHO Overlay District. The minimum area that may be petitioned for rezoning to the MHO Overlay District shall be forty (40) acres. However, acreage and setback requirements must comply with the base zoning district for each individual lot of record within the established overlay district.

2.2.22.4 Procedure for Establishing District. Upon petition to the Board of County Commissioners, signed by a minimum of fifty percent (50%) plus one (1) of the property owners in the proposed overlay district, the Board of County Commissioners may place the MHO Overlay District on the described petitioned area.

SEC. 2.2.23 AIRPORT OVERLAY DISTRICT (APO): SPECIAL REGULATIONS FOR SPECIFIED AREAS IN AND AROUND THE AIRPORTS IN COLLIER COUNTY.

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

2.2.23.1.1 That the creation or establishment of airport hazards and obstructions are a public nuisance and an injury to the County;

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2.2.23.1.2 That it is necessary, in the interest of public health, public safety, and general welfare, that the creation of airport obstructions, hazards and structures be prevented;

2.2.23.1.3 That it is necessary in the interest of public health and welfare that the establishment of incompatible land uses be prevented in the areas defined as the Airport Nose Area (65 LDN), and/or the accident potential hazard areas;

2.2.23.1.4 That the prevention of these obstructions, structures and incompatible land uses should be accomplished, to the extent legally possible, by the exercise of the police power without compensation; and

2.2.23.1.5 That in addition to the regulation applicable to land zoned, as indicated in the Official Zoning Atlas, the following regulations are additionally applicable to lands in the County in the vicinity of the Naples, Everglades, Marco Island and Immokalee (Ed Scott Airfield) Airports as indicated on the Airport Zoning Maps of Collier County. Lands lying within various zones as indicated on the Airport Zoning Maps are subject to the additional regulations set out in this section.

2.2.23.2 Airport Zones and Airspace Height Limitations. In order to carry out the provisions of this Zoning Code, there are hereby created and established certain zones which include all of the land lying beneath the approach, transitional, primary, horizontal and conical surfaces as they apply to a particular airport. Such zones are shown on the Naples, Marco Island, Everglades, and Immokalee Airport Zoning Maps and declared to be made a part of this Zoning Code.

Zoning Map A: Naples Airport
Zoning Map B: Marco Island Airport
Zoning Map C: Everglades Airport
Zoning Map D: Immokalee Airport (Ed Scott Airfield)

An Area located in more than one of the described height zones is considered to be only in the zone with the most restrictive height limitation. The various zones are hereby established and defined as follows:

2.2.23.2.1 Primary Zone. An area longitudinally centered on a runway, extending two hundred (200) feet beyond each end of the runway with the width so specified for each runway for the most precise approach existing or planned for either end of the runway. The width of each primary zone is as follows:

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PRIMARY ZONE WIDTH (feet)

AIRPORTS	RUNWAY	TYPE	WIDTH
Naples	13-31	OTHER THAN UTILITY/NON-PRECISION INSTRUMENT	500
	4-22	OTHER THAN UTILITY/PRECISION INSTRUMENT	1000
Marco Island	17-35	UTILITY/NON-PRECISION INSTRUMENT	500
Everglades	15-33	UTILITY/VISUAL	250
Immokalee	9-27	OTHER THAN UTILITY/NON-PRECISION INSTRUMENT	500
	18-36	OTHER THAN UTILITY/NON-PRECISION INSTRUMENT	500
	4-22	UTILITY/VISUAL	250

1. Primary Zone Height. No structure or obstruction will be permitted within the primary zone that is not part of the landing and take-off area and is of greater height than the nearest point on the runway centerline.

2.2.23.2.2 Horizontal Zone. The area around each public use airport with an outer boundary, the perimeter of which is constructed by swinging arcs of specified radii from the center of each end of the primary zone of each airports' runways and connecting the adjacent arcs by lines tangent to those arcs. The radius of each arc is as follows:

HORIZONTAL ZONE RADIUS (feet)

AIRPORTS	RUNWAY	TYPE	RADIUS
Naples	13-31	OTHER THAN UTILITY/NON-PRECISION INSTRUMENT	10,000
	4-22	OTHER THAN UTILITY/PRECISION INSTRUMENT	10,000
Marco Island	17-35	UTILITY/NON-PRECISION INSTRUMENT	5,000
Everglades	15-33	UTILITY/VISUAL	5,000
Immokalee	9-27	OTHER THAN UTILITY/NON-PRECISION INSTRUMENT	10,000
	18-36	OTHER THAN UTILITY/NON-PRECISION INSTRUMENT	10,000
	4-22	UTILITY/VISUAL	5,000

1. Horizontal Zone Height. No structure or obstruction will be permitted in the horizontal zone that has a height greater than one hundred fifty (150) feet above the airport height.

2.2.23.2.3 Conical Zone. The area extending outward from the periphery of the horizontal zone for a distance of four thousand (4,000) feet.

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1. Conical Zone Height Height limitations for structures in the conical zone are one hundred fifty (150) feet above airport height at the inner boundary with permitted height increasing one (1) foot vertically for every twenty (20) feet of horizontal distance measured outward from the inner boundary to a height of three hundred fifty (350) feet above airport height at the outer boundary.

2.2.23.2.4 Approach Zone. An area longitudinally centered on the extended runway centerline and extending outward from each end of the primary surface. An approach zone is designated for each runway based upon the type of approach available or planned for that runway end.

1. Approach Zone Width. The inner edge of the approach zone is the same width as the primary zone: The outer width of the approach zone is prescribed for the most precise approach existing or planned for that runway end expanding uniformly to the following widths:

APPROACH ZONE WIDTH (feet)

AIRPORTS	RUNWAY	TYPE	WIDTH
Naples	13-31	OTHER THAN UTILITY/NON-PRECISION INSTRUMENT	3,500
	4	OTHER THAN UTILITY/NON-PRECISION INSTRUMENT	3,500
	22	OTHER THAN UTILITY/PRECISION INSTRUMENT	16,000
Marco Island	17-35	UTILITY/NON-PRECISION INSTRUMENT	2,000
Everglades	15-33	UTILITY/VISUAL	1,250
Immokalee	9-27	OTHER THAN UTILITY/NON-PRECISION INSTRUMENT	3,500
	18	OTHER THAN UTILITY/NON-PRECISION INSTRUMENT	3,500
	36	OTHER THAN UTILITY/VISUAL	1,500
	4-22	UTILITY/VISUAL	1,250

2. Approach Zone Lengths. The approach zone extends for the applicable horizontal distance as follows:

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APPROACH ZONE LENGTH (feet)

AIRPORTS	RUNWAY	TYPE	WIDTH
Naples	13-31	OTHER THAN UTILITY/NON-PRECISION INSTRUMENT	10,000
	4	OTHER THAN UTILITY/NON-PRECISION INSTRUMENT	10,000
	22	OTHER THAN UTILITY/PRECISION INSTRUMENT	50,000
Marco Island	17-35	UTILITY/NON-PRECISION INSTRUMENT	5,000
Everglades	15-33	UTILITY/VISUAL	5,000
Immokalee	9-27	OTHER THAN UTILITY/NON-PRECISION INSTRUMENT	10,000
	18	OTHER THAN UTILITY/NON-PRECISION INSTRUMENT	10,000
	36	OTHER THAN UTILITY/VISUAL	5,000
	4-22	UTILITY/VISUAL	5,000

3. Approach Zone Height: Permitted height limitation within the approach zone shall not exceed the runway end height at the inner edge and increases uniformly with horizontal distance outward from the inner edge as follows:

APPROACH ZONE HEIGHT

AIRPORTS	RUNWAY	TYPE	WIDTH
Naples	13-31	OTHER THAN UTILITY/NON-PRECISION INSTRUMENT	34:1
	4	OTHER THAN UTILITY/NON-PRECISION INSTRUMENT	34:1
	22	OTHER THAN UTILITY/PRECISION INSTRUMENT	50:1/40:1
Marco Island	17-35	UTILITY/NON-PRECISION INSTRUMENT	20:1
Everglades	15-33	UTILITY/VISUAL	20:1
Immokalee	9-27	OTHER THAN UTILITY/NON-PRECISION INSTRUMENT	34:1
	18	OTHER THAN UTILITY/NON-PRECISION INSTRUMENT	34:1
	36	OTHER THAN UTILITY/VISUAL	20:1
	4-22	UTILITY/VISUAL	20:1

1. Precision Instrument Runway(s). one (1) foot vertically for every fifty (50) feet horizontally for the first ten thousand (10,000) feet increasing to one (1) foot vertically for every forty (40) feet horizontally for an additional forty thousand (40,000) feet.

2. Non-Precision Instrument Runway(s). one (1) foot vertically for every thirty-four (34) feet horizontally.

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3. Visual Runways. one (1) foot vertically for every twenty (20) feet horizontally.

2.2.23.2.5 Transitional Zone. The area extending outward from the sides of the primary zones and approach zones connecting them to the horizontal zone or for a horizontal distance of five thousand (5,000) feet from the side of the part of the precision approach zone that extends beyond the conical zone.

1. Transitional Zone Height. Height limits within the transitional zone are the same as the primary zone or approach zone at the boundary line where it adjoins and increases at a rate of one (1) foot vertically for every seven (7) feet horizontally, with the horizontal distance measured at right angles to the runway center line and extended centerline until the height matches the height of the horizontal zone or for a horizontal distance of five thousand (5,000) feet from the side of the part of the precision approach zone that extends beyond the conical zone.

2.2.23.2.6 Other Areas. In addition to the height limitations imposed in 2.2.23.2.1 through 2.2.23.2.5 above, no structure or obstruction will be permitted within Collier County that would cause a minimum obstruction clearance altitude, a minimum descent altitude, decision height or a minimum vectoring altitude to be raised nor which would impose either the establishment of restrictive minimum climb gradients or nonstandard take-off minimums. All development proposals within the unincorporated area around the Naples Airport that include construction over 200 feet above ground level or construction at a height greater than a slope of 100 to 1 for a horizontal distance of 20,000 feet from a runway will be submitted to the Naples Airport Authority for review at building permit stage. The horizontal distance of 20,000 feet is depicted in Appendix I, Map A of this Code.

2.2.23.3 Airport Land Use Restrictions.

2.2.23.3.1 Notwithstanding any other provision of this Code, no use may be made of land or water within any zones established by this Code in such a manner as to interfere with the operation of an airborne aircraft. The following special requirements shall apply to each permitted use:

1. All lights or illumination used in conjunction with street, parking, signs or use of land or structures shall be arranged and operated in such a manner that it is not misleading to pilots or dangerous to aircraft operating from a public use airport or in the vicinity thereof.

2. No operations of any type shall produce smoke, glare or other visual impairment to pilot within three (3) miles of any usable runway of a public airport.

3. No operations of any type shall produce electronic interference with navigation signals or radio communication between the airport aircraft, or other air traffic control facility.

4. Land within accident potential hazard areas (runway clear zones) shall be prohibited from use for high density residential use, schools, hospitals, storage of explosives or flammable material, assemblage of large groups of people or any other use that could produce a major catastrophe as a result of an aircraft crash.

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5. Based on the possibility that landfills may attract birds any landfill located so that it places the runways and/or approach and departure pattern of an airport between bird feeding, water or roosting areas shall be considered as an incompatible use and is therefore prohibited in and around the airports in Collier County.

2.2.23.3.2 Obstruction Marking and Lighting. Any permit or variance granted pursuant to Sec. 2.7.5 shall require the owner to mark and light the structure in accordance with FAA Advisory circular 70-7460-1 or subsequent revisions. The permit may be conditioned to permit Collier County, at its own expense, to install, operate and maintain such markers and lights as may be necessary to indicate to pilots the presence of an airspace obstruction if special conditions so warrant.

2.2.23.3.3 Variances. Any person desiring to erect or increase the height of any structure or use his property not in accordance with the regulations prescribed in this ordinance may apply to the Board of Zoning appeals for a variance from such regulations pursuant to Sec. 2.7.5.

2.2.23.3.4 Nonconforming Uses; Regulations not Retroactive The regulations prescribed by this Section shall not be construed to require the removal, lowering or other changes or alteration of any structure not conforming to the regulations as of the effective date of this Section as amended, or to otherwise interfere with the continuance of any nonconforming 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 the amendment of this ordinance, and which has been issued a building permit which is diligently pursued.

2.2.23.3.5 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 except in compliance with these requirements.

2.2.23.3.6 Existing Uses. No building permit shall be granted that would allow the establishment or creation for an airport hazard or permit a nonconforming use or structure to be made or become higher, or to become a greater hazard to air navigation than it was on the effective date of this section.

2.2.23.4 Naples Municipal Airport Noise Zones, Land Use Restrictions, Sound Level Requirements (SLR) for Buildings or Structures, and SLR Design Requirements.

2.2.23.4.1 Purpose. The purpose of this section is to establish standards for land use and for sound level reduction requirements with respect to exterior noise resulting from the legal and normal operations at the airports within Collier County. This section establishes noise zones of differing intensities and land use in the vicinity of the Naples Municipal Airport, as identified in the most recent Naples Airport Part 150 Study; establishes permitted land uses in the noise zones; establishes sound proofing requirements for residential development within the noise zones; and establishes notification procedures to prospective purchasers of real estate within the noise zones.

2.2.23.4.2 Airport Noise Zones.

1. Noise Zones. There are hereby created and established three (3) noise zones; Zone A, Zone B and Zone C. Such zones are shown on the Naples Airport Noise Zones Map(s) which are incorporated and made a part herein and are described in Sec. 2.2.23.4.2.2

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below. The noise zones contained herein are based on a projection of future noise environments arising from aircraft flight operations at the Naples Airport.

2. Noise Zone Boundaries.

1. Zone A. that area commencing at the outermost boundary of the airport and extending outward therefrom to a boundary indicated on the Noise Zone Map as "B". The outer contour of Noise Zone A approximates a noise level of 75 Ldn.

2. Zone B. that area commencing at the boundary indicated on the Noise Zone Map as the outer boundary of Noise Zone A and extending outward therefrom to the boundary indicated on the Noise Zone Map as "C". The outer contour of Noise Zone B approximates a noise level of 70 Ldn.

3. Zone C. that area commencing at the boundary indicated on the Noise Zone Map as the outer boundary of Noise Zone B and extending outward therefrom to the furthermost boundary indicated on the Noise Zone Map. The outer contour of Noise Zone C approximates a noise level of 65 Ldn and is hereafter established as the Naples Airport Noise Zone.

3. Application. Where boundaries of a described noise zone are shown to extend over a portion, but not all of a platted lot or unsubdivided property, the owner or owners of the entire property will be notified of potential noise impact in accordance with Sec. 2.2.23.5.

Where boundaries of more than one described noise zone are shown on a platted lot or unsubdivided property, provisions of the most restricted zone shall apply.

2.2.23.4.3 Land Use Restrictions.

1. Permitted and Restricted Activities. All land uses shall be permitted in the noise zone pursuant to the applicable zoning district and as provided in the Activities and/or Land Use Guidance Chart made a part hereof. Those activities and land uses not specifically listed in the Land Use Guidance Chart are permitted or restricted in the noise zones based on their similarity to noise tolerance as exhibited by the activities and land uses which are listed in the Guidance Chart.

2. Nonconforming Uses. The regulations prescribed by this section shall not be construed to require the sound conditioning or other changes or alteration of any preexisting structure not conforming to this part as of the effective date of this section or to otherwise interfere with the continuance of any such preexisting nonconforming use. Nothing herein contained shall require any such change in the construction of or alteration of a structure which has commenced construction prior to the effective date of this section and which is diligently pursued.

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2.2.23.4.4 Sound Level Requirements (SLR) for Buildings or Structures.

1. Scope of Requirements. The provisions of this section shall apply to the construction, alteration, moving, demolition, repair and use of any building or structure within unincorporated Collier County except work located primarily in a public right-of-way, on public utility towers, poles and mechanical equipment not specifically regulated in this section. Additions, alterations, repairs, and changes of use in all buildings and structures shall comply with the provisions of this section.

2. Existing Buildings or Structures. Buildings or structures constructed prior to the adoption of this amended Section, to which additions, alteration, or repairs are made to the exterior walls and ceilings of rooms having one or more exterior walls or ceilings shall be required to meet the SLR requirements of this section.

   1. Alterations or repairs which are non-structural and do not affect the exterior walls or ceilings of an existing building or structure may be made with the same materials of which the building or structure is constructed and shall not be required to meet SLR requirements.

   2. Buildings in existence at the time of the adoption of this section may have their existing use or occupancy continued if such use or occupancy was legal at the time of adoption of this section provided such continued use is not dangerous to life. A change in the use of a structure may require additional sound level reduction.

3. Moved Buildings. Buildings or structures moved into or within the vicinity of the established Noise Zone must comply with applicable provisions of this section.

4. Approval of Types of Construction.

   1. The Development Services Director, or his designee, may approve any types of construction that complies with the SLR requirements of the Activities and/or Land Use Guidance Chart (Appendix III). The SLR requirements specified in Appendix III of this Amendment shall be achieved by the use of assemblies having the South Transmission Class Ratings specified in Table 403.2, "Minimum Sound Transmission of Assemblies", of the Southern Building Code Congress International, Inc. Standard for Sound Control, SSTD 8-87, incorporated herein and adopted by reference as Appendix IV.

2.2.23.4.5 SLR Design Requirements.

1. General Requirements. The SLR requirements of the Land Use Guidance Chart at Appendix III may be achieved by any suitable combination of building design, choice of building materials and execution of construction details in accordance with established architectural and acoustical principles. The SLR requirements shall apply to the exterior walls and ceilings only of all rooms having one or more exterior walls or ceilings. Regulations to achieve the SLR requirements specified in Appendix III, shall be found

in Appendix IV of this amendment and shall be used by the Development Services Director or his designee, during the building plan review process.

2. Meeting SLR Requirements. No building or structure for which an SLR 25, SLR 30, or SLR 35 is required by Appendix III of this Amendment may be constructed, altered, moved, demolished, or repaired unless and until a building permit has been issued. No such permit shall be issued unless and until the requirements contained in Appendix III are met as indicated by plans and specifications for the building or structure. Such plans and specifications shall result in a Sound Level Reduction for the applicable exterior walls and ceilings only of room(s) having one or more exterior walls or ceilings, at least as great as the SLR value specified in Appendix III for the particular usage involved. These plans and specifications shall be reviewed during the building plan review process in accordance with the Sound Transmission Ratings specified in Table 403.2 of Appendix IV of this Amendment.

2.2.23.4.6 Administration and Enforcement.

1. General Responsibilities. The Development Services Director, or his designee, prior to granting final approval must verify that the sound level reduction (SLR) of the building complies with Secs. 2.2.23.4.4 - 2.2.23.4.5.

2.2.23.5 Notification of Potential Noise Impact.

1. Public notice of the existence of maps depicting noise impacted areas shall be published at least three (3) times in a newspaper of general circulation in Collier County, as provided in Public Law 96-193 (49 USC 2107).

2. The Naples Airport Noise Zones shall be identified on Collier County's Zoning Maps (9525S, 9527S, 9534N, 9534S, 9525N, 9535S, 9536N, 9536S, 0501N, 0501S, 0102N, 0102S and any revisions or reconfigurations thereof) and shall be available to the public at the Collier County Community Development Services Division.

3. Upon adoption of this Code or any subsequent revision of the maps and legal descriptions depicting potential noise impacted areas, the County Manager or his designee shall record a notice of potential noise impacted areas together with maps depicting the noise impacted areas and legal description of the noise contours shown thereon. This shall be used to provide constructive notice to existing and prospective purchasers of property within the noise impacted area. Upon amendment of the Noise Zones, subsequent notice shall be provided.

4. Notice of potential noise impact along with maps depicting noise impacted areas and legal description of the noise contours shall be furnished to the Collier County Bar Association, Board of Realtors and to others upon request.

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SEC. 2.2.24 SPECIAL TREATMENT OVERLAY DISTRICT (ST): SPECIAL REGULATIONS FOR AREAS OF ENVIRONMENTAL SENSITIVITY AND LANDS AND STRUCTURES OF HISTORICAL AND/OR ARCHAEOLOGICAL SIGNIFICANCE AND THE BIG CYPRESS AREA OF CRITICAL STATE CONCERN.

2.2.24.1 Purpose and Intent. Within Collier County there are certain areas, which because of their unique assemblages of flora and/or fauna, their aesthetic appeal, historical or archaeological significance, rarity in Collier County, or their contribution to their own and adjacent ecosystems, make them worthy of special regulations. Such regulations are directed toward the conservation, protection, and preservation of ecological, and recreational values for the greatest benefit to the people of Collier County. Such areas include, but are not necessarily limited to mangrove and fresh water swamps, barrier islands, hardwood hammocks, xeric scrubs, coastal beaches, estuaries, cypress domes, natural drainage ways, aquifer recharge areas and lands and structures of historical and archaeological significance. The purpose of this overlay district regulation is to assure the preservation and maintenance of these environmental and cultural resources and to encourage the preservation of the intricate ecological relationships within the systems and at the same time permit those types of development which will hold changes to levels determined acceptable by the Board of County Commissioners after public hearing.

2.2.24.2 "ST" as Zoning Overlay District; Designation of "P-ST" Lands, Designation of "ACSC-ST" Lands.

2.2.24.2.1 Establishment of ST Overlay District. An overlay zoning district classification to be known as the "ST" Special Treatment Overlay District, and to be designated 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 district classification will be used for those lands of environmental sensitivity and historical and archaeological significance where the essential ecological or cultural value of the land is not adequately protected under the basic zoning district regulations established by this code or by ordinance. The placement or removal of this overlay zoning district shall be governed by the procedure for amending the Zoning Code and the Official Zoning Atlas as prescribed in Div. 2.7.

2.2.24.2.2 Establishment of P-ST Overlay District. For purposes of identifying land from which the residential development rights have been transferred, such lands shall be designated on the Official Zoning Atlas by affixing the letter "P" for preservation to the symbol "ST", thusly "P-ST". Such designation shall be placed on the land after the Board of County Commissioners has accepted the deed and/or guarantee to said property.

2.2.24.2.3 Establishment of ACSC-ST Overlay District. In accordance with Sec. 380.05, Florida Statutes and Chapter 73-131 Laws of Florida, the Administrative Commission instituted regulations for the Big Cypress Area of Critical State Concern (ACSC). The purpose of these regulations is to conserve and protect the natural, environmental and economic resources of the Big Cypress Area. Furthermore, these regulations are to provide a land and water management system that will preserve water quality, provide for the optimum utilization of the limited water resources of the area, facilitate orderly and well planned development, and protect the health, safety and welfare of residents of the State. Chapter 27F-3 of the Florida Administrative Code establishes criteria for site alteration, drainage, transportation facilities and structure installation. These regulations are

implemented through the Land Development Regulations as set forth in Sec. 2.2.24.3.2. An overlay zoning classification to be known as Area of Critical State Concern/ Sensitive Treatment Overlay shall be designated on the Official Zoning Atlas with symbol ACSC-ST.

2.2.24.3 Permissible Uses on "ST" Lands.

2.2.24.3.1 General.

1. Land designated "ST" shall be used only for the permitted principal use, the permitted accessory use, and/or the permitted conditional use under the basic underlying zoning district classification of such land. In all other cases, temporary uses, such as hunting cabins, as defined in this Code, may be permitted.

2. The consideration of an application for a permitted conditional use shall be subject to a public hearing. This hearing may run concurrently with any public hearing required by this section or may be held at a separate time.

3. The fact that a use is permitted under the basic zoning district classification shall confer no right to the property owner for such use unless such use is specifically approved as a condition of approval of a site alteration plan and/or site development plan by the Board of County Commissioners as provided in Sec. 2.2.24.5 and 2.2.24.6.

2.2.24.3.2 Development Standards and Regulations for ACSC-ST. All development orders issued within the ACSC-ST Area shall comply with or be more restrictive than Chapter 27F-3, Florida Administrative Code, as amended, "Boundary and Regulations for the Big Cypress Area of Critical State Concern," as set forth below:

1. Site Alteration.

a. Site alteration shall be limited to 10% of the total site size, and installation of non-permeable surfaces shall not exceed 50% of any such area.

b. Any non-permeable surface greater than 20,000 square feet shall provide for release of surface run off, collected or uncollected, in a manner approximating the natural surface water flow regime of the area.

c. Soils exposed during site alteration shall be stabilized and retention ponds or performance equivalent structures or systems maintained in order to retain run off and siltation on the construction site. Restoration of vegetation to site alteration areas shall be substantially completed within 180 days following completion of a development. Revegetation shall be accomplished with pre existing species except that undesirable exotic species shall not be replanted or propagated. Exotic species included are listed below.

Australian Pine	(Casuarina spp.)
Bishopwood	(Bischofia javanica)
Brazilian Pepper	(Shinus terebinthifolius)
Malaleuca	(Melaleuca spp.)
Downy Rosemyrtle	(Rhodomyrtus tomentosa)
Earleaf Acacia	(Acacia auriculiformis)
Catclaw Mimosa	(Mimosa pigra)
Java Plum	(Syzygium cumini)

d. No mangrove trees or salt marsh grasses shall be destroyed or otherwise altered. Plants specifically protected by this regulation include: All wetland plants listed by the Florida Department of Environmental Regulation in Chapter 17-301, Florida Administrative Code, as amended.

e. Fill areas and related dredge or borrow ponds shall be aligned substantially in the direction of local surface water flows and shall be separated from other fill areas and ponds by unaltered areas of vegetation of comparable size. Dredge or borrow ponds shall provide for the release of storm waters as sheet flow from the downstream end into unaltered areas of vegetation. Access roads to and between fill areas shall provide for the passage of water in a manner approximating the natural flow regime and designed to accommodate the 50 year storm. Fill areas and related ponds shall not substantially retain or divert the tidal flow in or to a slough or strand or significantly impede tidal action in any portion of the estuarine zone.

f. Man made lakes, ponds or other containment works shall be constructed with a maximum slope of 30 degrees to a depth of six feet (6') of water. When mineral extraction is completed in new quarrying lakes, shoreline sloping, planting of littoral shelves with nursery grown aquatic vegetation, restoration or revegetation of the property, and disposal of spoils or tailings shall be completed before abandonment of the site. Existing quarrying lakes are exempt from this provision, except that whenever any person carries out an activity defined in Sec. 380.04, Fla. Stat., as amended, as development or applies for a development permit as defined in Sec. 380.031, Fla Stat., as amended, to develop any existing quarrying lake area, these regulations shall apply.

g. Finger canals shall not be constructed in the ACSC-ST Area.

2. Drainage.

a. Existing drainage facilities shall not be modified so as to discharge water to any coastal waters, either directly or through existing drainage facilities. Existing drainage facilities shall not be expanded in capacity or length except in conformance with subsection 2 immediately following; however, modifications may be made to existing facilities that will raise the ground water table or limit salt water intrusion.

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b. New drainage facilities shall release water in a manner approximating the natural local surface flow regime, through a spreader pond or performance equivalent structure or system, either on site or to a natural retention or filtration and flow area. New drainage facilities shall also maintain a ground water level sufficient to protect wetland vegetation through the use of weirs or performance equivalent structures or systems. Said facilities shall not retain, divert, or otherwise block or channel the naturally occurring flows in a strand, slough or estuarine area.

c. New drainage facilities shall not discharge water into any coastal waters whether directly or through existing drainage facilities.

3. Transportation.

a. Transportation facilities which would retain divert or otherwise block surface water flows shall provide for the re-establishment of sheet flow through the use of interceptor spreader systems or performance equivalent structures and shall provide for the passage stream, strand, or slough waters through the use of bridges, culverts, piling construction or performance equivalent structures or systems.

b. Transportation facilities shall be, constructed parallel to the local surface flow, and shall maintain a historic ground level sufficient to protect wetland vegetation through the use of weirs or performance equivalent structures or systems.

c. Transportation facility construction sites shall provide for siltation and runoff control through the use of settling ponds, soil fixing or performance equivalent structures or systems.

4. Structure Installation.

a. Placement of structures shall be accomplished in a manner that will not adversely affect surface water flow or tidal action.

b. Minimum low floor elevation permitted for structures shall be at or above the 100 year flood level, as established by the Administrator of the Federal Flood Insurance Administration. The construction of any structure shall meet additional Federal Flood Insurance Land Management and Use Criteria, 24 CFR 1910, as amended, as administered by the appropriate local agency.

c. All Development Orders issued for projects within the Big Cypress Area of Critical State Concern shall be transmitted to the State of Florida Department of Community Affairs for review with the potential for appeal to the Administration Commission pursuant to Chapter 9J-1, Florida Administrative Code, "Development Order Requirements for Areas of Critical State Concern".

2.2.24.4 Port of the Islands. Port of the Islands is a development located within the Urban Designated Area, but is also located totally within the Big Cypress Area of Critical State Concern. A portion

of the development was determined "vested" by the State of Florida, thus exempting it from the requirements of Chapter 380, Florida Statutes. There is an existing Development Agreement between Port of the Islands, Inc., and the State of Florida Department of Community Affairs dated July 2, 1985, which regulates land uses at Port of the Islands. Development within Port of the Islands shall be regulated by the Development Agreement and the residential density and commercial intensities shall not exceed that permitted under zoning at time of adoption of the Collier County Growth Management Plan.

2.2.24.5 Site Alteration Plan or Site Development Plan Approval Required. Prior to the clearing, alteration, or development of any land designated "ST" or "ACSC-ST", the property owner or his legally designated agent shall apply for and receive approval of a site alteration plan or site development plan, as the case may be, by the Board of County Commissioners as provided in Sec. 2.2.24.6.

2.2.24.6 Procedures for Site Alteration Plan or Site Development Plan Approval for Development in "ST" or "ACSC-ST" Designated Land.

2.2.24.6.1 Pre-application Conference. Prior to filing a petition for site alteration or site development approval of "ST" or "ACSC-ST" land, the petitioner shall request and hold a pre-application conference with the Development Services Director and appropriate County Staff. The pre-application conference is for the purpose of guidance and information, and for insuring insofar as is possible, that the petition is in conformity with these regulations. No petition for the site alteration or site development approval will be accepted for formal processing until the Development Services Director has reviewed the petition to determine that all required data is included; a minimum of thirty (30) days shall be allowed for this phase of the review process.

2.2.24.6.2 Review and Recommendation by Development Services Director, Planning Commission and Environmental Advisory Board. The Site Alteration Plan or Site Development Plan shall be submitted to the Development Services Director who shall have it reviewed by the appropriate County Staff . The Development Services Director shall then forward the Site Alteration Plan or Site Development Plan and the County Staff recommendations to the Planning Commission and the Environmental Advisory Board (EAB) for review and recommendation. Neither the Planning Commission nor the EAB review shall require a public hearing nor notice to the abutting property owners, but shall be held in a regular meeting. The Planning Commission and EAB recommendations and County staff recommendations shall be forwarded to the Board of County Commissioners for final action.

2.2.24.6.3 Final Action by Board of County Commissioners. Final action on the Site Alteration Plan or Site Development Plan lies with the Board of County Commissioners. The Board shall review the proposed Site Alteration Plan or Site Development Plan in regular session and shall act formally by resolution stipulating reasons for approval, or approval with modification, or denial of the Site Alteration Plan or Development Plan.

2.2.24.6.4 Other Permits Required. The petitioner may at any time during the County review process apply for the appropriate local, state and federal permits for the alteration or development of the subject property.

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2.2.24.6.5 Commencement of Site Alteration or Site Development. Upon obtaining all required local, state and federal permits in order to alter or develop the subject property, the petitioner may commence alteration or development in accordance with the conditions and requirements of said permits.

2.2.24.7 Submission Requirements for Site Alteration Plan or Site Development Plan Approval for Development in "ST" or "ACSC-ST" Designated Land. The following shall be submitted in a petition for site alteration or site development approval of "ST" or "ACSC-ST" land:

2.2.24.7.1 Submission and approval of a Site Alteration Plan or Site Development Plan containing the following as determined applicable to the petition by the Development Services Director:

1. Title of the project.
2. Names of the project planner and developer.
3. Date.
4. North directional arrow.
5. Exact survey showing the project boundaries, any existing street, water courses or easements within or adjacent to the proposed development. Developments shall identify, protect, and conserve native vegetative communities and wildlife habitat. Habitats and their boundaries shall be identified on an aerial photograph of the site. Habitat identification will be consistent with the Florida Department of Transportation Florida Land Use Cover and Forms Classification Systems and shall be depicted on an aerial photograph having a scale of one inch equal to at least 200 feet when available from the County, otherwise, a scale of at least one inch equal to 400 feet is acceptable. Information obtained by ground-truthing surveys shall have precedence over information presented through photographic evidence.
6. Location of all proposed buildings and structures with dimensions showing setbacks to property lines, roads, water courses and other structures adjacent to the building(s).
7. Access and traffic flow plan.
8. Off-street parking and off-street loading areas.
9. Proposed screening and buffering.
10. Refuse collection areas and solid waste.
11. Access to utilities and points of utilities hookups.
12. Locations for beach access as required the Beach Access Ordinance No. 76-20 or it's successor in function.

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The above items shall be prepared by a Florida registered surveyor, engineer, or architect or practicing land planner or environmental consultant as may be appropriate to the particular item.

2.2.24.7.2 Tabulation 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.

2.2.24.7.3 Architectural definitions for types of buildings in the development; number of dwelling units, sizes, and types, together with typical floor plans of each type.

2.2.24.7.4 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.
8. Plans for providing potable and irrigation water requirements.
9. Storm drainage and sanitary sewage plans.
10. Plans for signs, if any.
11. Such additional data as the Development Services Director may believe is pertinent to the review and evaluation of the Site Alteration Plan or Site Development Plan. Items shall be prepared by a Florida registered surveyor, engineer, or architect or practicing land planner or environmental consultant as may be appropriate to the particular item.
12. Transfer of development rights data required in Sec. 2.2.24.10.
13. Submission and approval of an Environmental Impact Statement as required by Collier County laws or regulations .
14. The developer shall be subject to Div. 3.9, tree/vegetation removal regulations, in existence at the time of permitting), requiring a tree removal permit prior to any land clearing. A site clearing plan shall be submitted to the Development Services Director for his review and subject to approval in phases to coincide with the development schedule. The site clearing plan shall indicate the retention of native vegetation to the

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maximum extent practical and how roads, buildings, lakes, parking lots, and other facilities have been oriented to accommodate this goal. One criterion to be used in evaluating the extent of native vegetation to be retained shall be a consideration of the land use.

15. Submission and approval of an excavation plan as required by Div. 3.5, if applicable.

16. A Development of Regional Impact review as required by Chapter 380.06, Florida Statutes, as amended, if applicable.

17. An appropriate protected species survey using methodology of the Florida Game and Fresh Water Fish Commission shall be required. An appropriate protected species survey should include considerations for species known or likely to occur in or around habitats in the development area.

18. All exotic plants as defined in Div. 3.9 shall be removed during each phase of construction from development areas, open space areas, and preserve areas. Following site development, a maintenance program shall be implemented to prevent reinvasion of the site by exotic species. This plan, which will describe control techniques and inspection intervals, shall be filed with and subject to approval by the Community Development Services Director in accordance with the standards established in Div. 3.9.

2.2.24.8 Exceptions. Where land has an "ST" designation and the proposed alteration or development area contains twenty (20) acres or less in gross area, and where no transfer of development rights are involved, the Development Services Director may approve a Site Alteration Plan or a Site Development Plan. Prior to such approval, the Development Services Director shall make a finding that the following conditions exist:

1. The proposed site alteration or site development will not require any modification of the topography, drainage, flora, or fauna on the site.

2. No pollutants will be discharged from the area that will degrade the air, water or soil below the levels existing at the time of application.

All site alteration or site developed plan approvals of over twenty (20) acres shall be as required in Secs. 2.2.24.4, 2.2.24.5, and 2.2.24.6.

2.2.24.9 Modification of Site Alteration Plan Or Site Development Plan. Any modification of the Site Alteration Plan or Site Development Plan as approved by the County, which would alter the intent and purpose of these "ST" regulations, requires the procedure and approval as if for a new petition.

2.2.24.10 Transfer of Development Rights. An owner of land designated as "ST" may elect to transfer some or all of the residential development rights of his "ST" land to non-"ST" property, as provided herein, as an alternative to the development of the "ST" lands in conformity with the "ST" regulations.

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2.2.24.10.1 The development rights shall be considered as interests in real property and may be transferred in portions or as a total as provided in this Section. Once used, the residential development rights shall not be used again and the residential development rights of the subject "ST" lands providing them shall be considered severed forever.

2.2.24.10.2 The transfer of development rights to be used for non-"ST" land shall be from "ST" designated land to non-"ST" land and shall be subject to all of the requirements of the basic zoning district to which they are transferred unless specifically approved otherwise as provided by law.

2.2.24.10.3 The minimum area of "ST" land eligible for the transfer of development rights shall be one-half (0.5) acres of land, excluding submerged land.

2.2.24.10.4 Upon the approval of the transfer of residential development rights for an "ST" land by the Development Services Director, the property owner of the "ST" land shall dedicate in fee the land to the County or a State, or Federal agency; however, the lands may be dedicated in fee to a private, not-for-profit conservation or environmental organization and in accordance with Chapter 704.06, Fla. Stat., as amended, with the approval of the Development Services Director.

2.2.24.10.5 The maximum number of residential units which may be transferred from "ST" land to non-"ST" land shall be compiled on the basis of each acre of "ST" land at the following rate: One half (0.5) of a residential unit for each one (1) acre of "ST" land.

2.2.24.10.6 Maximum number of residential units which eligible non-"ST" lands may receive.

1. Non-"ST" lands in RMF-6, RMF-12 and RMF-16, and RT zoning districts are eligible to receive residential development units provided that the maximum number of residential units which may be transferred to the non-"ST" land does not exceed twenty percent (20%) of the maximum number of residential units permitted under the basic zoning of the RMF-6 and RMF-12 district or ten percent (10%) of the maximum number of residential units permitted under the basic zoning of the RMF-16 and RT district as the case may be. For the purpose of determining the number of residential units which non-"ST" land is capable of receiving, the following formula shall apply:

RMF-6 District, up to including 6 units per acre
6 units x 20% = 1.20 units per acre

RMF-12 District, 7 to and including 12 units per acre.
12 units x 20% = 2.40 units per acre

RMF-16 District
16 units x 10% = 1.60 units per acre

RT District
16 units x 10% = 1.60 units per acre
26 units x 10% = 2.60 units per acre

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2. For the purpose of calculating the final fractional residential unit of the total number of residential units eligible for transfer to a non-"ST" property, the following shall apply: Any fractional residential unit shall be converted upward if one-half (½) or more of a whole unit, or downward if less than one-half (½) of a whole unit, to the nearest whole unit value.

2.2.24.11 Procedure For Obtaining Transfer of Residential Development Rights. Any owner of "ST" land may apply for a transfer of development rights either separately or concurrently with rezoning, zoning ordinance amendments, preliminary subdivision plat or development plan. Prior to the approval of any transfer of development rights or the issuance of any building permits in connection with the use of any transfer of development rights, the petitioner shall submit the following information and data, as applicable to the petition, to the Development Services Director for his review and action.

1. Name and address of "ST" property owner.

2. Name and address of non-"ST" property owner.

3. Legal description of "ST" land from which transfer of residential development rights is petitioned.

4. Survey of "ST" property from which transfer of residential development rights is requested.

5. Legal description of non-"ST" land which receives the transfer of residential development rights.

6. Survey of the non-"ST" land which receives the transfer of residential development rights.

7. Three (3) copies of an executed deed of transfer of ownership of the "ST" property to the County or a State, or Federal agency; however, the lands may be dedicated in fee to a private, not-for-profit conservation or environmental organization in accordance with Chapter 704.06, Fla. Stat., as amended, with the approval of the Development Services Director in a form approved by the County Attorney.

8. The "ST" owner shall provide a guarantee, agreeable to and approved by ordinance of the Board of County Commissioners, that the "ST" land will be forever retained in its natural condition and will never be developed in any manner whatsoever by anyone. For the purpose of this requirement, natural conditions shall include minor nature related improvements such as nature paths, boardwalks, outdoor educational learning areas, and removal of exotic vegetation. Such a guarantee shall be recorded with the Clerk of the Circuit Court of Collier County, Florida as a recorded restriction of the use of such land and shall be binding to all present and subsequent owners, heirs, or assigns of such property. Such restrictions may not be amended, deleted, or otherwise altered.

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2.2.24.12 Time Limitations on Development Services Director's Approval of Transfer of Residential Development Rights or Authorization to Proceed with the Processing of a Building or Construction Permit. The Development Services Director's approval of a transfer of residential development rights or authorization to proceed with the processing of a building or construction permit shall be valid so long as such approval is permitted by law. The failure to act on the part of the petitioner to exercise the transfer of residential development rights or obtain and exercise an authorized building or construction permit within the time period provided by law shall automatically terminate such approval and the County shall be held harmless for any damages arising out of the petitioner's failure to act.

2.2.24.13 Sequential Use of Residential Units Approved For Transfer by the Development Services Director. Upon the issuance of any permit for the construction of residential unit(s) upon a non-"ST" receiving land, the first residential units built thereon shall be considered to be the residential units approved for transfer by the Development Services Director for transfer, and the succeeding residential units constructed shall be considered the residential units permitted under the basic zoning district regulations.

2.2.24.14 Appeal of Decision or Interpretations of Development Services Director. Any person aggrieved by decision or interpretation made by the Development Services Director in the enforcement of this Section may appeal such grievance as provided in Sec.1.6.6.

SEC. 2.2.25 HISTORICAL AND ARCHAEOLOGICAL SITES DESIGNATION (H): SPECIAL REGULATIONS FOR PRESERVATION OF HISTORICAL AND ARCHAEOLOGICAL SITES.

2.2.25.1 Title and Citation. This Section shall be known and may be cited as the "Collier County Historic/Archaeological Preservation Regulations" and shall be administered by the Community Development Services Administrator.

2.2.25.2 Areas of Historical/Archaeological Probability. Areas for consideration for inclusion in areas of historical/archaeological probability shall have one or more of the following characteristics:

2.2.25.2.1 The area is associated with distinctive elements of the cultural, social, ethnic, political, economic, scientific, religious, prehistoric or architectural history that have contributed to the pattern of history in the community, Collier County, the state or the nation; or

2.2.25.2.2 The area is associated with the lives of persons significant in history; or

2.2.25.2.3 The area embodies the distinctive characteristics of a type, period, method or materials of construction, or that possess high artistic value, quality of design craftsmanship, or that represent an individual architect or builder's prominence or contribution to the development of Collier County, the State of Florida, or the Nation; or

2.2.25.2.4 The area was the location of historic or prehistoric activities including, but not limited to habitation, religious, ceremonial, burial, fortification during a particular period of time, which may maintain a sufficient degree of environmental integrity to reflect a significant aspect of the relationship of the site's original occupants to the environment; or

2.2.25.2.5 The area is an historic or prehistoric site which has been severely disturbed but which may still allow useful and representative data to be recovered; or

2.2.25.2.6 The area has yielded or is likely to yield information on local history or prehistory; or

2.2.25.2.7 The area derives its primary significance from architectural or artistic distinction of historical importance; or

2.2.25.2.8 The area is the birthplace or grave of an historical figure or is a cemetery which derives its primary significance from graves of persons of importance, from age, from distinctive design features, or from association with historic events; or

2.2.25.2.9 The area is the site of a building or structure removed from its original location which is significant for its architectural value, or is the sole surviving structure associated with an historic period, person or event; or

2.2.25.2.10 The area is a property primarily commemorative in intent,where design, age, tradition or symbolic value has invested it with its own historical significance; or

2.2.25.2.11 The area is an area containing known archaeological sites that have not been assessed for significance but are likely to conform to the criteria for historical/ archaeological significance or areas where there is a high likelihood that unrecorded sites of potential historical/ archaeological significance are present based on prehistoric settlement patterns and existing topographic features.

2.2.25.2.12 The area is included in the National Register of Historic Places.

2.2.25.3 Applicability During Development Review Process; County Projects; Agriculture; Waiver Request.

2.2.25.3.1 Applicability. Applications for a specific development order as described in Subsection 2.2.25.3.2 through 2.2.25.3.9 deemed adequate for review which have been submitted prior to the adoption of this section are not required to meet the provisions outlined in the applicable subsection. However, subsequent applications for development orders as described in Subsection 2.2.25.3.2 through 2.2.25.3.9 shall comply with the requirements of the applicable subsection. Subsections 2.2.25.3.2 through 2.2.25.3.11 shall become effective upon the adoption, by Resolution, of the Map of Areas of Historical/Archaeological Probability by the Board of County Commissioners.

2.2.25.3.2 Development of Regional Impact (DRI). The Application for Development Approval (ADA) for the proposed DRI shall include correspondence from the applicant to The Florida Department of State, Division of Historic Resources indicating that the DRI is in Collier County's Designated Area of Historical/Archaeological Probability. The ADA shall also include an Historical/Archaeological Survey and Assessment if required by the Division of Historic Resources. The Survey and Assessment is subject to review by the Community Development Services Administrator or his designee and recommendations shall be presented to the Collier County Planning Commission and the Board of County commissioners for consideration for incorporation into the local development order. The recommendations shall also be provided to the Preservation Board. The Preservation Board shall be provided the opportunity to present its'

recommendations to the Planning commission and Board of County Commissioners at their public hearings.

2.2.25.3.3 Requests for Land Use Change. Property under consideration for a rezone or conditional use which is within an area of Historical/ Archaeological Probability shall have an Historical/Archaeological Survey and Assessment prepared by a Certified Archaeologist to be submitted by the applicant with the land use change request application and is subject to review by the Community Development Services Administrator or his designee. The Community Development Services Administrator or his designee's recommendations derived from the review of a Survey and Assessment submitted by the applicant shall be presented to the Collier County Planning Commission and the Board of County Commissioners for consideration for incorporation into the local development order. The recommendations shall also be provided to the Preservation Board. The Preservation Board shall be provided the opportunity to present its recommendations to the Planning Commission and Board of County Commissioners at their public hearings.

2.2.25.3.4 Building Permits. Building permits issued for new structures on property located within an area of Historical/Archaeological Probability shall be accompanied by a notice that indicates the property is within the area of Historical/Archaeological Probability. The notice shall describe the potential for historical and archaeological sites, structures, artifacts, or buildings, and shall encourage the preservation of such sites, provide reference to applicable state and local laws, and provide reference regarding whom to contact in the event an historical/ archaeological site, structure, artifact or building is discovered.

2.2.25.3.5 Preliminary Subdivision Plat. Property under consideration for a Preliminary Subdivision Plat within an area of Historical/Archaeological Probability but not subject to requirement 2.2.25.3.2 or 2.2.25.3.3 of this Section shall have an Historical/Archaeological Survey and Assessment prepared by a Certified Archaeologist as defined in Article 6 to be submitted by the applicant with the Preliminary Subdivision Plat application and is subject to review by the Community Development services Administrator or his designee. The Community Development Services Administrator or his designee's recommendations derived from the review of a Survey and Assessment submitted by the applicant shall be presented to the Collier County Planning Commission and the Board of County Commissioners for consideration for incorporation into the local development order. The recommendations shall also be provided to the Preservation Board. The Preservation Board shall be provided the opportunity to present its' recommendations at the Planning Commission and Board of County Commissioners at their public hearings.

2.2.25.3.6 Final Subdivision Plat. Property under consideration for a final subdivision plat, including construction documents within an area of Historical/Archaeological probability but not subject to 2.2.25.3.2, 2.2.25.3.3, or 2.2.25.3.5 of this Section shall have an Historical/Archaeological Survey and Assessment prepared by a Certified Archaeologist as defined in Article 6 to be submitted by the applicant with the final subdivision plat and construction document application and is subject to review by the Community Development Services Administrator or his designee. The Community Development Services Administrator or his designee's recommendations derived from the review of a Survey and Assessment submitted by the applicant shall be incorporated into the final subdivision plat and construction document.

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2.2.25.3.7 Site Development Plan (SDP). Property under consideration for a SDP within an area of Historical/Archaeological probability but not subject to 2.2.25.3.2, 2.2.25.3.3, 2.2.25.3.5, or 2.2.25.3.6 of this Section shall have an Historical/Archaeological Survey and Assessment prepared by a Certified Archaeologist as defined in Article 6 to be submitted by the applicant with the SDP application and is subject to review by the Community Development Services Administrator or his designee. The Community Development Services Administrator or his designee's recommendations derived from the review of a Survey and Assessment submitted by the applicant shall be incorporated into the final SDP.

2.2.25.3.8 County Projects. County sponsored projects, as defined in Article 6, which are located within an area of Historical/Archaeological Probability shall have an Historical/Archaeological Survey and Assessment prepared by a Certified Archaeologist. The County shall comply with all recommendations outlined in the Historical/Archaeological Survey and Assessment. A copy of the Historical/Archaeological Survey and Assessment shall be provided to the Preservation Board members.

2.2.25.3.9 Agricultural Lands. Owners of agricultural land within an area of Historical/Archaeological Probability filing a notice of commencement application for active agricultural production shall be notified in writing by Development Services staff that the land is in an area of Historical/Archaeological Probability and that an Historical/Archaeological Survey and Assessment prepared by Certified Archaeologist is required. Development Services staff (Project Review) shall not issue a notice of commencement until the Historical/Archaeological Survey and Assessment has been completed. The property owner shall adhere to all recommendations provided by the Historical/Archaeological Survey and Assessment.

2.2.25.3.10 Waiver Request. Properties located within an area of Historical/ Archaeological Probability with low potential for historical/archaeological sites may petition the Community Development services Administrator or his designee to waive the requirement for an Historical/Archaeological Survey and Assessment. The waiver application shall be in a form provided by the Community Development Services Division. The Community Development Services Administrator or his. designee shall review and act upon the waiver request within five (5) working days of receiving the application. The waiver request shall adequately demonstrate that the area has low potential for historical/archaeological sites. Justification shall include, but not be limited to, an aerial photograph interpretation, a description of historical and existing land uses, and an analysis of land cover, land formation, and vegetation. The Community Development services Administrator or his designee may deny a waiver, grant the waiver, or grant the waiver with conditions. The decision of the Community Development Services Administrator or his designee regarding the waiver request shall be provided to the applicant in writing. In the event of a denial of the waiver request, written notice shall be provided stating the reasons for such denial. Any party aggrieved by a decision of the Community Development Services Administrator or his designee regarding a waiver request may appeal to the Preservation Board. Any party aggrieved by a decision of the Preservation Board regarding a waiver request may appeal that decision to the Board of County Commissioners utilizing the procedure outlined in Sec. 2.2.25.11.

2.2.25.3.11 Previously Completed Survey and Assessments. A Survey and Assessment completed by a Certified Archaeologist prior to the enactment of this Section which is in accordance with the survey and assessment requirements outlined in Sec. 2.2.25.4.1 may at the discretion of the

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property owner be utilized to meet the requirements of this Section. The Survey and Assessment shall be provided to the Community Development Services Administrator or his designee and shall be subject to the procedure as outlined in Sec. 2.2.25.3.1 through Sec. 2.2.25.3.9 above.

2.2.25.4 Historical/Archaeological Survey and Assessment Components. Historical/Archaeological Surveys and Assessments required by this Section shall be consistent with accepted professional procedures and practices as outlined in the Historic Preservation Compliance Review Program of the Florida Department of State, Division of Historical Resources; and Standards and Guidelines for Archaeology and Historic Preservation (48 FR 44716). Subsections 2.2.25.4.1 and 2.2.25.4.2 shall become effective upon the adoption, by Resolution, of the Map of Areas of Historical/Archaeological Probability by the Board of County Commissioners.

2.2.25.4.1 Survey and Assessment Components. Surveys and Assessments shall include at a minimum:

1. Title Page;
2. Table of Contents;
3. Report, Title and Authors;
4. Statement of Qualification for each Author;
5. Description of the Project Location in Terms of Geologic and Physiographic Features, the Environment, and Land Use History;
6. Description of Field and Laboratory Methodology;
7. Description of Sites Located;

   a. Significance Determination.

8. Recommendations as to Further Assessment Work, Site Preservation, or mitigation;
9. Appendices.

   a. Florida Master Site File Forms.

2.2.25.4.2 A significance determination of specific sites as required by 2.2.25.4.1, Item 7.a, of this Section is to be based on National Register of Historic Places eligibility criteria, as follows:

1. The quality or significance in American history, architecture, archaeology, engineering and culture is present in districts, sites, buildings, structures and projects that possess integrity of location, design, setting, materials, workmanship; and

2. that are associated with events that have made a significant contribution to the broad patterns of our history; or

3. that are associated with the lives of persons significant in our past; or

4. that embody the distinctive characteristics of a type, period or method of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or

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5. that have yielded, or may be likely to yield, information important in prehistory or history.

6. In addition, the importance of historical/archaeological resources to local, county, and state history or prehistory shall be considered in a significance determination.

2.2.25.5 Designation of Historical/Archaeological Sites, Structures, Districts, Buildings and Properties.

2.2.25.5.1 In addition to the areas of Historical/Archaeological Probability outlined in Sec. 2.2.25.2, specific sites, districts, structures, buildings, and properties may also be designated. Such designation will be based on the following criteria:

1. Association with distinctive elements of the cultural, social, ethnic, political, economic, scientific, religious, prehistoric and architectural history that have contributed to the pattern of history in the community, Collier County, the state or the nation; or

2. Association with the lives of persons significant in history; or

3. Embodiment of the distinctive characteristics of a type, period, method or materials of construction, or that possess high artistic values, quality of design and craftsmanship, or that represent an individual architect or builder's prominence or contribution to the development of Collier County, Florida; or

4. Location of historic or prehistoric activities such as habitation, religious, ceremonial, burial, fortification, etc. during a particular period of time, and may maintain a sufficient degree of environmental integrity to reflect some aspect of the relationship of the site's original occupants to the environment; or

5. An historic or prehistoric site which has been severely disturbed but which may still allow useful and representative data to be recovered; or

6. Have yielded or are likely to yield information on local history or prehistory; or

7. Derive their primary significance from architectural or artistic distinction of historical importance; or

8. Is the birthplace or grave of an historical figure or is a cemetery which derives its primary significance from graves of persons of transcendent importance, from age, distinctive design features, or from association with historic events; or

9. A building or structure removed from its location which is primarily significant for architectural value, or is the surviving structure most importantly associated with an historic period, person or event; or

10. A property primarily commemorative in intent if design, age, tradition or symbolic value has invested it with its own historical significance; or

11. Are listed in the National Register of Historic Places.

2.2.25.5.2 The designation of specific sites, structures, buildings, districts, and properties may be initiated by the Preservation Board or by the property owner. All designations shall be subject to approval by the Board of County Commissioners. The application shall be in a form provided by the Community Development Services Division. Property owners of record whose land is under consideration for designation initiated by the Preservation Board shall be provided two notices by certified mail return receipt requested. The first notice shall provide all pertinent information regarding the designation and the Preservation Board's scheduled meeting date to consider the site. The second notice shall indicate when the Board of County Commissioners will consider official designation of the site. Each designated site, district, structure, property or building shall have a data file maintained by the Preservation Board. The file shall contain at a minimum: site location; the historical, cultural, or archaeological significance of the site; and the specific criteria from this Section qualifying the site. An official listing of all sites and properties throughout Collier County that reflect the prehistoric occupation and historical development of Collier County and its communities, including information, maps, documents and photographic evidence collected to evaluate or substantiate the designation of a particular site, structure, building, property or district shall be maintained at the Collier County Museum. The Collier County Museum shall coordinate preservation and/or restoration efforts for any Historical/Archaeological designated building, structure, site, property, or district that is donated to or acquired by Collier County for public use.

2.2.25.6 Issuance of Certificates of Appropriateness. A Certificate of Appropriateness shall be issued by the Preservation Board for sites designated in accordance with Sec. 2.2.25.5.2 before issuance of permits by Development Services to alter, excavate, relocate, reconstruct or demolish. The Certificate of Appropriateness shall be issued prior to the issuance of building, tree removal, or demolition permits.

2.2.25.6.1 A Certificate of Appropriateness shall also be issued prior to the issuance of building permits for new construction within an historical/archaeological district designated in accordance with Sec. 2.2.25.5.2 to ensure harmonious architectural design and to preserve the integrity of the historical/archaeological district.

2.2.25.6.2 The application for Certificate of Appropriateness shall be in a form provided by the Community Development Services Division. The completed application shall be provided to the Community Development Services Administrator twenty (20) days prior to the regular monthly meeting of the Preservation Board who shall schedule the application for consideration at the next regularly scheduled meeting. The Preservation Board shall meet and act upon an application for a Certificate of Appropriateness within sixty (60) days of receipt of the application from the Community Development Services Division. The Preservation Board shall approve the application, deny the application, or approve the application with conditions.

2.2.25.6.3 Ordinary repairs and maintenance as defined in Article 6 are not required to obtain a Certificate of Appropriateness.

2.2.25.6.4 Criteria for issuance of a Certificate of Appropriateness shall be the U. S. Secretary of the Interior's "Standards for Rehabilitation" 36 C.F.R. 67 (1983), as amended. The Community Development Services Division shall maintain and make available to the public updated copies of

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the "Standards for Rehabilitation."

2.2.25.6.5 All decisions of the Preservation Board shall be in writing and include findings of fact. Notice of the decision shall be provided to the applicant, and to the Development Services Department (Customer Services Manager and the Project Review Services Manager).

2.2.25.6.6 Any party aggrieved by a decision of the Preservation Board may appeal the decision as outlined in Sec. 2.2.25.11.

2.2.25.7 Incentives. The following incentives may be applicable to specific sites, structures, districts, buildings and properties designated as archaeologically or historically significant pursuant to Sec. 2.2.25.5.

2.2.25.7.1 Financial Assistance. Historical/Archaeological designated sites, districts, structures, buildings, and properties as provided in Sec. 2.2.25.5.1 shall be (1/2 eligible for any financial assistance set aside for historic preservation projects by Collier County, the State of Florida or the Federal Government, provided they meet the requirements of those financial assistance programs.

2.2.25.7.2 Tax Credits. The Preservation Board shall encourage and assist in the nomination of eligible income-producing properties to the National Register of Historic Places in order to make available to those property owners the investment tax credits for certified rehabilitations pursuant to the Tax Reform Act of 1986 and any other programs offered through the National Register.

2.2.25.7.3 Building Code. Historical/archaeological sites, districts, structures, buildings, and properties designated pursuant to Sec. 2.2.25.5 may be eligible for administrative variances or other forms of relief from applicable building codes as follows:

2.2.25.7.4 Repairs and Alterations. Repairs, alterations and additions necessary for the preservation, restoration, rehabilitation or continued use of a building or structure may be made without conformance to the technical requirements of the Standard Building Code when the proposed work has been issued a Certificate of Appropriateness by the Preservation Board and approved by the Community Development Services Administrator or his designee, pursuant to the authority granted to the Community Development Services Administrator or his designee by other divisions or statutes and further provided that:

1. The restored building will be no more hazardous based on consideration of life, fire and sanitation safety than it was in its original condition.

2. Plans and specifications are sealed by a Florida registered architect or engineer, if required by the Building Official.

3. The Community Development Services Administrator or his designee has required the minimum necessary correction to be made before use and occupancy which will be in the public interest of health, safety and welfare.

2.2.25.7.5 Zoning Ordinance. The Community Development Services Administrator or his designee may, by, written administrative decision, approve any variance request for any designated

historical/archaeological site, district, structure, building and property pursuant to Sec. 2.2.25.5 which has received a Certificate of Appropriateness from the Preservation Board for matters involving setbacks, lot width, depth, area requirements, land development regulations, height limitations, open space requirements, parking requirements, and other similar zoning variances not related to a change in use of the property in question. In addition, contributing projects as defined in Article 6 are eligible for administrative zoning ordinance variances.

1. Before granting a variance the Community Development Services Administrator or his designee must find:

   a. That the variance will be in harmony with the general appearance and character of the community.

   b. That the variance will not be injurious to the area involved or otherwise detrimental to the public health, safety or welfare.

   c. That the proposed work is designed and arranged on the site in a manner that minimizes visual impact on the adjacent properties.

2. In granting any variances, the Community Development Services Administrator or his designee may prescribe any appropriate conditions necessary to protect and further the interest of the area and abutting properties, including but not limited to:

   a. Landscape materials, walls and fences as required buffering.

   b. Modifications to the orientation of points of ingress and egress.

   c. Modifications of site design features.

2.2.25.7.6 Open Space. Historical/archaeological resources that are to be preserved may be utilized to satisfy required setbacks, buffer strips or open space up to the maximum area required by development regulations. Conservation of such historic or archaeological resources shall qualify for any open space requirements mandated by the development regulations.

2.2.25.7.7 Density Calculations. Acreage associated with Historical/Archaeological resources preserved within the boundaries of a project shall be included in calculating the project's permitted density.

2.2.25.7.8 Appeal. The applicant or any aggrieved property owner in the area may appeal the decision of the Community Development Services Administrator or his designee according to the provisions outlined in Sec. 2.2.25.11.

2.2.25.8 Discovery or Accidental Disturbance of Historical/Archaeological Sites and Properties During Construction.

2.2.25.8.1 Discovery or Accidental Disturbance of Historical/Archaeological Sites and Properties during Construction. If, during the course of site clearing, excavation or other construction activity, an historic or archaeological artifact, or other indicator is found, all development within the minimum

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area necessary to protect the discovery shall be immediately stopped and the following procedures shall be followed:

1. The Community Development Services Administrator or his designee and Compliance services shall be contacted.

2. Compliance Services shall officially notify the property owner/developer of the discovery within 24 hours and issue a stop work order.

3. A Certified Archaeologist contracted by the property owner/developer shall determine whether the discovery site requires further investigation based upon the size and distribution of this site, depth of deposits, soil type, vegetation, and topography.

   a. If the site requires further investigation, the Certified Archaeologist shall cordon off the identified area, at a point ten feet from the perimeter of the discovery site.

   b. If the discovery site does not require further investigation, construction activity may resume after authorization by a Certified Archaeologist.

4. The Certified Archaeologist shall make recommendations for the treatment of accidental discoveries based on standards outlined in the "Treatment of Archaeological Properties" in accordance with 36 CFR Part 800. These recommendations shall be considered for incorporation into the applicable local development order.

5. The Certified Archaeologist shall expeditiously assess the cordoned off area and determine whether it is significant based on criteria outlined in Sec. 2.2.25.4.2.

   a. If the identified area is determined to be significant an Historical/Archaeological Survey and Assessment shall be prepared by a Certified Archaeologist for the entire project if one has not been completed as required by this Division. The Certified Archaeologist's recommendations derived from his Survey and Assessment shall be considered for incorporation into the applicable local development order. If an Historical/Archaeological Survey and Assessment has been prepared in accordance with Sec. 2.2.25.4.1 and Sec. 2.2.25.4.2, the recommendations shall be modified and incorporated into the local development order to reflect the additional site(s).

   b. If the identified area is determined not to be significant, a Preliminary Survey of the entire project shall be conducted by a Certified Archaeologist. Any sites determined to be significant during the Preliminary survey shall be subject to requirements in Sec. 2.2.25.8.1, Item 3.a. Construction activity within the cordoned off area may continue after all necessary artifacts and indicators have been recorded and upon authorization by a Certified Archaeologist.

6. The Certified Archaeologist shall prepare a report outlining the results of his assessment and provide a copy to the Community Development Services Administrator or his

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designee. The Community Development Services Administrator or his designee shall provide a copy of the report to the Preservation Board Members.

7. Land areas in close proximity to the discovery site deemed to have historical/archaeological significance based on the criteria in Sec. 2.2.25.4.2 shall be considered by the Preservation Board for addition to the Map of Areas of Historical/Archaeological Probability.

2.2.25.8.2 Discovery of Historical or Archaeological sites and Properties during Site Inspection. If, during a Project Review site inspection, an historic or archaeological site, significant artifact, or other indicator is found, the following procedures shall be implemented.

1. The Project Review Staff shall cordon off the immediate area and contact the Community Development Services Administrator or his designee.

2. The identified area shall be further cordoned off at a point ten (10) feet from the perimeter of the discovery site as identified by a Certified Archaeologist contracted by the property owner/developer.

3. The Certified Archaeologist shall assess the identified area and determine whether it is significant based on criteria outlined in Sec. 2.2.25.4.2.

   a. If the identified area is determined to be significant, an Historical/Archaeological Survey and Assessment for the entire project shall be prepared by a Certified Archaeologist if one has not been completed as required by this division. Recommendations derived from the Historical/Archaeological Survey and Assessment shall be considered for incorporation into the applicable development order. If an Historical/ Archaeological Survey and Assessment has been prepared in accordance with Sec. 2.2.25, the recommendations shall be modified and incorporated into the local development order to reflect the additional areas.

   b. If the identified area is determined not to be significant, the Certified Archaeologist shall complete a Preliminary Survey of the entire site. Any areas determined to be significant during the Preliminary Survey shall be subject to the requirements detailed in Sec. 2.2.25.8.2, Item 3.a.

4. Land areas in close proximity and encompassing areas deemed to have historical/archaeological significance based on criteria in Sec. 2.2.25.4.2 shall be considered by the Preservation Board for addition to the Map of Areas of Historical/Archaeological Probability.

5. The certified Archaeologist shall prepare a report outlining the results of his assessment and provide a copy to the Community Development Services Administrator or his designee. The Community Development Services Administrator or his designee shall provide a copy of the report to the Preservation Board Members.

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2.2.25.9 Willful Disturbance of Historical/Archaeologically Significant Sites, Districts, Structures, Buildings, and Properties. Willful looting, pillaging, vandalizing or desecration, as defined by this Division, of Historical/Archaeologically significant sites, districts, structures, buildings, and properties constitutes a violation of Sec. 2.2.25 punishable as described in Sec. 2.2.25.13.

2.2.25.10 Willful Disturbance of An Unmarked Burial or Burial Site. It is a violation of Sec. 2.2.25 for any person to willfully and knowingly disturb an unmarked burial or burial site, or destroy, mutilate, deface, injure or remove any burial mound, earthen or shell monument containing human skeletal remains or associated burial artifacts or other structures or items placed or designed for a memorial, or to disturb the contents of a tomb or grave or for any person to have knowledge that an unmarked human burial is being disturbed, vandalized, or damaged and to fail to notify the local law enforcement agency with jurisdiction in the area. Such actions may also be punishable as a felony pursuant to Chapter 872, Florida Statutes.

2.2.25.11 Appeals. Any party aggrieved by a decision or interpretation of this Division made by the Community Development Services Administrator or the Preservation Board shall have the right to appeal said interpretation, decision or denial to the Board of County Commissioners by filing a written notice of appeal with the Community Development Services Administrator within thirty (30) working days from the date of such decision, interpretation, or denial. The Community Development Services Administrator shall provide the Board of County Commissioners with a copy of said notice of appeal. The notice of appeal shall be provided to the applicant by certified mail, return receipt requested, and shall state the decision which is being appealed, the grounds for the appeal, and a brief summary of the relief which is sought. Within thirty (30) working days of the date of filing the appeal, or the first regular County Commission meeting which is scheduled, whichever is latest in time, the Board of County commissioners shall hear the appeal and issue a final decision. Nothing contained herein shall preclude the County Commissioners from seeking additional information prior to rendering a final decision.

2.2.25.12 Jurisdiction. Sec. 2.2.25 shall apply to all unincorporated areas of Collier County, Florida.

2.2.25.13 Penalties. A violation of the provisions of Sec. 2.2.25 shall constitute a misdemeanor and shall be prosecuted in the name of the State in the County Court by the Prosecuting Attorney, and upon conviction shall be punishable by civil or criminal penalties including a fine of not more than five hundred dollars ($500.00) per violation per day for each day the violation continues or whatever reasonable amount as a judge may feel appropriate and including a requirement that any work or development performed contrary to Sec. 2.2.25 must be removed and the property returned to its condition at commencement of said action. The Board of County Commissioners shall have the power to collaterally enforce the provisions of Sec. 2.2.25 by appropriate Judicial Writ of proceeding notwithstanding any prosecution as a misdemeanor.

2.2.25.14 Conflict and Severability. In the event Sec. 2.2.25 conflicts with any other ordinance or land development regulation in Collier County or other applicable law, the more restrictive shall apply. If any phrase or portion of Sec. 2.2.25 is held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion.

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DIV. 2.3 OFF-STREET PARKING AND LOADING.

SEC. 2.3.1 TITLE AND CITATION. This division shall be known and may be cited as the "Collier County Off-Street Parking and Loading Code."

SEC. 2.3.2 PURPOSE AND INTENT. It is the intent of this division that the public health, safety, comfort, order, appearance, convenience, morals, interest, and general welfare required that every building and use erected or instituted after the effective date of this Code shall be provided with adequate off-street parking facilities for the use of occupants, employees, visitors, customers or patrons. It is also the intent of this Code that certain uses must provide adequate off-street loading facilities. Such off-street parking and off-street loading facilities shall be maintained and continued so long as the use continues. (For definitions of "parking space, off-street" and "loading space, off-street," see Article 6).

SEC. 2.3.3 GENERAL APPLICABILITY.

Wherever in any zoning district off-street facilities are provided for the parking or display of any and all types of vehicles, boats or heavy construction equipment, whether such vehicles, boats or equipment are self-propelled or not; and all land upon which vehicles traverse the property as a function of the primary use (including "drive-in" facilities) hereinafter referred to as "other vehicular uses", such off-street facilities and land shall conform to the minimum requirements of this Code.

2.3.3.1 Repair of Existing Building or Use. Off-street parking and off-street loading facilities shall be provided as set forth in this division. Conforming buildings and uses existing as of the effective date of this Code may be modernized, altered, or repaired without providing additional off-street parking or off-street loading facilities, providing there is no increase in floor area or capacity or change in use which would require additional off-street parking.

2.3.3.2 Enlargement of Existing Building or Use. Where a conforming building or use existed as of the effective date of this Code and such building or use is enlarged in floor area, volume, capacity, or space occupied, off-street parking and off-street loading as specified in this Code shall be provided for the additional floor area, volume, capacity, or space so created or used.

2.3.3.3 Change of Existing Use. Where a use and building existed at the effective date of this Code and the use is changed after the effective date of this Code and where this Code requires such later and changed use to have greater required off-street parking, then additional off-street parking shall be provided for the later and changed use as required under this Code.

2.3.3.4 Central Business District. Unless otherwise provided, areas designated as the Central Business District of a community shall not be required to meet the requirements for off-street parking and loading herein. Such Central Business Districts may be designated on a map or such other documents and materials as are necessary and adopted by the Board of County Commissioners upon recommendation of the Planning Commission for the purpose of exempting such area from off-street parking and loading regulations.

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SEC. 2.3.4 OFF-STREET VEHICULAR FACILITIES: DESIGN STANDARDS. Off-street parking facilities and other vehicular facilities, both required and provided, shall:

2.3.4.1 Identification. Be identified as to purpose and location when not clearly evident.

2.3.4.2 Surfacing. Be surfaced with asphalt, bituminous, concrete or dustless material and maintained in smooth, well graded condition. Up to 70% of the parking spaces for houses of worship and schools may be surfaced with grass or lawn. Spaces that are not paved shall be compacted, stabilized, well-drained and surfaced with a durable grass cover. Driveways, handicapped spaces and access aisles shall be paved. When the Development Services Director determines that the paving of some or all parking spaces for houses of worship and schools will have significant negative environmental impacts the Director may require that these parking spaces not be paved. Upon approval of the Development Services Director, a suitable material (limerock excluded) with a suitable stabilized subgrade may be substituted for the above materials. This Sec. 2.3.4.2 shall not apply to single-family dwellings.

2.3.4.3 Drainage and slope. Be drained and sloped so as not to cause any nuisance to adjacent property or to public property or rights-of-way.

2.3.4.4 Lighting. Be 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.

2.3.4.5 Access. Be arranged for convenient and safe access of pedestrians and vehicles.

2.3.4.6 Internal Circulation. Be arranged so that no vehicle shall be forced onto any street to gain access from one aisle to another aisle.

2.3.4.7 Striping or marking. Whenever the number of off-street parking spaces required by this Code is five (5) or more, all parking spaces shall be striped or marked with paint or other suitable pavement marking material.

2.3.4.8 Landscaping. Be constructed so that interior portions of offstreet vehicular facilities not utilized specifically as a parking space or maneuvering or other vehicular use area shall not be paved but shall be landscaped in accordance with this Code, specifically Div. 2.4.

2.3.4.9 Dead-end aisles. Off-street parking areas shall be designed so as not to create dead-end aisles except as may be permitted in accordance with provisions of the Standard Building Code, or other applicable codes referenced within Div. 1.18. Aisles designed for one-way traffic flow shall have painted arrows not less than four feet (4') at each end of the aisle indicating the direction of travel.

2.3.4.10 Redesign. Whenever any part of an off-street parking area is redesigned, those pavement markings which no longer apply shall be completely obliterated.

2.3.4.11 Locational Requirements.

1. All required off-street parking facilities shall be located on the same lot they serve or may be located on another lot or lots under the same ownership, provided:

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a. The lots are contiguous or would be contiguous except for a roadway that is not designated as a collector or arterial in the Traffic Element of the Growth Management Plan; and

b. The lot proposed for parking permits parking facilities or the same or more intensive land uses than the lot on which the principal structure is located.

2. Where off-site parking cannot be approved because the properties are not contiguous as described above, the Community Development Services Administrator, after review of a Site Development Plan submitted in accordance with Div. 3.3 may allow some required parking to be located off-site, provided:

a. All of the lots are under the same ownership;

b. No off-site parking space is located further than three hundred (300) feet from the building or use they are intended to serve, measured by the shortest feasible walking distance, unless special circumstances exist under Sec. 2.3.4.11.5;

c. The lots are not separated by an arterial roadway as designated in the Traffic Element of the Growth Management Plan;

d. At least sixty-seven percent (67%) of the required parking for the development is located on the lot with the principal structure unless special circumstances exist under Sec.2.3.4.11.5 and;

e. The lot proposed for parking permits the same or more intensive land uses than the lot on which the principal structure is located or is commercially-zoned.

3. The Community Development Services Administrator shall base his determination of requests for off-site parking under Sec. 2.3.4.11.2 on the following review criteria:

a. The proposed off-site parking facility, including its ingress and egress, is safe and convenient for motorists and pedestrians;

b. The proposed off-site parking facility does not adversely impact the character and quality of the neighborhood nor will hinder the proper future development of surrounding properties; and

c. Approval of the petition will not create parking problems for any neighboring property.

4. Where off-site parking cannot be approved because the property is located in an agriculturally or residentially-zoned district, an application for off-site parking approval may be submitted and shall be processed in conjunction with a Site Development Plan, pursuant to Div. 3.3. The procedural requirements set forth in Sec. 2.7.5 of this Code shall be followed in the review and approval of off-site parking petitions. The Board of

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Zoning Appeals, after review and recommendation by the Planning Commission, may approve the request, provided:

a. All of the lots are under the same ownership;

b. No off-site parking space is located further than three hundred (300) feet from the building or use they are intended to serve, measured by the shortest feasible walking distance, unless special circumstances exits under Sec. 2.3.4.11.5;

c. The lots are not separated by an arterial roadway as designated in the Traffic Element of the Growth Management Plan;

d. At least sixty-seven percent (67%) of the required parking for the development located on the lot with the principal structure unless special circumstances exist under Sec. 2.3.4.11.5;

e. The off-site parking will serve an existing structure or land use;

f. Where off-site parking is proposed for commercial uses all of the lots proposed for off-site parking shall meet the locational requirements for commercial uses as identified in the Future Land Use Element of the Growth Management Plan or are designed to serve water-dependent and/or water-related uses as described in the Urban Residential Subdistrict of the Future Land Use Element of the Growth Management Plan; and

g. The off-site parking facility shall be designed to mitigate any negative effects of this parking facility on neighboring residentially-zoned property. Mitigation shall included, unless specifically determined by the Board of Zoning Appeals not to be necessary:

(1) No vehicular egress shall occur on local streets opposite of residential homes or within the building lines of unimproved single-family residentially-zoned property;

(2) Lighting shall be shielded, pointing downward, and not over twenty (20) feet in height so as to prevent glare upon all neighboring residential properties; and

(3) A fifteen (15) foot wide landscape buffer strip shall be provided around the entire perimeter where it directly abuts residentially-zoned property. Six (6) foot high architecturally-finished wall, fence, hedge, or berm combination and ten (10) foot tall shade trees spaced no more than twenty (20) feet apart on center shall be required. The Board of Zoning Appeals may reduce the 6 foot high screening requirement to 4 foot high within front yard setback areas .

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5. Where the following special circumstances exist the Community Development Services Administrator or the Board of Zoning Appeals, whichever is applicable, may reduce the requirements of Sec. 2.3.4.11.2.b and/or Sec. 2.3.4.11.2.d. These special circumstances shall include, but shall not be limited to:

   a. Where the proposed off-site parking will serve water-dependent and/or water-related uses;

   b. Where the proposed off-site parking will serve Temporary Parking for Sports Events, Religious Events, or Community Events as described in Sec. 2.3.14.

   c. Where the proposed off-site parking will serve uses within the Immokalee Central Business District as described in Sec. 2.3.21.4.

   d. Where the proposed off-site parking spaces will only be for valet parking; or

   e. Where the proposed off-site parking spaces will be for employees (limited to a maximum of fifteen (15) percent of the project's total parking requirement).

6. The Board of Zoning Appeals shall base their determination of requests for off-site parking on the following review criteria:

   a. The proposed off-site parking facility, including its ingress and egress, is safe and convenient for motorists and pedestrians;

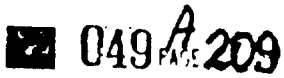
   b. The proposed off-site parking facility does not adversely impact the character and quality of the neighborhood nor will hinder the proper future development of surrounding properties;

   c. Approval of the petition will not create parking problems for any neighboring property;

   d. Other more viable parking solutions are not available to the petitioner.

7. Where parking is approved under Sec. 2.3.4.11.2 or 2.3.4.11.4, the following provisions shall apply:

   a. The Community Development Services Administrator or the Board of Zoning Appeals, whichever is applicable, may impose requirements or conditions upon approval as appropriate to promote the public, health, safety, and welfare. These requirements or conditions may include, but shall not be limited to: pedestrian ground level and overhead walkways, traffic signals, traffic control devices, directional signs, controlled ingress and egress, parking setbacks, lighting restrictions, extra landscaping, buffers, screens and limited hours of operation;



b. The owner of the land upon which such required off-street parking facilities are located shall enter into a written agreement with the County, to be filed with the Clerk of the Circuit Court, with enforcement running to the County providing that the land comprising the required off-street parking facilities shall never be encroached upon, used, sold, leased or conveyed for any purpose except in conjunction with the building or use which the required off-street parking facilities serves so long as the off-street parking facilities are required;

c. The owner of the land upon which such required off-street parking facilities are located agrees to bear the expense of recording the agreement, which agreement shall bind his heirs, successors, and assigns; and

d. The written agreement shall be voided by Collier County if other required off-street parking facilities are provided in accordance with the requirements of this Code.

8. Each off-street parking space must be directly accessible from a street, alley or other public right-of-way and all off-street parking facilities must be so arranged that no motor vehicle shall have to back onto any street, excluding single-family and two-family residential dwellings and churches approved under Sec. 2.3.14.

9. No more than 10% of a shopping centers total parking requirement may be placed in the rear of the shopping center unless the center has convenient and well lighted front and rear accesses for patrons and employees and where the rear buildings are architecturally finished adjacent to rear accesses.

2.3.4.12 Dimensional Standards.

2.3.4.12.1 Minimum Aisle Widths. Minimum aisle widths shall be as follows:

Angle of Parking	Aisle Width (One-Way)	Aisle Width (Two-Way)
Parallel	12 feet*	20 feet
30 degrees	12 feet*	22 feet
45 degrees	12 feet*	22 feet
60 degrees	18 feet	24 feet
90 degrees	22 feet	24 feet

* Fire districts may require these to be increased to fourteen (14') where an acute turning radius is present

2.3.4.12.2 Minimum Space Size. Each parking space shall be a minimum of nine (9') feet by eighteen feet (18') in size except for compact parking spaces allowed within Sec. 2.3.4.12.3

2.3.4.12.3 Minimum Compact Space Size. In retail commercial projects, up to fifteen percent (15%), and in all residential, office and industrial projects, up to twenty five percent (25%), of the required

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parking spaces may be designated as compact spaces with minimum dimensions of eight feet (8') by sixteen feet (16'). Compact spaces will only be allowed in projects requiring twenty (20') or more parking spaces. The compact spaces shall be clustered in one or more groups of spaces and dispersed throughout the site so that drivers using either compact or full sized spaces have equal access to the most convenient parking locations. Compact spaces shall be designated by signs on every third space, painted "Compact" on each pavement space and double striped to indicate their status. Spaces provided in excess of the required number of spaces may all be compact spaces as long as compact spaces never exceed thirty three (33%) of the total number of spaces provided.

SEC. 2.3.5 OFF-STREET PARKING: SHARED PARKING. For the purposes of this section, shared parking shall be defined as: off-site parking on property that normally is not under the same ownership as the structure or use the parking is designed to serve and consists of joint parking, where parking serves and is credited for land uses on two or more properties, and/or leased parking, where credited parking space is excess to the parking requirements of the lot on which it is located based on Sec. 2.3.14.

2.3.5.1 Application Procedures. An application for shared parking approval may be submitted, and shall be processed in conjunction with a Site Development Plan, pursuant to Div. 3.3. The determination of the request shall be made by the Board of Zoning Appeals, after review and recommendation by the Planning Commission. The procedural requirements set forth in Sec. 2.7.5 of this Code shall be followed in the review and determination of shared parking petitions.

2.3.5.2 Application Contents. The petition for shared parking approval shall include:

1. A Site Development Plan with all necessary attachments, pursuant to Div. 3.3;

2. The Site Development Plan shall also depict: the proposed shared parking facility and its vehicular access drives and parking spaces; pedestrian walkways between the shared parking facility and all buildings or uses they are designed to connect; lighting and landscaping of the shared parking facility; and the alternate parking plan or land reservation plan described in Sec. 2.3.5.6 unless a minimum ten (10) year leased parking agreement is proposed;

3. Notarized documentation demonstrating that the petitioner has permission for all involved property owners to obtain the necessary approvals and describing all buildings or uses that will be receiving credit for the shared parking including normal operating hours for such buildings or uses; and

4. A proposed shared parking agreement between all involved property owners, with notarized signatures, describing the rights and limitations of all property owners and businesses. Such agreement shall bind the heirs, successors and assigns of each such owner.

2.3.5.3 Requirements for Shared Parking. Proposed shared parking facilities shall meet all of the following provisions:

2.3.5.3.1 All parking spaces that are to be shared shall be paved;

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2.3.5.3.2 No shared parking space shall be located further than three hundred (300) feet from the buildings or uses they serve unless special circumstances exist including, but not limited to:

1. Where the proposed off-site parking will serve temporary parking for sports events, religious events, or community events as described in Sec. 2.3.14.

2. Where the proposed off-site parking will serve uses within the Immokalee Central Business District as described in Sec. 2.3.21.4;

3. Where the proposed off-site parking spaces will only be for valet parking;

4. Where the proposed off-site parking will serve water-dependent and/or water-related uses; and

5. Where the proposed off-site parking will only be for employees (limited to a maximum of fifteen (15) percent of the project's total parking requirement).

2.3.5.3.3 The shared parking spaces shall not be separated from the buildings or uses they are designed to serve by a roadway designated as a collector or arterial in the Transportation Element of the Growth Management Plan.

2.3.5.4 Credit for Joint Parking Spaces. Credit for joint parking spaces shall be limited to the following amounts:

1. Where the request involves a church and another property whose predominant parking demand is between 7:00 A.M. and 6:00 P.M., Monday through Friday, or two (2) other properties, where the business hours of one (1) property do not overlap with the business hours of the other property, the credit for joint parking spaces shall not exceed fifty percent (50%) of the minimum required spaces for the property requiring the least amount of spaces. The credit may be applied all to one property or split between the two properties; or

2. In all other cases, the credit for joint parking spaces shall not exceed twenty-five percent (25%) of the minimum required spaces for the property requiring the least amount of spaces. The credit may be applied all to one property or split between the two properties.

2.3.5.5 Credit for Leased Off-Site Parking Spaces. Credit for leased off-site parking spaces shall be limited in all cases to thirty five percent (35%) of the land use's parking requirement that the parking spaces are proposed to serve.

2.3.5.6 Review Criteria for Shared Parking. The Board of Zoning Appeals shall base their determination of the requests for shared parking on the following review criteria:

2.3.5.6.1 The proposed shared parking facility, including its ingress and egress, is safe and convenient for motorists and pedestrians;

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2.3.5.6.2 The proposed shared parking facility will not adversely impact the character and quality of the neighborhood nor hinder the proper future development of surrounding properties;

2.3.5.6.3 The shared parking plan will have environmental, economic or traffic flow benefits for the community;

2.3.5.6.4 The shared parking plan will solve parking problems that were not create by the owners or lessees of the subject properties;

2.3.5.6.5 Other more viable parking alternatives are not available for the subject properties;

2.3.5.6.6 The operating hours, types of land uses, and other applicable factors are conducive for shared parking at the present time and are likely to remain constant;

2.3.5.6.7 Approval of the Shared Parking Agreement would be consistent with the Future Land Use Element of the Growth Management Plan;

2.3.5.6.8 Where the shared parking plan shows no land reservation or a minimum ten (10) year leased parking agreement, the petitioner has demonstrated that the alternative parking plan is feasible at the present time, and should be feasible in the future;

2.3.5.6.9 Failure of the shared parking plan and the alternative parking plan or the minimum ten (10) year leased parking agreement would not have serious implications on the public health, safety and welfare; and

2.3.5.6.10 Approval of the petition will not create parking problems for any neighboring property.

2.3.5.7 Conditions of Approval for Shared Parking. Where shared parking is approved under Sec. 2.3.5.6, the following provisions shall apply:

2.3.5.7.1 The Board of Zoning Appeals may impose requirements or conditions upon approval as appropriate to promote the public health, safety and welfare. These requirements or conditions may include, but shall not be limited to: pedestrian ground level or overhead walkways, traffic signals, traffic control devices, directional signs, signs to designate shared parking spaces, lighting standards, extra landscaping, buffers, screens and limited hours of operation;

2.3.5.7.2 The shared parking agreement shall be recorded in the Public Records of Collier County, Florida at the owner's expense. Collier County shall release the parties to the shared parking agreement and from the terms thereof, if other required off-street facilities are provided in accordance with the requirements of this Ordinance; and

2.3.5.7.3 The Board of Zoning Appeals shall determine that the minimum ten (10) year leased parking agreement or the alternative parking plan is feasible or the petitioner and/or owner of the shared facility reserves sufficient land areas required to meet future parking needs. A land reservation shall be required for all shared parking approvals except where the shared parking is between a church and another land use or only between existing structures for joint parking or an existing structure for leased parking that have received Certificates of Occupancy. Such land reservation

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may include any number of parking spaces so long as there are sufficient spaces to accommodate the parking needs of both the sharing facility and the facility needing the additional parking. This reservation shall be recorded in the Public Records of Collier County, Florida at the owner's expense. Collier County shall release the parties to the land reservation agreement from the terms thereof, if other required off-street facilities are provided in accordance with the requirements of this Code.

SEC. 2.3.6 OFF-STREET PARKING: USES NOT SPECIFICALLY MENTIONED. Requirements for off-street parking for uses not specifically mentioned in this division shall be the same as for the use most similar to the one sought, it being the intent of this Code to require all uses to provide off-street parking, unless specific provision is made to the contrary.

SEC. 2.3.7 OFF-STREET PARKING: FRACTIONAL MEASUREMENTS. When units of measurements determining number of required off-street parking spaces result in a requirement of a fractional space, then such fraction equal or greater than one-half (1/2) shall require a full off-street parking space.

SEC. 2.3.8 OFF-STREET PARKING: MEASUREMENT. Where this Code requires off-street parking based on various types of measurements, the following rules shall apply:

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

2.3.8.2 In hospitals, bassinets do not count as beds.

2.3.8.3 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 count as one seat.

2.3.8.4 Where the parking requirements are based on number of employees or persons employed or working in an establishment and the number of employees increases after the building or structure is occupied, then the amount of off-street parking provided must be increased in ratio to the increase of the number of employees.

SEC. 2.3.9 OFF-STREET PARKING: MINIMUM REQUIREMENT. Irrespective of any other requirement of this Code, each and every separate individual store, office, or other business shall be provided with at least one (1) off-street parking space, unless specific provision is made to the contrary.

SEC. 2.3.10 OFF-STREET PARKING: ENCROACHMENT PROHIBITED. Required offstreet parking shall be located so that no automotive vehicle when parking 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.

SEC. 2.3.11 OFF-STREET PARKING: NOT TO BE REDUCED OR CHANGED. Required off-street parking according to the requirements of this Code 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 off-street parking is provided meeting the requirements of this Code.

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SEC. 2.3.12 OFF-STREET PARKING: RESERVATION. Where the developer believes that the parking spaces required for a specific project are excessive, that developer may request a variance through the normal variance procedures. If the variance is approved by the Board of Zoning Appeals after review and recommendation by the Planning Commission, the developer shall reserve an area that is sufficient in size to provide this parking, in case the parking is needed in the future. The developer shall provide additional landscaping for trees and shrubs only, and this increased landscaping shall be the same percentage increase over the normal required landscaping that the parking spaces were approved to be reduced by, and further provided:

2.3.12.1 A Development Plan is submitted to and approved in accordance with Sec. 3.3.5.

2.3.12.2 The owner of the land upon which such parking is being reserved shall enter into a written agreement with the County, to be filed with the Clerk of the Circuit Court, with enforcement running to the County ensuring that the reserved parking area shall never be encroached upon, used, sold, leased or conveyed for any purpose except in conjunction with the building or use which the reserved parking area serves so long as the off-street parking facilities are required.

2.3.12.3 The owner of the land upon which such reserved parking area is located agrees to bear the expense of recording the agreement, which agreement shall bind his heirs, successors or assigns.

2.3.12.4 The written agreement shall be voided by the County if the reserved parking area is converted to usable parking area or if the reserved parking area is no longer required.

2.3.12.5 Any other condition(s) that the Board of Zoning Appeals determines appropriate with a recommendation of approval. Such condition(s) may include provisions of escrow money that can be used to develop the parking spaces at a later date, if necessary.

SEC. 2.3.13 [RESERVED].

SEC. 2.3.14 OFF-STREET PARKING AND STACKING: REQUIRED AMOUNTS. Minimum off-street parking space requirements are set forth below. Where stacking is required, the amount listed does not include the first vehicle being serviced (for drive-in windows stacking starts 10 feet behind the middle of the pick-up window) and is computed at 20 feet per vehicle (turns are computed at 22 feet per vehicle measured at the outside of the driveway). Stacking for one lane may be reduced if the reduction is added to the other lane(s).

Airport (Civil Aviation)	One (1) per 600 annual enplaned passengers.
Airport (General Aviation)	One (1) per each aircraft tiedown/storage/Maintenance area.
Art Gallery or Museum	One (1) per 300 square feet of floor area open to the general public.
Auto Maintenance Center (Drive-Through)	One (1) per 250 square feet. Stacking for five (5) vehicles for the first bay and two (2) for each additional bay.
Auto Service Station	Three and one-half (3.5) per service bay or one (1) per 250 square feet, whichever is greater.

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Auto/Truck/Trailer Leasing	One (1) per 500 square feet of roofed building area plus one (1) per 2,000 square feet of paved outdoor vehicle storage area. These spaces shall not be used for the parking of rental vehicles.
Auto/Truck/Boat/ Motorcycle/ Recreational Vehicle Repair or Body Shop	Three and one-half (3.5) per service bay or one (1) per 250 square feet, whichever is greater.
Auto/Truck/Boat/ Motorcycle/ Recreational Vehicle Sales or Dealership	One (1) per 400 square feet of building area except service/body shop buildings which are three and one-half (3.5) per service bay or one (1) per 250 square feet, whichever is greater; plus one (1) per 2,000 square feet of outdoor sales/display area.
Auto/Truck Washing	One (1) for self-service wash facilities and one (1) per employee of the largest shift for automatic wash facilities. Stacking for two (2) vehicles per stall for self-service wash bays and stacking for five (5) vehicles per automatic car wash lane.
Bank or Financial Institution	One (1) per 250 square feet on the first floor and one (1) per 300 square feet on any other floors. Stacking for six (6) vehicles for each drive-up window not to exceed a total requirement of twenty-five (25) vehicles.
Barbershop/Beauty Parlor/Hair Salon	One (1) per 200 square feet or three (3) per barber/beautician hair-cutting chair, whichever is greater.
Beverage Center (Drive-through)	One (1) per 250 square feet. Stacking for five (5) vehicles for the first drive-through aisle and two (2) for each additional aisle.
Boat Storage	(Only for dry storage on a site that has no water access for boats and those not associated with a self-service storage facility) - one (1) per 12 dry boat storage spaces.
Bowling Alley	One (1) per 200 square feet for bowling area which also includes parking for locker room area, bowlers' seating/approach area and storage area plus one (1) per 150 square feet for all other uses including offices, snack bars, lounges, game/pool rooms, and sales areas.
Building Supplies /Lumberyard	(only for retail sales where the supplies are primarily stored outside) - One (1) per 275 square feet of inside retail/office area plus one (1) per 1,500 square feet of enclosed or roofed storage structures.

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Child Care/Day Nursery/Kindergarten	Two (2) per employee of the largest workshift plus adequate drop-off and pickup areas.
Church/House of Worship/Temple/ Synagogue	Three (3) for each seven (7) seats in chapel or assembly area. Other uses are not counted except for residential uses. A reduction of this standard to a minimum of one (1) space for each four (4) seats, may be applied for in conjunction with an application for a Site Development Plan, through the Board of Zoning Appeals after review and recommendation of the Planning Commission. This reduction will only be allowed for expansion created by congregational growth, for existing church buildings where the applicant can demonstrate a significant hardship exists. A stacked or other parking plan shall be submitted with the application which will demonstrate that the vehicle parking will not have negative impacts upon neighboring properties and will provide adequate access for emergency vehicles.
Convenience Store/ Delicatessen/Take Out Prepared Food Store	One (1) per 200 square feet plus one (1) for each two seats provided for food patrons plus stacking for five (5) vehicles for each automatic car wash lane
Dance, Art, Music Studio	One (1) per 250 square feet.
Equipment Rental Store	One (1) per 500 square feet plus one (1) per 2,000 square feet of outside storage/display areas.
Funeral Home/ Crematories	One (1) per 75 square feet for room used for services and chapels and one (1) per 300 square feet for all other uses.
Furniture/Carpet/Major Appliance Store	One (1) per 600 square feet (this includes retail, office and storage areas).
Golf Course	Four (4) per hole plus one (1) per 200 square feet for office/lobby/pro shop/health club/clubhouse/lounge/snack bar/dining/meeting room areas and 50% of normal requirements for exterior recreation uses including: swimming pools, golf driving ranges and tennis courts. Golf cart, golf bag and equipment storage rooms; maintenance buildings; and rooms for mechanical equipment shall be computed at one (1) per 1,000 square feet.
Golf Driving Range	One (1) per 2 driving tees and one (1) per practice putting green plus normal requirements for any structures.
Golf (Miniature)	One and one quarter (1.25) per hole plus normal requirements for any structures.

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Heliport, Helipad, Ultra-Light Flight Park	One (1) per 2 helicopter tiedown/storage/service areas plus one (1) per 5 ultra-light tiedown/storage/service areas plus one (1) per employee at largest workshift.
Hospital	Eleven (11) per five patient beds.
Hotel	Eleven (11) per 10 guest rooms (this includes the required parking for the hotel office and all accessory recreational facilities that are open to hotel guests only). Accessory uses shall be computed as follows: fifty percent (50%) of normal requirements for restaurants, one (1) per 400 square feet for other retail uses, one (1) per 100 square feet for meeting rooms, ballrooms and convention rooms and one (1) per 100 square feet for lounges, bars and nightclubs.
Industrial Use/ Activity (not otherwise listed)	One (1) per 500 square feet or one (1) per employee or largest workshift, whichever is greater. Office/retail areas shall be computed at one (1) per 275 square feet.
Junkyard, Salvage Yard	One (1) per 500 square feet of roofed area plus one (1) per 15,000 square feet of outside storage area.
Kennel	One (1) per 200 square feet except for animal holding areas. One (1) per 10 animal holding areas.
Library, Community Recreational Facility	One (1) for each 200 square feet or one (1) for each three (3) seats, whichever is greater.
Lounge, Bar, Nightclub, Pool Hall (Drinking Establishment)	One (1) per 50 square feet plus one (1) per 75 square feet for any outdoor eating/drinking areas.
Marina, Boatel	One (1) per 2 wet boat slips excluding those used for charter boats plus one (1) per 5 dry boat storage spaces. Wet slips used for charter boats (including those for fishing, shelling, diving, and sight-seeing purposes) are computed at one (1) per 3 boat passengers based on the maximum number of passengers and charter boats used for dining are computed at one (1) per 2 boat passengers based on the maximum number of passengers. Each parking space provided to meet the marina's boat slip or dry storage parking requirements may also be credited towards meeting 100 square feet of the parking requirements for the marina or any permitted marina related activities excluding restaurants, lounges/bars and private clubs. Uses not receiving credit from parking provided for boat slips or day storage spaces shall provide parking at the normal rate for those uses as required within this Code.

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Medical/Dental Office or Clinic (Outpatient Care Facility)	One (1) per 200 square feet.
Model Home Sales Office/Center	Four (4) for the first unit and 1.5 for each additional unit.
Motel	Twelve (12) per 10 guest rooms (this includes the required parking for the motel office and all accessory recreational facilities designed primarily for motel guests). Where accessory uses are designed primarily for motel guests, they shall be computed as follows: Sixty seven percent (67%) of normal requirements for restaurants, one (1) per 350 square feet for other retail uses, one (1) per 100 square feet for meeting rooms, ballrooms and convention rooms and one (1) per 75 square feet for lounges, bars and nightclubs.
Nursery, Plant (Retail)	One (1) per 250 square feet of roofed and enclosed building area plus one (1) per 2,000 square feet of outside display area open to the public.
Nursery, Plant (Wholesale)	One (1) per employee of largest workshift plus one (1) per 10,000 square feet of display area and one (1) per acre of growing areas.
Office	One (1) per 300 square feet.
Office (Contractor's)	One (1) per 300 square feet per office area and one (1) per 1,000 square feet per roofed storage area. Plus one per each company vehicle that will be parked overnight.
Private Organizational Club or Lodge	One (1) per 100 square feet or one (1) per 3 seats that will be setup at any time, whichever is greater. This shall be computed on all areas used for offices, meeting rooms, restaurants, dining rooms and indoor recreation. Other uses such as marinas, retail areas and outdoor recreation areas require additional parking at normal requirements.
Public Buildings (Fire, Emergency Medical Service or Sheriff Station and Jail)	One (1) per 200 square feet for administrative office area and two.(2) per employee of the largest shift for all other areas plus one (1) per 5 prisoners based on the maximum holding capacity for any jails.
Recreation Facilities (Indoor) Sports, Exercise, Fitness, Aerobics, or Health Club/Skating Rink/ Game Room/Bingo Parlor	One (1) per 100 square feet.

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Recreation Facilities (Outdoor) Tennis, Racquetball or Handball Courts	Three (3) per court plus other uses as required.
Research Laboratory	One (1) per 300 square feet of office area plus one (1) per 500 square feet of other areas or one (1) per employee of largest workshift, whichever is greater. Plus three (3) for visitors.
Residential Uses:	
Boarding/Rooming House, Bed and Breakfast Residence	One (1) per rented room plus two (2) for owners/employees.
Convalescent Home, Nursing Home, Home for the Aged, Rehabilitation Facility	Two (2) per 5 beds.
Duplex	Two (2) per dwelling unit.
Single Family House, Town/Row House, Mobile Home, Guest House, Caretaker's Residence	Two (2) per unit.
Multi-Family Dwellings	All units shall have one (1) per unit plus visitor parking computed at .5 per efficiency unit, .75 per one bedroom unit, and one (1) per two bedroom or larger unit. Office/administrative buildings shall have parking provided at 50% of normal requirements. Where small-scale recreation facilities are accessory to a single-family or multi-family project and intended only for the residents of that project, exclusive of golf courses/clubhouses, the recreation facilities may be computed at 50% of normal requirements where the majority of the dwelling units are not within 300 feet of the recreation facilities and at 25% of normal requirements where the majority of the dwelling units are within 300 feet of the recreation facilities. However, any recreation facility shall have a minimum of two (2) spaces exclusive of parking spaces for dwelling units.
Nursing Home	Family Care Facility, Group Care Facility (Category I and Category II), and Care Unit - See Sec. 2.6.26 of this Code.

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Restaurant (Walk-up or Drive-through with walk-up window and/or outdoor seating) -	One (1) per 80 square feet including outdoor eating areas or one (1) per 2 seats, whichever is greater. A stacking area of nine (9) vehicles for the first drive-through land and six (6) for any additional drive-through lanes.
Restaurant (Drive-through with no walk -up window or outdoor seating)	One (1) per 100 square feet. A stacking area of ten (10) vehicles for the first drive-through land and seven (7) for any additional drive-through lanes.
Restaurant (Fast Food)	One (1) per 70 square feet including outdoor eating areas or one (1) per 2 seats, whichever is greater. A stacking area of nine (9) vehicles for the first drive-through lane and four (4) for any additional drive-through lanes.
Restaurant (Sit-Down)	One (1) per 60 square feet including outdoor eating areas or one (1) per 2 seats, whichever is greater. Credit for boat slip parking is allowed where the slips have all necessary permits and are located on navigable waterways, using the formula 1 boat slip = 1 vehicle space, provided that each and all boat slips credited shall not be leased or rented for boat storage or utilized for any purpose other than customers frequenting said restaurant. Credit for boat slip parking shall be limited to a maximum of ten percent of a restaurant's required parking not to exceed a total credit of 10 parking spaces, with the amount credited determined by the Development Services Director based on the likelihood of restaurant customers using these wet slips during peak business hours of the restaurant.
Retail Shop or Store (not otherwise listed) and Department Stores	One (1) per 250 square feet of indoor/outdoor retail and office areas plus one (1) per 500 square feet for indoor/outdoor storage areas that have no access for the general public and partly enclosed or open air garden centers.
Schools:	
Business School/ Vo-Tech	Two (2) per 5 students plus four (4) per 5 faculty/staff members.
College/University	Two (2) per 5 commuter students plus one (1) per 2 resident students plus four (4) per 5 faculty/staff members.
Elementary/Junior High School	Five (5) per four staff/faculty members.
Senior High School	One (1) per faculty/staff member plus one (1) per 5 students.

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Shopping Center	One (1) space per 215 square feet for centers with a gross floor area less than 400,000 square feet and not having significant cinemas/theaters (none or those with a total cinema/theater seating capacity of less than 5 seats per 1,000 square feet of the shopping center's gross floor area). One (1) space per 175 square feet for all other centers. Regional shopping center parking requirements shall be based upon gross leasable floor area which shall include any common area that is leased or used for retail activities. Rear Parking Requirements: When more than 10% of a shopping center's total parking requirement is placed in the rear of the shopping center, the center shall have convenient and well-lighted front and rear accesses for patrons and employees and the rear buildings shall be architecturally finished adjacent to rear accesses.
Sports Arena, Theater, Cinema, Auditorium, or Public Assembly Area not Otherwise Listed	One (1) for each (3) seats or one (1) space per 40 square feet, whichever is greater.
Stadium (Outdoor)	One (1) for each three (3) seats/patrons allowed to stand or one (1) space per 40 square feet of spectator seating/standing areas, whichever is greater plus one (1) for each employee/non-spectator who will be present during performances excluding those arriving by buses. Bus parking is required when employees, non-spectators or spectators will be arriving by bus.
Storage Facility (Self-Service)	One per 20,000 square feet of storage buildings plus one (1) per 50 vehicle/boat storage spaces plus one (1) per 300 square feet of office areas. Minimum of four (4).
Supermarket	One (1) per 200 square feet for those not within a shopping center. For those within a shopping center the parking ratio shall be computed the same as for that shopping center. Supermarkets shall also meet the green space requirements and rear parking requirements as shown pursuant to shopping centers as set forth in this Section.
Swimming Pool/Hot Tubs/Spas (Outdoor)	One (1) per 75 square feet of water areas for the first 1,000 square feet and one (1) for each additional 125 square feet of water areas. A single family house is exempt from this requirement.

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Television/Radio Studio	One (1) per employee of largest shift or one (1) per 400 square feet, whichever is greater. Plus three (3) for visitors.
Temporary Parking for Sports Events, Religious Events or Community Events	In the case of a church, community or other sporting event which operates on an intermittent or seasonal basis, the required off-street parking may be provided on a temporary basis and need not be permanently designated, paved, drained, or landscaped, provided the use has been approved and issued by the Development Services Director in accordance with applicable standards for the use.
Travel Trailer/ Recreational Vehicle Park Campsite	One (1) per campsite lot or other TTRVC lot.
Veterinarian	One (1) per 200 square feet except for animal holding areas. One (1) per 10 animal holding areas.
Warehouse, Wholesale Establishment	One (1) per 1,000 square feet except for sales/office areas which are one (1) per 275 square feet.

Vested Projects:

All types of Site Development Plans that have been formally submitted or approved by January 29, 1991, will be exempt, at the election of the applicant, from the new parking requirements of Sec. 2.3.14 as long as commencement of construction occurs on the project by January 29, 1992. Furthermore, amendments to these exempted Site Development Plans will also be exempted, at the election of the applicant, but only where the amendments are considered an Insubstantial Change per Sec. 3.3.7. For this Subsection, "commencement of construction" means the physical act of constructing or installing on or in the property substantial infrastructure as approved in the Final Approval of the Site Development Plan. Where this paragraph conflicts with any portion of Sec. 1.5.2, this paragraph shall prevail over Sec. 1.5.2.

SEC. 2.3.15 OFF-STREET LOADING; SPECIFICATIONS. Off-street loading facilities are required by this Code so that vehicles engaged in unloading will not encroach on or interfere with public use of streets and alleys by pedestrians and automotive vehicles and so that adequate space will be available for the unloading and loading off the street of goods, materials, or things for delivery or shipping. Off-street loading facilities supplied to meet the needs of one use may not be considered as meeting the needs of another use. Off-street parking facilities may not be used for or counted as meeting off-street loading requirements.

2.3.15.1 When the use of a structure or land or any part thereof is changed to a use requiring off-street loading facilities, the full amount of off-street 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 off-street loading space, the full amount of such space shall be supplied and maintained for the structure or use in its enlarged or extended size.

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2.3.15.2 Each off-street loading space shall be directly accessible from a street or alley without crossing or entering any other required off-street loading space of off-street 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.

SEC. 2.3.16 OFF-STREET LOADING; PLANS REQUIRED. A plan shall be submitted with every application for a building permit for any use or structure required to provide off-street loading facilities. The plan shall accurately designate the required off-street loading spaces, access thereto, dimensions and clearance.

SEC. 2.3.17 OFF-STREET LOADING; RESERVATION. Areas reserved for required off-street loading in accordance with the requirements of this Code shall not be reduced to area or changed to any other use unless the permitted or permissible use that it serves is discontinued or modified or equivalent required off-street loading is provided in accordance with the requirements of this Code.

SEC. 2.3.18 OFF-STREET LOADING; COMBINED OFF-STREET LOADING. Collective, joint, or combined provisions for off-street loading facilities for two (2) or more buildings or uses may be made, provided that such off-street 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.

SEC. 2.3.19 OFF-STREET LOADING REQUIREMENTS. Off-street loading spaces shall be provided and maintained as follows:

2.3.19.1 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:

Square feet	No. of Spaces
5,000 but not over 10,000	1
10,000 but not over 20,000	2
20,000 but not over 50,000	3

Plus one (1) additional off-street loading space for each additional 25,000 square feet over 50,000 square feet or major fraction thereof.

2.3.19.2 For each multiple family dwelling facility having at least twenty (20) dwelling units but not over fifty (50) dwelling units: one (1) space. For each multiple family dwelling facility having over fifty (50) dwelling units: one (1) space, plus one (1) space for each additional fifty (50) dwelling units, or major fraction thereof.

2.3.19.3 For each auditorium, convention hall, exhibition hall, museum, hotel or motel, office building, sports arena or stadium, two (2) or more buildings or uses may be permitted to combine their off-street loading facilities, provided that such off-street loading facilities meet the requirements of

this Code, 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; hospitals, sanitariums, welfare institutions, or similar uses which have an aggregate gross floor area of:

Over 5,000 square feet, but not over 20,000 square feet: one (1) space; plus for each additional 25,000 square feet (over 20,000 square feet) or major fraction thereof: one (1) space.

2.3.19.4 For facilities in Sec. 2.3.19 not of sufficient size to meet the minimum requirements set forth therein, each such facility shall provide off-street loading on the property, in accord with Sec. 2.3.19, to insure that no deliveries or shipments of goods or products will require the use, however temporary, of any public right-of-way or required off-street parking space for the parking of a delivery vehicle.

2.3.19.5 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.

SEC. 2.3.20 OFF-STREET PARKING SPACES REQUIRED FOR DISABLED PERSONS.

2.3.20.1 Publicly Operated or Maintained Buildings.

2.3.20.1.1 One (1) space in the immediate vicinity of a building maintained and operated with public funds and intended for use by the public, including, but not limited to, state office buildings, courthouses, rehabilitation centers, and hospitals; except a minimum of four (4) spaces shall be provided at physical restoration rehabilitation centers.

2.3.20.1.2 One (1) space for each 150 metered on-street and publicly maintained and operated parking lot spaces.

2.3.20.2 Privately Operated or Maintained Buildings or Businesses.

2.3.20.2.1 Any business, firm, corporation, person, or other entity, except as provided for in Sec. 2.3.20.1, which operates or maintains a building which is used by the public or to which the public has access shall provide specially designed and marked motor vehicle parking spaces for the exclusive use of physically disabled persons who have been issued parking permits pursuant to Sec. 320.0848, Florida Statutes.

2.3.20.2.2 A parking lot servicing any building or entrance pathway to a building shall have a number of level parking spaces, as set forth in the following table, identified by above-grade signs, as provided in Sec. 2.3.20.3.4, as being reserved for physically handicapped persons:

REQUIRED NUMBER OF TOTAL SPACES IN LOT	RESERVED SPACES
up to 25	1
26 to 50	2
51 to 75	3
76 to 100	4

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REQUIRED NUMBER OF TOTAL SPACES IN LOT	RESERVED SPACES
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1000	2% of total

2.3.20.3 Specific Requirements and Design.

2.3.20.3.1 All spaces shall have accessible thereto a curb-ramp or curb-cut, when necessary to allow access to the building served, and shall be located so that users will not be compelled to wheel behind parked vehicles.

2.3.20.3.2 Diagonal or perpendicular parking spaces shall be a minimum of twelve (12) feet wide.

2.3.20.3.3 Parallel parking spaces shall be located either at the beginning or end of a block or adjacent to alley entrances. Curbs adjacent to such spaces shall be of a height which will not interfere with the opening and closing of motor vehicle doors.

2.3.20.3.4 Each such parking space shall be prominently outlined with paint and posted with a fixed, non-movable sign of a color and design approved by the Department of Transportation, bearing the internationally accepted wheelchair symbol and the caption "PARKING BY DISABLED PERMIT ONLY."

SEC. 2.3.21 STANDARDS FOR PARKING WITHIN THE IMMOKALEE CENTRAL BUSINESS DISTRICT.

2.3.21.1 Primary Area: Lots, parcels, or uses which have frontage on West Main Street (S.R. 29) or First Street (C.R. 846) shall comprise the primary area.

2.3.21.1.1 Existing uses: Uses in existence as of the effective date of this Code are exempt from the minimum parking requirements as set forth in Sec. 2.3.14 except that existing uses shall not reduce the number of spaces below that which is provided as of the effective date of this Code.

2.3.21.1.2 Expansion: The expansion of any use shall require parking at 50% of the minimum requirement as set forth in Sec. 2.3.14, for the expansion only.

2.3.21.1.3 Change in Existing Use: A change of any use shall be exempt from the minimum parking requirements as set forth in Sec. 2.3.14 up to an intensity level of one (1) parking space per 100 square feet. A change of use to an intensity of greater that one (1) space per 100 square feet shall require parking at one (1) parking space per 150 square feet.

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2.3.21.1.4 Uses in New Buildings: Any use in a building constructed after the effective date of this Code will be required to provide parking at 50% of the minimum requirement as set forth in Sec. 2.3.14.

2.3.21.2 Secondary Area: Lots, parcels, or uses which do not have frontage on Main Street or First Street shall comprise the secondary area.

2.3.21.2.1 Existing uses: Uses in existence as of the effective date of this Code are exempt from the minimum parking requirements as set forth in Sec. 2.3.14 except that existing uses shall not reduce the number of spaces below that which is provided as of the effective date of this Code.

2.3.21.2.2 Expansion: The expansion of any use shall require an addition to any parking of the minimum number of required spaces as set forth under Sec. 2.3.14, for the expansion only.

2.3.21.2.3 Change in Existing Use: A change of any use shall be exempt from the minimum parking requirements as set forth in Sec. 2.3.14 up to an intensity level of one (1) parking space per 100 square feet. A change of use to an intensity of greater that one (1) parking space per 100 square feet shall require parking at 50% of the minimum requirement as set forth under Sec. 2.3.14. No change in use shall allow for a reduction of the current number of parking spaces provided.

2.3.21.2.4 Uses in New Buildings: Any use in a building constructed after the effective date of this Code will be required to provide parking at 67% of the minimum requirement as set forth in Sec. _____ (8.23).

2.3.21.3 Off-Site Parking Agreements. In no way shall the provisions of the Immokalee Central Business District (ICBD) be construed so as to prevent establishments within the boundaries from taking advantage of off-site parking arrangements as set forth in Sec. 2.3.4.11. Furthermore, the maximum distances set forth in Sec. 2.3.4.11 shall be increased to 600 feet within the boundaries of the ICBD. Properties within the ICBD entering into off-site parking agreements with properties outside the ICBD may utilize the 600 foot rule.

2.3.21.4 Boundaries of the District: The physical limits of the Immokalee Central Business District are as shown on the official zoning atlas map of the subject area, and as described below:

Beginning at the intersection of First Street and Third Avenue, the ICBD boundary proceeds westerly along the center line of Third Avenue to its intersection with North Fifth Street to its intersection with Second Avenue, then westerly along the center line of Second Avenue to the northerly extension of the east line of Lot 33, Block A, Joyce Park Subdivision, then southerly along said lot line to the southeast corner of said lot, then westerly along the south lot line of Lots 33, 34, and 35 to the southwest corner of Lot 35, then northerly along the western lot line of Lot 35 to the center line of Second Avenue, then westerly to the center line of North Ninth Street, then southerly to the westerly extension of the north lot line of Lot 12, Block 6, Carson's subdivision, then easterly, northerly and easterly with the north lot line of Lot 12 and continuing easterly to the northeast corner of Lot 6, Block 4, Carson's Subdivision, then southerly to the center line of Boston Avenue, then easterly to the center line of Fourth Street South, then southerly to the western extension of the south lot line of Lot 5, Block 9, Carson's Addition Subdivision, then easterly to the center line of Third Street South, then southerly to the center line

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of Colorado Avenue, then easterly to the center line of Second Street South, then southerly to the center line of Eustis Avenue, then easterly to the southern extension of the center line of Fahrney Street, then northerly with the center line of Fahrney Street to the center line of Delaware Avenue, then westerly to the southern extension of the east lot line of Lot 14, Block 1, Mainline Subdivision, then northerly to the center line of Rose Avenue, then westerly to the center line of South First Street, then northerly to the Point of Beginning.

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DIV. 2.4 LANDSCAPING AND BUFFERING.

SEC. 2.4.1 TITLE AND CITATION. This division shall be known and may be cited as the "Collier County Landscaping Code."

SEC. 2.4.2 PURPOSE AND INTENT. The purpose and intent of the landscape code is to promote the health, safety, and welfare of residents of Collier County by establishing minimum uniform standards for the installation and maintenance of landscaping; to improve the aesthetic appearance of commercial, industrial, and residential developments through the requirement of minimum landscaping in ways that harmonize the natural and built environment; to promote preservation and planting of native plants and plant communities to provide physical and psychological benefits to persons through landscaping by reducing noise and glare, and by screening and buffering the harsher visual aspects of urban development; to improve environmental quality by reducing and reversing air, noise, heat, and chemical pollution through the preservation of canopy trees and the creation of shade and microclimate; to reduce heat gain in or on buildings or paved areas through the filtering capacity of trees and vegetation; and to promote water conservation by encouraging the use of native and drought tolerant vegetation and properly zoned irrigation systems through xeriscape.

SEC. 2.4.3 PROCEDURES.

2.4.3.1 Landscape Plan Required. Prior to the issuance of any preliminary subdivision plat, final site development plan, or building permit; an applicant whose development is covered by the requirements of this section shall submit a landscape plan to the Development Services Director. The landscape plan shall be prepared by and bear the seal of a landscape architect registered in the State of Florida; or otherwise be prepared by persons authorized to prepare landscape plans or drawings for submittal to government entities as outlined in Chapter 481, Part II, (Landscape Architecture) of Florida Statutes. The landscaping required for single-family, two-family, and mobile home dwelling units, shall be shown on the building permit plot plan. This plan is not required to be prepared by and bear the seal of a landscape architect.

The landscape plan shall be drawn to a suitable scale, include dimensions, north arrow, date, title, project owner's name; delineate the existing and proposed parking, vehicular use areas, buildings, access points, and roadways; show all utility lines or easements, and show the location of existing and proposed planting areas and vegetation communities and designate them by species name. The code required landscaping shall be highlighted or indicated on the plan to differentiate from the applicant's provided landscaping that is in addition to that required by this code. The plan shall show the location of permanent vegetation protection devices, such as barricades, curbing, and tree wells. The plan shall also include a chart indicating graphic plant symbol, botanical and common name, quantity, height, spread, spacing, native status, and drought tolerance rating and type of mulch. In addition, a tabulation of the code required landscaping indicating the calculations necessary to insure compliance with this code shall also appear. No use required under this section to provide landscaping shall receive a certificate of occupancy without specific approval of such landscaping plan and its installation.

2.4.3.2 Irrigation Plan Required. Prior to the issuance of any preliminary subdivision plat or final site development plan, an applicant whose development is subject to the requirements of this section

shall submit a separate irrigation plan to the Development Services Director. The plan shall be prepared by persons qualified to prepare irrigation plans, such as an irrigation designer or landscape architect.

The irrigation plan shall be drawn to a suitable scale; show existing vegetation to remain; delineate existing and proposed buildings and other site improvements, parking spaces, aisles, and driveways; indicate main, valve, and pump locations, pipe sizes and specifications, show controller locations and specifications, show back flow preventor and rain sensing devices and include a typical sprinkler zone plan indicating type, specifications and spacing; and coverage. If drip irrigation or soaker hoses are proposed, their layout shall be shown.

Irrigation systems shall be designed to avoid impacts with existing vegetation and field changes may be made to avoid disturbance of such vegetation, such as line routing, sprinkler head placement and spray direction adjustments.

2.4.3.3 Existing Plant Communities. Existing plant communities and ecosystems shall be maintained in a natural state and shall not be required to be irrigated . Native plant areas that are supplements to an existing plant community or newly installed by the developer shall be irrigated on a temporary basis only during the period of establishment from a temporary irrigation system, water truck or by hand watering with a hose.

2.4.3.4 Cultivated Landscapes. Cultivated landscape areas shall be provided with an automatic irrigation system to improve the survivability of the required landscaping. Sprinkler heads irrigating lawns or other high water demand areas shall be circuited so that they are on a separate zone or zones from those irrigating trees, shrubbery, ground cover, flowers, or other reduced water requirement areas. Automatically controlled irrigation systems shall be operated by an irrigation controller that is capable of watering "high water" requirement areas at different frequencies and durations than "low water" requirement areas. Landscaping shall be watered on an as needed basis only.

Irrigation systems shall be designed for the zoning of high and low water use areas and one hundred (100) percent head to head coverage or the equivalent for porous pipe systems. These requirements may be adjusted for retention areas. The irrigation system shall be designed and installed in accordance with the Florida Irrigation Society, "Standards and Specifications for Turf and Landscape Irrigation Systems" (as amended). Irrigation systems utilizing well water shall be designed and maintained in a manner which eliminates staining of the building, walks, walls and other site improvements. All systems shall be designed to eliminate the application of water to impervious areas. Irrigation systems, other than drip or soaker hose systems, shall be operated between the hours of midnight and ten a.m.,unless the operation of multiple zones requires additional time. South Florida Water Management District (SFWMD) or other utility company water use restrictions shall supersede these requirements. There are no operational requirements for irrigation systems utilizing effluent.

Affordable housing projects shall be exempt from the irrigation requirements of this Division. This exemption shall not apply to the requirements for rain-sensing devices if irrigation is installed voluntarily by the applicant.

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All new residential, commercial, and industrial developments shall be irrigated by the use of an automatic irrigation system with controller set to apply water in a manner consistent with this Division. Moisture detection devices shall be installed on all automatic sprinkler systems to override the sprinkler activation mechanism during periods of increased rainfall. Where existing irrigation systems are modified requiring the acquisition of a permit, automatic activation systems and overriding moisture detection devices shall be installed in compliance with this Division.

2.4.3.5 Installation. Prior to the issuance of any certificate of occupancy for a use required to provide landscaping and irrigation in accordance with this section, all required landscaping and irrigation shall be installed and in place as set out in the plans approved under Subsections 2.4.3.1 and 2.4.3.2. All plant materials must be installed in accordance with accepted landscape practices in the area and meet the plant material standards contained in Sec. 2.4.4. Plant materials shall be installed in soil conditions that are conducive to the proper growth of the plant material. A plant's growth habit shall be considered in advance of conflicts which might arise (i.e. views, signage, overhead powerlines, lighting, circulation, etc.). Trees shall not be placed where they interfere with site drainage, subsurface utilities, or overhead utility lines or where they shall require frequent pruning in order to avoid interferences with overhead power lines. Trees shall not be planted in areas that retain excessive quantities of water or will require excessive amounts of fill placed over the root system, that will affect the health of the tree species. Required landscaping shall not be placed within easements without written approval from all entities claiming an interest under said easement.

All required landscaping shall be installed in accordance with plans approved under Sec. 2.4.3.1 - 2.4.3.2. A Surety Bond in the form of an irrevocable letter of credit, performance bond or cash in the substance and form acceptable to the Collier County Attorney shall be tendered by the applicant at fifty (50) percent of the installed value of the landscape required by this Code. The surety bond shall be held by the County and shall be subject to release twelve (12) months from the date of issuance of a Certificate of Occupancy, upon re-inspection for compliance by Compliance Services.

In instances where an act of God or conditions outside the control of the applicant have prevented immediate installation, the Development Services Director, if furnished with a statement which includes good and sufficient evidence that states that the required plantings will be installed when conditions permit, may issue a Temporary Certificate of Occupancy. If the required plantings are not installed when conditions permit, then the County may revoke the Certificate of Occupancy.

2.4.3.6 Pruning. Vegetation required by this code shall only be pruned to promote healthy, uniform, natural growth of the vegetation except where necessary to promote health, safety, and welfare and shall be in accordance with "Pruning Standards" of the National Arborist Association. Trees and shrubs shall not be severely pruned in order to permanently maintain growth at a reduced height or spread. Pruning shall not interfere with the design intent of the original installation. A plant's growth habit shall be considered in advance of conflicts which might arise (i.e. views, signage, overhead powerlines, lighting, circulation, etc.)

2.4.3.7 Maintenance. The owner shall be responsible for the continued maintenance and upkeep of all required landscaping so as to present a healthy plant in a condition representative of the species. All landscapes shall be kept free of refuse, debris, disease, pests, and weeds and shall be fertilized

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and irrigated to maintain plants in a healthy condition. Ongoing maintenance to prohibit the establishment of prohibited exotic species is required. Any plant materials of whatsoever type or kind required by these regulations shall be replaced within thirty (30) days of their demise and/or removal. Compliance Services will inspect areas affected by this code and issue citations for violations. If the required corrective action is not taken within the time allowed, the County may use any available means of enforcement to secure compliance. These shall include, but not be limited to the following:

1. Prosecution before the Collier County Code Enforcement Board;
2. Prosecution by the State Attorney's Office as provided by Florida Statutes;
3. Withholding of any Permit, Construction Plan Approval, Certificate of Occupancy, or inspection by the County;
4. Placing a lien on the property, to include all administrative, legal, material and installation costs.

SEC. 2.4.4 PLANT MATERIAL STANDARDS AND INSTALLATION STANDARDS.

2.4.4.1 Quality. Plant materials used to meet the requirements of this section shall meet the Standards for Florida No. 1 or better, as set out in "Grades and Standards for Nursery Plants", Part I, and Part II, Department of Agriculture, State of Florida (as amended). Root ball sizes on all transplanted plant materials shall also meet State standards.

At least seventy-five (75) percent of the trees and fifty (50) percent of the shrubs used to fulfill these requirements shall be native Southern Floridian species, as determined by accepted valid scientific reference. References to be used in this determination may include, but not be limited to:

Long, R.W. and O. Lakela, 1976. A Flora of Tropical Florida.

Small, J.K. 1933. A Manual of the Southeastern Flora.

Wunderlin, R.P. 1982. Guide to the Vascular Plants of Central Florida.

Where xeric plants are to be utilized, use the South Florida Water Management District, Xeriscape Plant Guide (as amended) as a reference.

2.4.4.2 Trees. All required new individual canopy trees, shall be species having an average mature spread or crown of greater than twenty (20) 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 or crown less than twenty (20) feet may be substituted by grouping the same so as to create the equivalent of twenty (20) foot crown spread. Clustering of three (3) or more palms shall equal one canopy tree. Palms 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 division . The Development Services Director may approve utilizing more than thirty (30) percent of palms on the site, if the existing site has significant amounts of palms to be retained or relocated on site. For code required trees, at least fifty (50) percent of the trees at the time of installation shall be a minimum of ten (10) feet in height, have a one and three quarters (1 3/4) inch caliper (at twelve

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(12) inches above the ground) and a four (4) foot spread. The remaining code required trees, at the time of installation, shall be at least eight (8) feet in height, have a one and one half (1 1/2) inch caliper (at twelve (12) inches above the ground) and a three (3) foot spread. A minimum of seventy (70) percent of the required trees shall be canopy trees.

All new trees, including palms, shall be of a species having an average mature height of fifteen (15) feet or greater.

2.4.4.3 Shrubs and Hedges. Shrubs shall be a minimum of twenty four (24) inches in height above the adjacent pavement surface required to be buffered and/or screened when measured at time of planting, grown in a three (3) gallon container and be spaced eighteen (18) to thirty-six (36) inches on center. They shall be at least thirty six (36) inches in height within twelve (12) months of time of planting and shall be maintained at a height of no less than thirty-six (36) inches above the adjacent pavement required to be buffered and/or screened in perpetuity, except for visibility at intersections and where pedestrian access is provided. Hedges, where required, shall be planted in double staggered rows and maintained so as to form a continuous, unbroken, solid visual screen within a minimum of one (1) year after time of planting. Where buffering and/or screening is required, shrubs shall be planted and maintained at a height as specified in Sec. 2.4.7.4 of this Code, except where street visibility is required. Double staggered rows of hedges shall be required only in type "D" buffers.

2.4.4.4 Ground Covers. Ground covers shall be installed in a manner which present a finished appearance and complete coverage. Stone, gravel, or any artificial ground cover shall not be utilized for more than twenty (20) percent of the landscaped area. Use of native groundcovers is encouraged.

2.4.4.5 Organic Mulch Requirements. A two (2) inch minimum layer after watering-in, of organic mulch shall be placed and maintained around all newly installed trees, shrubs and ground cover plantings. Each tree shall have a ring of organic mulch no less than twelve (12) inches beyond its trunk in all directions. No more than twenty-five (25) percent by volume of the mulch used on a site may be cypress mulch.

2.4.4.6 Lawn Grass. Grassed areas shall be planted with species normally grown in permanent lawns common to 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. The use of drought tolerant species is advised.

2.4.4.7 Site Specific Plant Material. Trees and other vegetation shall be planted in soil and climatic conditions which are appropriate for their growth habits. The Development Services Director shall review and approve landscape plans based on the following criteria. Required plants used in the landscape design shall be:

2.4.4.7.1 Appropriate to the conditions in which they are to be planted (including drought, salt and cold-tolerance).

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2.4.4.7.2 Have non-invasive growth habits.

2.4.4.7.3 Encourage low maintenance.

2.4.4.7.4 Be otherwise consistent with the intent of this Division.

2.4.4.8 Prohibited Species. The following plant species are prohibited.

2.4.4.8.1 Broussonetia papyrifera (Paper Mulberry)

2.4.4.8.2 Any member of the family Casuarinaceae (Australian Pine)

2.4.4.8.3 Enterolobium Cyclocarpum (Ear tree)

2.4.4.8.4 Melaleuca spp. (Punk)

2.4.4.8.5 Melia azedarach (Chinaberry tree)

2.4.4.8.6 Schinus terebinthinfolius (Brazilian Pepper)

2.4.4.8.7 Rhodomyrtus tomentosus (Downy rosemyrtle)

2.4.4.8.8 Bischofia javanica (Bishopwood)

2.4.4.8.9 Scaevola frutescens (Australian Inkberry)

2.4.4.8.10 Syzygium cumini (Java Plum)

2.4.4.8.11 Mimosa pigra (Cat-claw mimosa)

2.4.4.8.12 Acacia auriculiformis (Earleaf Acacia)

This list shall be subject to revision as exotic plant species are determined to be noxious, invasive, cause environmental degradation to native habitats, or to be detrimental to human health, safety or the public welfare.

2.4.4.9 Prohibited Exotic Species. In addition to the prohibitions outlined in Sec. 2.4.4.8, the following species or seeds thereof shall not be grown, offered for sale, or transported inter-county or intra-county.

2.4.4.9.1 Melaleuca spp. (Punk)

2.4.4.9.2 Schinus terebinthifolius (Brazilian pepper)

2.4.4.9.3 Any member of the family Casuarinaceae (Australian Pine)

2.4.4.9.4 Rhodomyrtus tomentosus (Downy Rosemyrtle)

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2.4.4.10 Existing Plant Material. In meeting the requirements of landscaping, the Development Services Director may permit the use of healthy native plant material existing on site. In so doing, the Development Services 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 or reduction in numbers of trees or shrubs required, unless otherwise allowed pursuant to Sec. 2.4.4.11. Removal of vegetation is subject to the Vegetation Removal, Protection, and Preservation Section (Division 3.9).

All new development shall retain existing native vegetation to the maximum extent possible. Existing native vegetation shall be retained unless stormwater management design, necessary grade changes, required infrastructure or approved construction footprints necessitate its removal. The need to remove existing vegetation shall be demonstrated by the applicant as a part of the site/construction plan review process. Areas of retained vegetation shall be preserved in their entirety with all trees, understory, and ground covers left intact and undisturbed provided that prohibited exotic plant materials as defined herein are to be removed .

During construction, all reasonable steps necessary to prevent the destruction or damaging of existing vegetation shall be taken. No excess soil, additional fill, equipment, liquids, or construction debris, shall be placed within the drip line of any vegetation that is required to be preserved, or that will be credited towards the required landscaping.

Protective barriers shall be installed and maintained beyond the drip line of all retained vegetation unless site improvements prohibit installation of barriers beyond the dripline, and shall remain in place for the duration of the construction process phase .

2.4.4.11 Tree Preservation Credits. Existing trees may be credited towards meeting the minimum tree planting requirements according to the formula in Table 2.4.4 . Fractional measurements shall be attributed to the next lowest category.

TABLE 2.4.4
CALCULATION OF TREE PRESERVATION CREDITS

EXISTING CROWN SPREAD OF PRESERVED TREES	or	DIAMETER OF TREE AT 4.5 FEET ABOVE NATURAL GRADE	=	NUMBER OF TREE CREDITS
50 feet or greater	or	26" or greater	=	6
40 to 49 feet	or	20 to 25"	=	5
30 to 39 feet	or	13 to 19"	=	4
20 to 29 feet	or	8 to 12"	=	3
10 to 19 feet	or	2 to 7"	=	2*
less than 10 feet	or	1 1/2 to 2"	=	1*

* credited against equivalent required tree only.

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2.4.4.12 Trees Excluded from Preservation Credit. No credit shall be given for preserved trees which:

2.4.4.12.1 are not located within the areas of the property for which trees are required by the code;

2.4.4.12.2 are located in required natural preservation areas indicated on an approved master land use plan, site development plan or plat;

2.4.4.12.3 are required to be preserved by Federal, State or local law, such as mangroves;

2.4.4.12.4 are not properly protected from damage during the construction process, as provided in Sec. 2.4.4.10;

2.4.4.12.5 are prohibited species identified in Sec. 2.4.4.8;

2.4.4.12.6 are dead, dying, diseased, or infested with harmful insects;

2.4.4.12.7 are located in recreation tracts, golf courses or similar subareas within planned developments which are not intended to be developed for residential, commercial or industrial use (unless abutting said use, and the required buffer width is dedicated on the plat as a landscape buffer easement); or

2.4.4.12.8 are not located within the boundaries of the parcel.

2.4.4.13 Safe Sight Distance Triangles at Intersection and Access Points. Where an accessway intersects a right-of-way or when a property abuts the intersection of two (2) or more rights-of-way, a minimum safe sight distance triangular area shall be established. Within this area, vegetation shall be planted and maintained in a way that provides unobstructed visibility at a level between thirty (30) inches and eight (8) feet above the crown of the adjacent roadway. Landscaping shall be located in accordance with the roadside recovery area provisions of the State of Florida, "Department of Transportation's Manual of Uniform Minimum Standards for Design, Construction, and Maintenance of Streets and Highways" ("DOT Green Book") where appropriate.

Where an accessway enters a right-of-way, two safe distance triangles shall be created diagonally across from each other on both sides of the accessway. Two sides of the triangle shall extend ten (10) feet each way from the point of intersection from the edge of pavement and the right-of-way line. The third side of the triangle shall be a line connecting the ends of the other two sides.

Where a property abuts the intersection of two rights-of-ways, a safe distance triangle shall be created. Two sides of the triangle shall extend twenty-five (25) feet along the abutting right-of-way lines, measured from the point of intersection. The third side of the triangle shall be a line connecting the ends of the other two sides.

SEC. 2.4.5 MINIMUM LANDSCAPING REQUIRED FOR VEHICULAR USE AREAS.

2.4.5.1 Applicability. The provisions of this Section shall apply to all new off-street parking or other vehicular use areas. Existing landscaping which does not comply with the provisions of this code shall be brought into conformity to the maximum extent possible when: the vehicular use area is

altered or expanded except for restriping of lots/drives, the building square footage is changed, or the structure has been vacant for a period of ninety (90) days or more and a request for an occupational license to resume business is made. These provisions shall apply to all developments with the exception of "single-family", "two family", and mobile home dwelling units, dwellings on individually platted lots. Any appeal from an administrative determination relating to these regulations shall be to the Board of Zoning Appeals or equivalent. Prior to issuing occupancy permits for new construction, implementation and completion of landscaping requirements in off-street vehicular facilities shall be required. Where a conflict exists between the strict application of this Division and the requirements for the number of off-street parking spaces or area of off-street loading facilities, the requirements of this Division shall apply.

2.4.5.2 Landscaping Required in Interior of Vehicular Use Areas. At least ten (10) percent of the amount of vehicular use area on site shall be devoted to interior landscaping areas. The width of all curbing shall be excluded from the required landscaped areas. All interior landscaped areas not dedicated to trees or to preservation of existing vegetation shall be landscaped with grass, ground cover, shrubs or other landscape treatment. One tree shall be provided for every one hundred fifty (150) square feet of required interior landscaped area. Interior landscaped areas shall be a minimum of five (5) feet in width and one hundred fifty (150) square feet in area.

All rows of parking spaces shall contain no more than ten (10) parking spaces uninterrupted by a required landscaped island which shall measure inside the curb not less than eight (8) feet in width and at least eight (8) feet in length and at least one hundred (100) square feet in area. At least one (1) tree shall be planted in each island. These islands shall not be used as retention areas or as swales. Landscape islands for compact car parking areas shall be at least seven (7) feet in width and at least one hundred (100) square feet in area. These tree requirements shall be met with existing native trees whenever such trees are located within the parking area and may be feasibly incorporated into the landscaping. In no instance shall a parking stall be farther than fifty (50) feet from a tree, measured to the tree trunk. Interior landscaping areas shall serve to divide and break up the expanse of paving at strategic points and to provide adequate shading of the paved area. Perimeter landscaping shall not be credited toward interior landscaping.

Interior landscaping areas shall be provided within the interior of all vehicular use areas. Landscaped areas, wall structures, and walks shall require protection from vehicular encroachment through appropriate wheel stops or curbs or other structures.

Interior landscaping areas shall meet the requirements of Division 2.4.3.5, 2.4.3.6, and 2.4.3.7. Alternative designs may be approved that achieve equivalent results subject to approval by the Development Services Director.

2.4.5.3 Vehicular Overhang of Landscaped Areas. The front of a vehicle may overhang any landscaped area a maximum of two (2) feet, provided the landscaped area is 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 spaces. Walkways shall be a minimum of five (5) feet in width if a vehicle is to overhang the walkway.

2.4.5.4 Green Space Required in Shopping Centers. An additional area that is at least two percent (2%) of the size of the vehicular use areas, shall be developed as green space within the front yard(s)

or courtyards of shopping centers. The courtyards shall only be located in areas that are likely to be used by pedestrians visiting the shopping center. The two percent (2%) green space area shall be in addition to other landscaping requirements of this division, and may be used to meet the open space requirements (Sec. 2.6.3.2), and shall be labeled "Green Space" on all subdivision and site plans. Green space shall be considered areas designed for environmental, scenic or non-commercial recreation purposes and shall be pedestrian-friendly and aesthetically appealing. Green space may only include the following: lawns, mulch, decorative plantings, non-prohibited exotic trees, walkways within the interior of the green space area not used for shopping, fountains man-made water courses (but not water retention areas), wooded areas, park benches, site lighting, sculptures, gazebos, and any other similar items that the Development Services Director deems appropriate. Green space shall include: walkways within the interior of the green space area not used for shopping, a minimum of one (1) foot of park bench per 1,000 square feet of building area, and a minimum of one (1) tree for each 150 square feet of green space area. The green space area shall use existing trees where possible and landscaping credits will be allowed as governed by Table 2.4.4. The green space areas shall be located in areas that are in close proximity to the retail shopping area. Benches may also be located in interior landscaped areas and seventy-five (75) percent of benches may be located adjacent to the building envelope along paths, walkways and within arcades or malls.

SEC. 2.4.6 MINIMUM LANDSCAPING REQUIREMENTS. Landscaping for all new development, including single family, two family, and mobile home dwelling units shall include, at a minimum, the number of trees set forth below. Areas dedicated as preserves and conservation areas shall not be counted to meet the requirements of this section. Existing trees may be credited to meet these requirements, pursuant to subsection 2.4.4.11. Trees shall meet the requirements of Section 2.4.4.2. Existing residential development that does not meet the minimum landscaping requirements of this Code, shall be required to install the required landscaping before a Certificate of Occupancy is granted for any improvements to the property.

2.4.6.1 Residential developments: One (1) canopy tree per three thousand (3,000) square feet of lot area, or two (2) canopy trees per lot, whichever is greater, with the maximum number required: fifteen (15) trees per lot.

2.4.6.2 Industrial and commercial developments: One (1) canopy tree per five thousand (5,000) square feet of lot area, or one (1) canopy tree per lot, whichever is greater.

2.4.6.3 Littoral Zone Planting. All developments that create lake areas shall provide littoral zone plantings of emergent, aquatic vegetation in accordance with South Florida Water Management District (SFWMD) regulations.

2.4.6.4 Building Perimeter Plantings. All shopping center, retail, office and similar uses shall provide building perimeter plantings in the amount of ten (10) square feet per one thousand (1,000) square feet of proposed building gross floor area. These planting areas shall be located adjacent to the building and shall consist of landscape areas, raised planters or planter boxes.

SEC. 2.4.7 MINIMUM LANDSCAPE BUFFERING AND SCREENING BETWEEN USES.

2.4.7.1 Purpose and Intent. The purpose and intent of establishing landscape buffering and screening is

to reduce the potential incompatibility of adjacent land uses, conserve natural resources and maintain open space, protect established residential neighborhoods, and enhance community identity. In order to minimize negative effects between adjacent land uses, this division promotes the use of landscape buffers and screens to eliminate or minimize potential nuisances such as dirt, litter, noise, lights, unsightly buildings and structures, and off-street parking and loading areas. Additionally, buffers and screens provide spacing and landscaping to reduce potentially adverse impacts of noise, odor, or lighting. Buffering refers to a strip of land separating adjacent land uses, whereas screening refers to fences, walls, berms, trees, shrubs, or a combination of these screening devices on the buffer strip.

2.4.7.2 Applicability. The buffering and screening shown in Table 2.5 shall be required under this section and shall apply to all new development and to development that changes building square footage or expands vehicular use areas, to the greatest extent possible. These provisions shall apply to the previous existing areas as well as to the new areas.

Where a property adjacent to the proposed use is: 1) undeveloped, 2) undeveloped but permitted without the required buffering and screening required pursuant to this Code, or 3) developed without the buffering and screening required pursuant to this Code, the proposed use shall be required to install the more opaque buffer as provided for in Table 2.4. Where property adjacent to the proposed use has provided the more opaque buffer as provided for in Table 2.4, the proposed use shall install a Type "A" buffer.

Where the incorporation of existing native vegetation in landscape buffers is determined as being equivalent to or in excess of the intent of this Code, the Development Services Director may waive the planting requirements of this section.

Buffering and landscaping between similar residential land uses may be incorporated into the yards of individual lots or tracts without the mandatory creation of separate tracts. If buffering and landscaping is to be located on a lot, it shall be shown as an easement for buffering and landscaping.

The buffering and screening provisions of this Code shall be applicable at the time of Planned Unit Development (PUD), Preliminary Subdivision Plat (PSP) or Site Development Plan (SDP) review, with the installation of the buffering and screening required pursuant to Sec. 2.4.3.5

Landscape buffering and screening standards within any Planned Unit Development shall conform to the minimum buffering and screening standards of the zoning district to which it most closely resembles. The Development Services Director may approve alternative landscape buffering and screening standards when such alternative standards have been determined by use of professionally acceptable standards to be equivalent to or in excess of the intent of this Code.

2.4.7.3 Standards. Unless otherwise noted, all standards outlined in Sec. 2.4.4 shall apply. Trees and shrubs shall be installed at the height specified in Sec. 2.4.4.2.

2.4.7.4 Types of Buffers: Within a required buffer strip, the following alternatives shall be used based on the matrix in Table 2.4.

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Alternative A- Ten (10) foot wide landscape buffer, with trees spaced no more than thirty (30) feet on center.

Alternative B- Fifteen (15) foot wide, eighty percent (80%) opaque within one (1) year landscape buffer six (6) feet in height, which may include a wall, fence, hedge, berm or combination thereof, including trees spaced no more than twenty-five (25) feet on center.

Alternative C- Twenty (20) foot wide, opaque within one (1) year, landscape buffer with a six (6) foot wall, fence, hedge, or berm, or combination thereof and two (2) staggered rows of trees spaced no more than thirty (30) feet on center.

Alternative D- A landscape buffer shall be required adjacent to any road right-of-way, external to the development project. The minimum width of the perimeter landscape buffer shall vary according to the ultimate width of the abutting right-of-way. Where the ultimate width of the right-of-way is zero to ninety-nine (0-99) feet the corresponding landscape buffer shall measure at least ten (10) feet in width. Where the ultimate width of the right-of-way is one-hundred or more (100+) feet, the corresponding landscape buffer shall measure at least fifteen (15) feet in width. Developments of fifteen (15) acres or more and developments within an Activity Center shall provide a perimeter landscape buffer of at least twenty (20) feet in width regardless of the width of the right-of-way. Activity Center right-of-way buffer requirements shall not be applicable to roadways internal to the development.

Trees shall be spaced no more than thirty (30) feet on center in the landscape buffer abutting a right-of-way.

A hedge of at least twenty-four (24) inches in height at the time of planting shall be required in the landscape buffer where vehicular areas are adjacent to the road right-of-way, pursuant to Sec. 2.4.4.3.

The remaining area of the landscape buffer shall consist of existing native vegetation, grass, ground cover, or other landscape treatment. Landscaping within a right-of-way shall not be applied to meet the provisions of this Code. Every effort should be made to retain and incorporate the existing native vegetation in these areas.

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TABLE 2.4
TABLE OF BUFFER REQUIREMENTS BY LAND USE CLASSIFICATIONS

Adjacent Properties District

	Subject Property's District	1	2	3	4	5	6	7	8	9	10	11
1.	Agriculture (A)[1]	-	B	B	B	B	B	A	A	A	A	D
2.	Residential - (E, RSF) Single Family	A	A	B	B	B	B	B	C	B	*	D
3.	Residential-(RMF-6, RMF-12, RMF-16) Multi-Family	A	B	A	B	A	B	B	B	B	*	D
4.	Residential Tourist (RT)	A	B	A	A	B	B	A	B	B	*	D
5.	Village Residential (VR)	A	A	B	B	A	B	B	B	B	*	D
6.	Mobile Home (MH)	A	B	B	B	B	A	B	B	B	*	D
7.	Commercial (C-1, C-1/T, C-2, C-3, C-4, C-5)	A	B	B	B	B	B	A	A	A	*	D
8.	Industrial (I)	A	C	B	B	B	B	A[2]	A	A	*	D
9.	Public Use (P)	A	B	B	B	B	B	A	A	A	*	D
10.	Planned Unit Development (PUD)	*	*	*	*	*	*	*	*	*	*	D
11.	Vehicular Rights of Way	D	D	D	D	D	D	D	D	D	D	-

The letter listed under Adjacent Properties District shall be the landscape buffer and screening alternative required. The "-" symbol shall represent that no buffer is required. The PUD district buffer, due to a variety of differing land uses, is indicated by the "*" symbol, and shall be based on the landscape buffer and screening of the district or use with the most similar types, densities and intensities of uses. Where a conflict exists between the buffering requirements and the yard requirements of this Code, the yard requirements of the subject zoning district shall apply.

[1] Buffering in Agriculture (A) districts shall be applicable at the time of Site Development Plan (SDP) submittal.

[2] Industrial (I) zoned property, 20,000 square feet or less in area, shall have a minimum five (5) foot landscape buffer along the side and rear property lines. This buffer shall not be used for water management. This reduction in buffer width shall not apply to buffers adjacent to right-of-way or non-industrial zoned property.

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DIV. 2.5 SIGNS.

SEC. 2.5.1 TITLE AND CITATION. This division shall be known and may be cited as the "Collier County Sign Code".

SEC. 2.5.2 APPLICABILITY. This division shall apply to and be enforced in all unincorporated areas of Collier County, Florida.

SEC. 2.5.3 GENERAL FINDING. Increased numbers and sizes of signs, as well as certain types of lighting distract the attention of motorists and pedestrians, and interfere with traffic safety. The indiscriminate erection of signs degrades the aesthetic attractiveness of the natural and manmade attributes of the community and thereby undermines the economic value of tourism, visitation and permanent economic growth.

SEC. 2.5.4 PURPOSE AND INTENT. It is the intent and purpose of this Sign Code, and it shall be interpreted, to implement the goals, policies and objectives of the Growth Management Plan, and to promote the health, safety, convenience, aesthetics, and general welfare of the community by controlling signs which are intended to communicate to the public, and to authorize the use of signs which are:

2.5.4.1 Compatible with their surroundings.

2.5.4.2 Designed, constructed, installed and maintained in a manner which does not endanger public safety or unduly distract motorists.

2.5.4.3 Appropriate to the type of activity to which they pertain.

2.5.4.4 Are large enough to convey sufficient information about the owner or occupants of a particular property, the products or services available on the property, or the activities conducted on the property, and small enough to satisfy the needs for regulation.

2.5.4.5 Reflective of the identity and creativity of the individual occupants.

SEC. 2.5.5 SIGNS EXEMPT FROM PERMITTING. The following signs are exempt from the permit requirements of this Code, and shall be permitted in all districts subject to the limitations set forth below:

2.5.5.1 Signs required to be maintained, or posted by law or governmental order, rule, or regulation.

2.5.5.2 On-premises directional signs, not exceeding four (4) square feet in area, intended to facilitate the movement of pedestrians and vehicles within the site upon which such signs are posted.

2.5.5.3 One identification sign, professional name plate, or occupational sign for each professional office, or business establishment not to exceed two (2) square feet in sign area and placed flush against a building face or mailbox side, and denoting only the name of the occupant and, at the occupant's election, the occupant's professional or specialty and/or the street address of the premise.

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2.5.5.4 Memorial plaques, cornerstones, historical tablets, and similar types of commemorative signs when cut into any masonry surface or when constructed of bronze or other noncombustible materials.

2.5.5.5 "No Trespassing," "No Dumping," or other prohibitory or safety type signs, provided each sign does not exceed two (2) square feet in size.

2.5.5.6 Real Estate Signs. All supports for such signs shall be securely built, constructed, and erected and shall be located on the site listed for sale and no closer than fifteen (15) feet from any property line, and subject to the following:

2.5.5.6.1 One (1) ground, or wall "For Sale", "For Rent", or similar sign per street frontage for each parcel, or lot less than one (1) acre in size:

Non-residential districts: maximum of twelve (12) square feet in size.
Residential districts: maximum of four (4) square feet in size.

2.5.5.6.2 One (1) ground or wall "For Sale", "For Rent", or similar sign per street frontage for each parcel, or lot one (1) acre or larger in size:

Non-residential districts: maximum of thirty-two (32) square feet in size.
Residential districts: maximum of twelve (12) square feet in size.

2.5.5.6.3 One (1) on-premises sign for model homes, approved in conjunction with a temporary use permit in any zoning district not to exceed thirty-two (32) square feet. Model home sign copy shall be limited to the model name, builders name, name and address, phone number, price, logo, and model home designation.

2.5.5.6.4 One (1) on-premises open house sign not to exceed four (4) square feet in size. Such sign shall not be located within fifteen (15) feet of any property line, right-of-way or access easement.

2.5.5.6.5 Real estate signs shall be removed when ownership has changed or the property is no longer for sale, rent or lease. A sign advertising that a property has been sold, or leased shall not be displayed for more than thirty (30) days after it is erected.

2.5.5.7 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 size.

2.5.5.8 Traffic control and safety sign or other municipal, County, State or Federal signs, legal notices, railroad crossing signs, danger signs and such temporary emergency signs when erected by an appropriate authority.

2.5.5.9 Holiday, seasonal, or commemorative decorations provided that such signs display no commercial advertising and provided that such signs are not displayed for a period of more than sixty (60) days.

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2.5.5.10 Window merchandise displays which are changed on a regular basis, meaning no less frequently than every thirty (30) days.

2.5.5.11 Signs located at the entrance drive of residences located upon two and one quarter (2.25) acre lots or greater, displaying the name and address of the resident, and not exceeding four (4) square feet in area.

2.5.5.12 Flags or insignias of governmental, religious, charitable, fraternal or other nonprofit organizations. City, county, state or country flags that will be flown on a flag pole that does not exceed fifteen (15) feet in height above finish grade or extend more than ten (10) feet from any building they are attached to, are allowable if the number of flags displayed does not exceed those described in Sec. 6.01A.(7) and the flag poles do not require certified designing and seal by a Florida registered engineer as described in section 6.01A(7).

2.5.5.13 Advertising and identifying signs located on taxicabs, buses, trailers, trucks, or vehicle bumpers, provided such sign does not violate Sec. 2.5.6.16 of this Code.

2.5.5.14 Religious displays that do not constitute advertising.

2.5.5.15 Painting, repainting or cleaning of an advertising structure, or changes which are determined to be less than a substantial improvement.

2.5.5.16 Copy changes for shopping center, theaters, billboards or marquees that have routine changes of copy, or are specifically designed for changes of copy.

2.5.5.17 Construction Signs. All supports for such signs shall be securely built, constructed, and erected and shall be located on the site under construction and no closer than fifteen (15) feet from any property line, and subject to the following:

2.5.5.17.1 One (1) ground, or wall sign may be used as a construction sign by the general contractor of the development, within each front yard for each parcel less than one (1) acre in size:

Non-residential districts: maximum of twelve (12) square feet in size within each front yard or a maximum of twelve (12) square feet of the permit board.

Residential districts: maximum of four (4) square feet in size within each front yard or a maximum of four (4) square feet of the permit board.

2.5.5.17.2 One (1) ground or wall sign may be used as a construction sign by the general contractor of the development, within each front yard for each parcel one (1) acre or larger in size:

Non-residential districts: maximum of thirty-two (32) square feet in size within each front yard.

Residential districts: Maximum of twelve (12) square feet in size within each front yard or a maximum of twelve (12) square feet of the permit board.

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2.5.5.17.3 One (1) ground or wall sign may be used as a construction sign by each contractor, lending institution, or other similar company involved with the development, regardless of parcel size:

all zoning districts: maximum of four (4) square feet within each front yard or a maximum of four (4) square feet of the permit board.

2.5.5.17.4 All construction signs must be removed prior to the issuance of certificate of occupancy, or when seventy percent (70%) of a residential development is constructed.

2.5.5.18 Signs in conjunction with an approved Temporary Use permit.

SEC. 2.5.6 PROHIBITED SIGNS. It shall be unlawful to erect, cause to be erected, maintained or cause to be maintained, any sign not expressly authorized by, or exempted from this Code. The following signs are expressly prohibited:

2.5.6.1 Signs which are in violation of the building code or electrical code adopted by Collier County.

2.5.6.2 Abandoned signs.

2.5.6.3 Animated or activated signs, except time and temperature signs.

2.5.6.4 Flashing Signs Electronic reader boards that do not flash on and off are not flashing signs.

2.5.6.5 Rotating signs.

2.5.6.6 Illuminated signs in any residentially zoned or used district, except residential identification signs, residential name plates, and street signs that are illuminated by soft or muted light. Nonresidential uses within residentially used or zoned district by provisional use, P.U.D. Ordinance, or as otherwise provided for within the Zoning Ordinance, shall be allowed the use of illuminated signs, subject to the approval of the Community Services Administrator, or his designee.

2.5.6.7 Signs located upon, within, or otherwise encroaching upon County or public rights-of-way, except as may be permitted under the provisions of Ordinance 82-41, as amended, and those erected by a governmental agency or required to be erected by a governmental agency.

2.5.6.8 Billboards.

2.5.6.9 Strip lighted signs.

2.5.6.10 Neon type signs except within all commercial and industrial districts.

2.5.6.11 Roof signs.

2.5.6.12 Portable Signs.

2.5.6.13 Signs which resemble any official sign or marker erected by any governmental agency, or which by reason of position, shape or color, would conflict with the proper function of any traffic sign

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or signal, or be of a size, location, movement, content, color, or illumination which may be reasonably confused with or construed as, or conceal, a traffic control device.

2.5.6.14 Signs, commonly referred to as snipe signs, made of any material whatsoever and attached in any way to a utility pole, tree, fence post, stake, stick or any other object located or situated on public or private property, except as otherwise expressly allowed by, or exempted from this Code.

2.5.6.15 Wind signs.

2.5.6.16 Signs on vehicles or boats, either attached to or painted on the vehicles or boats of any type, which are conspicuously parked in close proximity to the right-of-way and are obviously parked in such a way to advertise any business to the passing motorist or pedestrian.

2.5.6.17 Any description or representation, in whatever form, of nudity, sexual conduct, or sexual excitement, when it:

2.5.6.17.1 is patently offensive to contemporary standards in the adult community as a whole with respect to what is suitable sexual material for minors, and

2.5.6.17.2 taken as a whole, lacks serious literary, artistic, political, or scientific value.

2.5.6.18 Any sign which:

2.5.6.18.1 Emits audible sound, vapor, smoke, or gaseous matter.

2.5.6.18.2 Obstructs, conceals, hides, or otherwise obscures from view any official traffic or government sign, signal, or device.

2.5.6.18.3 Employs motion, have visible moving parts, or gives the illusion of motion (excluding time and temperature signs).

2.5.6.18.4 Is erected or maintained so as to obstruct any fire fighting equipment, window, door, or opening uses as a means of ingress or egress for fire escape purposes including any opening required for proper light and ventilation.

2.5.6.18.5 Constitutes a traffic hazard, or detriment to traffic safety by reason of its size, location, movement, content, coloring, or method of illumination, or by obstructing or distracting the vision of drivers or pedestrians.

2.5.6.18.6 Uses flashing or revolving lights, or contains the words "Stop", "Look", "Danger", or any other words, phrase, symbol, or character in such a manner as to interfere with,,mislead, or confuse vehicular traffic.

2.5.6.18.7 Any sign which advertises or publicizes an activity not conducted on the premises upon which the sign is maintained, except as otherwise provided for within this Code.

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2.5.6.19 No sign shall be placed or permitted as a principal use on any property, in any zoning district except as follows: U-Pic Signs, political signs, or signs approved by temporary permit pursuant to the time limitations set forth herein.

2.5.6.20 Tethered inflatable signs.

SEC. 2.5.7 TERMINATION OF PROHIBITED SIGNS. Within six months of the date of enactment of this Code, or as otherwise provided within Sec. 2.5.9, all signs expressly prohibited by Sec. 2.5.6, and their supporting structures, shall be removed, or, in the alternative, shall be altered so that they no longer violate Sec. 2.5.6. Billboards with an original cost of one hundred ($100.00) dollars or more, and have been legally permitted, shall be treated as nonconforming signs and removed pursuant to Sec. 2.5.9.3.

SEC. 2.5.8 PERMITTED SIGNS. The following signs are permitted, upon issuance of a building permit and subject to the restrictions below:

2.5.8.1 On-Premises Signs. On-premises pole signs, ground signs, projecting signs, wall signs, and mansard signs shall be allowed in all nonresidentially zoned districts subject to the restrictions below:

2.5.8.1.1 Pole or Ground Signs. Single occupancy parcels, shopping centers, office complexes, or industrial parks having frontage of one hundred fifty feet (150') or more on a public street, shall be permitted one (1) pole, or two (2) ground signs. In addition, multiple occupancy parcels such as shopping centers, office complexes, or industrial parks containing twenty five thousand (25,000) square feet or more of gross leasable floor area will be permitted one (1) directory sign with a maximum size of two hundred fifty (250) square feet for a single entrance on each public street.

1. Maximum allowable sign area - one hundred (100) square feet for each pole or ground signs, or a maximum combined area of one hundred twenty (120) square feet for two (2) ground signs, except for approved directory signs.

2. Setbacks - fifteen feet (15) from any property line, public or private right of way, or easement, with the exception of directory signs which may be located within the medians of private streets or easements, provided their location presents no visual obstructions, or traffic hazards to motorists or pedestrians.

3. Maximum allowable height - twenty five feet (25). Height shall be measured from the lowest center line grade of the nearest public or private right of way or easement to the uppermost portion of the sign structure.

4. The maximum size limitation shall apply to each sign structure. Pole or ground signs may be placed back to back, side by side, or in V-type construction with not more than one (1) display on each facing, and such sign structure shall be considered as one (1) sign.

5. Spot or floodlights shall be permitted only where such spot or floodlight is nonrevolving and said light shines only on the owner's premises or signs and away from any right of way.

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2.5.8.1.2 Pole or Ground Signs Within Regional Shopping Centers. One (1) pole or ground sign is permitted for each regional shopping center having a frontage of one hundred fifty feet (150) or more on a public street. Additional pole or ground signs may be permitted provided that there is a minimum of a one thousand foot (1000') separation between such signs, and all setback requirements are met. In no case shall the number of pole or ground signs exceed two (2) per street frontage. Additionally, one (1) directory sign with a maximum size of two hundred fifty (250) square feet will be permitted for a single entrance on each public street.

1. Maximum allowable sign area - one hundred (100) square feet, except for approved directory signs.

2. Setbacks - fifteen feet (15) from any property line, public or private right of way, or easement, with the exception of directory signs which may be located within the medians of private streets or easements, provided their location presents no visual obstructions, or traffic hazards to motorists or pedestrians.

3. Maximum allowable height - twenty five feet (25) in height. Height shall be measured from the lowest center line grade of the nearest public or private right of way or easement to the uppermost portion of the sign structure.

4. The maximum size limitation shall apply to each structure. Pole or ground signs may be placed back to back, side by side, or in V-type construction with not more than one (1) display on each facing, and such sign structure shall be considered as one (1) sign.

5. Spot or floodlights shall be permitted only where such spot or floodlight is nonrevolving and said light shines only on the owner's premises or signs and away from any right of way.

2.5.8.1.3 Wall or Mansard Signs. One (1) wall or mansard sign shall be permitted for each single occupancy parcel, or for each establishment in a multiple occupancy parcel. Corner units within multiple occupancy parcels, or double frontage single occupancy parcels shall be allowed two signs, but such signs shall not be combined for the purpose of placing the combined area on one wall.

1. The maximum allowable display area for signs shall not be more than 20 percent (20%) of the total square footage of the visual facade of the building to which the sign will be attached and shall not in any case exceed two hundred fifty (250) square feet in area for any sign.

2.5.8.1.4 Projecting Signs. Projecting signs may be substituted for wall or mansard signs provided that the display area of the projecting sign shall not exceed sixty (60) square feet of display area.

1. Projecting signs shall not project more than four feet (4') from the building wall to which it is attached.

2. Projecting signs shall not extend above the roof line of the building to which it is attached.

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3. Projecting signs shall not project into the public right of way.

4. Projecting signs which project over any pedestrian way shall be elevated of eight feet (8') above such pedestrian way.

2.5.8.1.5 Marquee, Canopy or Awning Signs. In addition to any other sign which is allowed by this Ordinance, one (1) marquee, canopy, or awning sign shall be allowed for each single occupancy parcel, or for each establishment in a multiple occupancy parcel.

1. Signs located on a marquee, canopy, or awning shall be affixed flat to the surface, shall contain letters not greater than six inches (6"0) in height, shall not exceed twenty feet (20') in length, and shall not rise in vertical dimension above the marquee, canopy, or awning.

2. In addition to any other sign allowed by this Code one (1) under canopy sign shall be allowed for each single occupancy parcel, or for each establishment in a multiple occupancy parcel. The sign shall not exceed six (6) square feet in area and shall be a minimum of eight (8') feet above finish grade.

2.5.8.1.6 Signs Within Planned Unit Developments. Sign classes and sizes for Planned Unit Developments shall be the same standards found within this Code for the zoning district the development most closely resembles, unless such PUD's have sign standards contained in the PUD document, and are approved by Board of County Commissioners.

2.5.8.1.7 Flags. Residential Properties that have been issued a Certificate of Occupancy may display up to three (3) city, county, state or country flags. Three (3) city. county, state or country flags may be displayed at the entrance of a commercial, office, industrial or residential development, Where these developments have multiple entrances any entrance may have up to three (3) flags each, provided: the development is at least ten (10) acres in size, any entrance with flags is providing ingress/egress only off a roadway that is designated a collector or arterial in the Traffic Element of the Growth Management Plan, and all entrances with flags are at least three hundred (300) feet apart. Four (4) additional flags may be displayed within a development provided the flags are not visible to motorists along any frontage roadways. The four (4) internally displayed flags may be increased by up to eight (8) additional flags for maximum total of twelve (12) flags with the amount of the proposed increase to be determined by the Community Development Services Administrator, provided: all proposed flags would not be visible to motorists along any frontage roadways and the Community Development Services Administrator determines that the display of the extra flags is essential to the theme and design of the development.

All flag poles with a height in excess of fifteen (15) feet above finish grade or that extend more than ten (10) feet from any building that they are attached to shall be subject to the permit process. As a condition of permitting, the flag pole foundation or attachment shall be designed by a Florida registered engineer on a signed and sealed drawing showing construction details and maximum flag area that is supportable. Certified designing and sealing shall not be required where flag poles are located at a distance exceeding their height plus five (5) feet from all structures (except those designed solely for storage), property boundaries, utility lines and poles, and pedestrian/vehicular accessways and roadways open to the general public or the residents of that community.

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On single-family or duplex lots flag poles shall not exceed twenty (20) feet in height above finish grade or exceed thirty (30) feet in height above finish grade when located in the Estates or Agricultural Districts. For all other lots, flag poles shall not exceed thirty-five (35) feet in height from the finish grade or extend more than twenty (20) feet from any building to which they are attached.

2.5.8.2 Temporary Signs. The erection of any temporary sign shall require permitting as established within Sec. 2.5.12 of this Code. Applicants for temporary sign permits shall pay the minimum fee as required for a standard sign within the district. Temporary signs shall be allowed subject to the restrictions imposed by this Section and other relevant parts of this Code.

2.5.8.2.1 Political Signs. Political campaign signs and posters shall be permitted subject to the following requirements:

1. Prior to the erection, installing, placing, or displaying of a political sign a bulk temporary permit shall be obtained. The fee for said bulk permit shall be as adopted by resolution by the Board of County Commissioners.

2. Political campaign signs or posters within residentially zoned or used property, shall not exceed four (4) square feet in size, and shall not be located closer than five (5) feet to any property line. Political signs placed within residential districts shall require written permission from the property owner.

3. Political campaign signs or posters will be permitted in all other zoning districts within a maximum copy area of forty (40) square feet per sign, and shall be located no closer than fifteen (15) feet to any property line.

4. All supports shall be securely built, constructed and erected to conform with the requirements of this Code.

5. The maximum height of any political campaign sign or poster, except those that may be affixed to a wall, shall be limited to eight (8) feet.

6. Political signs shall be erected not more than sixty (60) calendar days prior to an election or political event, and shall be removed within seven (7) calendar days after the election, event, or after the campaign issue has been decided.

2.5.8.2.2 Construction Signs. One (1) temporary on-site construction sign may be permitted for each parcel, identifying the name of the development, company and general contractor, and other pertinent similar information, which shall be removed at the time a certificate of occupancy is issued for the building or structure, or when seventy percent (70%) of a residential development is constructed and shall not exceed the following size restrictions:

1. Residential, industrial, commercial and institutional developments within all zoning districts:

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over 10 acres in size: A temporary sign not to exceed sixty (60) square feet at each street frontage.

2. Temporary construction signs shall be located not closer than thirty feet (30') to any property line.

2.5.8.2.3 Grand Opening Signs. An occupant may display an on-site grand opening sign not exceeding thirty-two (32) square feet on a side, and not exceeding sixty-four (64) square feet total. The banner sign shall be anchored and may be displayed on-site for a period not exceeding fourteen (14) days within the first three (3) months that the occupant is open for business.

2.5.8.2.4 Special Events Signs. A special events sign not exceeding thirty-two (32) square, feet in size may be displayed to announce or advertise such temporary uses as fairs, carnivals, circuses, revivals, sporting events, or any public, charitable, educational fifteen (15) feet to any property line. Such signs shall require a building permit.

2.5.8.2.5 Farm Signs. (On-Site) One (1) temporary pole or ground sign identifying the farm, farm organization, entrance, or gate not exceeding forty (40) square feet in area. This sign shall be used to identify temporary agricultural offices so as to expedite the exportation of crops to various parts of the county. Such signs shall be permitted for a period not to exceed thirty (30) days and may be issued only twice in any calendar year. Such signs shall require a building permit.

2.5.8.2.6 Real Estate Signs. One (1) temporary on-site ground or wall "For Sale", "For Rent, or similar sign within each front Yard for each parcel or lot in excess of ten (10) acres in size, may be erected subject to the following:

1. Residential, industrial. commercial and institutional developments within all zoning districts.

2. A maximum of sixty (60) square feet in size within each front yard.

3. Real estate signs shall not be located closer than thirty (30') feet from any property line.

4. Real estate signs up to sixty (60) square feet are allowed for model homes subject to the other requirements of this subsection.

5. Real estate signs shall be removed when ownership has changed, the property is no longer for sale, rent or lease, or the model home is no longer being used as a model home.

A sign advertising that a property has been sold or leased shall not be displayed for more than thirty (30) days after it is erected.

2.5.8.3 Special Purpose Signs. (On-Site) Due to the unique and varied nature of the following uses, additional signs may be required to provide the desired level of service to the public. Special purpose signs shall be allowed subject to the following requirements:

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2.5.8.3.1 Theater signs. (On-site) In addition to the signs otherwise permitted by this Code, a theater shall be permitted a changeable message sign, the surface of which shall not exceed one hundred (100) square feet in area. Such sign shall require a building permit.

2.5.8.3.2 Automobile Service Stations. In addition to the signs otherwise permitted by this Code, automobile service stations shall be permitted one (1) changeable message sign not to exceed ten (10) square feet in area for the purpose of displaying gasoline prices only. Such sign shall be affixed to the structure of a pole on the property. Such sign shall require a building permit.

2.5.8.3.3 Time and Temperature Signs. One (1) time and temperature sign having a surface area not exceeding eighteen (18) square feet shall be permitted at each industrial, commercial or other non-residentially zoned property. Such signs may be affixed to the structure of a pole or ground sign. Such sign shall require a building permit.

2.5.8.3.4 Residential Directional or Identification Signs. Directional or identification signs no greater than (4) square feet in size, and located internal to the subdivision or developments may be allowed subject to the approval of the Community Development Administrator, or his designee. Such signs shall only be used to identify the location, or direction of approved uses such as models or model centers, sales (6') feet in height, and twenty four (24) square feet in area. Such signs shall require a building permit.

2.5.8.3.5 Commercial and Industrial Directional or Identification Signs. Directional or identification signs no greater than six (6) square feet in size, and located internal to the subdivision or development, may be allowed subject to the approval of the Community Development Services Administrator, or his designee. Such sign shall only be used to identify the location, or direction of approved uses such as sales centers, information centers, or the individual components of the development. Directional or identification signs maintaining a common architectural theme may be combined into a single sign not to exceed six (6') in height, and sixty (60) square feet in area. Such signs shall require a building permit.

2.5.8.4 On-Premises Signs Within Residential Districts. Two (2) ground or wall residential entrance or gate signs may be located at each entrance to a multi-family, single family, mobile home or recreational vehicle park subject to the following requirements:

2.5.8.4.1 Such signs shall contain only the name of the subdivision, the insignia or motto of the development and shall not contain promotional or sales material.

2.5.8.4.2 The ground or wall signs shall not exceed a combined area of sixty (60) square feet, and shall not exceed the height or length of the wall or gate upon which it is located.

2.5.8.5 On-Premises Signs Within Agricultural Districts. On-premises signs shall be permitted within agriculturally zoned or used property, for agri-commercial uses defined within the Collier County Zoning Ordinance only, and subject to the following restrictions:

2.5.8.5.1 One (1)-pole or ground sign identifying the farm organization, located at the entrance or gate of each street frontage, and only for permitted agricultural uses.

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1. The maximum allowable sign area for each pole or ground sign shall not exceed one hundred (100) square feet, and shall be located a minimum of fifteen feet (15') from any property lines, public or private right of way or easement.

2.5.8.5.2 One (1) U-Pic sign located at the entrance or gate of each street frontage.

1. The maximum allowable sign area for each U-Pic sign shall not exceed thirty-two (32) square feet, and shall be located a minimum of fifteen feet (15') from any property line, public or private right of way or easement.

2.5.8.6 Wall or Mansard Signs Within Agricultural Districts. Wall or mansard signs shall be permitted within agriculturally zoned or used property, for agri-commercial uses defined within the Collier County Zoning Ordinance only, and subject to the following restrictions:

2.5.8.6.1 One wall or mansard sign shall be permitted for each principal use structure on the parcel. Corner parcels or double frontage parcels shall be allowed one (1) sign per street frontage, but such signs shall not be combined for the purpose of placing the combined area on one wall.

1. The maximum allowable display area for any sign shall not be more than 20 percent (20%) of the total square footage of the wall to which it is affixed, and shall not in any case exceed two hundred fifty (250) square feet in area per sign.

2.5.8.7 Off-Premises Directional Signs. Off-premises directional signs are permitted subject to review and approval of the design and location of such signs by the Community Development Services Administrator, or his designee, if the following requirements are met:

2.5.8.7.1 Off-premises directional signs shall only be permitted in nonresidentially zoned, or agricultural districts.

2.5.8.7.2 No more than two (2) off-premise directional signs shall be permitted, identifying the location and nature of a building, structure, or use which is not visible from the street serving such building, structure, or uses, provided that each such sign is not more than four (4) square feet in area, and eight feet (8') in height.

2.5.8.7.3 Off-premises directional signs shall not be located closer than fifty feet (50') from a residentially zoned district.

2.5.8.7.4 Off premises directional signs shall not be located closer than one hundred feet (100') from another off premises directional sign.

2.5.8.8 Illuminated Signs. All illuminated signs shall have electrical components, connections, and installations that conform to the National Electric Code, and all other applicable Federal, State, and local codes and regulations. Further, lighted signs shall: be shielded in such a manner as to produce no glare, hazard or nuisance to motorists or occupants of adjacent properties; not be reflective or phosphorescent; have a steady nonfluctuating or nonundulating light source.

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SEC. 2.5.9 NONCONFORMING SIGNS. Existing signs not expressly prohibited by this Code and not conforming to its provisions shall be regarded as nonconforming signs.

2.5.9.1 The following signs, and sign structures shall be removed or made to conform to this Code within ninety (90) days from the effective date thereof:

2.5.9.1.1 Signs made of paper, cloth, or other nondurable materials.

2.5.9.1.2 All temporary signs.

2.5.9.1.3 Those signs described in Secs. 2.5.6.7, 2.5.6.13, 2.5.6.14, 2.5.6.17, and 2.5.6.18.

2.5.9.2 Nonconforming On-Premises Permanent Signs. All permanent nonconforming on-premises signs, and sign structures shall be removed, or made to comply with the requirements of this Ordinance within three (3) years from the date upon which the sign became nonconforming under Ordinance No. 90-114 (December 27, 1990).

2.5.9.3 Nonconforming Off-Premises signs. All nonconforming off-premises signs, and sign structures having an original cost or value of one hundred ($100.00) dollars or more may be maintained for the longer of the following periods:

2.5.9.3.1 Two (2) years from the date upon which the sign became nonconforming under Ordinance No. 90-114 (December 27, 1990); or

2.5.9.3.2 A period of three (3) to seven (7) years from the effective date of Ordinance No. 90-114 (December 27, 1990) according to the amortization table below.

Sign Cost/Value	Permitted Years From Effective Date of Code
$100 to $ 1,000	3 years
$1,001 to $ 3,000	4 years
$3,001 to $10,000	5 years
More than $10,000	7 years

2.5.9.3.3 Any owner of an off-premises sign who requests an amortization period longer than two (2) years shall, within one (1) year from the date of enactment of these regulations, register the sign with the Community Development Services Administrator, or his designee. The following information shall be provided at the time of registration: the cost or value, whichever is greater, of the sign; the date of erection; or the cost or value and date of the most recent renovation; a photograph of the sign or signs and their supporting structure, not less than 5" x 7" in size; and a written agreement to remove the sign at or before the expiration of the amortization period applicable to the sign. The off-premise sign owner's signature shall be witnessed before a notary public on all requests for extended amortizations. A registration fee of fifty dollars ($50.00) shall be paid at the time of registration.

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SEC. 2.5.10 CONTINUATION OF NONCONFORMING SIGNS. Subject to the limitations imposed by Sec. 2.5.9 of this Code, a nonconforming sign may be continued and shall be maintained in good condition as required by this Code, but shall not be:

2.5.10.1 Structurally or mechanically extended or altered to further the nonconformity, except in cases where it has been determined that there exists imminent danger to the public safety.

2.5.10.2 Repaired or rebuilt when destroyed or damaged to the extent of fifty percent (50%) or more of its replacement value, except in conformity with this Code.

2.5.10.3 A nonconforming permanent on-premises or off-premises sign shall not be replaced by another nonconforming sign except that substitution or interchange of letters, poster panels, and painted boards, or dismountable materials on nonconforming signs shall be permitted through the period of nonconformity established by this Code.

2.5.10.4 Continued in use when any land use to which the sign pertains has ceased for a period of thirty (30) consecutive days, or has otherwise changed.

2.5.10.5 Nonconforming status shall not be afforded to any sign erected without the required permit issued by the County, State, or any Federal agency either before or after the enactment of this Code, or to any pre-existing signs which have been illegally installed, constructed, placed or maintained.

SEC. 2.5.11 VARIANCES. The Board of Zoning Appeals may grant a variance from the terms of this Code as will not be contrary to the public interest when owing to special conditions a literal enforcement of the provisions of this Code would result in unnecessary and undue hardship. In order to grant any variance from the terms of this Code the Board must find:

2.5.11.1 That 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 similarly situated;

2.5.11.2 That the special conditions and circumstances do not result from the actions of the applicant;

2.5.11.3 That granting the variance requested will not confer on the applicant any special privilege that is denied by this Code to other lands, buildings or structures similarly situated;

2.5.11.4 That a literal interpretation of the provisions of the Code would deprive the applicant of rights commonly enjoyed by other properties similarly situated under the terms of the Code and would work unnecessary and undue hardship on the applicant;

2.5.11.5 That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure;

2.5.11.6 That the granting of the variance will be in harmony with the general intent and purpose of this Code and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare;

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2.5.11.7 In granting any variance, the Board of Zoning Appeals may prescribe the following:

2.5.11.7.1 Appropriate conditions and safeguards in conformity with this Code or other applicable County Ordinances. 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 Code.

2.5.11.7.2 A reasonable time limit within which the action for which the variance required shall be begun or completed or both.

SEC. 2.5.12 PERMIT APPLICATIONS.

2.5.12.1 General. Any person wishing to erect, place, rebuild, reconstruct, relocate, alter, or change the sign copy (see Sec. 4.00 for exceptions) of any sign shall apply for and receive a building permit in accordance with Resolution 88-241 prior to the commencement of any work. A building permit will be issued by the Community Development Services Administrator, or his designee, provided that all permit requirements of the Code and all other applicable provisions of Collier County's ordinances and regulations have been met.

2.5.12.2 Permit Fees. A building permit fee shall be collected pursuant to the fee schedule set forth by resolution.

2.5.12.3 Form. Every application for a building permit shall be in writing upon forms to be furnished by the Community Development Services Administrator, or his designee.

2.5.12.4 Application Contents. In order to obtain a permit to erect lace, rebuild, reconstruct, relocate, alter or change the sign copy of any sign under the provision of this Code, an applicant shall submit to the building official a building permit application which shall set forth in writing a complete description of the proposed sign including:

2.5.12.4.1 The name, address and telephone number of the: a) owner and lessee of the sign and b) sign contractor or erector of the sign.

2.5.12.4.2 The legal description and the street address of the property upon which the sign is to be erected.

2.5.12.4.3 The dimensions of the sign including height;

2.5.12.4.4 The copy to be placed on the face of the sign.

2.5.12.4.5 Other information required in the permit application forms provided by the Community Development Services Administrator, or his designee; including two (2) copies of the site plan, elevation drawings of the proposed sign and identification of the type, height, area and location of all existing pole signs, ground signs and directory signs on the subject parcel.

2.5.12.4.6 Two (2) blueprints or ink drawings, certified by a Florida Registered Engineer, of the plans and specifications and method of construction and attachment to the building or the ground for all pole signs and all projecting signs; and any ground sign over thirty-two (32) square feet.

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2.5.12.4.7 Wall signs, or any separate part thereof, which is to be affixed to a wall shall be fastened flush with the surface with fasteners which shall have the capacity to carry the full load of the sign or separate part thereof under wind load conditions of the approved Collier County Building Code Ordinance, Flood Ordinance, and the Coastal Building Zone Ordinance. Any such sign or separate part thereof which is not mounted flush with the surface and which weighs more than twenty (20) pounds shall have a Florida registered engineer design the mounting or fastening system and depict the system on signed and sealed drawings which shall accompany the permit application.

2.5.12.4.8 If the sign or sign copy is to be illuminated or electronically operated, the technical means by which this is to be accomplished.

2.5.12.4.9 The permit number shall be displayed or affixed at the bottom of the sign face and shall have the same life expectancy as the sign. Such permit number shall be clearly legible to a person standing five (5) feet in front of the base of the sign and in on case shall the permit number be less than one-half (1/2) inch in size.

2.5.12.5 Expiration of Permit. Building permits shall expire and become null and void if the work authorized by such permit is not commenced and inspected within six (6) months from the date of issuance of the permit.

SEC. 2.5.13 ENFORCEMENT.

2.5.13.1 General. No sign shall hereafter be erected, placed, altered or moved unless in conformity with this Code. All signs located within Collier County shall comply with the following requirements:

2.5.13.1.1 The issuance of a sign permit pursuant to the requirements of this Code shall not permit the construction or maintenance of a sign, or structure in violation of any existing County, State or Federal law or regulation.

2.5.13.1.2 All signs for which a permit is required shall be subject to inspections by the County Manager, or his designee. The County Manager, or his designee, is hereby authorized to enter upon any property or premises to ascertain whether the provisions of this Code are being adhered to. Such entrance shall be made during business hours, unless an emergency exists. The County Manager, or his designee, may order the removal of any sign that is not in compliance with the provisions of this Code, is improperly maintained, or which would constitute a hazard to the public health, safety, and welfare.

2.5.13.1.3 The Community Development Services Administrator, or his designee, shall be charged with interpretation and enforcement of this Code.

2.5.13.2 Enforcement Procedures. Whenever, by the provisions of this Code, the performance of any act is required, or the performance of any act is prohibited, a failure to comply with such provisions shall constitute a violation of this Code.

2.5.13.2.1 The owner, tenant, and/or occupant of any land or structure, or part thereof, and any architect, builder, contractor, agent, or other person who knowingly participates in, assists, directs, creates,

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or maintains any situation that is contrary to the requirements of this Code may be held responsible for the violation and be subject to the penalties and remedies provided herein.

2.5.13.2.2 Where any sign or part thereof violates this Code, the Community Development Services Administrator, or his designee, shall give to the owner, agent, lessee or others persons maintaining the sign, or the owner or lessee of the land upon which the sign is located, written notice by registered or certified return receipt mail specifying the nature of the violation, ordering the cessation thereof, and requiring either the removal of the sign or the carrying out of remedial work. Such notice shall be in the following form:

> YOU ARE HEREBY NOTIFIED THAT THE FOLLOWING VIOLATIONS OF THE COLLIER COUNTY SIGN CODE HAVE BEEN DISCOVERED; YOU HAVE THIRTY (30) DAYS FROM THE DATE OF THIS NOTICE, TO CORRECT ALL ABOVE NOTED VIOLATIONS. ONCE CORRECTED, YOU SHALL CALL THE COMPLIANCE SERVICES SECTION AND ARRANGE FOR AN INSPECTION OF THE PARCEL. IF YOU BELIEVE THAT AN ERROR HAS BEEN MADE, YOU MAY FILE A NOTICE OF INTENT TO APPEAL WITH THE COMMUNITY DEVELOPMENT SERVICES DIVISION, WITHIN FIFTEEN (15) DAYS OF RECEIPT OF THIS NOTICE. PLEASE BE ADVISED THAT COLLIER COUNTY MAY REMOVE THE OFFENDING SIGN AT THE EXPIRATION OF THE THIRTY (30) DAY PERIOD IF THE VIOLATIONS HAVE NOT BEEN CORRECTED. ALL COSTS FOR SUCH REMOVAL, SHALL BE CHARGED TO THE OWNER, AGENT OR LESSEE OF THE SIGN OR THE OWNER OF THE PROPERTY UPON WHICH THE SIGN IS LOCATED.

2.5.13.2.3 If a sign is in such a condition as to be in danger of falling, or is a menace to the safety of persons or property, or found to be an immediate and serious danger to the public because of its unsafe condition, the provisions of section 2301.6 of the Standard Building Code, as adopted by Collier County shall govern.

2.5.13.2.4 In addition to the penalties and remedies above, the Compliance Services Manager, or his designee, may institute any appropriate action or proceedings to prevent, restrain correct, or abate a violation of this Code, as provided by law, including prosecution before the Collier County Code Enforcement Board.

2.5.13.2.5 Compliance Services shall immediately remove all violative signs located in or upon public rights of way or public property.

2.5.13.3 PENALTIES. If any person, firm or corporation, whether public or private, or other entity fails or refuses to obey or comply with or violates any of the provisions of this Code, such person,

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firm, corporation, or other entity, upon conviction of such offense, shall be guilty of a misdemeanor and shall be punished by a fine not to exceed Five Hundred Dollars ($500.00) or by imprisonment not to exceed Sixty (60) days in the County jail, or both, in the discretion of the Court. Each violation or non-compliance shall be considered a separate and distinct offense. Further, each day of continued violation or non-compliance shall be considered as a separate offense.

Nothing herein contained shall prevent or restrict the County from taking such other lawful action in any court of competent jurisdiction as is necessary to prevent or remedy any violation or non-compliance. Such other lawful actions shall include, but shall not be limited to, an equitable action for injunctive relief or an action at law for damages.

Further, nothing in this Section shall be construed to prohibit the County from prosecuting any violation of this Code by means of a Code Enforcement Board established pursuant to the authority of Chapter 162, Florida Statutes.

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DIV. 2.6 SUPPLEMENTAL DISTRICT REGULATIONS.

SEC. 2.6.1 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, planted, or allowed to grow in such a manner as to obstruct vision between a height of three feet (3') and eight feet (8') above the centerline 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 feet (40') 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 foot (3') and eight foot (8') clearance requirement. Posts for illuminating fixtures, traffic control, fences and street name signs are permitted, so long as the sign or equipment is not within the prescribed clear space and the fence does not visually impede the clear sight of the intersection.

SEC. 2.6.2 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 and Non-Golf Course Lots

		FRONT	REAR	SIDE	STRUCTURE TO STRUCTURE (If detached)
1.	Parking Garage or Carport - Single Family	SPS	10'	SPS	10'
2.	1-Story Parking Structures and/or Carports	SPS	35'	SPS	10'
3.	Multi-Story Parking Structures	SPS	35'	SPS	*1/1
4.	Swimming Pool and/or Screen Enclosure (One and two family)	SPS	10'	SPS	N
5.	Swimming Pool (Multiple family and Commercial)	SPS	20'	15'	N
6.	Tennis Courts (Private) (One and two family)	SPS	15'	SPS	10'

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		FRONT	REAR	SIDE	STRUCTURE TO STRUCTURE
7.	Tennis Courts (Multiple family, and Commercial)	SPS	20'	15'	20'
8.	Utility Buildings	SPS	10'	SPS	10'
9.	Chickee, Barbecue Areas	SPS	10'	SPS	10'
10.	Attached Screen Porch	SPS	10'	SPS	N/A
11.	Unlisted Accessory	SPS	SPS	SPS	10'
12.	Satellite Dish Antenna	NP	15'	SPS	10'

N = None
N/A = Not Applicable

SPS = Calculated same as principal structure.

NP = Structure allowed in rear of building only.

1/1 = 1 foot/foot of accessory height = 1 foot/foot of building separation

ACCESSORY STRUCTURES**
On Waterfront Lots and Golf Course Lots

		SETBACKS FRONT	REAR	SIDE	STRUCTURE TO STRUCTURE (If detached)
1.	Parking Garage or Carport - Single Family	SPS	SPS	SPS	10'
2.	1-Story Parking Structures	SPS	SPS	SPS	10'
3.	Multi-Story Parking Structures	SPS	SPS	SPS	*1/1
4.	Swimming Pool and/or Screen Enclosure (one and two family)	SPS	10'	SPS	*N*

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		SETBACKS FRONT	REAR	SIDE	STRUCTURE TO STRUCTURE (If detached)
5.	Swimming Pool (Multiple family and Commercial)	SPS	20'	15'	N
6.	Tennis Courts (Private) (One and two family)	SPS	15'	SPS	10'
7.	Tennis Courts (Multiple family and Commercial)	SPS	35'	SPS	20'
8.	Boat Houses and Boat Shelters (Private)	SPS	N/A	7.5'	10'
9.	Utility Buildings	SPS	SPS	SPS	10'
10.	Chickee, Barbecue Areas	SPS	10	SPS	N
11.	Davits, Hoists and Lifts SPS	N/A	N/A	7.5'or 15' (See Sec. —)	
12.	Attached Screen Porch	SPS	10'	SPS	SPS
13.	Unlisted Accessory	SPS	SPS	SPS	10'
14.	Docks, Decks and Mooring Pilings N/A	N/A	N/A	7.5'or 15' (See Sec. —)	
15.	Boat Slips & Ramps (Private)	N/A	N/A	7.5'	N/A
16.	Satellite Dish Antennas	NP	15'	SPS	10'

N = None
N/A = Not Applicable
NP = Structure allowed in rear of building only. May be located on pad at ground level, but not mounted on roof

SPS = Calculated same as principal structure

1/1 = 1/foot of accessory height = 1/foot of building separation.

** In those cases where the Coastal Construction Control Line is involved, the Coastal Construction Control Line will apply.

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SEC. 2.6.3 EXCLUSIONS FROM HEIGHT LIMITS.

2.6.3.1 General Exclusions. The height limitations contained in the Division 2.2 do not apply to spires, belfries, cupolas, flagpoles, antennas, communications towers, water tanks, fire towers when operated by a branch of government, ventilators, chimneys, feed storage structures, silos, windmills, airport control towers, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy; 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. (See Sec. 2.2.23).

2.6.3.2 Exclusions for Off-Street Parking Within a Principal Structure. In instances where off-street parking is provided within the principal structure, the Development Services Director may waive the maximum height requirements to the extent necessary to permit off-street parking within the principal structure, provided, however, 1) the number of off-street parking spaces required by this Code for the use involved may not be reduced; 2) the waiver in height shall not be greater than that necessary to provide for the off-street parking within the principal structure, with a maximum of two (2) parking levels; 3) the waiver of the maximum height requirements are compatible with the uses on adjacent properties; and 4) for each off-street parking space permitted within the principal structure for which the maximum height waiver is granted, three hundred (300) square feet of additional open space beyond that which is otherwise required by this Code shall be provided.

SEC. 2.6.4 EXCEPTIONS TO REQUIRED YARDS.

In all zoning districts, yards, as defined in Div. 6, shall be as established by the Dimensional Standards for that zoning district (See Div. 2.2) except as follows:

2.6.4.1 Yard Encroachments. Every part of every required yard shall be open and unobstructed from thirty inches (30") above the general ground level of the graded lot upward to the sky except as hereinafter provided or as otherwise permitted in this Code:

2.6.4.1.1 Sills and other architectural and design treatments shall not project over twelve inches (12") into a required yard.

2.6.4.1.2 Movable awnings shall not project over three feet (3') into a required yard, provided that where the yard is less than five feet (5') in width the projection shall not exceed one-half (1/2) the width of the yard.

2.6.4.1.3 Window or wall mounted air conditioning units, chimneys, fireplaces, bay windows, or pilasters shall not project over two feet (2') into a required yard.

2.6.4.1.4 Fire escapes, stairways, and balconies which are unroofed and unenclosed shall not project not over five feet (5') into a required side or rear yard of a multiple family dwelling, hotel or motel and not over three feet (3') into a required side or rear yard of a single family residential dwelling.

2.6.4.1.5 Hoods, canopies, or roof overhangs, shall not project over three feet (3') into a required yard, but shall not come closer than one foot (1') to the lot line.

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2.6.4.1.6 Fences, walls and hedges, subject to Sec. 2.6.11, and pad mounted air conditioners are permitted in required yards, subject to the provisions of Sec. —.

2.6.4.1.7 Cornices, eaves or gutters shall not project over three feet (3') into a required yard, provided that where the required yard is less than six feet (6') in width, such projection shall not exceed one-half (1/2) the width of the yard.

2.6.4.1.8 Except as provided in Sec. 2.6.1, nothing in this Zoning Code shall be so construed as to prohibit landscaping.

2.6.4.2 Minor After-the-Fact Yard Encroachments.

2.6.4.2.1 Minor after-the-fact yard encroachments may be approved administratively by the Development Services Director. For the purposes of this Subsection, minor yard encroachments shall be divided into two classifications:

1. Structures for which a Certificate of Occupancy or a Final Development Order has not been granted. The Development Services Director may administratively approve minor after-the-fact yard encroachments of up to two and one half (2.5%) percent of the required yard, not to exceed a maximum of two and one half inches (2.5").

2. Structures for which a Certificate of Occupancy or a Final Development Order has been granted. The Development Services Director may administratively approve minor after-the-fact yard encroachments of up to ten percent (10%) of the required yard, not to exceed a maximum of two feet (2').

2.6.4.2.2 Procedure.

1. The property owner, or his agent, shall submit to the Development Services Director a signed and sealed survey identifying the exact location and size of the encroachment; a statement of how and when the encroachment was created; a statement of current ownership, and ownership at the time the encroachment was created; any other factors which may show that the encroachment was not intentionally created; and the applicable fee as listed in the Schedule of Fees.

2. The Development Services Director shall review the request for minor after-the-fact encroachments, and shall within thirty (30) days of receipt of the request and application fee, notify the applicant in writing of its approval or denial based upon information provided by the applicant as described in 2.6.4.2.2.1 above.

3. If denied by the Development Services Director, all fees for the request for minor after-the-fact encroachments may be applied toward a variance request as described in Sec. 2.7.5, if the variance request is received within thirty (30) days after the date of the denial letter.

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2.6.4.3 Waterfront Yards.

2.6.4.3.1 Purpose and Intent. It is the intent and purpose of this section to permit the placement of principal structures, except single family, two-family and duplex dwelling units, 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 inlands 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 zoning district involved. In those cases where the Coastal Control Line is involved, the Coastal Construction Control Line shall apply.

2.6.4.3.2 Classification of Waterfront Lands and Building Location. Principal structures shall not be erected waterward under this section beyond the following limits for the situations outlined:

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

2. For waterfront lands along which an offshore building limit has been established by the Board of County Commissioners, buildings may be erected out to, but not beyond, the building limit line.

3. 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 development and construction.

2.6.4.3.3 Uses. Since this section applies only to the placement of structures in waterfront yards, there shall be no use permitted under this section which is not permitted or permissible in the district involved. A structure 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.

2.6.4.3.4 Site Development Plan Required. An applicant under this section shall submit a Site Development Plan as required in Div. 3.3. In addition to the contents of such a plan as required by Div. 3.3, 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 (1) will not adversely affect adjoining or nearby properties nor cause blocking of water view in any substantial degree from adjoining or nearby properties, and (2) will cause no adverse environmental effects as a result of building placement as requested.

SEC. 2.6.5 BUILDINGS TO HAVE ACCESS. Every building hereafter erected or moved shall be on a lot adjacent to a public street or with actual and legal 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.

SEC. 2.6.6 USE OF RESIDENTIALLY ZONED PROPERTY FOR ACCESS PROHIBITED. No lot or parcel which is residentially zoned or designated shall be used for driveway, walkway or access

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purposes to any land which is non-residentially zoned or designated, 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 Collier County Ordinance No. 82-2 which does not abut on a street, except as may be further provided in this Code.

SEC. 2.6.7 PARKING AND STORAGE OF CERTAIN VEHICLES.

2.6.7.1 Parking and Storage of Vehicles Without Current License Plates.

2.6.7.1.1 Automotive vehicles or trailers of any type without current plates where required by law shall not be parked or stored on any residentially zoned or designated property, including the E-Estates District, other than in completely enclosed buildings.

2.6.7.2 Parking, Storage or Use of Major Recreational Equipment.

2.6.7.2.1 No major recreational equipment shall be used for living, sleeping, or housekeeping purposes when parked or stored on a residentially zoned lot, residential districts, or any location not approved for such use. In districts permitting single family homes or mobile homes, major recreational equipment may be parked or stored only in a rear yard (on corner and through lots, the rear yard shall be considered the rear of the residence), or in a completely enclosed building, or in a 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, and/or cleaning prior to or after a trip.

2.6.7.2.2 The following exceptions may be granted by the Development Services Director.

1. Such major recreational equipment may be parked upon the premises of the resident for a period not exceeding seven (7) days for the purpose of loading, unloading, repairing and/or cleaning prior to or after a trip. The permit for such period shall be affixed to the vehicle in a conspicuous place on the street side thereof.

2. 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 be parked upon the premises of the visited family for a period not exceeding ten (10) days. This does not allow for living, sleeping, or housekeeping purposes.

2.6.7.3 Parking of Commercial Vehicles or Commercial Equipment In Residential Areas.

2.6.7.3.1 It shall be unlawful to park a commercial vehicle or commercial equipment on any lot in a residential zoning district unless one of the following conditions exists:

1. The vehicle is engaged in a construction service operation on the site where it is parked. The vehicle must be removed as soon as the construction of 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.

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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 neighbors.

4. Automobiles, vans, and pickup trucks having a rated load capacity of one (1) ton or less shall be exempted from this section unless otherwise prohibited by a Special Parking Overlay District.

2.6.7.4 Restricted Parking "RP" Overlay District; Restricting the Parking of Commercial and Major Recreational Equipment.

2.6.7.4.1 Purpose and Intent. It is the intent and purpose of the Restricted Parking Overlay District (RP) 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 this Zoning Code. 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 this section 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.

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

2.6.7.4.3 Procedure for Establishing District. Upon petition to the Board of County Commissioners, signed by a minimum of one hundred (100) property owners or fifty percent (50%) of the property owners, whichever is the lesser, in the proposed district, platted subdivision, or a voting precinct comprising a homogeneous 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 election held specifically for the implementing ordinance. The election permits a choice by the elector if in favor of or opposed to the regulations adopted by the implementing ordinance.

SEC. 2.6.8 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 Code and to all other applicable regulations of Collier County.

SEC. 2.6.9 ESSENTIAL SERVICES.

Essential services are hereby defined as services designed and operated to provide water, sewer, gas, telephone, electricity, cable television or communications to the general public by providers which have been approved and authorized according to laws having appropriate jurisdiction. Essential services are allowed in any zoning district subject to the following conditions:

2.6.9.1 Permitted Uses. The following uses shall be deemed permitted uses in any zoning district: water lines, sewer lines, gas lines, telephone lines, telephone switching stations, cable television, electrical

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transmission and distribution lines, substations, lift stations, water pumping stations, individual wells and septic tanks, and similar installations necessary for the performance of these services. Furthermore, governmental facilities shall be permitted uses in commercial, industrial, agricultural, recreational and estate zoned districts.

2.6.9.2 Conditional Uses. The following uses shall be deemed conditional uses in any zoning district: electric or gas generating plants, sewage treatment plants, including percolation ponds, hospitals, hospices, water aeration or treatment plants, governmental facilities in residential areas, communication towers, safety service facilities, and other similar facilities.

2.6.9.3 Under this subsection, where structures are involved other than structures supporting lines or cables, such structures shall comply with the regulations for the district in which they are located or as may be required on an approval site development plan under Div. 3.3. In addition, the structure shall conform insofar as possible to the character of the district in which they are located as to development standards as well as architecture and landscaping, with utilization of screening and buffering compatible with the district.

2.6.9.4 Essential services 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. Unstaffed billing services, which are accessory uses to the normal operations of the essential service, may be permitted.

SEC. 2.6.10 LOCATIONAL RESTRICTIONS FOR USE INVOLVING INTOXICATING BEVERAGES.

2.6.10.1 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 Development Services Director. Prior to action by the Development Services Director for recommending a location for sale of alcoholic beverages for consumption on premises at any location, he shall find that the following requirements have been met:

2.6.10.1.1 No such use shall be located within five hundred feet (500') of any established elementary, middle or high school, child care center, public library, church, public park, or public playground, unless a waiver of said distance requirement is granted by Board of Zoning Appeals resolution pursuant to Sec. 2.6.10.3. This does not include beach access points. The distance of five hundred feet (500') shall be measured as the shortest distance between the lot on which the school, church, public park or playground is located and the lot on which the alcoholic beverages are to be sold, except that establishments located in shopping centers shall be measured to the outer wall of the establishment.

2.6.10.1.2 No such use shall be located within five hundred feet (500') of any existing establishment whose primary function is the sale of alcoholic beverages for consumption on premises.

The distance of five hundred feet (500') 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, except that establishments located in shopping centers shall be measured to the outer wall of the establishment.

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2.6.10.1.3 The erection of any school, church, public park or playground within five hundred feet (500') of an establishment which offers the sale of alcoholic beverages for consumption on premises shall not cause such establishment to become nonconforming.

2.6.10.1.4 The applicant shall submit a site plan showing the following:

1. Dimensions of subject premises;

2. All vehicular points of ingress and egress; and

3. Compliance with all requirements of this Code including landscaping, off-street parking, buffer areas, and location and size of all signs.

2.6.10.2 Expiration of Zoning Approval. The Development Services Director's approval for the sale of alcoholic beverages for consumption on premises, granted pursuant to this section, shall expire after the following periods of time and shall thereafter become null and void:

2.6.10.2.1 In the case of an existing structure, zoning approval shall expire six (6) months from the date of approval unless, within that period of time, operation of the alcoholic beverage establishment has commenced. For purposes of this section, operation shall be defined as the sale of alcoholic beverages in the normal course of business.

2.6.10.2.2 In the case of a new structure, zoning approval shall expire one (1) year from the date of approval unless, within that period of time, operation of the alcoholic beverage establishment has commenced. However, if substantial construction is completed, the Development Services Director may grant one extension for up to six (6) months.

2.6.10.3 The Board of Zoning Appeals may, by resolution, grant waiver of part or all of the minimum distance requirement set forth in Sec. 2.6.10.1.1 if it is demonstrated by the applicant and determined by the Board of Zoning Appeals that the site proposed for the sale and consumption of alcoholic beverages is separated from an established school, church, public park or playground by natural or man-made boundaries, structures or other features which offset or limit the necessity for such minimum distance requirement. The Board of Zoning Appeals decision to waive part or all of the distance requirement shall be based upon the following factors:

2.6.10.3.1 The nature and type of natural or man-made boundary, structure or other feature lying between the proposed establishment and an existing school; church, public park or playground which is determined by the Board of Zoning Appeals to lessen the need for the total five-hundred foot (500') distance requirement. Such boundary, structure or other feature may include, but not be limited to, lakes, marshes, non-developable wetlands, designated preserve areas, canals, and major rights-of-way.

2.6.10.3.2 The paths of vehicular and pedestrian traffic which could be taken between the establishment and the church, school, public park or playground.

2.6.10.3.3 The hours of operation and the noise and light which could potentially be generated from the premises selling alcoholic beverages.

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2.6.10.3.4 Whether alcoholic beverages will be sold in conjunction with food or whether the establishment is primarily engaged in the sale of alcoholic beverages as a primary use. Prior to consideration of such waiver by the Board of Zoning Appeals, the applicant shall provide to the Development Services Director a written application for waiver of the distance limitation on an application form supplied by the Development Services Director, including a legal description of all applicable structures with a survey or boundary sketch to scale, and such other information which the applicant can supply which would assist the Board of Zoning Appeals in its evaluation pursuant to the factors set forth above. Upon receipt of the applicant's application and the applicable application fee established by the Board of County Commissioners, a public hearing date shall be scheduled before the Board of Zoning Appeals for a determination on the proposed waiver. The applicant shall notify, by certified mail, the owners or representatives of the subject school, church, public park or playground, of the application at least fifteen (15) days prior to the public hearing and evidence of such notification shall be supplied to the Development Services Director.

2.6.10.4 The following uses shall be exempted from the distance limitations of Sec. 2.6.10.1.2, but shall comply with all other requirements of this section.

2.6.10.4.1 Any restaurant deriving at least fifty-one percent (51%) of its gross revenue from the sale of food and non-alcoholic beverages.

2.6.10.4.2 Any motel and/or hotel with one hundred (100) or more guest rooms.

2.6.10.4.3 Any private club, golf club, country club, civic or fraternal club 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.

2.6.10.5 Any owner or operator of an establishment approved under this section to sell any alcoholic beverages for consumption on premises shall upon written demand of the Development Services 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.

SEC. 2.6.11 FENCES.

2.6.11.1 Fences in Residential Districts. Fences or walls shall be allowed in all zoning districts subject to the restrictions set forth in Sec. 2.6.11.2 - 2.6.11.5.

2.6.11.2 Residential Districts. For the purposes of this section, residential districts shall include: RSF-Residential Single Family; RMF-6, RMF-12, and RMF-16-Residential Multiple Family; RT-Residential Tourist; VR-Village Residential; MH-Mobile Home; TTRVC-Travel Trailer-Recreational Vehicle Park Campground; and Residential increments of a PUD-Residential Planned Unit Development Districts. Fences and walls shall be subject to the following:

2.6.11.2.1 Fences or walls placed within required yards shall be limited to a six (6') feet in height except that no fence placed between the front building line and the front property line of lots or parcels less than one and one quarter acres (1 1/4) in size shall be greater than four feet (4') in height on interior lots, or three feet (3') on corner lots.

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2.6.11.2.2 Fences or walls placed within the required rear yard of waterfront lots one (1) acre or less in size shall be limited to four feet (4') in height.

2.6.11.2.3 Barbed wire, razor wire, spire tips, sharp objects, or electrically charged fences shall be prohibited, except that the Board of Zoning Appeals may allow the use of barbed wire in conjunction with chain link fencing where it finds a security or hazard exists such as a utility substation, sewage treatment plant, or similar use.

2.6.11.3 Agricultural Districts. For the purposes of this section, agricultural districts shall include: A-Agricultural; E-Estates; and CON-Conservation Districts. Fences and walls within agricultural districts shall be exempt from height and type of construction.

2.6.11.4 Commercial and Industrial Districts. For the purposes of this section, commercial and industrial districts shall include: C-1/T, C-2, C-3, C-4 - Commercial Districts and C-5 - Heavy Commercial District; I-Industrial; and P-Public Use District; and Commercial or Industrial tracts or increments of a PUD. Fences or walls should be allowed subject to the following:

2.6.11.4.1 Fences or walls in commercial and industrial districts shall be limited to eight feet (8') in height.

2.6.11.4.2 Razor wire, spire tips, sharp objects or electrically charged fences shall be prohibited.

2.6.11.5 General.

2.6.11.5.1 All fences and walls shall be of sound construction and shall not detract from the public health, safety and welfare of the general public.

2.6.11.5.2 All fences and walls shall be maintained in a manner that will not detract from the neighborhood or community.

2.6.11.5.3 Barbed wire is authorized within Agricultural, Commercial and Industrial districts. Razor or concertina wire is not permitted except in the case of an institution whose purpose it is to incarcerate individuals, i.e., a jail or penitentiary, or by appeal to the Board of Zoning Appeals.

2.6.11.5.4 No fence or wall within any district shall block the view of passing motorists or pedestrian so as to constitute a hazard.

2.6.11.5.5 Fences and walls shall be constructed of conventional building materials such as, but not limited to concrete block, brick, wood, decorative iron or steel, and chain link.

2.6.11.5.6 Fences and walls shall be constructed to present the finished side of the fence or wall to the adjoining lot or any abutting right of way.

2.6.11.5.7 When determined to be beneficial to the health, safety, and welfare of the public, the Development Services Director may waive height limitations of fences and walls in all districts.

2.6.11.5.8 Existing ground levels shall not be altered for the purpose of increasing the height of a proposed wall or fence except as provided for within 2.6.11.5.7 and Div. 2.4.

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2.6.11.6 Fence Height Measurement for All Districts. The height of a fence or wall located outside of the building line shall be measured from the ground level at the fence location. However, if the Development Services Director determines that ground levels have been altered so as to provide for a higher fence, the Development Services Director shall determine the ground level for the purposes of measuring the fence height. In determining whether the ground level has been altered for the purposes of increasing the height of the fence, the Development Services Director may consider, but is not limited to, consideration of the following facts:

2.6.11.6.1 General ground elevation of the entire lot

2.6.11.6.2 In the case of a lot with varying ground elevations, the average elevation over the length of the fence, and at points in the vicinity of the fence.

2.6.11.6.3 The ground elevation on both sides of the fence. In measuring the fence height, the ground elevation on the side of the fence location that is at the lowest elevation shall be used as a point from which the fence height is to be measured.

2.6.11.6.4 Fences or walls shall be permitted principal uses; however a fence or wall shall not, in any way, constitute a use or structure, which permits, requires and/or provides for any accessory uses and/or structures.

SEC. 2.6.12 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 designated for such use and meeting County and State health standards for such use.

SEC. 2.6.13 MISCELLANEOUS STRUCTURES.

School bus shelters, bicycle racks, bus stop benches, telephone booths, mail boxes, newspaper boxes, and delivery boxes shall be permitted in any district. No advertising sign shall be permitted on any such structure. Locations and setbacks of school bus shelters shall be approved by the School Board of Collier County. Mail, newspaper and other delivery boxes shall be placed in accordance with U.S. Postal Service Regulations. All such structures are exempt from district setbacks.

SEC. 2.6.14 GUEST HOUSE.

No guest accommodation facility in a single family residential district, 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 this Zoning Code. 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 shall not be constructed on lots which are smaller than 43,560 square feet in area nor shall they be constructed on lots which have a frontage less than one hundred and five feet (105') in width, nor shall the living area of a guest house be larger than forty percent (40%) of the air

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conditioned, enclosed living area (excluding garages, carports, patios, porches, utility areas, and the like) of the principal dwelling. Detached guest houses shall not be closer than twenty feet (20') to the principal dwelling. A guest house may be constructed prior to a principle dwelling provided the guest house meets the minimum requirements of a single family residence in the district in which it is being constructed. At such time as a principle residence is constructed, then the floor area percentages listed above shall apply.

SEC. 2.6.15 GARBAGE DUMPSTER.

Garbage dumpsters shall be permitted in all zoning districts subject to the following conditions:

2.6.15.1 All garbage dumpsters must be screened from view of adjoining property owners and streets at first floor level. Dumpsters shall be screened on at least three sides.

2.6.15.2 The following structures may be permitted as screening for dumpsters:

2.6.15.2.1 Wood fence.

2.6.15.2.2 Concrete block and stucco wall, brick wall, masonry wall, or walls of similar material.

2.6.15.2.3 Vegetative screening in conjunction with Sec. 2.6.15.2.1 or 2.6.15.2.2 above.

2.6.15.3 Dumpsters may be permitted within the building setback area provided there is no obstruction of vision of adjacent streets.

2.6.15.4 Screening for garbage dumpsters shall be exempted from height limitations for fences provided there is no obstruction of vision of adjacent streets.

2.6.15.5 Screening of garbage dumpsters shall be exempted in: Industrial Districts (I) if the dumpsters are located greater than 200 feet from residentially zoned or used property and are not located within front yards; and Rural Agricultural (A) Districts; and during construction in all other Districts.

SEC. 2.6.16 INTEGRAL CARETAKER'S RESIDENCE IN COMMERCIAL AND INDUSTRIAL DISTRICTS.

The Development Services Director may authorize the construction of a caretaker's residence in the C-1/T, C-2, C-3, C-4 - Commercial Districts and C-5 - Heavy Commercial District; and I - Industrial District subject to the following:

2.6.16.1 The residence shall be constructed as an integral part of the principal structure and shall be entered from within the principal structure. Exits required to comply with fire code shall be permitted.

2.6.16.2 The caretaker's residence shall be an accessory use and shall be for the exclusive use of the property owner, tenant, or designated employee operating or maintaining the principal structure.

2.6.16.3 Off street parking shall be as for a single family residence in accordance with Div. 2.3.

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2.6.16.4 Any other requirement which the Development Services Director determines necessary and appropriate to mitigate adverse impacts of such use in the district.

SEC. 2.6.17 CONDOMINIUMS.

This Zoning Code shall be construed and applied with reference to the nature of the use of such property without regard to the form of ownership. Condominium forms of ownership shall be subject to this Code as is any other form of ownership. Condominiums of any kind, type or use shall comply with the provisions of Chapter 718, Florida Statutes, as amended, known as the "Condominium Act".

SEC. 2.6.18 DEED RESTRICTIONS.

This Zoning Code shall not be affected by any deed restrictions or restrictive covenants recorded with any deed, plat or other legal documents. No person or agency, in the capacity of enforcing and administering this Code, shall be responsible for enforcing any deed restrictions.

SEC. 2.6.19 RELATION TO STATE AND FEDERAL STATUTES.

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

2.6.19.2 Development of Regional Impact. Where a proposed use or development is a Development of Regional Impact, it shall meet all of the requirements of Chapter 380, Florida Statutes, as amended, prior to the issuance of any required County development orders or permits and commencement of construction or development. Submission of the Application for Development Approval (ADA) for a Development of Regional Impact (DRI) shall be simultaneous with the submission of any rezoning and/or conditional use application or other land use related petition required by this Code to allow for concurrent reviews and public hearings before both the Planning Commission and Board of County Commissioners of the ADA and rezone and/or conditional use applications. The DRI and rezone and/or conditional use shall be approved prior to the issuance of any required County development orders or permits and commencement of construction or development.

SEC. 2.6.20 HOME OCCUPATIONS.

2.6.20.1 In any zoning district which permits residential dwellings as a permitted use, home occupations shall be allowed and they shall be conducted by an occupant thereof. The home occupation shall be clearly incidental to and secondary to the use of the dwelling for dwelling purposes and shall not change the character thereof; provided that all the following conditions are met:

2.6.20.1.1 There shall be no on-site or off-site premise advertising signs.

2.6.20.1.2 The use does not generate more traffic than would normally be experienced at a residence.

2.6.20.1.3 There shall be no receiving of goods or materials other than normal delivery by U.S. Postal Service or similar carrier.

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2.6.20.1.4 Parking or storage of commercial vehicles or equipment as prohibited by Sec. 2.6.7.3.

2.6.20.1.5 The on-premise use of any equipment or materials, by their nature, shall not create or produce excessive noise, obnoxious fumes, dust or smoke.

2.6.20.1.6 The on-premise use of any equipment or tools shall not create any amount of vibration or electrical disturbance.

2.6.20.1.7 No on-premise use or storage of any hazardous material shall be kept in such an amount as to be potentially dangerous to persons or property outside the confines of the home occupation.

2.6.20.1.8 There shall be no retail sale of materials, goods or products from the premises.

2.6.20.1.9 There shall be no outside storage of goods or products, except plants, in which case no more than fifty percent (50%) of the total square footage of the lot may be used for plant storage.

2.6.20.2 Any home occupation that is found to have violated any provision of this Section shall be discontinued upon receipt of notice by the owner or occupant from the Development Services Director. Failure to comply with said notice shall constitute a violation of this Code, and each day the use continues shall be considered a separate offense.

2.6.20.3 Home occupations existing prior to the effective date of Collier County Ordinance No. 82-2 and found not to comply with the provisions of this Code shall be deemed a violation and shall be either discontinued or shall meet the provisions imposed by this section.

2.6.20.4 A home occupation shall be subject to all applicable County occupational licenses and other business taxes.

SEC. 2.6.21 PRIVATE BOAT HOUSES AND DOCKS.

2.6.21.1 Individual or multiple private docks including mooring pilings, davits, lifts and the like are permitted to serve the residents of a development on canal or waterway lots, provided they do not protrude more than the respective distances specified in Secs. 2.6.21.2 and 2.6.21.3 for such canal or waterway. Permitted dock facility protrusions as well as extension of dock facilities are measured from the property line. Additional length/protrusion beyond said respective distances specified in Secs. 2.6.21.2 and 2.6.21.3 may be requested and shall require public notice and a hearing by the Planning Commission. Notice of the public hearings shall be prominently posted on the property for which the extension is sought. Notice of the public hearing shall be advertised in a newspaper of general circulation in the County at least one (1) time fifteen (15) days prior to the hearing. Notice of the time and place of the public hearing shall be sent at least fifteen (15) days in advance of the hearing by mail to all owners of waterfront property within three hundred feet (300') of the subject property. The Planning Commission may either approve, approve with conditions, or deny any additional length/protrusion beyond that permitted in Secs. 2.6.21.2 and 2.6.21.3. The Planning Commission's action shall be based upon consideration of the following factors:

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2.6.21.1.1 The number of docks facilities to be located on the subject property in relation to the length of waterfront property available for the location of the dock facilities.

2.6.21.1.2 The water depth where the dock facility is to be located and the distance to the location of the navigable channel.

2.6.21.1.3 The nature and speed of water currents in the navigable channel.

2.6.21.1.4 The land contour (bottom profile) of the property on which the dock facility is to be located.

2.6.21.1.5 The effect the dock facility will have on the safety of the users of the navigable channels and adjacent waters.

2.6.21.1.6 The location, length/protrusion and design of dock facilities on adjacent properties.

2.6.21.1.7 The impact the extension will have upon the view of the waterway by adjacent waterfront property owners.

2.6.21.1.8 The distance to adequate water depth (three feet (3') at Mean Low Water) as compared to the requested extension distance.

2.6.21.1.9 The size of the vessel intended to be moored at the dock facility.

2.6.21.1.10 For natural waterbodies only: Existing benthic organisms in the vicinity of the proposed extension.

If deemed necessary based upon review of the above criteria, the Planning Commission may impose such conditions upon the approval of an extension request it deems as necessary to accomplish the purposes of this Code and protect the safety and welfare of the public. Such conditions may include, but shall not be limited to, greater side setback(s), provision of light(s), additional reflectors, or reflectors larger than four (4) inches, and prohibiting or permitting mooring on the outside of the dock facility.

2.6.21.2 For lots on a canal or waterway that is one hundred feet (100') or greater in width, no dock facility/boat combination shall protrude more than twenty feet (20') into the waterway (i.e. the total protrusion of the dock facility plus the total protrusion of the moored vessel).

2.6.21.3 For lots on a canal or waterway that is less than one hundred (100) feet in width, dock facilities may extend/ protrude no greater than five feet (5') into said canal or waterway.

2.6.21.4 For lots on a canal or waterway that is less than seventy feet (70') in width, the dock facility extension procedure identified in Sec. 2.6.21.1 is not available (i.e., such lots are limited to a five foot (5') dock facility).

2.6.21.5 All dock facilities on lots with water frontage of sixty feet (60') or greater shall have a side setback requirement of fifteen feet (15'), except as exempted below. All dock facilities on lots with less than sixty feet (60') of water frontage shall have a side setback requirement of seven and one-half feet (7 1/2'). All dock facilities on lots at the end or side end of a canal or waterway shall have a side

setback requirement of seven and one-half feet (7 1/2') as measured from the side lot line or riparian line, whichever is appropriate. For purposes of this section, riparian line shall be defined as a line extending from the corner of an end lot and side end lot into the canal or waterway bisecting equidistantly the angle created by the two (2) intersecting lots. (See exhibit "A").

2.6.21.6 All dock facilities, regardless of length/protrusion, shall have reflectors and house numbers four inches (4") minimum size installed at the outermost end, on both sides. For multifamily developments, the house number requirement is waived.

2.6.21.7 All dock facilities are subject to, and shall comply with, all federal and state requirements and permits, including but limited to the requirements and permits of the Florida Department of Environmental Regulation, the Florida Department of Natural Resources, the U.S. Army Corps of Engineers, and the U.S. Environmental Protection Agency.

SEC. 2.6.22 [RESERVED]

SEC. 2.6.23 PROHIBITED ANIMALS IN RESIDENTIAL DISTRICTS.

The following animals are to be considered farm animals and are not permitted to be kept in residential districts except as provided for in zoning district regulations: turkeys, chickens, ducks, geese, pigs, horses, cows, goats, hogs, and the like.

SEC. 2.6.24 INTERIM AGRICULTURAL USE OF PREMISES.

2.6.24.1 General. The Board of Zoning Appeals, may, upon recommendation of the Planning Commission, authorize the use of lands within any district, except the Rural Agricultural District (A), for agricultural activities, such as, and limited to, pasturing, field crops, horticulture, fruit and nut production, forestry, beekeeping, aquaculture and mariculture. It is the intent of this section to permit certain interim agricultural uses on a temporary basis which retain the land in its open, undeveloped character. No land authorized as an interim agricultural use to be used or used for agricultural uses or activities shall be rezoned to, converted to, or used for, any non-agricultural use or development for at least ten (10) years after any new clearing of such land. The inclusion of buildings and structures, other than wells, structures for conservation and drainage protection, and unpaved roads, is strictly prohibited. Petitions for interim agricultural use shall be considered first by the Planning Commission in the manner herein set out.

2.6.24.2 Written Application. A written application for an interim agricultural use shall be submitted to the Development Services Director indicating the basis in this Zoning Code under which the interim agricultural use is sought and stating the grounds upon which it is requested, with particular reference to the types of findings which the Planning Commission must make under Sec. 2.6.24.3.3. The application shall include material necessary to demonstrate that the grant of the interim agricultural use will be in harmony with the general intent and purpose of this Zoning Code, 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:

2.6.24.2.1 Development plans at an appropriate scale showing site alteration, proposed placement of structures on the property; provisions for ingress and egress, off-street parking and off-street loading areas,

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refuse and service areas; and required yards and other open spaces;

2.6.24.2.2 Plans showing proposed locations for utilities;

2.6.24.2.3 Plans for screening and buffering with reference to type, dimensions, and character;

2.6.24.2.4 Proposed landscaping and provisions for trees protected by County regulations; and

2.6.24.2.5 Proposed signs and lighting, including type, dimensions, and character. Where this Zoning Code places additional requirements on specific uses, the application shall demonstrate that such requirements are met.

2.6.24.3 Review and Recommendation by the Planning Commission.

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

2.6.24.3.2 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 an interim agricultural use is sought or his agent or attorney designated by him shall be notified by mail. Notice of the Public Hearing shall be prominently posted on the property for which the interim agricultural use is sought. Notice of the public hearing shall be advertised in a newspaper of general circulation in the County at least one (1) 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 feet (300') of the boundary lines of the property for which the interim agricultural 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 part of or adjoins the parcel for which the request is made, the three hundred foot (300') 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 the 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, except that notice need not be mailed to any property owner located more than one-half mile (2,640 feet) from the land for which the interim agricultural use is sought.

2.6.24.3.3 Findings. Before any interim agricultural use shall be recommended for approval to the Board of Zoning Appeals, the Planning Commission shall make a finding that the granting of the interim agricultural use will not adversely affect the public interest and certifying that the specific requirements governing the individual interim agricultural 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 Growth Management Plan.

2. Compliance with all environmental regulations as identified in the Land Development Code or other regulations and policies of Collier County.

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3. 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;

4. Off-street parking and loading areas, where required, with particular attention to the items in subsection 3 immediately above and economic, noise, glare, or odor effects of the interim agricultural use on adjoining properties generally in the district.

5. Refuse and service areas, with particular reference to the items in Sec. 3 and 4 above.

6. Utilities, with reference to locations, availability, and compatibility.

7. Screening and buffering with reference to type, dimensions and character.

8. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effects, and compatibility and harmony with properties in the district.

9. Required yards and other open space.

10. General compatibility with adjacent properties and other properties in the district.

11. Any special requirements established in Article 2 for the particular use involved.

2.6.24.3.4 Conditions and Safeguards. In recommending approval of any interim agricultural use, the Planning Commission may also recommend appropriate conditions and safeguards in conformity with this Zoning Code. Violation of such conditions and safeguards, which are made a part of the terms under which the interim agricultural use is granted, shall be deemed a violation of this Code.

Any interim agricultural use shall expire one (1) year from the date it was granted, unless extended by action of the Board of Zoning Appeals, if by that date, the use for which the interim agricultural use was granted has not been commenced; and an interim agricultural use shall automatically expire two (2) years after the date of grant and must be reviewed by the Board of Zoning Appeals in order to be continued. Each subsequent renewal period shall be limited to two (2) years and must be reviewed by the Board of Zoning Appeals at the end of each two (2) year period in order to be continued.

2.6.24.3.5 Denial. If the Planning Commission shall recommend denial of an interim agricultural use, it shall state fully in its record its reasons for doing so. Such reasoning shall take into account the factors stated in Sec. 2.6.24.3.3, or such of them as may be applicable to the specific interim agricultural use requested, if any.

2.6.24.3.6 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 Zoning Appeals.

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2.6.24.4 Decision by the Board of Zoning Appeals. Upon receipt of the Planning Commission's report and recommendations, the Board of Zoning Appeals shall approve or deny the petition for an interim agricultural use. An approval shall be by resolution of the Board of Zoning Appeals.

2.6.24.5 Public Access and/or Related Commercial Uses. The interim agricultural use of the premises which in any way attracts or invites access and use of the general public or the use of such premises for any commercial activity other than that expressly permitted within the zoning district is strictly prohibited.

2.6.24.6 Taxes. The granting of an interim agricultural use of the premises by the Board of Zoning Appeals as provided herein shall not constitute grounds for establishing a new assessment of Special Classes of Property as provided in Chapter 193.461 F.S., which assessment of Special Classes of Property did not exist for the subject premises prior to the approval of the interim agricultural use of the premises as provided herein.

2.6.24.7 Minor Changes and Amendments. The Development Services Director may approve any change he determines to be of a minor nature, such as changes in location, siting or height of permitted buildings and structures, and improvements authorized by the approved interim agricultural use.

2.6.24.8 Major Changes and Amendments. Any change or amendment which the Development Services Director determines to be of a major nature shall require a full review as for a new petition.

SEC. 2.6.25 FARM LABOR HOUSING.

2.6.25.1 Purpose and Intent. 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 Rural Agricultural District (A) 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 a 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.

2.6.25.2 Permitted Uses. The following permitted uses are permitted as farm labor housing, or as uses accessory to farm labor housing.

2.6.25.2.1 Permitted Uses.

1. Single Family Dwellings.
2. Mobile Homes.
3. Duplex.
4. Multiple Family Dwellings.
5. TTRVC's.

2.6.25.2.2 Uses Accessory to Farm Labor Housing.

1. Uses and structures that are accessory and incidental to farm labor housing uses.
2. Caretakers Residences.

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3. Child Care Centers.

2.6.25.3 Site Development Plan Required. No construction for the housing of farm labor shall be erected until a site development plan has been approved as established in this Article and Div. 3.3. Any application for development to house farm labor shall include the general data established in Div. 3.3 and, in addition, the data required by this section. Upon the approval of a Site Development Plan, no building permit or certificate of occupancy shall be issued except in conformity with such approved site development plan and no use shall be made of farm labor housing subsequent to construction except in conformity with that approved site development plan.

2.6.25.4 Standards. In addition to the applicable requirements of site development plans in Div. 3.3, site development plans for farm labor housing shall meet the following minimum standards:

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

2.6.25.4.2 Minimum and Maximum Area. No on-site farm labor housing shall exceed in land area three percent (3%) of the gross acreage of the agricultural operation, or ten (10) acres, whichever is less. Off-site farm labor housing for laborers shall have a land area of not less than one (1) acre nor more than ten (10) acres.

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

2.6.25.4.4 Layout. Any application for Site 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.

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2.6.25.4.5 Dimensional Standards.

		SF/MH	D/MF	Dormitory Housing
1.	Minimum Lot Area.	4,000 sq. ft.	1 acre	1 acre
2.	Minimum Lot Width.	40 ft.	100 ft.	100 ft.
3.	Minimum Yard Required.			
	Front.	10 ft	20 ft.	20 ft.
	Side.	5 ft.	20 ft.	20 ft.
	Rear.	10 ft.	20 ft.	20 ft.
4.	Maximum Height.	30 ft.	30 ft.	30 ft.
5.	Minimum Floor Area.	500 sq. ft.	500 sq. ft.	500 sq ft.

6. Certification required by Chapter 10D-25 FAC as a Migrant Labor Camp shall be required.

7. All requirements of the minimum Housing Code shall be met.

8. NOTE: SF: Single-family; MH = Mobile Home; D = Duplex; Mf = Multiple Family

SEC. 2.6.26 LOCATION REQUIREMENTS FOR GROUP HOUSING (GH).

2.6.26.1 All Group Housing structures shall meet the following requirements specified for each type of structure:

1. Site Development Plan (SDP) approval in conformance with Div. 3.3 (with the exception of a Family Care Facility).

2. All applicable State and County building and fire code standards.

3. All applicable State and County licensing requirements.

2.6.26.1.1 Family Care Facility: A Family Care Facility shall be treated as a single dwelling unit for the purpose of determining applicable development standards and, therefore, shall conform to the standards identified for a single-family dwelling unit or mobile home in the zoning district assigned to the property as well as other applicable standards found in the Zoning Code . However, a new Family Care Facility shall not be located within a radius of 1,000 feet of another existing Family Care Facility.

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2.6.26.1.2 Group Care Facility (Category I and Category II): A Group Care Facility shall be governed by the development standards identified in the zoning district assigned to the property and the following standards:

1. Minimum Habitable Floor Area:

   a. Group Care Facility (Category I): 1,500 square feet plus 200 square feet per live-in person, beginning with the seventh live-in person.

   b. Group Care Facility (Category II):

      (1) Homeless Shelters: 1,500 square feet plus 150 square feet per live-in person, beginning with the seventh live-in person.

      (2) Uses other than the Homeless Shelters: 1,500 square feet plus 200 square feet per live-in person, beginning with the seventh live-in person.

2. Minimum Lot Area:

   a. Group Care Facility (Category I): 6,000 square feet plus 1,500 square feet per live-in person, beginning with the seventh live-in person.

   b. Group Care Facility (Category II):

      (1) Homeless Shelters: 6,000 square feet plus 400 square feet per live-in person, beginning with the seventh live-in person.

      (2) Uses other than Homeless Shelters: 6,000 square feet plus 1,500 square feet per live-in person, beginning with the seventh live-in person.

3. Parking Required: 2 parking spaces per 5 beds (Minimum requirement: 2 parking spaces).

4. Separation Requirements:

   a. A new Group Care Facility shall be required to be located greater than a radius of 1,200 feet from any other existing Group Care Facility (applicable to the RMF-6, RMF-12, RMF-16, RT, and VR zoning districts).

   b. A new Group Care Facility shall be required to be located greater than a radius of 500 feet from any other existing Group Care Facility (applicable to the A, Estates, and RSF 1-5 zoning districts).

   c. Distance requirements shall be measured along a straight line from the nearest point of the existing Group Care Facility property to the nearest point of the proposed new Group Care Facility property.

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5. Special Setback Requirements: No structure shall be erected within 20 feet of any abutting lot or parcel which is zoned residential, nor within 25 feet of a road right-of-way.

6. Landscaping Requirements: As in Div. 2.4 .

2.6.26.2 Care Unit.

2.6.26.2.1 Maximum Permitted Density: 26 group housing units per gross acre.

2.6.26.2.2 Homeless Shelters. Homeless shelters shall be subject to the following criteria:

Maximum Permitted Density: For homeless shelters shall not exceed 26 group housing units per gross acre and shall be based on the following standards:

Minimum Habitable Floor Area: 1,500 square feet plus 150 square feet per live-in person, beginning with the seventh (7th) live-in person.

Minimum Lot Area: 6,000 square feet plus 400 square feet per live-in person, beginning with the seventh (7th) live-in person.

2.6.26.3 Nursing Home: A Nursing Home shall be governed by the development standards identified in the zoning district assigned to the property and the following standards:

1. Maximum Permitted Density: 26 group housing units per gross acre.

2. Parking Required: 2 parking spaces per 5 beds. (Minimum requirement: 2 parking spaces).

3. Special Setback Requirements: No structure shall be erected within 20 feet of any abutting lot or parcel which is zoned residential, nor within 25 feet of a road right-of-way.

4. Landscaping Requirements: As required in Div. 2.4

SEC. 2.6.27 CLUSTER HOUSING (ZERO LOT LINES).

2.6.27.1 Purpose and Intent. The purpose of cluster housing is to provide a unique and innovative alternative to the conventional residential development in the RSF, RMF-, and VR Districts by creating a more varied, efficient, attractive, and economical residential development containing a more usable pattern of open space. It is intended to implement the Growth Management Plan by, among other things, encouraging compact urban growth and discouraging urban sprawl.

2.6.27.2 Applicability. This section shall apply to all parcels of land under single ownership within a zoning district which permits cluster housing by conditional use.

2.6.27.3 Conditional Use Required. A conditional use approval shall be required for cluster housing in the appropriate zoning district. The conditional use application for cluster housing shall be supplemented with a conditional use conceptual plan which shall at a minimum depict the following:

1. The overall development plan of the site showing: individual lots and their square footage; buildings and their square footage; rights-of-way; parking areas; amounts and location of common open space intended for recreation or public use; and natural features such as but not limited to, stream beds, significant strands of trees and wetlands. The development plan shall, in addition, state and acknowledge that all regulations and requirements of the zoning district in which the proposed cluster housing is located, except as modified by the application of this section to the development plan, have complied with.

2. A description of the means by which the common open space will be maintained.

3. The availability and provision of central water and sewage facilities to service the site.

4. Additional information as may be required by the Development Services Director to insure compatibility of the proposed cluster housing with the regulations and intent of this section.

2.6.27.4 Clustering Standards. Conditional uses approved for cluster housing may reduce the lot area, lot width, and yard requirements within a zoning district subject to the criteria enumerated in this section. The lot area, lot width, coverage, and yard regulations of the residential zoning district in which the cluster housing is located shall be used as the basis for all computations of allowed reductions. For those zoning districts permitting cluster housing by conditional use but not having established minimum lot areas, lot widths, or yard regulations typical of single family or two family attached dwellings, the RSF-6 District, dimensional standards shall apply. The following reductions or increases in lot area, lot width, coverage and yard regulations of the underlying zoning district shall be permissible pursuant to the grant of a conditional use for cluster housing:

2.6.27.4.1 Maximum Density. The maximum allowable gross density in any cluster housing development shall not exceed the maximum allowable gross density of the residential zoning district in which the cluster housing development is located.

2.6.27.4.2 Minimum Lot Area. The minimum lot area in any cluster housing development may be reduced to no less than three thousand (3000) square feet for each single family dwelling unit residential. Development of cluster housing upon a single parcel or tract of land, rather than upon conventional lots, shall provide a minimum of three thousand (3,000) square feet of open space for each dwelling unit exclusive of any common open space required by this section.

2.6.27.4.3 Minimum Lot Width. The minimum lot width in any cluster housing development may be reduced to no less than forty feet (40').

2.6.27.4.4 Minimum Lot Coverage. The maximum allowable lot coverage in any cluster housing may be increased to no more than sixty percent (60%).

2.6.27.4.5 Minimum Yards. The minimum side and rear yards may be reduced by up to twenty percent (20%)of the minimum yard requirements for the specific zoning district in which the cluster housing is located. When shown and approved on the conditional use conceptual plan, a zero lot line concept may be utilized for single family detached dwelling units, or in the case of single family attached dwelling units, a common wall concept may be employed. In either case, the remaining yard shall be

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equal to the sum of the required side yards. Zero lot line cluster housing, shall in addition, conform to the following:

1. The zero lot line portion of the dwelling unit shall be void of doors or windows.

2. The adjacent property shall contain, at a minimum, a three foot (3') access easement for maintenance purposes.

3. Roof overhang shall be prohibited over adjacent property lines.

4. The minimum front yard requirements shall be the same as for the zoning district in which the cluster housing is located.

5. In no case shall the separation between principal buildings and structures be less than twelve feet (12').

2.6.27.4.6 Common Open Space.

1. All deductions in the minimum lot area, lot width and yard requirements below that which would otherwise be required within the district in which the cluster housing is located shall be required to provide an equal amount of common open space within the same phase and general area of each cluster of homes in the development.

2. Common open space shall be reserved for recreational uses.

3. Any commercial uses recreational facility subject to membership, registration, fees, or aimed at attracting outside users, shall not be counted as common open space.

4. The sale, lease, or other disposition of common open space shall be prohibited except to a non profit corporation or homeowners association established under the laws of Florida to administer and maintain the facilities subject to a deed restriction acceptable to the County to limit the use of said property to common open space. Provisions shall be included to assure the continued maintenance of the common open space area.

5. Access rights to common open space for all residents within the cluster development shall be guaranteed.

6. Land utilized for common open space shall be restricted to common open space in perpetuity by appropriate legal instruments satisfactory to Collier County. Such instrument shall be binding upon the owner, developer, his successors, and assigns, and shall constitute a covenant running with the land, and be in recordable form.

SEC. 2.6.28 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:

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2.6.28.1 Lot Size. Minimum Eighteen Thousand (18,000) Square Feet.

2.6.28.2 Minimum Frontage. An automobile service station shall not be located on a lot with less than one hundred and fifty feet (150') of frontage on a dedicated street or highway.

2.6.28.3 Minimum Depth. One hundred twenty feet (120').

2.6.28.4 Minimum Yards.

1. Front Yard Setback. Fifty feet (50').
2. Side Yard Setback. Forty feet (40').
3. Rear Yard Setback. Forty (40) feet.

2.6.28.5 Canopy. Ten feet (10') beyond pump setback line.

2.6.28.6 Storage Tanks. Storage tanks shall be located below grade.

2.6.28.7 Lighting. All lights and lighting for an automobile service station shall be designated and arranged so that no source of light shall be visible from any residential district. No part of any light structure shall protrude beyond property lines.

2.6.28.8 Location of Structures, Pumps etc. No main or accessory building, no sign of any type, and no gasoline pump, tank, vent, pump island or pump island canopy shall be located within twenty-five feet (25') of any residentially zoned property. Gasoline pumps and pump islands may be located no closer than thirty feet (30') to the street property lines and shall be located no closer than forty feet (40') to any side or rear property line. Pump island canopies may be located no closer than twenty feet (20') to the street property line. If such setback requirements mentioned above are closer than setback requirements for the zoning district in which the automobile service station is located, such service station appurtenances shall be removed before the property is converted to a use other than an automobile service station. Removal of fuel storage tanks is required. Free standing vents are not permitted.

2.6.28.9 Entrance and Exit. No automobile service station shall have an entrance or exit for vehicles within two hundred feet (200') 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.

2.6.28.10 Fence Requirements. If an automobile service station abuts a residential district, a wall of solid decorative material five feet (5') in height or a wall of landscaping 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 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 foot (5') high decorative fence or wall which shall conform to all fence setback regulations. All walls and buildings shall be protected by a barrier to prevent vehicles from contacting the wall.

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2.6.28.11 Outside Display of Products. Petroleum products in cans and windshield wiper blades may be displayed outside the service station building in the standard racks provided for such display, provided such racks shall not be placed closer to a street line than the pump island. There shall be no outside display or stacking of tires or other merchandise.

2.6.28.12 Trash Facilities. Adequate, completely enclosed trash storage facilities shall be provided on the site. On an interior lot, such facilities shall be located at the rear of the service station's main structure; on a corner lot, such facilities shall be located, where possible, on the side of the main structure with street frontage carrying the lesser volume of traffic.

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

2.6.28.14 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.

2.6.28.15 Parking Areas. As required in Div. 2.3 .

2.6.28.16 Landscaping. As required within Div. 2.4.

2.6.28.17 General Uses and Services. In addition to the retail dispensing of automobile fuels and oil, only the following services may be rendered and sales made except as indicated:

1. Sales and servicing of spark plugs, batteries, distributors and distributor parts;
2. Sales, mounting, balancing and repair of tires and wheel alignments, but not recapping or regrooving of wheels;
3. Sales and replacement of waterhoses, fan belts, brake fluid, light bulbs, fuses, floor mats, wiper blades, grease retainers, wheel bearings, shock absorbers, mirrors, exhaust systems, and the like;
4. Provision of water, anti-freeze, flushing of the cooling system, air conditioning recharge, and the like;
5. Washing and polishing and sale of automobile washing and polishing materials, but this only allows auto detailing as an accessory use but this provision does not allow car washes;
6. Providing and repairing fuel pumps and lines;
7. Minor servicing and repair of carburetors and fuel injection systems;
8. Emergency wiring repairs;
9. Providing repair and replacement of brake rotors, drums and pads;
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 outside of the enclosed areas;
14. No mechanical work shall be allowed outside of the enclosed areas;
15. 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 feet (20') of any street right-of-way or within forty-five feet (45') of any residential district, except

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where such appliance or pit is located within a wholly enclosed building;

16. Uses permissible at an automobile service station do not include major mechanical and body work, straightening of frames or body parts, steam clearing, painting, welding, storage of automobiles (except as expressly permitted in Item 17 below), 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, an auto detailing shop, or a truck stop.

17. The temporary storage of vehicles shall be permitted if the vehicles are to be serviced at the service station or if the vehicles have been towed by the service station and are being held for servicing, for an insurance company, or for sale or salvage. Any such vehicle(s), other than those vehicles serviced daily, shall be stored within an area surrounded by an opaque fence not less than six feet (6') high. Said vehicles shall not be stored longer than ninety (90) days.

18. Convenience grocery stores selling motor fuel must conform with all provisions of Sec. 2.6.29.

SEC. 2.6.29 PRIVATE AIRPORTS.

The following regulations apply to the location and layout of private airports.

2.6.29.1 Control of Airspace. The applicant must control the air space within seven hundred feet (700') from the ends of the primary surface(s). The 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. This control may be created by ownership, right-of-way, easement, or a combination thereof.

2.6.29.2 Minimum Yards.

2.6.29.2.1 Setback primary surface - 200 feet.

2.6.29.2.2 Other structures - Other structures must conform with setbacks of the underlying district; however, they may not be placed within fifty feet (50') of the primary surface.

2.6.29.3 Location. Private airports shall be located in accordance with applicable State, County and Federal regulations.

SEC. 2.6.30 PROVISIONS OF POLLING PLACES. At the time the Board of County Commissioners approves a zoning request to Planned Unit Development (PUD) or at the time the Board of County Commissioners approves a PUD amendment, any residential project within said PUD which will have a community recreation/public building/public room or similar common facility, shall be required to provide polling places in said community recreation/public building/public room if a polling place is determined to be necessary by the Board of County Commissioners. The Board shall consider the recommendation of the Supervisor of Elections in reaching such determination. This requirement shall apply to all residential projects within a PUD: single family, multi-family and mobile home developments.

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If the PUD or a residential project within the PUD is a "private" development with a restricted and/or monitored entrance which limits access to residents of that development, their guests and necessary maintenance workers, a polling place may be required by the Board to be provided in any community recreation/public building/public room or similar facility, however, the controlling entity of that private development may limit the use of the polling places to the residents of that "private" development.

This commitment shall be guaranteed through the following mechanism:

An agreement recorded in the official records of the Clerk of the Circuit Court of Collier County, which shall be binding upon any and all successors in interest that acquire ownership of such commons areas including, but not limited to, condominium associations, homeowners associations, or tenants associations. This agreement shall provide for said community recreation/public building/public room or similar common facility to be used for a polling place if determined to be necessary by the Supervisor of Elections. The commitment also shall be included within the PUD document.

The Supervisor of Elections is responsible for arranging use of said community recreation/public building/public room or other common facility for a polling place with the entity who controls said common facility prior to the election.

SEC. 2.6.31 PROPERTY FOR PUBLIC USE.

Any entity may request to donate property to Collier County in accordance with those provisions set forth below. The acceptance of such property shall be at the sole discretion of the Board of County Commissioners. The Board of County Commissioners, in its review for acceptance of such property, shall consider the type of property including its design, color, size, the placement of said property and other pertinent characteristics of the property. Upon acceptance of the property by the Board of County Commissioners, the entity shall be permitted to place its name on the donated property in the following form: "Donated by (name of donor)". The design, size and placement of the donor name on the donated item shall be reviewed by the Board of County Commissioners to assure compliance with the following criteria:

2.6.31.1 The lettering shall be no larger than two inches (2") and shall contain no information other than that set forth above; and

2.6.31.2 The lettering shall be white, black or other unobtrusive color appropriate to the color of the donated item; and

2.6.31.3 The design and placement of the lettering shall be appropriate to provide identification of the donor, if such identification is requested.

The Board of County Commissioners shall thereafter approve, approve with changes or deny the design. The name of the donor on donated property for public use, in accordance with the criteria set forth above, shall not be considered a sign.

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SEC. 2.6.32 OPEN SPACE REQUIREMENTS IN ALL ZONING DISTRICTS.

2.6.32.1 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 Space Areas shall also include those areas set aside for preservation of native vegetation and landscaped areas. Open water area beyond the perimeter of the site, street rights-of-way, driveways, off-street parking areas, and off-street loading areas shall not be counted in determining usable open space.

2.6.32.2 Residential Developments. In residential developments, at least sixty percent (60%) of the gross area shall be devoted to usable open space. This requirement shall not apply to individual single family lots less than two and one-half (2.5) acres in size.

2.6.32.3 Commercial, Industrial and Mixed-Use Developments. In developments of commercial, industrial and mixed use including residential, at least thirty percent (30%) of the gross area shall be devoted to usable open space. This requirement shall not apply to individual parcels less than five (5) acres in size.

SEC. 2.6.33 TEMPORARY USE PERMITS.

2.6.33.1 Purpose and Intent. Based upon the nature of some uses, their impact on adjacent uses and their compatibility with surrounding properties, and the length of time a use is intended to function, there is an identified need to allow certain temporary uses on the development site within zoning districts that would not otherwise provide for the use of the development site. It is the intent of this section to classify temporary uses and to provide for their permitting, administration and control.

2.6.33.2 The Development Services Director may grant a temporary use permit for requests that demonstrate compliance with the intent of Sec. 2.6.33. Approvals for such requests shall be based upon, but not limited to the applicant's description of the temporary use, the intended duration of the use, hours of operation, as well as a Site Development Plan in accordance with Div. 3.3, if determined necessary, which demonstrates that provisions will be made to adequately address all of the following:

1. Traffic Circulation and safety within the site;
2. Minimum parking requirements for the temporary use as defined within Division 2.3, Off Street Parking and Loading;
3. Screening, buffering, and landscaping of the temporary use to reduce potential impacts on adjacent properties;
4. Lighting;
5. Sanitary Facilities;
6. Any other requirements determined to be necessary for the public health and safety.

2.6.33.3 Conceptual Plan Required. All requests for a temporary use permit shall submit a detailed conceptual plan of the site improvements, which shall be in a form and approved by the Development Services Director prior to the issuance of the temporary use permit. The conceptual plan and temporary use permit shall be submitted and approved prior to the submission of a building permit application for the proposed model structure.

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2.6.33.4 Temporary Construction and Development Permits. During the construction of any development for which a final development order has been granted, the developer may request a temporary use perit to provide for storage, construction and administrative activities on the development site. The temporary use permit shall be granted initially for a period not to exceed twenty-four (24) months in length and may be renewed annually based upon demonstration of need. A request for renewal shall be submitted thirty (30) days prior to expiration of the temporary use permit. Temporary Construction and Development Permits shall be allowed for the following uses:

1. Temporary offices to be used for construction and administrative functions within the development.
2. On-site storage of equipment and construction materials for use on the development site only.
3. On-site mobile home used as a temporary office or storage facility for persons engaged in the development of the site.
4. On-site mobile radio and television equipment and antennae.
5. On-site mobile home for the use of a watchman or caretaker only.
6. On-site temporary use of structures and equipment for the building of roads, public utilities, and government projects.
7. Other on-site uses similar to the foregoing uses and determined to meet the intent of Sec. 2.6.33.2.

2.6.33.5 Model Homes and Model Sales Offices. Model homes and model sales offices shall be allowed in all zoning districts by the issuance of a temporary use permit for a Model Home or for a Model Sales Office subject to the following:

2.6.33.5.1 Model sales offices shall be of a temporary nature and located within a development under construction. Model sales offices shall not be used for the offices of builders, contractors, developers, or similar activities. A temporary use perit issued for a model sales office shall be issued initially for a period of twenty-four (24) months and shall allow for the sale, resale and marketing of dwellings, structures, or property within the development it is located, or adjacent developments under the same control. Extensions beyond the initial two (2) year permit may be granted in accordance with Sec. 2.6.33.3.8.

2.6.33.5.2 Model homes shall be of a temporary nature and may or may not be located within a development under construction and shall only be permitted for dwellings that have not been previously occupied as a residence. A temporary use permit issued for a model home shall be issued initially for a period of twenty-four (24) months. Activities within model homes shall be restricted primarily to the sale and marketing of the model, or products similar to the model. A model home shall not include offices for builders, contractors, developers, or similar activities. Extensions beyond the initial two (2) year permit may be granted in accordance with Sec. 2.6.33.5.8.

2.6.33.5.3 Model homes may be "wet" or "dry" and may be constructed prior to recording of the final plat pursuant to the provisions of Div. 3.2. Model homes constructed prior to recording of the final plat shall be limited in location to future platted single family lots.

2.6.33.5.4 Model homes, or model sales offices constructed prior to record platting shall provide metes and bounds legal descriptions conforming to proposed plat configurations, and sufficient for the purposes of building permit issuance.

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2.6.33.5.5 Model homes permitted as "dry models" shall be limited to a Conditional Certification of Occupancy allowing use of the structure as a model only. Model homes permitted as "wet models" shall not be occupied until such time a permanent Certificate of Occupancy can be issued.

2.6.33.5.6 Model homes and model sales offices shall conform with all requirements of the zoning district in which they are located, including but not limited to: yards, square footages; and heights.

2.6.33.5.7 Model homes may be served by an approved temporary utility system intended for future connection to a central system. Interior fire protection facilities shall be provided in accordance with NFPA requirements unless a permanent water system with fire protection capabilities is available and in service.

2.6.33.5.8 Extension of a temporary use permit issued for a model home or for a model sales office may be granted for a maximum of three (3) years and shall require public notice and a hearing by the Planning Commission. A request for an extension and scheduling on the Planning Commission agenda shall be made prior to expiration of the initial temporary use permit issued for a model home or model sales office. Only one such extension may be granted and any additional requests for an extension shall be granted only in accordance with Sec. 2.6.33.5.10. Notice of the public hearing shall be prominently posted on the property for which the extension 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. Notice of the time and place of the public hearing 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 subject property. The Planning Commission may either approve, approve with conditions, or deny any request for extension beyond the time permitted within Sections 2.6.33.3.1 or 2.6.33.3.2. The Planning Commission's action shall be based upon consideration of the following factors:

1. The number of existing model homes or model sales offices within the immediate area of the extension request.
2. The classification of the right-of-way upon which the model home or model sales office fronts.
3. The character, or make-up of the area surrounding the model home or model sales office.
4. The potential effect of the model home or model sales office on adjacent and surrounding properties.
5. The existence of complaints relating to the use of the model home or model sales office which is the subject of the extension request.

2.6.33.5.9 When deemed necessary and based upon review of the above criteria, the Planning Commission may impose such conditions upon the approval of the extension request it determines necessary to accomplish the purpose of this section and protect the safety and welfare of the public. Such conditions may include, but shall not be limited to: restrictions to the hours of operation; parking; signage; screening and buffering and the length of the extension.

2.6.33.5.10 Extension of model homes or model sales office permits in excess of three (3) years shall require submittal and approval of a Conditional Use Permit with Sec. 2.7.4 Conditional Use Procedures.

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SEC. 2.6.35 **COMMUNICATIONS TOWERS.** Provision for "Communications Towers" in Collier County are contained in Collier County Ordinance No. 91-84, as may be amended from time to time, and should be referenced therein.

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DIV. 2.7 ZONING ADMINISTRATION AND PROCEDURES.

SEC. 2.7.1 GENERAL.

SEC. 2.7.2 AMENDMENT PROCEDURES.

2.7.2.1 Purpose and Intent. This Zoning Code and the Official Zoning Atlas may, from time to time, be amended, supplemented, changed or repealed. Procedures shall be as follows:

2.7.2.2 Initiation of Proposals for Amendment. A zoning amendment may be proposed by:

2.7.2.2.1 Board of County Commissioners.

2.7.2.2.2 Planning Commission.

2.7.2.2.3 Board of Zoning Appeals.

2.7.2.2.4 Any other department or agency of the County.

2.7.2.2.5 Any person other than those listed in 2.7.2.2.1 - 2.7.2.2.4 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 in 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 Development Services Director , accompanied by all pertinent information required by this Zoning Code 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 of County Commissioners. No application for zoning amendment shall be heard by the Planning Commission until such fees and charges have been paid.

2.7.2.3 Notice.

2.7.2.3.1 Notice and Public Hearing Where Proposed Amendment Would Not Change Zoning Classification of Land. Ordinances or resolutions initiated by the Board of County Commissioners or its designee which do not actually change the official zoning atlas (the zoning designation applicable to a piece of property) but do affect the use of land, including, but not limited to, land development regulations as defined in s. 163.3202, Florida Statutes, regardless of the percentage of the total land area of the County actually affected, shall be enacted or amended pursuant to the following public notice and hearing requirements by the Planning Commission and the Board of County Commissioners:

1. The Planning Commission shall hold one (1) advertised public hearing on the proposed ordinance or resolution. No request for establishment or amendment of a regulation that affects the use of land 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 Collier 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.

2. The Board of County Commissioners shall hold two (2) advertised public hearings on the proposed ordinance or resolution. Both hearings shall be held after 5:00 P.M. on a weekday, and the first shall be held approximately seven (7) days after the day that the first advertisement is published. The second hearing shall be held approximately two (2) weeks after the first hearing and shall be advertised approximately five (5) days prior to the public hearing. The day, time, and place at which the second public hearing will be held shall be announced at the first public hearing.

3. The required advertisements shall be no less than one-quarter page in a standard size or a tabloid size newspaper, and the headline in the advertisement shall be in a type no smaller than eighteen (18) point. The advertisement shall not be placed in that portion of the newspaper where legal notices and classified advertisements appear. The advertisement shall be published in a newspaper of general paid circulation in the County and of general interest and readership in the community pursuant to Chapter 50, Florida Statutes, not one of limited subject matter. It is the legislative intent that, wherever possible, the advertisement shall appear in a newspaper that is published at least five (5) days a week unless the only newspaper in the community is published less than five (5) days a week. The advertisement shall be in the following form:

NOTICE OF ESTABLISHMENT OR CHANGE OF A LAND REGULATION AFFECTING THE USE OF LAND

The proposal to adopt or change a regulation affecting the use of land for the area shown in the map in this advertisement.

A public hearing on the regulation affecting the use of land will be held on (date and time) at (meeting place).

The advertisement shall contain a brief explanation of the subject matter of the proposed ordinance or resolution and shall also contain a geographic location map which clearly indicates the area covered by the proposed ordinance or resolution. The map shall include major street names as a means of identification of the area.

2.7.2.3.2 Notice and Public Hearing Where Proposed Amendment Would Change Zoning Classification of Land. In the case of an application for the rezoning of land, to include rezonings or amendments to Planned Unit Developments shall be enacted or amended pursuant to the following public notice and hearing requirements by the Planning Commission and the Board of County Commissioners.

1. A sign shall be posted at least fifteen (15) days prior to the date of the public hearing by the Planning Commission. The sign to be posted shall measure at least one and one-half (1 ½) square feet in area and shall contain substantially the following language:

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PUBLIC HEARING TO REZONE THIS PROPERTY:

FROM _____ TO _____
TO PERMIT:_____
DATE:_____
TIME:_____

TO BE HELD IN COMMISSIONERS MEETING ROOM,
COLLIER COUNTY GOVERNMENT CENTER.

2. The sign shall be erected by the Development Services Director in full view of the public on each street side of the said land to be rezoned. Where the property for which rezoning is sought is landlocked or for some other reason the signs cannot be posted directly on the land to be rezoned, then the sign or signs shall be erected along 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 distance, the Development Services Director shall erect as many signs on a street frontage as may be deemed adequate to inform the public. The posting of signs as provided in this Subsection shall only be required where the zoning amendment proposal is specifically directed to changing the zoning classification of a particular parcel of land.

3. The Planning Commission shall hold one (1) advertised public hearing. 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.

4. Notice of the time and place of the public hearing by the Planning Commission 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.

5. 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 land for which rezoning is sought is part of, or adjacent to, land owned by the same person, the three hundred (300) foot distance shall be measured from the boundaries of the entire ownership, except that notice need not be mailed to any property owner located more than one-half mile (2,640 feet) from the land for which rezoning is sought. For the purposes of this requirement, the names and addresses of property owners shall be deemed those appearing on the latest tax rolls of Collier County.

6. Notice of the time and place of the public hearing by the Board of County Commissioners 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.

7. The Clerk to the Board of County Commissioners shall notify by mail each real property owner whose land is subject to rezoning and whose address is known by reference to the

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latest ad valorem tax records. The notice shall state the substance of the proposed ordinance or resolution. Such notice shall be given at least fifteen (15) days prior to the date set for the public hearing, and a copy of such notices shall be kept available for public inspection during the regular business hours of the Clerk to the Board of County Commissioners.

8. The Board of County Commissioners shall hold one (1) advertised public hearing on the proposed ordinance or resolution and may, upon the conclusion of the hearing, immediately adopt the ordinance or resolution.

2.7.2.3.3 Notice and Public Hearing Where Proposed Amendment Initiated by the Board of County Commissioners Would Change the Zoning Classification of Less Than 5% of Total Land Area of the County.

In cases in which the proposed comprehensive rezoning action, including but not limited to those provided for in the Zoning Reevaluation Ordinance (90-23), initiated by the Board of County Commissioners or its designee involves less than five percent (5%) of the total land area shall be enacted or amended pursuant to the following public notice and hearing requirements by the Planning Commission and the Board of County Commissioners.

1. The Planning Commission shall hold one (1) advertised public hearing. Notice of the time and place of the public hearing by the Planning Commission shall be advertised in a newspaper of general circulation in the County at least one time at least fifteen (15) days prior to the date of the public hearing. 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 properties whose land will be rezoned by enactment of the ordinance or resolution, whose address is known by reference to the latest ad valorem tax records.

2. A notice advising of the hearing by the Board of County Commissioners to consider rezoning properties shall be sent by mail each real property owner whose land will be rezoned by enactment of the ordinance or resolution and whose address is known by reference to the latest ad valorem tax records. The notice shall state the substance of the proposed ordinance or resolution as it affects the property owner and shall set a time and place for the public hearing on such ordinance or resolution. Such notice shall be given at least thirty (30) days prior to the date set for the public hearing.

3. The Board of County Commissioners shall hold one (1) advertised public hearing on the proposed ordinance or resolution and may, upon the conclusion of the hearing, immediately adopt the ordinance or resolution.

2.7.2.3.4 Notice and Public Hearing Where Proposed Amendment Would Change the Zoning Classification of More than 5% of the Total Land Area of the County. In cases in which the proposed rezoning involves five percent (5%) or more of the total land area of Collier County shall be enacted or amended pursuant to the public notice and hearing requirements by the Planning Commission and the Board of County Commissioners.

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1. The Planning Commission shall hold two (2) advertised public hearings on the proposed ordinance or resolution. Both hearings shall be held after 5:00 p.m. on a weekday, and the first shall be held approximately seven (7) days after the day that the first advertisement is published. The second hearing shall be held approximately two (2) weeks after the first hearing and shall be advertised approximately five (5) days prior to the public hearing. The day, time, and place at which second public hearing will be held shall be announced at the first public hearing.

2. The required advertisements for the Planning Commission public hearings shall be no less than one quarter page in a standard size or a tabloid size newspaper, and the headline in the advertisement shall be in a type no smaller than 18 point. The advertisement shall not be placed in that portion of the newspaper where legal notices and classified advertisements appear. The advertisement shall be published in a newspaper of general paid circulation in the County and of general interest and readership in the community pursuant to Chapter 50, F.S., not one of limited subject matter. It is the legislative intent that, whenever possible. the advertisement shall appear in a newspaper that is published at least five (5) days per week unless the only newspaper in the community is published less than five (5) days per week. The advertisement shall be in the following form:

NOTICE OF ZONING CHANGE

The (name of local government unit) proposes to rezone the land within the area shown in the map in this advertisement.

A public hearing on the rezoning will be held on (date and time) at (meeting place).

3. The advertisement shall also contain a geographic location map which clearly indicates the area covered by the proposed ordinance or resolution. The map shall include major street names as a means of identification of the area.

4. The Board of County Commissioners shall hold two (2) advertised public hearings on the proposed ordinance or resolution. Both hearings shall be held after 5:00 p.m. on a weekday, and the first shall be held approximately 7 days after the day that the first advertisement is published. The second hearing shall be held approximately 2 weeks after the first hearing and shall be advertised approximately 5 days prior to the public hearing. The day, time, and place at which the second public hearing will be held shall be announced at the first public hearing.

5. The required advertisements shall be no less than one-quarter page in a standard size or a tabloid size newspaper, and the headline in the advertisement shall be in a type no smaller than 18 point. The advertisement shall not be placed in that portion of the newspaper where legal notices and classified advertisements appear. The advertisement shall be published in a newspaper of general paid circulation in the county and of general interest and readership in the community pursuant to Chapter 50, F.S., not one of limited subject matter. It is the legislative intent that, whenever possible, the advertisement shall appear in a newspaper that

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is published at least 5 days a week unless the only newspaper in the community is published less than 5 days a week. The advertisement shall be in the following form:

NOTICE OF ZONING CHANGE

The (name of local government unit) proposes to rezone the land within the area shown in the map in this advertisement.

A public hearing on the rezoning will be held on (date and time) at (meeting place).

The advertisement shall also contain a geographic location map which clearly indicates the area covered by the proposed ordinance or resolution. The map shall include major street names as a means of identification of the area.

6. In lieu of publishing the advertisement set out in this paragraph, the Board of County Commissioners may mail a notice to each person owning real property within the area covered by the ordinance or resolution. Such notice shall clearly explain the proposed ordinance or resolution and shall notify the person of the time, place, and location of both public hearing on the proposed ordinance or resolution.

2.7.2.4 Planning Commission Hearing and Report to the Board of County Commissioners.

1. Time Limits. Hearings by the Planning Commission on applications for rezoning of land shall be held at least twenty-four (24) times a year. For applications not involving the rezoning of land, but which involve amendments to these zoning regulations, the Planning Commission shall hold its public hearings twice per calendar year. In the case of an emergency, amendments to these zoning regulations may be made more often than twice during the calendar year if the additional amendment receives the approval of a majority vote of the Board of County Commissioners. Unless a longer time is mutually agreed upon by the Planning Commission and the Board of County Commissioners, the Planning Commission shall file its recommendations for either type of amendment with the Board of County Commissioners within forty-five (45) days after the public hearing before the Planning Commission has been closed.

2. Presentation of Evidence. The staff report on the application for rezoning shall be presented prior to the close of the public hearing on the application. The applicant shall be afforded the opportunity, prior to the close of the public hearing to respond to any contentions presented by any testimony or other evidence presented during the public hearing, and to respond to the staff report, after receipt of which the hearing shall be concluded, unless the hearing is continued and the matter referred back to staff for further consideration of such matters as the Planning Commission may direct.

2.7.2.5 Nature of Requirements of Planning Commission Report. When pertaining to the rezoning of land, the report and recommendations of the Planning Commission to the Board of County Commissioners required in Sec. 2.7.2.4 shall show that the Planning Commission has studied and considered the

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Exhibit “C”

$00

COUNTY ZONING

REGULATIONS

COLLIER COUNTY

FLORIDA

Revised January, 1965

COLLIER COUNTY

ZONING REGULATIONS

LEGISLATIVE AUTHORITY: House Bill No. 495, Laws of Florida, 1951, as amended by Chapter 57-1237, Laws of Florida, 1957. Violation of these Regulations is a Misdemeanor and punishable by a fine not exceeding Five Hundred ($500.00) Dollars, or by imprisonment not to exceed Thirty (30) Days, or by both such fine and imprisonment.

Board of County Commissioners

of

Collier County

Florida

SECTION I

Definitions

For the purpose of these regulations and enforcement thereof, the following definitions for terms used shall apply to all districts. Words used in the present tense include the future; words used in the singular number include the plural and words in the plural number include the singular; the word "building" includes the word "structure" and the word "shall" is mandatory and not directory.

ACCESSORY USE OF BUILDING: A subordinate use of the building customarily incident to and located upon the same lot occupied by the main building.

ALLEY: A roadway dedicated to public use which affords only a secondary means of access to abutting property and not intended for general traffic circulation.

ACCESSORY BUILDING: A subordinate building which is located on the same lot as the main building or on an adjacent lot, the use of which building is clearly incidental to the use of the main building as for example: a garage, tool house, servants quarters. Such building does not include cooking facilities.

ADVERTISING STRUCTURE: Any structure of any kind or character erected or maintained for outdoor advertising purposes, upon which any outdoor advertising may be placed.

APARTMENT BUILDING: See Dwelling, Multiple.

AUTO COURT OR AUTO CAMP: See Tourist Camp.

BARBECUE STANDS, BARBECUE PITS: Refreshment places where space is provided or allowance is made for automobiles to congregate for the purpose of serving occupants with refreshments.

BUILDING: Any structure having a roof suported by columns or walls.

BUILDING, HEIGHT OF: The vertical distance measured from the finished grade level to the main level of the slopes of the main roof. The height of a wall is the vertical distance from the finished grade to the main level of the top of the wall including any dormers or gables on the wall.

BUILDING AREA: That portion of the lot occupied by the main building, accessory buildings and other structures.

BUNGALOW COURTS (HOUSE COURTS, GARDEN APARTMENTS): Two or more buildings used or intended for use as dwellings occupying a single parcel of land, any portion of which is used or intended for use in common by the inhabitants of such dwellings.

COURT: A court is a required open, unoccupied space on the same lot, and fully enclosed on at least three adjacent sides

by walls of the building. An outer court is any court facing for its full required width on a street, or any other required open space not a court. An inner court is any other required court.

CLUB, NIGHT: The term nightclub shall pertain to and include restaurants, dining rooms or other similar establishments having a floor show or other forms of lawful entertainment which is provided for guests after 11:00 o'clock P.M.

CLUB, PRIVATE: An association of persons for some common purpose but not including service that is customarily carried on as a business. The term private club shall apply to all social organizations not operating for profit, but shall not include casinos, nightclubs and the like.

DWELLING: A house, hotel, apartment building or other building used primarily as a place of abode, except that the word dwelling shall not include trailer camps.

DWELLING, SINGLE FAMILY: A detached building, designed for, or occupied exclusively by one family.

DWELLING, TWO FAMILY DUPLEX: A detached building, designed for, or occupied by, two families living independently of each other.

DWELLING, MULTIPLE: A building or portion thereof used or designed as a residence for three or more families living independently of each other.

FAMILY: Any number of individuals living together as a single housekeeping unit and doing their cooking on the premises.

FILLING STATION: See service station.

FRONTAGE: All the property abutting on one (1) side of a street between two (2) intersecting streets, measured along the street line.

GARAGE PRIVATE: A building or space used as an accessory to a main building permitted in any residence district, and providing for the storage of motor vehicles and in which no business occupation or service for profit is in any way conducted.

GARAGE, PUBLIC: Any building or premises, except those described as a private or storage garage, used for the storage or care of motor vehicles, or where such vehicles are equipped for operation, repaired or kept for remuneration, hire or sale.

GARAGE, STORAGE: Any building or premises, other than a private or public garage, used exclusive for the parking or storage of motor vehicles.

GUEST HOUSE: (TOURIST HOME) Any dwelling in which rooms are rented for the temporary care of lodging of transients and travelers for compensation.

GUEST HOUSE: A secondary residence which is not occupied all year round but

which is used as a temporary residence only, and is not leased or rented for profit.

HOTEL: A building occupied as a more or less temporary residence of individuals who are lodging with or without meals and in which there are five or more sleeping rooms and no provisions made for cooking in any individual room.

HOME OCCUPATION: An occupation for gain or support conducted solely by immediate members of a family residing in a dwelling and conducted entirely within the dwelling provided that no article is sold or offered for sale except by members of the family and provided further that such home occupation shall be incidental to the residential use of the premises. Home occupations shall include, in general, personal services such as are furnished by a physician, dentist, musician, artist, beauty operator or seamstress when performed by the person occupying the building as his or her private dwelling and not including the employment of any additional persons in the performance of such services.

LODGING (ROOMING HOUSE): Any house or other structure, or any place or location, kept, used, maintained, advertised or held out to the public to be a place where living quarters, sleeping or housekeeping accommodations are supplied for pay to transients, permanent guests or tenants, whether in one or adjoining buildings.

LOT: A parcel of land which is or may be occupied by a building and accessory building or buildings, including the open spaces required under this Resolution.

LOT, CORNER: A lot abutting upon two (2) or more streets at their intersection.

LOT, INTERIOR: Any lot which is not a corner lot.

LOT OF RECORD: A lot which is a part of a subdivision, the plat of which has been recorded in the office of the Clerk of Circuit Court of Collier County.

LOT, THROUGH: An interior lot having frontage on two parallel or approximately parallel streets or thoroughfares.

MOTEL: A hotel or hotel cottages designed primarily for the accommodation of automobile tourists.

NON-CONFORMING USE: A building or land occupied by a use that does not conform with regulations of the use district in which it is situated.

PARKING LOT: An area or plot of ground used for the storage or parking of motor vehicles.

SERVICE STATION: A building or lot where gasoline, oil and grease, batteries, tires and automobile accessories are supplied and dispensed to the motor vehicle trade; and where battery recharging, tire repair and other similar services are rendered.

SET-BACK: A minimum horizontal distance between the lot line, front, rear or side, and the front, side or rear lines of the building occupying said lot.

STABLE, PRIVATE: A stable with the capacity of not more than one (1) horse for each thirty-five hundred (3500) square feet of lot area whereon such stable is located and where such horses are owned by the owners or occupants of the premises and are not kept for remuneration, hire or sale.

STABLE, PUBLIC: A stable other than a private stable.

STORY: Any portion of a building included between the finished ceiling next above it or the finished under surface of the roof directly over that particular floor.

STREET: A public thoroughfare which affords the principal means of access to abutting property, including avenues, place, way, drive, land, boulevard, highway, road and any other thoroughfares except alley.

STRUCTURE: Anything constructed or erected, the use of which requires more or less permanent location on the land.

STRUCTURAL ALTERATIONS: Any change except for repair or replacement in the supporting members of a building, such as bearing walls, columns, beams or girders.

TOURIST COURT (CABIN COURT): Any group of dwellings which is designed or intended for the temporary residence of motorists or transients. This term shall include "Cabin Camps," "Auto Courts,"

"Auto Camps," and "Motor Camps."

TRAILER PARK: Any lot or plot of ground on which accommodations are provided for two or more trailers or house cars used by transients as living or sleeping quarters.

TRAILER OR HOUSE CAR: A mobile residence on wheels, skids or rollers propelled by an attached vehicle or other propelling apparatus.

USED CAR LOT: A lot or group of contiguous lots, used for the display and sales of used automobiles where no repair work is done except the necessary reconditioning of the cars to be displayed and sold on the premises.

USED CAR JUNK YARD: A lot or group of contiguous lots used for the dismantling or wrecking of used automobiles or the storage, sale or dumping of dismantled or wrecked cars or their parts.

YARD: An open space on the same lot with a building, unoccupied and unobstructed from the ground upward, except by tree or shrubbery or as otherwise provided herein.

YARD FRONT: A yard across the full width of the lot extending from the front line of the building to the front line of the lot, excluding steps and unenclosed porches.

YARD, SIDE: An open unoccupied space on the same lot with a building, between the building and the side line of the lot extending through from the front building line to the rear yard or to the rear line of the lot, where no rear yard is required.

YARD, REAR: A yard extending across

the full width of the lot and measured between the rear line of the lot and the rear line of the main building.

SECTION II

District and Boundaries

In order to regulate and restrict the height and size of building; to regulate and restrict the intensity of land use; to regulate the area of yards, courts and other open spaces about buildings; to classify, regulate and restrict the location of commerce and industries and the location of buildings designed for specified industrial, commercial, residential, and other uses, the unincorporated area of Collier County is hereby divided into districts of which there shall be — as follows:

R-1A	Single family District Regulations.
R-1	Single Family Residential District.
R-2A	One and Two Family Residential Districts.
R-2	One and Two Family Residential District
R-3B	Multi-Family District Regulations
R-3A	Multi-Family District Regulations
R-3	Multiple Family Residential District.
R-4A	Mobile Home District.
R-4	Mobile Home District.
C-1A	Neighborhood Commercial District.
C-1	Neighborhood Commercial District.
C-2	Retail Commercial District.
C-3	Commercial — Light Industrial.
I	Industrial District.
A	Agricultural District.

SECTION III-A
Single Family District Regulations
R-1A

A. USE REGULATIONS:

A building or premises shall be used only for the following purposes:

1. Single-Family Dwellings.
2. Boat houses or docks permitted on canal lots, but not to protrude more than 5 feet into the canal, however if the canal is dug to a width of 100 feet or more the dock may protrude to a distance of not more than 20 feet into the canal. No garages will be provided for more than 2 autos, and must be attached to the main dwelling. No person shall be permitted to live in a boat or boat house."
3. Water treatment plants, the area requirements hereinafter set forth notwithstanding, as to said water treatment plants.
4. Sewage disposal plants, the area requirements hereinafter set forth notwithstanding, as to said sewage disposal plants.
5. No tents for living purposes, House Car or Mobile Home of any type shall be permitted.

B. HEIGHT REGULATIONS:

No building shall exceed two stories nor shall it exceed 30 feet in height, except as hereinafter provided. The ground floor area must contain the minimum floor area required by this Section.

C. PARKING REGULATIONS:

Whenever a dwelling is constructed or reconstructed, there shall be provided one off-street parking space.

D. AREA REGULATIONS:

1. Front Yard:
   (a) There shall be a front yard having a depth of not less than 30 feet, except as hereinafter provided.
   (b) Where a lot is located at the intersection of two or more streets, there shall be a minimum set back of 30 feet from all street property lines, except on subdivisions filed before the effective date of this Resolution, in which case there shall be a minimum of 30 foot front yard and a 20 foot side yard.
2. Side Yard:
   There shall be two side yards of a minimum of 8 feet on each side of the building.
3. Rear Yard:
   Except as hereinafter provided, there shall be a rear yard having a depth of not less than 25 feet.
4. Lot Area Per Family:
   Every lot or tract of land hereinafter occupied shall have an area of not less than 10,000 square feet and an average width of not less than 75 feet, except that corner lot shall be not less than 90 feet and further excepting all plats heretobefore filed before the effective date of this Resolution, but in no instance shall be less than 80 feet.
5. Floor Area:
   Every single-family dwelling herein-

after erected shall contain not less than 1200 square feet of living area, i.e., living area excludes garages, screen porches or open patios.

SECTION III

Single Family Residential District R-1

A. USE REGULATIONS:

A building or premise shall be used for only the following purposes:

1. Single family dwelling.
2. Parks and playgrounds and community centers owned by the public.
3. Public schools and parochial schools.
4. Public buildings used exclusively by federal, state, county, or city government for public purposes, except penal or correctional institutions.
5. Churches and church educational buildings.
6. Private nurseries.
7. Golf courses, except miniature courses, driving tees, and the like, operated for commercial purposes.
8. Non-commercial boat docks and slips.
9. Guest houses.
10. Accessory buildings, including one private garage or private stable.
11. Real estate signs, bulletin boards subject to provisions (later).
12. No tents for living purposes, House Car or Mobile Home of any type shall be permitted.

B. AREA REGULATIONS:

1. Minimum lot size 5,000 square feet for Interior lot; 7,000 square feet for Corner lot.

2. Minimum lot width at building line, 50 feet for Interior lot, 70 feet for Corner lot.
3. Maximum building area 25% of lot area.
4. Minimum depth of front yard 25 feet.
5. Minimum back yard 25 feet. Accessory buildings may be located on the rear yard provided they do not occupy more than 20% of the rear yard area and are not nearer than 7½ feet from the Interior property line and 25 feet from the Street property line.
6. Minimum side yard 7½ feet from Interior property line and 25 feet from Street property line.
7. Yards must be large enough to take care of septic tank and drain field for no outside toilets are permitted.
8. Maximum height of building two story.
9. Minimum area of building 800 square feet.

SECTION IV-A

One and Two Family Residential Districts R-2A

A. USE REGULATIONS:

A building or premises shall be used only for the following purposes. Any use permitted in R-1, Single Family District.

1. Single-family dwellings.
2. One and two-family dwellings.
3. Parks, playgrounds and community centers owned by the public.
4. Public schools and parochial schools.

5. Public buildings used exclusively by federal, state, county, or city government for public purposes, except penal or correctional institutions.
6. Churches and church educational buildings.
7. Private nurseries.
8. Golf courses, except miniature courses, driving tees, and the like, operated for commercial purposes.
9. Non-commercial boat docks and slips.
10. Guest Houses.
11. Accessory buildings, including one private garage or private stable.
12. No tents for living purposes, House Car or Mobile Home of any type shall be permitted.

B. AREA REGULATIONS:

1. Minimum lot size 6,600 square feet for Interior lot, 7,000 square feet for Corner lot.
2. Minimum lot width at building line, 60 feet for Interior lot, 70 feet for Corner lot.
3. Maximum building area 25% of lot area.
4. Minimum depth of front yard 30 feet.
5. Minimum back yard 25 feet. Accessory buildings may be located on the rear yard provided they do not occupy more than 20% of the rear yard area and are not nearer than 8 feet from Interior property line and 25 feet from Street property line.
6. Minimum side yard 8 feet from Interior property line and 25 feet from Street property line.

7. Yard must be large enough to take care of septic tank and drain field for no outside toilets are permitted.
8. No building shall exceed two stories, nor shall it exceed 30 feet in height. Ground floor area must contain the minimum floor area required by this Section.
9. Minimum area of building 900 square feet of living area, exclusive of garages, carports, screen porches or open patios.

SECTION IV

One and Two Family Residential District

R-2

A. USE REGULATIONS:

A building or premises shall be used for only the following purposes:

1. Any use permitted in the R-2A, Single Family District.
2. One and two family dwellings.
3. Hospitals for humans, except mental.
4. Customary home occupations incidental to above uses, such as doctor's office, dentist office, lawyer, dressmaker, and the like, and signs appertaining thereto subject to provisions (later).
5. Poultry not to exceed 25 in number for home consumption only.
6. Grazing animals not to exceed two for strictly personal uses of occupant of these premises, but keeping of pigs or hogs strictly forbidden. Stalls for allowable livestock shall be not less than 25 feet from nearest residence and conform to state sanitary regulations.

7. No tents for living purposes, House Car or Mobile Home of any type shall be permitted.

B. AREA REGULATIONS:

1. Minimum lot size 5,000 square feet for Interior lot, 7,000 square feet for Corner lot.
2. Minimum lot width at building line, 50 feet for Interior lot, 70 feet for Corner lot.
3. Maximum building area 25% of lot area.
4. Minimum front yard 25 feet.
5. Minimum rear yard 25 feet. Accessory buildings may be located in the rear yard provided they do not occupy more than 20% of rear yard and are not nearer than 7½ feet from Interior property line and 25 feet from Street property line Rear yard must be sufficient to take care of septic tank and drain field, for no outside toilets are permitted.
6. Minimum side yard, 7½ feet from Interior property line and 25 feet from Street property line.
7. Maximum height of building 2 stories.
8. Minimum area of building 600 square feet.

SECTION V-B
R-3B

A. USE REGULATIONS:

A building or premises shall be used only for the following purposes:

1. Single-family dwellings.

2. Parks, playgrounds and community buildings owned and operated by private agencies and/or public agencies, public utilities.
3. Two family dwellings.
4. Multiple dwellings and co-operative apartments.
5. Private clubs, rest homes, institutions of a religious, educational or philanthropic nature, but not penal or mental institutions.
6. Hotel and apartment hotels.
7. Boat houses and docks permitted on all canal lots but not to protrude more than 5 feet into the canal. No person shall be permitted to live or reside in a boat or boat house.
8. Accessory buildings, and uses customarily incident to any of the above uses, including storage garages, where the lot is occupied by a multiple dwelling, or institutional building. Any storage garage that is not a part of the main building shall not be located less than 60 feet from the front lot line and not less than 10 feet from the main building, and generally conforming to architectural design of main building. Sixty per cent of main building must be completed before accessory building is started. Accessory building shall be to the rear of the main building line.
9. Non-commercial beach clubs, cabanas, and recreational facilities.
10. No tent for living purposes, House Car or Mobile Home of any type shall be permitted.

B. PARKING REGULATIONS:

1. Whenever a single-family dwelling is erected or reconstructed there shall be provided one off-street parking space.
2. Where a lot is occupied by a two-family or multiple dwelling, there shall be provided an accessible parking space on the lot adequate to accommodate not less than one car for each dwelling unit within the building. Such parking space may not, however, be located within the required front yard.

C. HEIGHT REGULATIONS:

No multiple dwelling, co-operative apartments, hotel or apartment hotel buildings shall exceed six stories nor shall they exceed 75 feet in height, except as hereinafter provided.

No single-family dwellings, two-family dwellings, private clubs, rest homes, institutions shall exceed two stories in height, nor shall it exceed 30 feet in height.

D. AREA REGULATIONS:

1. Front Yard:
   (a) There shall be a front yard having a depth of not less than 25 feet except as hereinafter provided.
   (b) Frontage on beach lots is construed to mean the Gulf of Mexico and frontage on the canal lots is construed to mean the canal frontage.

2. Side Yard:
   There shall be a combined side yard having a width of not less than 15 feet for one and two story buildings and 25 feet for combined width for buildings above two stories. No yard shall be less than 7½ feet or 12½ feet respectively.
3. Rear Yard:
   There shall be a rear yard having a depth of not less than 25 feet.
4. Lot Area Per Family:
   Every dwelling hereinafter erected, enlarged, relocated, reconstructed or structurally altered, shall be located on lots containing the following areas:
   (a) A lot occupied by a single-family dwelling shall contain a lot area of not less than 9,000 square feet per family and a minimum frontage of 60 feet for interior lots and a minimum of 70 feet frontage for corner lots.
   (b) A lot occupied by multiple dwelling shall contain an area of not less than 2,000 square feet per family (The 2,000 square feet to apply to the ground floor only), provided that this regulation shall not apply to hotel or apartment hotels where no cooking is done in individual rooms or apartments, but in no case shall a building lot contain less than 9,000 square feet.

5. Floor Area:
Every single-family dwelling hereinafter erected shall contain not less than 900 square feet in a one floor building and 1,800 square feet in a two story building, each dwelling unit and every two-family dwelling, not less than 450 square feet and each dwelling unit in multiple dwelling not less than 450 square feet, with not less than four units in a multiple family dwelling and each hotel room must be a minimum of 275 square feet, including bathroom and closet.

SECTION V-A

Multi-Family District Regulations

R-3A

A. USE REGULATIONS:

A building or premises shall be used only for the following purposes. Any use permitted in R-3B Multi Family District Regulations.

1. Single-family dwellings.
2. Parks, playgrounds and community buildings owned and operated by private agencies and/or public agencies.
3. Two-family dwellings.
4. Multiple dwellings and co-operative apartments.
5. Private clubs, rest homes, institutions of a religious, educational or philanthropic nature, but not penal or mental institutions.
6. Hotel and apartment hotels.

7. Boat houses and docks permitted on all canal lots but not to protrude more than 5 feet into the canal. No person shall be permitted to live or reside in a boat or boat house.
8. Accessory buildings, and uses customarily incident to any of the above uses, including storage garages, where the lot is occupied by a multiple dwelling, or institutional building. Any storage garage that is not a part of the main building shall be located not less than 60 feet from the front lot line and not less than 10 feet from the main building, and generally conforming to architectural design of main building. Sixty per cent of main building must be completed before accessory building is started. Accessory building shall be to the rear of the main building line.
9. Non-commercial beach clubs, cabanas, and recreational facilites.
10. No tents for living purposes, House Car or Mobile Home of any type shall be permitted.

B. PARKING REGULATIONS:

1. Whenever a single-family dwelling is erected or reconstructed there shall be provided one off-street parking space.
2. Where a lot is occupied by a two-family or multiple dwelling, there shall be provided an accessible parking space on the lot adequate to ac-

commodate not less than one car for each dwelling unit within the building. Such parking space may not, however, be located within the required front yard.

C. HEIGHT REGULATIONS:

No multiple dwelling, co-operative apartments, hotel or apartment hotel buildings shall exceed six stories nor shall they exceed 75 feet in height, except as hereinafter provided.

No single-family dwellings, two-family dwellings, private clubs, rest homes, institutions shall exceed two stories in height, nor shall it exceed 30 feet in height.

D. AREA REGULATIONS:

1. Front Yard:
   (a) There shall be a front yard having a depth of not less than 25 feet except as hereinafter provided.
   (b) Frontage on beach lots is construed to mean the Gulf of Mexico, and frontage on the canal lots is construed to mean the canal frontage.
2. Side Yard:

There shall be a combined side yard having a width of not less than 15 feet for one and two story buildings and 25 feet for combined width for buildings above two stories. No yard shall be less than 7½ feet or 12½ feet respectively.

3. Rear Yard:

There shall be a rear yard having a depth of not less than 25 feet.

4. Lot Area Per Family:

Every dwelling hereinafter erected, enlarged, relocated, reconstructed or structurally altered, shall be located on lots containing the following areas:

   (a) A lot occupied by a single-family dwelling shall contain a lot area of not less than 10,000 square feet per family and a minimum frontage of 80 feet.
   (b) A lot occupied by a two-family dwelling shall contain a lot area of not less than 5,000 square feet per family.
   (c) A lot occupied by a multiple dwelling shall contain an area of not less than 2,000 square feet per family. (The 2,000 square feet to apply to ground floor only), provided that this regulation shall not apply to hotel or apartment hotels where no cooking is done in individual rooms or apartments, but in no case shall a building lot contain less than 10,000 square feet.

5. Floor Area:

Every single-family dwelling hereinafter erected shall contain not less than 1,400 square feet in a one floor building and 2,000 square feet in a two story building, each dwelling unit and every two-family dwelling, not less than 700 square feet, and each dwelling unit in multiple dwelling not less than 450 square feet, with not less than four units in a multiple family dwelling and each hotel room must be a minimum of 275 square feet, including bathroom and closet.

SECTION V
Multiple Family Residential District
R-3

A. USE REGULATIONS:

A building or premises shall be used for only the following purposes:

1. Any use permitted in R-2 District.
2. Multiple Family Dwellings.
3. Apartment Hotels.
4. Boarding and lodging houses.
5. Small animal hospital.
6. Guest house, tourist homes and signs appertaining thereto subject to sign provisions.
7. Colleges, clubs, lodges, social and community center buildings, with signs appertaining thereto subject to sign provisions.
8. Accessory building and uses customarily incident to any of the foregoing uses, including private and storage garages when located on the same lot and not involving a business.

B. AREA REGULATIONS:

1. Minimum lot size 5,000 square feet for single family dwelling and 6,000 square feet for two family dwelling. For each additional family units 1,600 square feet should be allowed except that a Corner lot shall have a minimum of 7,000 square feet.
2. Minimum lot width at building line, 50 feet for single and two family dwellings for Interior lots and 70 feet for Corner lots.

3. Maximum building area shall be 35% of lot area.
4. Minimum front yard 25 feet.
5. Minimum rear yard 25 feet. Rear yard for one and two family same as "A-1".
6. Minimum side yard 7½ feet from Interior property line and 25 feet from Street property line. No accessory building shall be closer than 7½ feet to the Interior property line and 25 feet from Street property line.
7. Maximum height, two story.
8. Minimum building area, 400 square feet.
9. No tents for living purposes, House Car or Mobile Home of any type shall be permitted.

SECTION VI-A

R-4-A

A. USE REGULATIONS:

Premises located in an R-4-A Zone shall be used only for the following purposes:

1. Any use permitted in R-3 District.
2. The installation of mobile and/or Trailer Homes for residential use.
3. Adjacent structures are to be limited to those which complement trailer and must not exceed 25% of the lot area.
4. Commercial trailer parks.
5. Horticultural nurseries.
6. Tourist camps.
7. Motels.
8. Fish Houses.
9. Marinas.

10. Neighborhood retail grocery store (not super-market) meat processing plants such as sausage manufacture (no slaughterhouses).

B. HEIGHT REGULATIONS:

No structure in R-4-A Zone shall exceed 50 feet in height.

C. AREA REGULATIONS:

1. Minimum lot size shall be 5,000 square feet.
2. Minimum lot width at building line shall be 50 feet, with front yard of 25 feet and a minimum side yard of 7½ feet. Rear yard must be sufficient to take care of septic tank and drain field.
3. Minimum size of trailers permitted on these lots must include 160 square feet of liveable floor space.
4. In lieu of sewers, only septic tanks and drain fields which comply with State Board of Health regulations will be permitted. There will be a minimum of one (1) septic tank per trailer; said tank and drain field shall be at least 50 feet away from any well used for water supply.
5. Only one mobile and/or Trailer Home shall be permitted on a lot. Said trailer and/or mobile home must be equipped with modern sanitary facilities, to include a kitchen sink, lavatory, bath and commode, either inside or attached to said trailer and/or mobile home.
6. Each mobile and/or Trailer Home shall have a minimum of one (1) 20-gallon garbage can with cover.

7. A Permit shall be required for installing mobile and/or Trailer Home and for the construction of any structure appurtenant thereto. Said Permit shall be obtained from County authorities who shall be authorized to receive a fee for the issuance of said Permit. The County shall have the authority to revoke or refuse to issue a Permit to any Mobile and/or Trailer Home, or attached structures, which fail to comply with sanitary standards or becomes a menace to safety, welfare and health of the public.
8. R-4 Zone shall not be permitted adjacent to any zone higher than R-3.
9. Minimum size of R-4 area shall be ten (10) acres.

SECTION VI

Mobile Home District
R-4

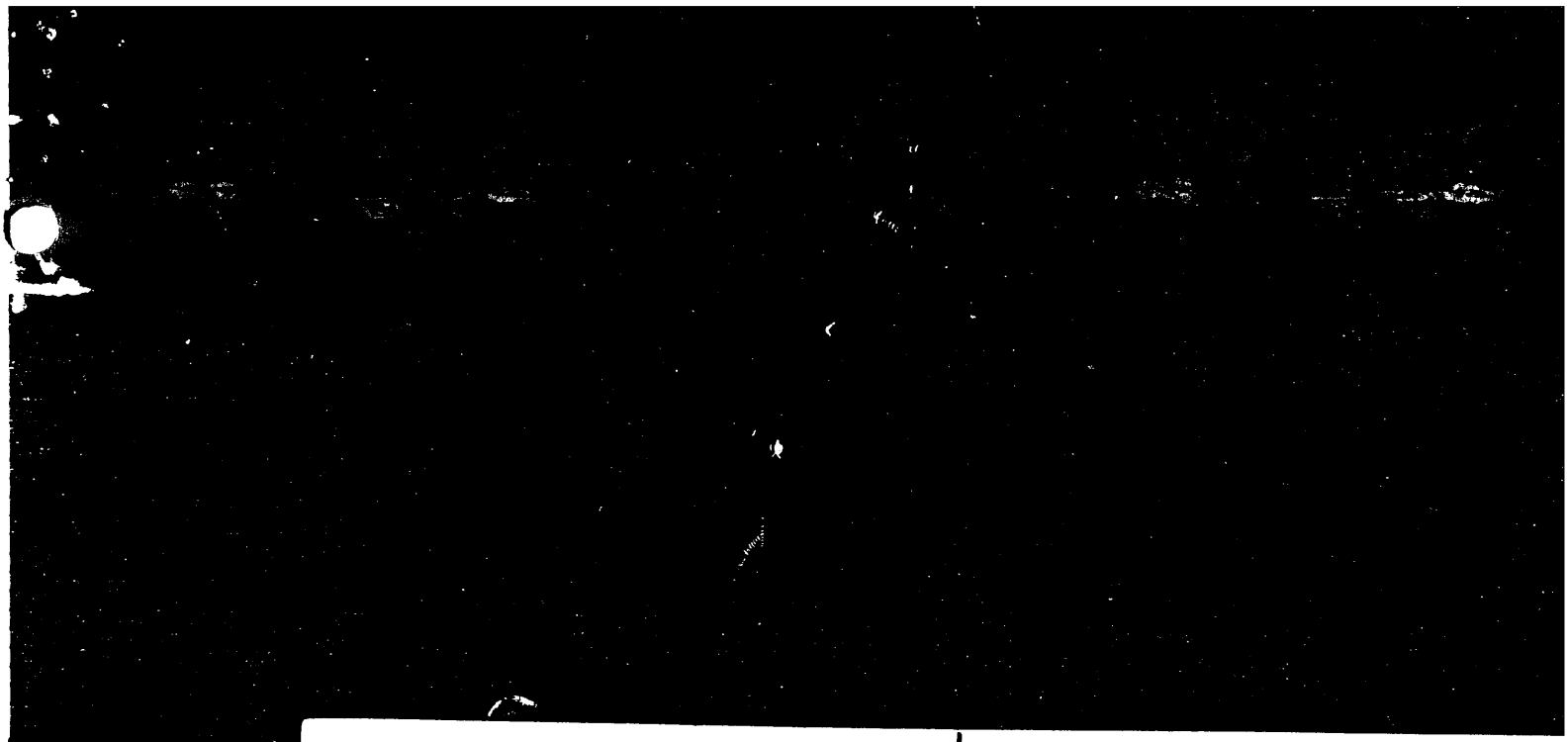
A. USE REGULATIONS:

Premises located in an R-4 Zone shall be used only for the following purposes:

1. The installation of mobile and/or Trailer Homes for residential use.
2. Adjacent structures are to be limited to those which complement trailer and must not exceed 25% of the lot area.
3. This area is not to be used as a commercial Trailer Park.
4. Single family residence.

B. HEIGHT REGULATIONS:

No structure in R-4 Zone shall exceed 25 feet in height.



C. AREA REGULATIONS:

1. Minimum lot size shall be 4,000 square feet.
2. Minimum lot width at building line shall be 40 feet, with front yard of 25 feet and a minimum side yard of 7½ feet. Rear yard must be sufficient to take care of septic tank and drain field.
3. Minimum size of trailers permitted on these lots must include 160 square feet of liveable floor space.
4. In lieu of sewers only septic tanks and drain fields which comply with State Board of Health regulations will be permitted. There will be a minimum of one (1) septic tank per trailer; said tank and drain field shall be at least 50 feet from any well used for water supply.
5. Trailers and/or mobile homes must be equipped with modern sanitary facilities, to include a kitchen sink, lavavatory, bath and commode, either inside or attached to said trailer and/or mobile home.
6. Each mobile and/or trailer home shall have a minimum of one (1) 20-gallon garbage can with cover.
7. A permit shall be required for installing mobile and/or trailer home and for the construction of any structure appurtenant thereto. Said permit shall be obtained from county authorities who shall be authorized to receive a fee for the issuance of said permit. The County shall have authority to revoke or refuse to issue a permit to any mobile and/or trailer home, or attached structures, which fail to comply with sanitary standards or become a menace to safety, welfare and health of the public.
8. R-4-A Zone shall not be permitted adjacent to any zone higher than R-3.
9. Minimum size of "R-4-A" area shall be 10 acres. However where combined with "R-4" the total area of both must be not less than 10 acres.
10. Minimum lot size for single family residence shall be no less than 5000 square feet. Minimum building size must be no less than 400 square feet of living area. Minimum lot width for a single family residence shall be 50 feet at building line, for an interior lot, and 70 feet for a corner lot. Set back requirements same as required in "R-1" zoning.

SECTION VII-A
NEIGHBORHOOD COMMERCIAL DISTRICT
CLASSIFICATION C-1A

The regulations set forth in this Section, or set forth elsewhere in this Resolution when referred to in this Section, are the "C-1A Neighborhood Commercial District."

A. USE REGULATIONS:

Structures and/or premises located in a C-1A zone shall be used only for the following purposes:

1. Any use permitted in R-3 Residential District.

2. Offices, banks, theaters, (not Drive-in), beauty parlors, photograph studios, dry-cleaning and laundry pick-up stations, barber shops, filling stations, florists, automobile sales rooms, parking lots and storage garages, telephone exchanges, restaurants and lunchrooms, police and fire stations, dairy products and ice cream stands and any other retail business, EXCEPT THE FOLLOWING USES ARE EXPRESSLY PROHIBITED: Automobile wrecking yards, bottling works, building material store yards, contractors' plant and storage yards, ice plants, junk yards, laundries, except the self service type, machine shops, garages, except private parking garage and storage garage, stone yards, veterinary hospitals, storage warehouses, dance halls, private trailers or any type trailer park, any kind of manufactory or treatment of products not clearly incidental to the product of a retail business conducted on the premises.
3. Advertising signs and structures.
4. Accessory buildings and uses customarily incident to any of the above uses.
5. Motels.
6. Nothing herein would prevent the storage of materials and supplies incident to a business, within the building or in an accessory building located on the lot with the main building.

B. AREA REGULATIONS:

1. Minimum lot area, side and rear yard requirements for dwellings shall be the same as prescribed in Section V for the R-3 Residential District.
2. Rear yard depth of at least 20 feet shall be allowed back of stores. Must be sufficient to take care of septic tank. No outside toilets permitted.
3. Lot area, width and yard provision do not pertain to dwelling units or living apartments located on the second floors of commercial structures.
4. Adequate off-street parking shall be provided as defined in Off-Street Parking Regulations. (XI-A).

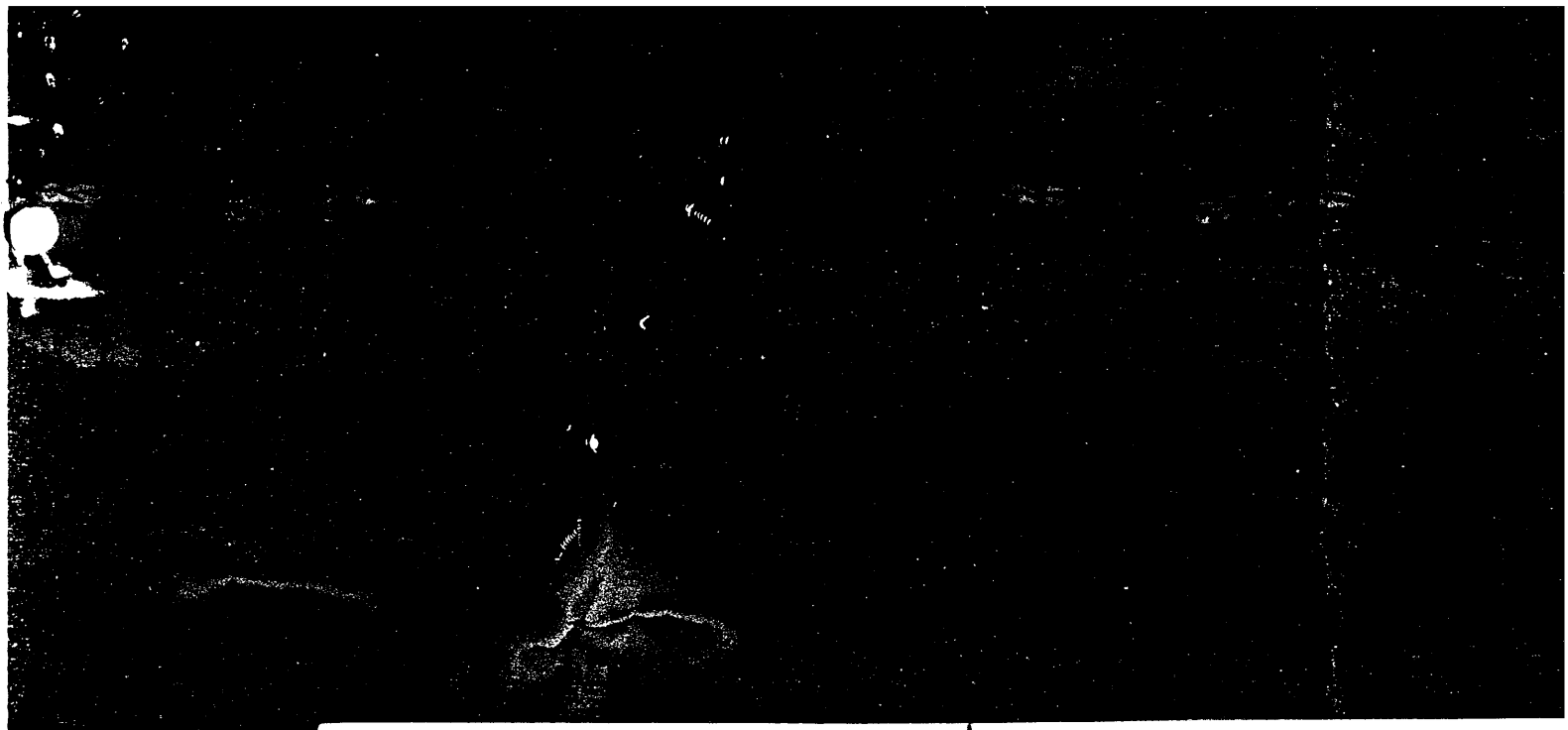
SECTION VII-A

Neighborhood Commercial District

C-1

A building or premises shall be used for only the following purposes:

1. Any use permitted in R-3 Residential District.
2. Offices, banks, theaters, (not drive-in), beauty parlors, photograph studios, dry-cleaning and laundry pick-up stations, barber shops, filling stations, florist, automobile sales rooms, parking lots, and storage garages, telephone exchanges, restaurants and lunchrooms, police and fire stations, dairy products and ice cream stands, skating rinks, and any other retail business, except the following uses are expressly prohibited: automobile



wrecking yards, bottling works, building material store yards, cleaning and dyeing plants, coal and wood yards, contractors' plant and storage yards, ice plants, junk yards, laundries except the self service type, machine shops, mechanical garages, stone yards, veterinary hospitals, storage warehouses, dance halls, tents for living purposes, house cars or mobile homes, for individual living quarters, any kind of manufactory or treatment of products not clearly incidental to the product of a retail business conducted on the premises.

3. Advertising signs and structures.
4. Tourist camps constructed as specified in Section VII-C.
5. Accessory buildings and uses customarily incident to any of the above uses.
6. Trailer camps or courts, constructed and operated pursuant to regulations prescribed by the State Board of Health.
7. Nothing herein would prevent the storage of materials and supplies incident to a business, within the building or in an accessory building located on the lot with the main building.

B. AREA REGULATIONS:

1. Minimum lot area, front, side and rear yard requirements for dwellings shall be the same as prescribed in Section V for the R-3 Residential District.

2. Rear yard depth of at least 20 feet shall be allowed back of stores. Must be sufficient to take care of septic tank. No outside toilets permitted.
3. Lot raea, width and yard provision do not pertain to dwelling units or living apartments located on the second floors of commercial structures.

C. SPECIAL PROVISIONS RELATIVE TO BUNGALOW COURTS AND CABIN CAMP:

Bungalow Courts, cabin camps or camps shall not be constructed upon sites less than 100 feet wide. The front yard lines shall be the same as set for Section V for the Residential R-3 District, and rear yards must comply with the regulations of the State Board of Health, for the successful operation of septic tanks The lot area used by such camps or courts shall not be less than 10,000 square feet, and shall allow not less than 2,000 square feet per building unit or per family.

The minimum distance between building units shall be, for single bungalows, 15 feet; for duplexes, 20 feet. Side and rear yards shall not be less than 7½ feet.

Before a permit is granted for construction of cabins or bungalows, plans shall be filed with the zoning director showing size and space of all buildings intended to be erected in the court or camps and the total area and boundaries of the site.

SECTION VIII

Retail Commercial District "C-2"

A. USE REGULATIONS:

A building or premises shall be used for only the following purposes:

1. Any use permitted in the C-1 Neighborhood Commercial District.
2. Any business of a retail type.
3. Mechanical garage.
4. Pressing and dry cleaning establishment.
5. Second-hand car lots.
6. Any general merchandising enterprise.
7. Bottling works.
8. Contractors or building supply storage yards where located in the rear of the structure used as administrative office or sales room.
9. Accessory buildings and uses customarily incident to any of the above uses.
10. Drive-in theaters where sites, arrangements of inlet and exits have been approved by the Board of Adjustment.
11 In this district those uses excluded from the C-1 district are likewise excluded unless listed above as permitted. No packing house or canning plants allowed.

B. AREA REGULATIONS:

1. Except as provided in Section XII, no building or structure shall exceed 2½ stories or 35 feet.

2. Minimum lot area and yard requirements for dwellings shall be the same as prescribed in the R-3 Residential District.
3. Lot area, width and yard provisions do not pertain to dwelling units or living apartments located on second floors of commercial structures.
4. Rear yard shall be sufficient to take care of septic tank. No outside toilets permitted.

SECTION IX

Commercial-Light Industrial "C-3"

A. USE REGULATIONS:

A building or premises shall be used for only the following purposes:

1. Any use permitted in C-2 Retail Commercial District.
2. Wholesale and distribution businesses, including warehouses and storage yards.
3. Packing houses.
4. Any light manufacturing which is not obnoxious or offensive by reason of emission of odor, fumes, dust, smoke, noise, or vibration. The permission of such industrial operations shall be subject to approval of the Board of Adjustment.
5. Veterinary hospitals.
6. Accessory buildings and uses customarily incident to any of the above uses and located on the same lot or adjacent thereto.
7. In this district those uses excluded from the "C-1" and "C-2" districts are likewise excluded unless listed above as permitted.

B. AREA REGULATIONS:

1. Same as for C-2 Retail Commercial.

SECTION X

Industrial District "I"

A. USE REGULATIONS:

A building or premises shall be used only for the following purposes.

1. Uses permitted in the C-3 Commercial Light Industrial District.
2. Any lawful use that is not obnoxious or offensive by reason of the emission of odors, fumes, dust, smoke, noise, vibration, radioactive waves, or substances, or possesses an abnormal explosion hazard. Any industry having such attributes may, by application to the Board of Adjustment, be granted permission under such terms and conditions as they shall determine shall best protect the welfare of the county. Any deviation from such terms and conditions shall render such permission void ab initio.
3. Junk yards, contractors' equipment storage yards, coal and wood yards as approved by the Board of Adjustment. Junk yards must provide a screen of such material that the operation is concealed from a State or County primary or secondary road.
4. Canning plants.
5. Accessory buildings and uses customarily incident to any of the above uses.

6. In this district those uses excluded from the "C-1", "C-2", and "C-3" districts are likewise excluded unless listed above as permitted.

SECTION XI

Agricultural District "A"

All areas of Collier County not in the above mentioned districts shall be considered as in the Agricultural District, and uses and area regulations will be very liberal.

USE REGULATIONS:

1. Agriculture, horticulture, general farming including dairying, pasturage, forestry, livestock, and poultry raising, including stables, nurseries, greenhouses, truck gardening and similar enterprises and uses, home occupations. Temporary structures, trailers or mobile homes in connection with these uses will be permitted on a temporary basis, upon first securing a permit from the County Building Inspector, without having to comply with County Building Code. Any permanent structure, or structure used for living quarters shall conform to the Collier County Building Code.
2. Airport and Landing Fields.
3. Cemeteries, following site approval by the Health Authorities.
4. Public works and public utility facilities such as water pumping plants and reservoirs, electric transmission lines and substations, broadcasting towers and transmission stations, parks, recreation areas, etc.

5. Sawmills and planing mills, turpentine stills and other operations utilizing the natural resources of the region, provided however, that no such operation shall be established or conducted within 500 feet of the nearest highway right-of-way of State, primary or secondary roads.

6. Advertising structures and signs must meet State Requirements.

7. Overnight Camps and Hunting Camps are permitted if built within 1000 feet of a State Primary or Secondary Road, must conform to the Collier County Building Code.

8. No trailers or Mobile Homes shall be parked within 500 feet of a State Primary or Secondary Road unless in a Commercial Trailer Park, or an area zoned R-4 (Mobile Home District.

B. AREA REGULATIONS:

1. No permanent building shall be closer than 25 feet to any state or county highway right of way line.
2. No structure shall be closer than 37½ feet to a known section line (land line), except where said section line crosses a subdivision where provisions for streets have been made.

USE REGULATIONS:

GENERAL PROVISIONS
AND EXCEPTIONS

SECTION XI-A
OFF-STREET PARKING
REGULATIONS

DEFINITION:

A Parking Space is an area 10 feet by 20 feet, or 200 square feet, off the right-of-way, graded and improved to allow the easy maneuvering of vehicles.

1. OFFICE AND PROFESSIONAL BUILDINGS:
   Provide at least one parking space for each office, but no less than one for every 400 square feet of rental floor space; consider first floor only.
2. APARTMENT, CO-OP, HOTEL, MOTEL, GUEST HOUSE, ETC.
   Provide one parking space for each of the first 50 individual guest rooms or suites. One additional space for each two individual guest rooms or suites over fifty (50).
3. HOSPITALS, NURSING HOMES, CONVALESCENT HOMES, ETC:
   Provide one parking space for each two beds.
4. SUPERMARKETS AND LARGE SHOPPING AREAS:
   Provide 200 square feet of parking space for each 100 square feet of retail sales floor area.
5. INDIVIDUAL RETAIL STORES, OR OFFICES:
   Provide one parking space for each 200 square feet of floor space.
6. RESTAURANTS, BARS, NIGHT CLUBS, CHURCHES, AUDITORIUM, DEPARTMENT STORES, FRATERNAL LODGES, OR ANY

BUILDING USED AS A PUBLIC GATHERING PLACE:
Provide one parking space for each four seats.

7. INDUSTRIAL AREAS INCLUDING MANUFACTURING AND WAREHOUSES:
Provide one parking space for each 1000 square feet of floor space, or for each five employees, whichever is greater.

8. RESIDENTIAL:
One parking space for each family unit shall be provided.

9. LOADING AND UNLOADING:
Any building used for purposes of providing merchandise of any sort to retail or wholesale trade shall provide a minimum of one loading or unloading area (10' x 20') in the building or on the lot, for every building containing 10,000 square feet or less. One additional space shall be provided for each additional 10,000 square feet of gross floor space or fraction thereof.

NOTE: This loading and unloading space is in addition to the parking area required.

SECTION XII
Board of Adjustment
General Provisions and Exceptions

1. Towers, gables, spires, radio towers, penthouses, water tanks, silos, windmills, and similar structures may be built to a greater height than the

limit established for the district wherein such structures are located, provided however, that no structure in excess of the allowable building height shall be used for sleeping or eating quarters or for any commercial purposes other than such as may be incidental to the permitted uses of the main building, and further that no structure shall exceed in height the limitations determined to protect the glide angles established for any airport.

2. **Lot of Record.** Where a lot has an area less than the required minimum area or width for the district in which it is located, and was of record in Collier County at the time of the adoption of this Resolution, said lot may be used for any use permitted in the district in which it is located.

3. **NON-CONFORMING USES.** Except as herein provided, no land shall be used nor building constructed, reconstructed, extended or structurally altered except in conformity with the provisions set forth; provided, however, that any non-conforming use existing on the date that these regulations become effective, may be continued, provided that the building or structure or land involved shall be neither structurally altered or enlarged. No non-conforming use, if once changed to a use permitted in the district, shall ever be changed back to a non-conforming use. A

non-conforming use discontinued for 180 days shall not be restored. A non-conforming structure destroyed by fire or other causes for more than 50% of its value, shall not be restored, but shall revert to a use permissible in the district.

4. **DEED COVENANTS.** This Resolution shall not interfere with or abrogate or annul any easements, covenants, or agreements between parties, provided however, that where this Resolution imposes a greater restriction upon the use of buildings and land, or requires larger open space than is imposed or required by other rules or regulations, or by easements, covenants, or agreements, the provisions of this Resolution shall govern.
5. No permanent outdoor advertising signs shall be constructed, altered or moved without first obtaining a permit.
6. Where subdivision plats recorded prior to the adoption of this Resolution have specifically designated lots for commercial uses, such uses shall continue to be valid although not so indicated on this map.
7. Subdivision plats will be presented to the County Engineer at least 3 days prior to the meeting of the Board of County Commissioners, at which time said plat is to be filed, so that it may be checked to see if it meets the zoning requirements. Subdivisions must be completely staked blocks and lots, with required permanent reference marks. Streets must meet minimum county road requirements when plat is filed.

8. Liquor stores shall not be closer than 1,000 feet to each other when located along the highway.

9. (a) That no intoxicating liquors shall be permitted to be sold within eighteen hundred (1800) feet of any existing churches and schools within the unincorporated areas of Collier County, Florida.

   (b) That the distance from the place of sale of intoxicating liquors to an existing church shall be measured by following the shortest route of ordinary pedestrian travel along the public thoroughfare from the main entrance of said place of sale of intoxicating liquors to the main entrance of the church.

   (c) That the distance from the place of sale of intoxicating liquors to an existing school shall be measured by following the shortest route of ordinary pedestrian travel along the public thoroughfare from the main entrance of said place of sale of intoxicating liquors to the nearest point of the school grounds in use as part of the school facilities.

SECTION XIII

Administration

The Board of Adjustment shall have the powers and perform the duties set forth in Section 7, House Bill No. 495, State of Florida, 1951.

SECTION XIV

Enforcement, Remedies, Amendments, Violations, Etc.

These regulations shall be administered by the Zoning Director, who shall issue permits and collect permit fees. Requests for permits shall be accompanied by a statement of location on lot and general plan showing general appearance of proposed structure.

SECTION XV

Fees

These regulations shall be enforced by Remedies set forth in House Bill No. 495, State of Florida, 1951. Any party or parties proposing or recommending a change in the district boundaries shall deposit with the Clerk of the Circuit Court of Collier County, the sum of $20.00 to cover the approximate cost of this procedure and under no condition shall said sum or any part thereof be refunded for failure of the Board of County Commissioners to adopt said change. The Board of County Commissioners shall give notice of public hearing on all applications or requests for amendments to the zoning resolution or changes in the boundaries or classification of zones, said notice being published at least three times in a newspaper of general circulation throughout the county over a period of at least fifteen (15) days in advance of the hearing. The Zoning Director shall also have the lot or tract of land affected by the proposed change, posted with a notice advising as to time and place of the public hearing and the nature of the change proposed. Said notice shall be posted at least fifteen days prior to the date of public hearing.

Fees shall be collected by Building Official at the time Permit is issued, at rates prescribed by Collier County Building Code. **The Collier County Building and Zoning Department is authorized to collect a fee of $10.00 (ten dollars) for a permit to park a trailer in Zones R-4 and R-4A. Fee for the permit for the construction of any structure appurtenant to the trailer or mobile home, shall be based on the cost of construction and in accordance with regular schedule of fees.**

State of FLORIDA
County of COLLIER
I HEREBY CERTIFY THAT this is a true and correct copy of a document on file in Board Minutes and Records of Collier County
WITNESS my hand and official seal this 17 day of January, 1997
DWIGHT E. BROCK, CLERK OF COURTS
By: Maureen Lenya D.C.

Exhibit “D”

H30.00
BCC

RECORDED
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COLLIER COUNTY, FLORIDA

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ORDINANCE 76-30

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ZONING ORDINANCE
OF
COLLIER COUNTY, FLORIDA

COASTAL AREA PLANNING DISTRICT

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SECRETARY OF STATE

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Richard L. Woodruff, Senior Planner
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Diane Evans, Secretary
Iver Brook, Environmental Planner
Sandy Gibbs, Secretary
Mary Lee Layne, Planning Technician
Tom McDaniel, Planning Technician
Jeffory L. Perry, Zoning Technician

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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

Exhibit “E”

PF-43

City of Marco Island
Growth Management Department
50 Bald Eagle Drive
Marco Island, FL 34145
Phone: 239-389-5000

Request for Interpretation and Vested Rights

Applicable Sections of the Marco Island Land Development Code Sec. 30-4 and 30-5

APPLICANT NAME: 666 6TH AVENUE LLC; 682 6TH AVE LLC; 658 6TH AVENUE LLC; 674 6TH AVE LLC C/O Zachary W. Lombardo, Esq. of Woodward, Pires & Lombardo, P.A.

MAILING ADDRESS: 3200 Tamiami Trail N. Ste 200, Naples, FL 34103
Street City State Zip Code

PHONE #: (239) 649-6555 Email: zlombardo@wpl-legal.com

Address of Subject Site: 666 6TH AVE.; 682 6TH AVE.; 658 6TH AVE.; 674 6TH AVE., Marco Island, FL 34145
Street City State Zip Code

Folio Number (*aka Property* ID#): 59130760009; 59130680008; 59130800008; 59130720007

Property Owners/Agent Name:
666 6TH AVENUE LLC; 682 6TH AVE LLC; 658 6TH AVENUE LLC; 674 6TH AVE LLC C/O Zachary W. Lombardo, Esq. of Woodward, Pires & Lombardo, P.A.

Verification being requested. (Please state *specifically* the questions you would like answered in the space below or on a separate attachment.):
Please see attached narrative.

See below for submittal requirements. Please allow 20 business days for processing. Incomplete applications will not be processed.

Submittal Requirements:

- Please attach survey, plans, or any other information which may be relevant to your request.

Fees:

- **Interpretation** **$1,000.00 < 20 hrs.** **$2,000.00 20-40 hrs.** **$3,000.00 > 40 hrs.**
- **Vested Rights** **$125.00** **Appeal $1,000.00**

The application can be delivered to the Growth Management Department or mailed to: 50 Bald Eagle Drive, Marco Island, Florida 34145 – Attn: Growth Management Department.

Applicant Signature: Zachary W. Lombardo **Date:** 5/14/2025

AFFIDAVIT OF AUTHORIZATION

I, MICHAEL J. VALE, as Manager of 658 6TH AVENUE LLC being first duly sworn, depose and say that I am the owner of the property described herein and which is the subject matter of the proposed application; that all the answers to the questions in this application, including the disclosure of interest information, all sketches, data, and other supplementary matter attached to and made a part of this application, are honest and true to the best of my knowledge and belief. I understand that the information requested on this application must be complete and accurate and that the content of this form, whether computer generated or printed, shall not be altered. I hereby also consent to access to the subject property (excluding entering any home or other enclosed structure) by CITY OF MARCO ISLAND staff members for the limited purpose of evaluating, observing, or understanding the subject property conditions as they relate to the application. While the application is pending, staff members will be allowed access upon the property provided they display CITY OF MARCO ISLAND Photo ID or a Valid Driver's License.

As property owner we/I further authorize ZACHARY W. LOMBARDO, ESQ. and the law firm of WOODWARD, PIRES & LOMBARDO, P.A., to act as my representative in any matters regarding this application

Michael J. Vale, Manager
Signature of Property Owner

Michael J. Vale, as Manager of
658 6TH AVENUE LLC
Printed Name of Property Owner

STATE OF Florida
COUNTY OF Collier

The foregoing instrument was acknowledged before me this 14 day of May 2025, by MICHAEL J. VALE, as Manager of 658 6TH AVENUE LLC, who is personally known to me or has produced _____ as identification.

FELICE KOTIK
Notary Public
State of Florida
Comm# HH213859
Expires 1/5/2026

(Seal)

Signature, Notary Public

Felice Kotik
Printed, Typed, or Stamped Name of Notary

AFFIDAVIT OF AUTHORIZATION

I, DONNA M. VALE, as Manager of 674 6TH AVE LLC, being first duly sworn, depose and say that I am the owner of the property described herein and which is the subject matter of the proposed application; that all the answers to the questions in this application, including the disclosure of interest information, all sketches, data, and other supplementary matter attached to and made a part of this application, are honest and true to the best of my knowledge and belief. I understand that the information requested on this application must be complete and accurate and that the content of this form, whether computer generated or printed, shall not be altered. I hereby also consent to access to the subject property (excluding entering any home or other enclosed structure) by CITY OF MARCO ISLAND staff members for the limited purpose of evaluating, observing, or understanding the subject property conditions as they relate to the application. While the application is pending, staff members will be allowed access upon the property provided they display CITY OF MARCO ISLAND Photo ID or a Valid Driver's License.

As property owner we/I further authorize ZACHARY W. LOMBARDO, ESQ. and the law firm of WOODWARD, PIRES & LOMBARDO, P.A., to act as my representative in any matters regarding this application

Donna M Vale, Manager
Signature of Property Owner

Donna M. Vale, as Manager of
674 6TH AVE LLC
Printed Name of Property Owner

STATE OF Florida
COUNTY OF Collier

The foregoing instrument was acknowledged before me this 14 day of May, 2025, by DONNA M. VALE, as Manager of 674 6TH AVE LLC, who is personally known to me or has produced _____ as identification.

FELICE KOTIK
Notary Public
State of Florida
Comm# HH213859
Expires 1/5/2026

Signature, Notary Public

Felice Kotik
Printed, Typed, or Stamped Name of Notary

(Seal)

AFFIDAVIT OF AUTHORIZATION

I, DONNA M. VALE, as Manager of 666 6TH AVENUE LLC being first duly sworn, depose and say that I am the owner of the property described herein and which is the subject matter of the proposed application; that all the answers to the questions in this application, including the disclosure of interest information, all sketches, data, and other supplementary matter attached to and made a part of this application, are honest and true to the best of my knowledge and belief. I understand that the information requested on this application must be complete and accurate and that the content of this form, whether computer generated or printed, shall not be altered. I hereby also consent to access to the subject property (excluding entering any home or other enclosed structure) by CITY OF MARCO ISLAND staff members for the limited purpose of evaluating, observing, or understanding the subject property conditions as they relate to the application. While the application is pending, staff members will be allowed access upon the property provided they display CITY OF MARCO ISLAND Photo ID or a Valid Driver's License.

As property owner we/I further authorize ZACHARY W. LOMBARDO, ESQ. and the law firm of WOODWARD, PIRES & LOMBARDO, P.A., to act as my representative in any matters regarding this application

Donna M Vale, Manager
Signature of Property Owner

Donna M. Vale, as Manager of
666 6TH AVENUE LLC
Printed Name of Property Owner

STATE OF Florida
COUNTY OF Collier

The foregoing instrument was acknowledged before me this 14 day of May, 2025, by DONNA M. VALE, as Manager of 666 6TH AVENUE LLC, who is personally known to me or has produced _____ as identification.

FELICE KOTIK
Notary Public
State of Florida
Comm# HH213859
Expires 1/5/2026

(Seal)

Signature, Notary Public

Felice Kotik
Printed, Typed, or Stamped Name of Notary

AFFIDAVIT OF AUTHORIZATION

I, DONNA M. VALE, as Manager of 682 6TH AVE LLC, being first duly sworn, depose and say that I am the owner of the property described herein and which is the subject matter of the proposed application; that all the answers to the questions in this application, including the disclosure of interest information, all sketches, data, and other supplementary matter attached to and made a part of this application, are honest and true to the best of my knowledge and belief. I understand that the information requested on this application must be complete and accurate and that the content of this form, whether computer generated or printed, shall not be altered. I hereby also consent to access to the subject property (excluding entering any home or other enclosed structure) by CITY OF MARCO ISLAND staff members for the limited purpose of evaluating, observing, or understanding the subject property conditions as they relate to the application. While the application is pending, staff members will be allowed access upon the property provided they display CITY OF MARCO ISLAND Photo ID or a Valid Driver's License.

As property owner we/I further authorize ZACHARY W. LOMBARDO, ESQ. and the law firm of WOODWARD, PIRES & LOMBARDO, P.A., to act as my representative in any matters regarding this application

Donna M Vale, Manager
Signature of Property Owner

Donna M. Vale, as Manager of
682 6TH AVE LLC
Printed Name of Property Owner

STATE OF Florida
COUNTY OF Collier

The foregoing instrument was acknowledged before me this 14 day of May, 2025, by DONNA M. VALE, as Manager of 682 6TH AVE LLC, who is personally known to me or has produced _____ as identification.

FELICE KOTIK
Notary Public
State of Florida
Comm# HH213859
Expires 1/5/2026

Signature, Notary Public

Felice Kotik
Printed, Typed, or Stamped Name of Notary

(Seal)

WPL

WOODWARD, PIRES & LOMBARDO, P.A.
ATTORNEYS AT LAW

EST. 1971

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Board Certified: Real Estate Law and in Condominium & Planned Development Law

ANTHONY P. PIRES, JR.
Board Certified: City, County, and Local Government Law

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CHANDLER A. KANSY

REPLY TO:

☑ 3200 TAMIAMI TRAIL N.
SUITE 200
NAPLES, FL 34103
239-649-6555
239-649-7342 FAX

☐ 606 BALD EAGLE DRIVE
SUITE 500
MARCO ISLAND, FL 34145
239-394-5161
239-642-6402 FAX

WWW.WPL-LEGAL.COM

May 14, 2025

By email

Daniel J. Smith, AICP
Director of Community Affairs
City of Marco Island
dsmith@cityofmarcoisland.com

SUBJECT: REQUEST FOR INTERPRETATION AND SUPPORT FOR REQUEST FOR INTERPRETATION | LOTS 1-4, BLOCK 3, PLAT OF MARCO HIGHLANDS ADDITION

Mr. Smith,

We represent the owners of four (4) platted lots located on Sixth Ave and identified as Lots 1-4, Block 3, Plat of Marco Highlands Addition (658 6TH AVE, 666 6TH AVE, 674 6TH AVE, and 682 6TH AVE) (the "Subject Lots"). The purpose of this letter is to request an interpretation, pursuant to Section 30-4, Land Development Code ("LDC"), that: **a duplex (see definition below) structure may be constructed on each of the Subject Lots.**

I. Introduction:

Currently, there are many lots on Marco Island (15, as shown in the table below) that were developed in exactly the manner sought to be confirmed in this request and under the same relevant facts and land development regulations, both when Marco Island was in unincorporated Collier County and after the City of Marco Island was incorporated. It is our understanding these lots have been developed pursuant to section 30-6(d), LDC, which states: "In any district, **any permitted or permissible structure may be erected**, expanded, or altered **on any lot of record at the effective date of adoption or relevant amendment to this code**." (Emphasis added). Duplexes were permitted and are permissible structures on a Lot of Record, as defined in the County Zoning Regulations in effect in 1965. Each of the below duplexes was developed after 1965 on a Lot of Record that, at the time of permitting and construction, did not conform to the applicable minimum lot area and/or lot width requirements then in effect, and therefore must have been subject to an interpretation consistent with the one sought herein that the provisions of section 30-6(d) of the current City of Marco Island Code of Ordinances applies to the Subject Lots and allows for the construction of a duplex on each lot.

Specifically, as detailed and explained below, this is a request for interpretation requesting confirmation of the City's and County's prior interpretation that "lots of record" established prior to 1965 and now in the City's RMF-6 district may have duplexes constructed upon them despite being less than the currently required 14,250 square feet in lot area (and in most instances less than 100 feet in lot width) provided the resulting density is consistent with the City's comprehensive plan.

DUPLEX LOTS ON MARCO ISLAND

Address	Plat	Year Plat Recorded	Square Footage[1]	Year duplex constructed	Jurisdiction
SUBJECT LOTS (MARCO HIGHLANDS ADDITION)					
658, 666, 674 & 682 6th Ave	Lots 1-4, Block 3	1959	8,252	N/A	City of Marco Island
DEVELOPED LOTS ON 6TH AVENUE (MARCO HIGHLANDS ADDITION)					
608 6th Ave	Lot 10, Block 3	1959	8,253	1973	Collier County
618 6th Ave	Lot 9, Block 3	1959	8,250	1965	Collier County
626 6th Ave	Lot 8, Block 3	1959	8,252	1965	Collier County
634 6th Ave	Lot 7, Block 3	1959	8,250	1971	Collier County
642 6th Ave	Lot 6, Block 3	1959	8,250	1972	Collier County
650 6th Ave	Lot 5, Block 3	1959	8,251	1972	Collier County
DEVELOPED LOTS (MARCO HIGHLANDS)					
150 1st Ave	Lot 3, Block 2	1957	7,788	1972	Collier County
158 1st Ave	Lot 2, Block 2	1957	7,789	1972	Collier County
164 1st Ave	Lot 1, Block 2	1957	7,789	1972	Collier County
172 1st Ave	Lot 1A, Block 2	1957	7,789	1998	Collier County
111 Marco Lake Drive	Lot 5, Block 2	1957	8,147	1992	Collier County
253 2nd Ave	Lot 6, Block 2	1957	7,786	1991	Collier County
261 2nd Ave	Lot 7, Block 2	1957	7,788	1973	Collier County
DEVELOPED LOT (OLD MARCO VILLAGE)					
857 Palm Street	Lot 19, Block 2	1964	11,873	2000	City of Marco Island

[1] *All square footages are listed as on record with the Collier County Property Appraiser*

II. **Supporting Information and Basis for Interpretation:**

The supporting information and basis for confirming this interpretation, as discussed in detail below, is:

1) That each of the Subject Lots (Lots 1-4, Block 3, Plat of Marco Highlands Addition became a "Lot of Record", as defined in the LDC, on the date of recording of the Plat of the Marco Highlands Addition (recorded at Plat Book 3, Page 91) on February 12, 1959 – See **Attachment #1**;

2) That each of the Developed Lots in the Marco Highlands Addition (Lots 5-10, Block 3, Plat of Marco Highlands Addition) became a "Lot of Record", as defined in the LDC, on the date of recording of the Plat of the Marco Highlands Addition (recorded at Plat Book 3, Page 91) on February 12, 1959 – See **Attachment #1**;

3) That each of the Developed Lots in Marco Highlands (Lots 1, 1A, 2, 3 and 5-7, Block 2, Plat of Marco Highlands) became Lots of Record on the date of recording of the Plat of Marco Highlands (recorded at Plat Book 3, Page 72) on December 30, 1957 – **See Attachment #2**;

4) That the Developed Lot in Old Marco Village (Lot 19, Block 2, Plat of Old Marco Village) became a Lot of Record on the date of recording of the Plat of Old Marco Village (recorded at Plat Book 6, Page 3) on May 2, 1964 – See **Attachment #3**;

5) That the 1965 Collier County Zoning Regulations (Revised January 1965) provided that with regard to a Lot of Record:

    a. Where a lot has an area less than the required minimum area or width for the district in which it is located, and was of record in Collier County at the time of adoption of this Resolution, said lot may be used for any use permitted in the district in which it is located

6) That between 1965 and the date of adoption of Collier County Ordinance #74-12 (April 30, 1974) six (6) duplex structures were permitted and constructed on Lots 5-10, Block 3, Marco Highlands Addition on Lots of Record containing approximately 8,256 square feet, which appears to be less than the minimum lot size – See **Attachment #4**;

7) That between 1965 and the date of adoption of Collier County Ordinance #74-12 (April 30, 1974), four (4) duplex structures were permitted and constructed on Lots 1, 1A, 2, 3 & 5-7, Block 2, Marco Highlands, and subsequently following the adoption of Collier County Ordinance #74-12 three (3) units were permitted and constructed on lots of record containing approximately

7,786 – 7,788 square feet, which appears to be less than the minimum lot size – See **Attachment #5**;

8) That in 2000, following the incorporation of the City of Marco Island, a duplex structure was permitted and constructed on Lot 19, Block 2, Old Marco Village on a Lot of Record containing approximately 11,783 square feet, which appears to be less than the minimum lot size – See **Attachment #6**

9) That Ordinance number 75-24, adopted on May 6, 1975, revised the zoning district designation applicable to the Subject Lots and the Developed Lots of Record within the Plat of Marco Highlands Addition and to the Developed Lots of Record within the Plat of Marco Highlands, to RM-1A; this designation was changed to RMF-6 by Ordinance number 82-02, adopted on January 5, 198 – See **Attachment #4**. Ordinance number 75-24 defines a "Dwelling, Multiple family" as "a building containing more than two (2) units", Ordinance number 82-02 defines a Dwelling, Two-Family or Duplex" as "a building containing two (2) or more units"; a building containing two or more units is permitted under either district designation;

10) That the RMF-6 designation of the Subject Lots, of the Lots of Record within the Plat of Marco Highland Addition, and of the Lots of Record within the Plat of Marco Highlands, was re-affirmed by Ordinance number 91-102, adopted October 30, 1991;

11) That three (3) duplex structures were permitted and constructed on Lots 1A, 5 & 7, Block 2, Marco Highlands on Lots of Record containing approximately 7,405 to 7,840 square feet in 1991, 1992 and 1994, which appears to be less than the minimum lot size, following the adoption of Ord #91-102, and thereby affirming the continued legal nonconforming established by the 1965 Collier County Zoning Regulations, as follows:

    a. Where a lot has an area less than the required minimum area or width for the district in which it is located, and was of record in Collier County at the time of adoption of this Resolution, said lot may be used for any use permitted in the district in which it is located

12) That upon the Incorporation of the City of Marco Island, the Collier County Land Development Code, as adopted by Collier County Ord #91-102 became the transitional Land Development Code for the City of Marco Island and therefore the Subject Lots retained legal conforming status as to minimum area and minimum width established by the 1965 Collier County Zoning Regulations;

13) That, although City of Marco Island Ordinance number 2001-33 (adopted on November 5, 2001) amended Ordinance number 91-102 as the transitional Land Development Code for the City of Marco Island, it did not alter the legal nonconforming status of the Subject Lots established by the 1965 Collier County Zoning Regulations and as affirmed by the issuance of permits for and the construction of duplex units on Lots of Record currently within a RMF-6 district;

14) That the City of Marco Island Land Development Code, Sec. 30-6. – Nonconformities states, in part:

> *(a) Generally*. Within the zoning districts established by the land development code or amendments that may later be adopted, there may exist lots, structures, uses of land, water and structures, and characteristics of which were lawful before this code was adopted or amended, but which would be prohibited, regulated, or restricted under the terms of this code or future amendments. It is the intent of this division to permit these nonconformities to continue until they are voluntarily renovated or removed as required by this code, but not to encourage their survival, and
>
> *(d) Nonconforming lots of record*. In any district, any permitted or permissible structure may be erected, expanded, or altered on any lot of record at the effective date of adoption or relevant amendment to this code.

15) That a duplex is a permitted/permissible structure on the Subject Lots.

Accordingly, the following Interpretation is requested:

1. **That a duplex structure may be erected on each of the Subject Lots of Record identified above at the platted area and width thereof consistent with the City and the County's prior interpretation.**

In addition to the above, approval of this interpretation will resolve an inconsistency between the RMF-6 district regulations currently applied to the Subject Lots and the provisions of the City's Comprehensive Plan. The Dimensional Standards applicable in the RMF-6 district provides as follows:

> (1) *Minimum lot area*: Single-family, duplex and two-family dwellings: 7,260 square feet per dwelling unit.
> (2) *Minimum lot width*: 100 feet
> (5) *Maximum density*: Actual maximum density shall not exceed six dwelling units per acre

The Subject Lots, however, are within an area designated as High Density Residential on the City of Marco Island Comprehensive Plan 2040 Future Land Use Map. The High Density Residential Land Use Category contemplates Multi-Family and Townhouse dwellings at a maximum density of up to 16 dwelling units/acre (3,630 square feet per unit), Duplex development of the Subject Lots of Record will represent a density of approximately 10.7 dwelling units an acre, substantially less than the sixteen (16) dwelling units per acre contemplated by the Comprehensive Plan. In this context, it may be interesting to note that Ordinance number 91-102 contains provisions and supporting discussion regarding the decision not to eliminate the RMF-6 district but includes provisions to reduce the number of hardships that would result from its elimination. However, these provisions do not resolve the nonconformities created by increased lot area per dwelling unit and minimum lot width requirements enacted after the adoption of the 1965 Collier County Zoning Regulations.

Therefore, the requested Interpretation is not only consistent with the nonconforming status of the Subject Lots as established by the 1965 Collier County Zoning Code, the Interpretation is also consistent with the current City of Marco Island Comprehensive Plan.

We are available to discuss at your convenience.

We look forward to your favorable consideration of our request.

Sincerely,

Zachary W. Lombardo

Zachary W. Lombardo, Esq.

Attachments

#1 Plat – Marco Highlands Addition (Plat Book 3, Page 91, February 12, 1959)
#2 Plat – Marco Highlands (Plat Book 3, Page 72, December 30, 1957)
#3 Plat – Old Marco Village (Plat Book 6, Page 3, May 12, 1954)
#4 Appraiser's Summary Sheets, Marco Highlands Addition Lots 5-10
#5 Appraiser's Summary Sheets, Lots 1, 1A, 2, 3 & 5-7, Block 2, Plat of Marco Highlands
#6 Appraiser's Summary Sheet, Lot 19. Block 2, Plat of Old Marco Village
#7 Zoning Map Excerpt (by Collier County Development Services)

ATTACHMENT 1

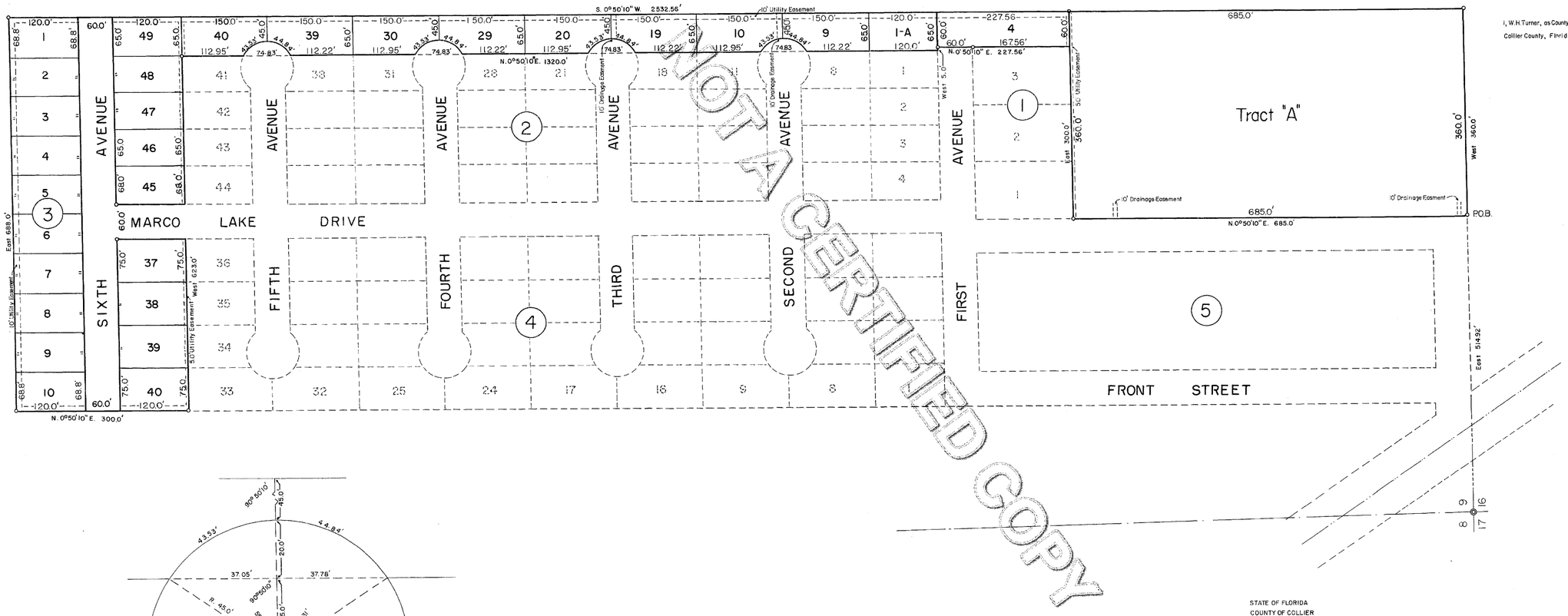
MARCO HIGHLANDS ADDITION

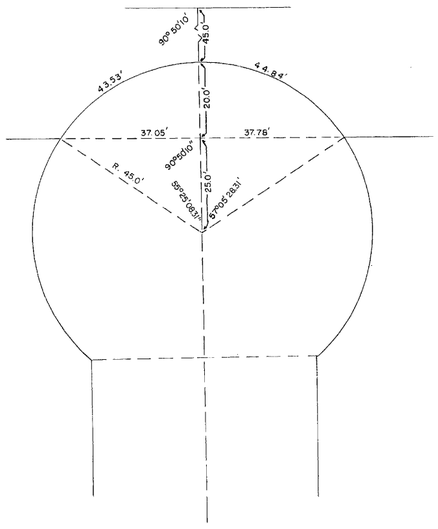
Being an addition to Blocks 1, 2 & 4 of MARCO HIGHLANDS as recorded in Plat Book Page of the Public Records of Collier County, Florida, together with an addition of Tract A and Block 3, all in SW 1/4 of Section 9, Township 52 South, Range 26 East, Tallahassee Meridian, Collier County, Florida, more particullary described as;

Commencing at the S.W. Corner of said Section 9, thence East 514.92 feet to a concrete monument, the S.E. corner of Marco Highlands, the Point of Beginning; thence N. 0°50'10"E. 685.0 feet; thence East 300.0 feet; thence N.0°50'10" E. 227.56 feet; thence West 5.00 feet; thence N.0°50'10" E. 1320.0 feet; thence West 623.0 feet; thence N. 0°50'10" E. 300.0 feet; thence East 688.0 feet; thence S.0°50'10"W. 2532.56 feet; thence West 360.0 feet to point of beginning, containing 12.68 acres more or less.

Scale 1 in. = 100 ft. January, 1959

◎ = Section Corner
○ = Permanent Reference Monuments





DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT MARCO HIGHLANDS, INC., being a corporation duly authorized to do business under the Laws of THE STATE OF FLORIDA, by its corporate officers, duly authorized, owners of the hereon described land, has caused this plat of MARCO HIGHLANDS ADDITION to be made and does hereby dedicate to the perpetual use of the public, the Street, Avenues and Drive hereon shown, provided that such Street, Avenues and Drive shall revert unto said MARCO HIGHLANDS, INC., its successors or assigns in the event such Street, Avenues or Drive or any portion of them are vacated, abandoned or otherwise cease to be of public use or are discontinued by law.

IN WITNESS WHEREOF, JOHN CHERA and RICHARD SLADEK, President and Secretary respectively of MARCO HIGHLANDS, INC., by and with the authority of the Board of Directors of said MARCO HIGHLANDS, INC., have executed these presents for and on behalf of said Corporation and have caused its seal to be affixed hereunto this 30th day of January, A.D. 1959

MARCO HIGHLANDS, INC.

By John Chera
President.

Attest Richard Sladek
Secretary.

STATE OF FLORIDA
COUNTY OF DADE:
I HEREBY CERTIFY that on this day, before me, an officer duly authorized to take oaths and make acknowledgments, personally appeared JOHN CHERA and RICHARD SLADEK, President and Secretary respectively of MARCO HIGHLANDS, INC., to me known and known to me to be the persons described in and who executed the foregoing Plat Dedication and affixed the Corporate Seal of said Corporation and upon being duly sworn acknowledged to me that they executed said Plat Dedication and affixed the Corporate Seal of said Corporation by and with the authority of its Board of Directors for the uses and purposes therein expressed.

WITNESS my hand and offical seal at Miami, Dade County, Florida, this 30th day of January, A. D. 1959

Wm. Jack Richardson
NOTARY PUBLIC, State of Florida at Large.
My Commission Expires April 17, 1961

I, W.H. Turner, as County Engineer, and as Chairman of the Zoning Board, both of Collier County, Florida, hereby approve this plat.

W.H. Turner

STATE OF FLORIDA
COUNTY OF COLLIER
I, W.H. TURNER, HEREBY CERTIFY that the hereon plat of lands hereon described is true and correct according to a recent survey made and platted under my direction, and I further certify that the monuments as shown are in place and that said survey and plat conform with the Laws of the State of Florida.
WITNESS my hand and seal at Everglades, Collier County, Florida, this the 2nd. day of January, A.D. 1959

W.H. Turner
Registered Engineer, No. 3033
Registered Surveyor, No. 655

THIS PLAT APPROVED in open meeting of the Board of County Commissioners of Collier County, Florida, this 10th day of Feb. A.D. 1959

APPROVED E.J. Green
Chairman

ATTEST Margaret D. Scott
Clerk.

STATE OF FLORIDA
COUNTY OF COLLIER:
I HEREBY CERTIFY that this plat of MARCO HIGHLANDS ADDITION has been examined by me and from said examination I find said plat to comply in form with the requirments of Chapter 10275, Laws of Florida, Acts of 1925
I FURTHER CERTIFY that said plat was filed for record at 2 P.M. this the 12 day of February A.D. 1959 and duly Recorded in Plat Book 3 at Page 91 of the Public Records of Collier County, Florida.

Margaret D. Scott
Clerk of Circuit Court in and for Collier County, Florida.
By Geo. A. Ott D.C.

ATTACHMENT 2

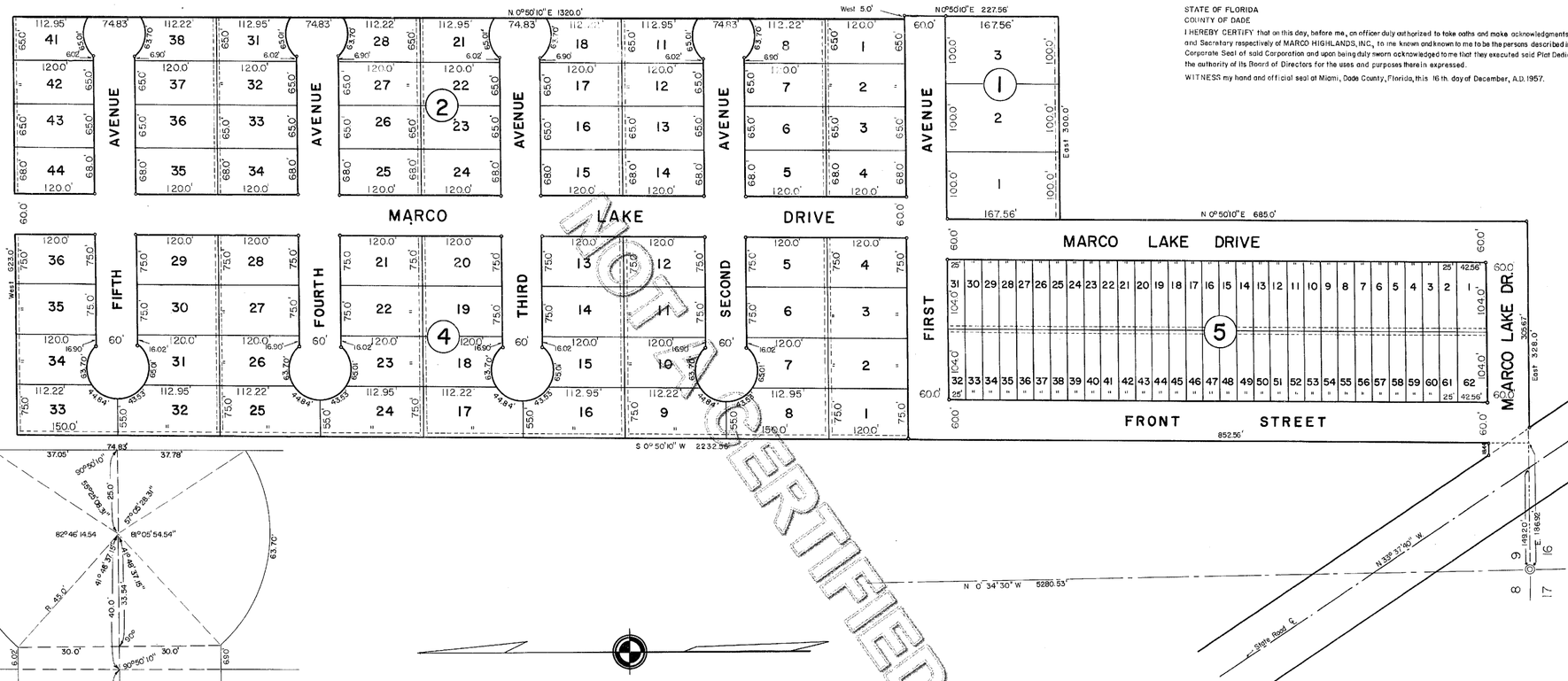
SEE COMPLETE LEGAL - OR 199 pg 914

MARCO HIGHLANDS

Being a Subdivision in the S.W.1/4 of Section 9, Township 52 South, Range 26 East, Tallahassee Meridian, Collier County, Florida, more particularly desribed as,

Commencing at the S.W. Corner of said Section 9; thence East 186.92 feet to Point of Beginning; thence continuing East 328.0 feet; thence N. 0°50'10"E. 685.0 feet; thence East 300.0 feet; thence N.0°50'10"E 227.56 feet; thence West 5.0 feet; thence N.0°50'10"E. 1320.0 feet; thence West 623.0 feet, thence S.0°50'10"W. 2232.56 feet to point of beginning, containing 27.32 acres.

Scale 1 in. = 100ft. December 14, 195[illegible]



◎ = Section Corners
o = Permanent Reference Monuments

DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT MARCO HIGHLANDS, INC., being a corporation duly authorized to do business under the Laws of THE STATE OF FLORIDA, by its corporate officers, duly authorized, owners of the hereon described land, has caused this plat of MARCO HIGHLANDS to be made and does hereby dedicate to the perpetual use of the public, the Street, Avenues and Drive hereon shown, provided that such Street, Avenues and Drive shall revert unto said MARCO HIGHLANDS, INC., its successors or assigns in the event such Street, Avenues or Drive or any portion of them are vacated, abandoned or otherwise ceases to be of public use or are discontinued by law.

IN WITNESS WHEREOF, JOHN CHERA and LEWIS M. RESS, President and Secretary respectively of MARCO HIGHLANDS, INC., by and with the authority of the Board of Directors of said MARCO HIGHLANDS, INC., have executed these presents for and on behalf of said Corporation and have caused its seal to be affixed hereunto this 16th. day of December A.D.1957.

MARCO HIGHLANDS, INC.

By John Chera President.

Attest Lewis M. Ress Secretary.

STATE OF FLORIDA
COUNTY OF DADE

I HEREBY CERTIFY that on this day, before me, an officer duly authorized to take oaths and make acknowledgments, personally appeared JOHN CHERA and LEWIS M. RESS, President and Secretary respectively of MARCO HIGHLANDS, INC., to me known and known to me to be the persons described in and who executed the foregoing Plat Dedication and affixed the Corporate Seal of said Corporation and upon being duly sworn acknowledged to me that they executed said Plat Dedication and affixed the Corporate Seal of said Corporation by and with the authority of its Board of Directors for the uses and purposes therein expressed.

WITNESS my hand and official seal at Miami, Dade County, Florida, this 16th. day of December, A.D. 1957.

Wm. Jack Richardson
NOTARY PUBLIC, State of Florida at Large.
My Commission Expires April 17, 1961

STATE OF FLORIDA
COUNTY OF COLLIER

I, W.H. TURNER, HEREBY CERTIFY that the hereon plat of lands hereon described is true and correct according to a recent survey made and platted under my direction, and I further certify that the monuments as shown are in place and that said survey and plat conform with the laws of the State of Florida.

WITNESS my hand and seal at Everglades, Collier County, Florida, this the 14th. day of December, A.D. 1957.

W.H. Turner
Registered Engineer, No. 3033
Registered Surveyor, No. 655

THIS PLAT APPROVED in open meeting of the Board of County Commissioners of Collier County, Florida, this 17th. day of December A.D. 1957.

APPROVED: J. M. Davidson Chairman.

ATTEST: Ed Dent Clerk
by Margaret D. Scott, D.C.

STATE OF FLORIDA
COUNTY OF COLLIER

I HEREBY CERTIFY that this plat of MARCO HIGHLANDS has been examined by me and from said examination I find said plat to comply in form with the requirements of Chapter 10275, Laws of Florida, Acts of 1925.

I FURTHER CERTIFY that said plat was filed for record at 3:00 P.M. this the 30 day of December A.D. 1957 and duly Recorded in Plat Book 3 at Page 72 of the Public Records of Collier County, Florida.

Ed Dent
Clerk of Circuit Court in and for Collier County, Florida.

NOT CERTIFIED COPY

ATTACHMENT 3

Location of these platted lands was changed from 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43,

ATTACHMENT 4

Collier County Property Appraiser
Property Detail

Parcel ID	59131080005	Site Address *Disclaimer	608 6TH AVE		Site City	MARCO ISLAND	Site Zone *Note	34145

Name / Address	MORENCY, MICLAUDE				
	5553 SHOLTZ ST				
	UNIT B				
City	NAPLES	State	FL	Zip	34113

Permits (Provided for reference purposes only. *Disclaimer.)

Tax Yr	Issuer	Permit #	CO Date	Tmp CO	Final Bldg	Type
1973	MARCO	73-1420	11/28/73			
1992	MARCO	92-15125	11/02/92			ROOF, NO PICKUP

Land

#	Calc Code	Units
10	SQUARE FOOT	8253.59

Building/Extra Features

#	Year Built	Description	Area	Adj Area
10	1973	DUPLEX 2 UNITS	2004	2004

Collier County Property Appraiser
Property Detail

Parcel ID	59131040003	Site Address *Disclaimer	618 6TH AVE		Site City	MARCO ISLAND	Site Zone *Note	34145

Name / Address	ROPPO, JOE=& MELANIE				
	14628 BEAUFORT CIRCLE				
City	NAPLES	State	FL	Zip	34119

Permits (Provided for reference purposes only. *Disclaimer.)

Tax Yr	Issuer	Permit #	CO Date	Tmp CO	Final Bldg	Type
1965	COUNTY	65-240				
1994	COUNTY	93-9680				ADDITION
2019	MARCO	ROOF-18-06681				ROOF

Land

#	Calc Code	Units
10	SQUARE FOOT	8252.85

Building/Extra Features

#	Year Built	Description	Area	Adj Area
10	1965	DUPLEX 2 UNITS	1152	1319
20	1978	SCREEN PORCH	192	192

Collier County Property Appraiser
Property Detail

Parcel ID	59131000001	Site Address *Disclaimer	626 6TH AVE		Site City	MARCO ISLAND	Site Zone *Note	34145

Name / Address	SUNNY HARBOR LLC				
	4860 MAHOGANY RIDGE DR				
City	NAPLES	State	FL	Zip	34119

Permits (Provided for reference purposes only. *Disclaimer.)

Tax Yr	Issuer	Permit #	CO Date	Tmp CO	Final Bldg	Type
1965	COUNTY	65-268				
1999	MARCO	980434	06/25/99			OTHER
2007	MARCO	053799	01/13/06			OTHER
2024	MARCO	MFAA-23-00406	09/06/23			INTERIOR

Land

#	Calc Code	Units
10	SQUARE FOOT	8252.31

Building/Extra Features

#	Year Built	Description	Area	Adj Area
10	1965	DUPLEX 2 UNITS	1152	1165
20	2006	SCREEN PORCH	210	210
30	2006	ALUMINUM PORCH	40	40
40	2006	SCREEN PORCH	230	230

Collier County Property Appraiser
Property Detail

Parcel ID	59130920001	Site Address *Disclaimer	634 6TH AVE		Site City	MARCO ISLAND	Site Zone *Note	34145

Name / Address	K A 2 LLC				
	100 STATE STREET				
	11TH FLOOR				
City	BOSTON	State	MA	Zip	02109

Permits (Provided for reference purposes only. *Disclaimer.)

Tax Yr	Issuer	Permit #	CO Date	Tmp CO	Final Bldg	Type
2004	MARCO	033369	09/02/03			ROOF
2024	MARCO	SF-23-07227	02/27/24			INTERIOR

Land

#	Calc Code	Units
10	SQUARE FOOT	8250.5

Building/Extra Features

#	Year Built	Description	Area	Adj Area
10	1971	DUPLEX 2 UNITS	1300	1494
20	1978	CONCRETE DECKING	300	300

Collier County Property Appraiser
Property Detail

Parcel ID	59130880002	Site Address *Disclaimer	642 6TH AVE		Site City	MARCO ISLAND	Site Zone *Note	34145

Name / Address	K A 2 LLC				
	100 STATE STREET				
	11TH FLOOR				
City	BOSTON	State	MA	Zip	02109

Permits (Provided for reference purposes only. *Disclaimer.)

Tax Yr	Issuer	Permit #	CO Date	Tmp CO	Final Bldg	Type
1972	MARCO	71-1409	03/02/72			
1989	MARCO	88-3919	03/31/89			NO PICKUP
2004	MARCO	033371	08/25/03			ROOF

Land

#	Calc Code	Units
10	SQUARE FOOT	8250.91

Building/Extra Features

#	Year Built	Description	Area	Adj Area
10	1972	DUPLEX 2 UNITS	1300	1491

Collier County Property Appraiser
Property Detail

Parcel ID	59130840000	Site Address *Disclaimer	650 6TH AVE		Site City	MARCO ISLAND	Site Zone *Note	34145

Name / Address	K A 2 LLC				
	100 STATE STREET				
	11TH FLOOR				
City	BOSTON	State	MA	Zip	02109

Permits (Provided for reference purposes only. *Disclaimer.)

Tax Yr	Issuer	Permit #	CO Date	Tmp CO	Final Bldg	Type
2004	MARCO	033370	08/18/03			ROOF
2024	MARCO	SF-23-07226	02/27/24			INTERIOR

Land

#	Calc Code	Units
10	SQUARE FOOT	8251.16

Building/Extra Features

#	Year Built	Description	Area	Adj Area
10	1972	DUPLEX 2 UNITS	1300	1491

ATTACHMENT 5

Collier County Property Appraiser
Property Detail

Parcel ID	59080240006	Site Address *Disclaimer	150 1ST AVE		Site City	MARCO ISLAND	Site Zone *Note	34145

Name / Address	MARCO LAKESIDE INN LLC				
	17595 S TAMIAMI TRL #120				
City	FORT MYERS	State	FL	Zip	33908

Permits (Provided for reference purposes only. *Disclaimer.)

Tax Yr	Issuer	Permit #	CO Date	Tmp CO	Final Bldg	Type
1972	MARCO	71-1482	03/31/72			
2009	MARCO	084624	11/06/08			ROOF
2015	MARCO	SITE-14-6071	07/17/18			OTHER

Land

#	Calc Code	Units
10	SQUARE FOOT	7788.98

Building/Extra Features

#	Year Built	Description	Area	Adj Area
10	1972	DUPLEX 2 UNITS	1300	1494

Collier County Property Appraiser
Property Detail

Parcel ID	59080200004	Site Address *Disclaimer	158 1ST AVE		Site City	MARCO ISLAND	Site Zone *Note	34145

Name / Address	MARCO LAKESIDE INN LLC				
	17595 S TAMIAMI TRL #120				
City	FORT MYERS	State	FL	Zip	33908

Permits (Provided for reference purposes only. *Disclaimer.)

Tax Yr	Issuer	Permit #	CO Date	Tmp CO	Final Bldg	Type
1972	MARCO	71-1481	03/31/72			
2015	MARCO	SITE-14-6070	07/17/18			OTHER
2019	MARCO	ROOF-18-00167	03/19/18			ROOF

Land

#	Calc Code	Units
10	SQUARE FOOT	7789.97

Building/Extra Features

#	Year Built	Description	Area	Adj Area
10	1972	DUPLEX 2 UNITS	1300	1494

Collier County Property Appraiser
Property Detail

Parcel ID	59080160005	Site Address *Disclaimer	164 1ST AVE		Site City	MARCO ISLAND	Site Zone *Note	34145

Name / Address	GAR OF MARCO LLC				
	606 BALD EAGLE DR #301				
City	MARCO ISLAND	State	FL	Zip	34145

Permits (Provided for reference purposes only. *Disclaimer.)

Tax Yr	Issuer	Permit #	CO Date	Tmp CO	Final Bldg	Type
1972	MARCO	71-1446	03/31/72			
1978	MARCO	77-3622				GARAGE

Land

#	Calc Code	Units
10	SQUARE FOOT	7789.46

Building/Extra Features

#	Year Built	Description	Area	Adj Area
10	1972	DUPLEX 2 UNITS	1300	1494
20	1978	GARAGE	352	352

Collier County Property Appraiser
Property Detail

Parcel ID	59130120005	Site Address *Disclaimer	172 1ST AVE		Site City	MARCO ISLAND	Site Zone *Note	34145

Name / Address	JAP RENTAL PROPERTIES LLC				
	14115 MIRROR CT				
City	NAPLES	State	FL	Zip	34114

Permits (Provided for reference purposes only. *Disclaimer.)

Tax Yr	Issuer	Permit #	CO Date	Tmp CO	Final Bldg	Type
1988	MARCO	88-1745	12/06/88			RESIDENCE
2023	MARCO	WD-22-07298	01/10/23			OTHER

Land

#	Calc Code	Units
10	SQUARE FOOT	7801.03

Building/Extra Features

#	Year Built	Description	Area	Adj Area
10	1978	GARAGE	352	352
20	1988	DUPLEX 2 UNITS	1560	1564

Collier County Property Appraiser
Property Detail

Parcel ID	59080320007	Site Address *Disclaimer	111 MARCO LAKE DR		Site City	MARCO ISLAND	Site Zone *Note	34145

Name / Address	JAP RENTAL PROPERTIES LLC				
	14115 MIRROR CT				
City	NAPLES	State	FL	Zip	34114

Permits (Provided for reference purposes only. *Disclaimer.)

Tax Yr	Issuer	Permit #	CO Date	Tmp CO	Final Bldg	Type
1992	MARCO	91-100365	05/14/92			RESIDENCE
2007	MARCO	060401				ROOF
2023	MARCO	WD-22-07844	01/10/23			OTHER
2024	MARCO	WD-22-06984	01/10/23			INTERIOR, NO PICKUP

Land

#	Calc Code	Units
10	SQUARE FOOT	8147.53

Building/Extra Features

#	Year Built	Description	Area	Adj Area
10	1992	DUPLEX 2 UNITS	1922	2022

Collier County Property Appraiser
Property Detail

Parcel ID	59080360009	Site Address *Disclaimer	253 2ND AVE		Site City	MARCO ISLAND	Site Zone *Note	34145

Name / Address	RUFENER REAL ESTATE HOLDINGS				
	PO BOX 1353				
City	MARCO ISLAND	State	FL	Zip	34146

Permits (Provided for reference purposes only. *Disclaimer.)

Tax Yr	Issuer	Permit #	CO Date	Tmp CO	Final Bldg	Type
1991	MARCO	90-4939				RESIDENCE
2005	MARCO	044299	01/25/05			ROOF

Land

#	Calc Code	Units
10	SQUARE FOOT	7786

Building/Extra Features

#	Year Built	Description	Area	Adj Area
10	1991	DUPLEX 2 UNITS	1922	2014

Collier County Property Appraiser
Property Detail

Parcel ID	59080400008	Site Address *Disclaimer	261 2ND AVE		Site City	MARCO ISLAND	Site Zone *Note	34145

Name / Address	BURRUS, TRICIA				
	TONY ROSA				
	261 2ND AVE # B				
City	MARCO ISLAND	State	FL	Zip	34145-2835

Permits (Provided for reference purposes only. *Disclaimer.)

Tax Yr	Issuer	Permit #	CO Date	Tmp CO	Final Bldg	Type
2003	MARCO	022793	09/30/08			ADDITION

Land

#	Calc Code	Units
10	SQUARE FOOT	7788.11

Building/Extra Features

#	Year Built	Description	Area	Adj Area
10	1984	DUPLEX 2 UNITS	1808	1941

ATTACHMENT 6

Collier County Property Appraiser
Property Detail

Parcel ID	64612000007	Site Address *Disclaimer	857 PALM ST		Site City	MARCO ISLAND	Site Zone *Note	34145

Name / Address	MARCO MCKIBBON LLC				
	PO BOX 896				
City	GAINESVILLE	State	GA	Zip	30503

Permits (Provided for reference purposes only. *Disclaimer.)

Tax Yr	Issuer	Permit #	CO Date	Tmp CO	Final Bldg	Type
1973	COUNTY	1971-1680	03/20/72			
1979	COUNTY	1978-1232				
2001	MARCO	2000-581				
2001	MARCO	991787	04/05/00			

Land

#	Calc Code	Units
10	SQUARE FOOT	11872.98

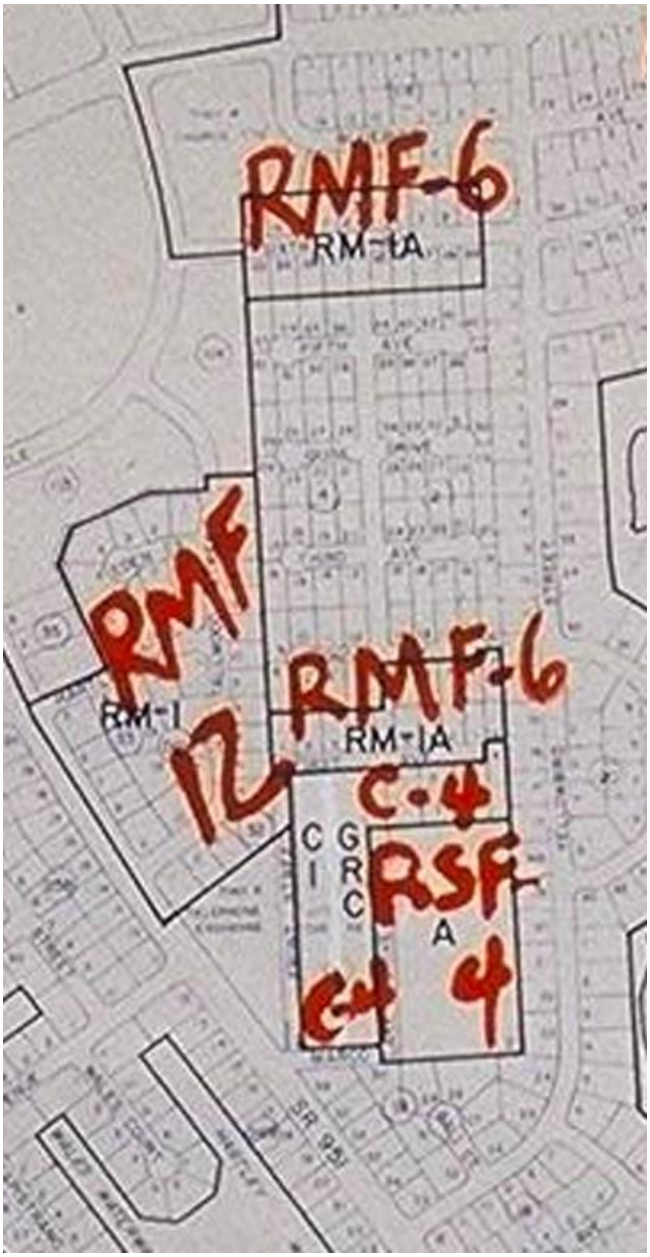
Building/Extra Features

#	Year Built	Description	Area	Adj Area
10	2000	DUPLEX 2 UNITS	3468	4080
20	2000	SPA	72	72
30	2000	KEYSTONE/SCULPTURED CONCRETE	789	789
40	2000	DOCK	348	348
50	1972	SEA WALL	129	129

ATTACHMENT 7

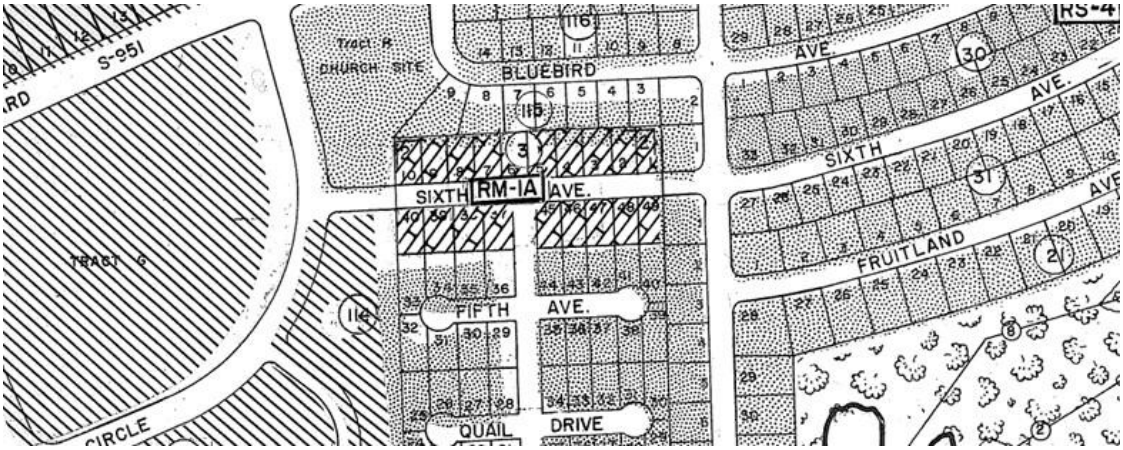
COLLIER COUNTY

HISTORICAL ZONING MAP



CITY of MARCO ISLAND

ZONING MAPS



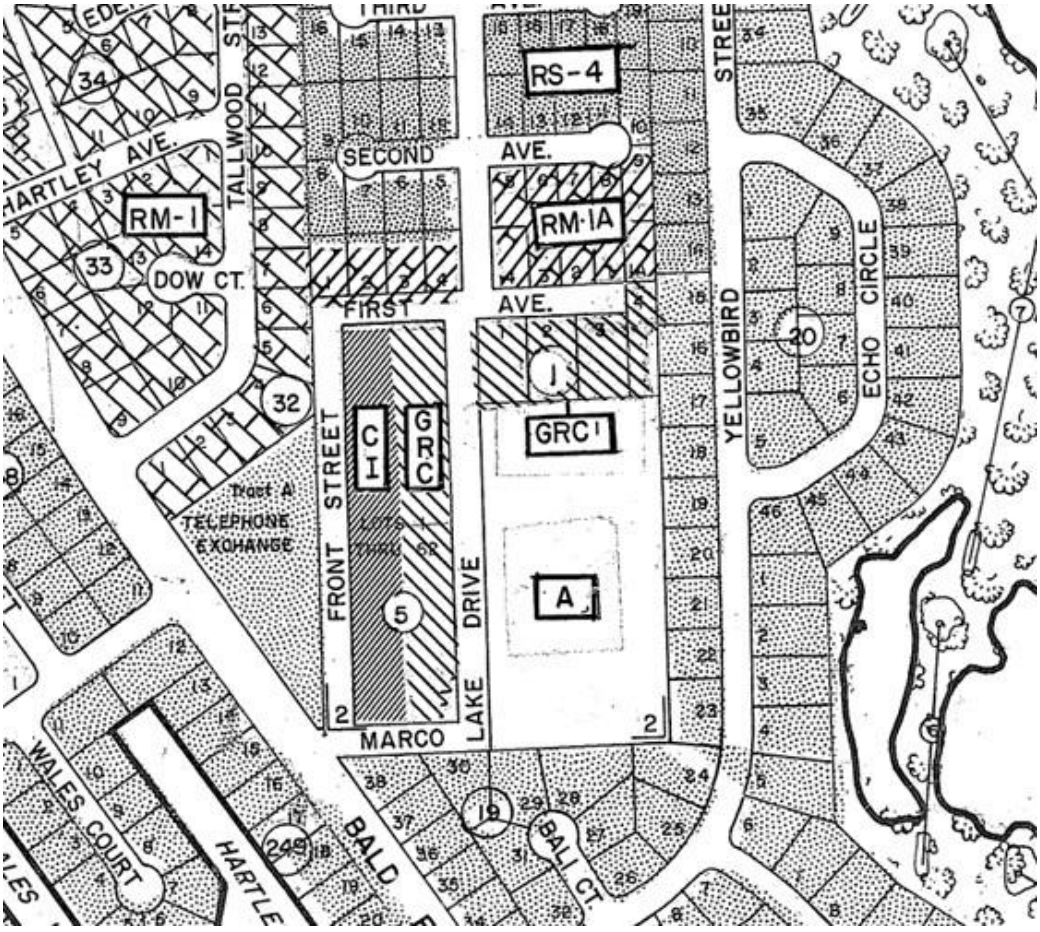


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CLERK OF CIRCUIT COURT
COLLIER COUNTY, FLORIDA

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ORDINANCE 76-30

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ZONING ORDINANCE
OF
COLLIER COUNTY, FLORIDA

COASTAL AREA PLANNING DISTRICT

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SECRETARY OF STATE

BOOK 5 PAGE 39

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Clifford Wenzel, Vice-Chairman
Thomas P. Archer
David C. Brown
Stephen G. Mitchell

CLERK OF CIRCUIT COURT

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Irving L. Berzon, P. E.

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William McGrath, Secretary
G. Norman Bacon
Paul L. Frank
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Carl A. Clemmer, Zoning Director
Richard L. Woodruff, Senior Planner
Wafaa F. Assaad, Associate Planner
James Blondin, Planning Technician
Diane Evans, Secretary
Iver Brook, Environmental Planner
Sandy Gibbs, Secretary
Mary Lee Layne, Planning Technician
Tom McDaniel, Planning Technician
Jeffory L. Perry, Zoning Technician

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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 that 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 dwellin 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 withing a building having a roof impervious to weather and accessible from the interior of the building, which is within a completely encolsed 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 connectinn 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 or 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 accomodation 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 hursing home, but with clientele restricted to the aged.

Hospital: A hospital is a building or group of buildings having facilites 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 synonomous and to mean a building or a group of buildings in which sleep-accomodations are offered to the public and intended primarily for rental to transients with daily charge, as distinquished 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 entrace 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 indident 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)

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.

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

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

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; MHSD: 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. SUPPEMENTARY 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

	FRONT	REAR	SIDE	STRUCTURE TO STRUCTURE (if detached)
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	SPS	15'	SPS	N
Screen Enclosure	SPS	10'	SPS	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'

	FRONT	REAR	SIDE	STRUCTURE TO STRUCTURE (if detached)
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

	FRONT	REAR	SIDE	STRUCTURE TO STRUCTURE (if detached)
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	SPS	10'	SPS	N
Screen Enclosure	SPS	5'	SPS	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 Zone 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 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 of 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, tenents 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 lanscaped 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 differnet 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 accomodation facility which is accessory to a single family dwelling, whether a free standing guest house or guest accomodations 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 accomodation 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 grest 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) Complaince 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) Complaince 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 Transportations'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 or 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 usuable 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 resoltuion, or otherwise interfere with the continuance of any nonconforming 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 markets 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, alterationor 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 donominated 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 developmentplan 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.

B. 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 offshore 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 knowledgable 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 paterns, 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, sedignated 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-or-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 appropiate scale showing proposed placement of stmuctures on the property; provisions for ingress and egress, offstreet parking and off-street 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 tho 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 leter 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 customay accessory buildings may be erected, expanded, or altered on any single lot record at the effective date of this zoning ordinance, nothwithstanding 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-Conformitive 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 ofZoning 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 ordiance 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 Facilites: Identification, Surfacing, Drainage, Lighting, Access. Required offstreet parking facilites 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 submited 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 (½) 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, Subdivision:	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 cafetorium 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 accomodations 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, 2963, 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) Causuarinaceae (Australian Pine)
(3) Enterolobiom cyclocappum (Ear tree)
(4) Melaleuca leucadendra (Punk)
(5) Melia azedarach (Chinaberry tree)
(6) Schinus terebinthinfolius (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; suchtemporary certificate shall be issued to a date certain, with a notorized 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 healty, 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 was 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 opague 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 place 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 establishement 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 wquare 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

RECORDER'S MEMO: Legibility of writing, Typing or Printing unsatisfactory in this document when received.

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 vacent A-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 establishement 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 intnesity. 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 ofside 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.

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(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:

T. 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 will 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 accomodations 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 accomodations 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 Strucutes:

(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 accomodations 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 (½) 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 Ares:
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 wquare 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.

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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:

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) 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, Subdivison 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 is 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 minumum, 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, landcaping, 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 minumum 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 wonership 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 organiation shall not be dissolved nor shall it dispose of any common open space or common facilities, by sale or otherwise, except to an organization comceived 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. Minumum 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 ormore 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. Minumum 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 quaranteeing access. Permitted uses are not required to front on a public dedicated road or street.

H. Dimensional Standards:

(1) Minumum Distance Between Structures: One-half (½) of the sum of the heights of the buildings, but in no case shall the distance be less than twenty (20) feet.

(2) Minumum Distance to the Property Line: The minumum distance between the building and the property line shall be one-half (½) 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, visability 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 apprpriate relation of space inside and outside buildings to intended uses and strutural 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 provice 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 acdess 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 Rebulations.

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 appropriatness of the proposed land use arrangement for the sixa 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 accomodate 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 therfore. 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 boart 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) Adequace 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 modivications shall be stated with reference to the appropriate provision of these regulations upon which they are based and the reasons therfore.

9. Effect of Planned Unit Development Zoning: If the Goard 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 otherCounty 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 accomodations 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 facilites, 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.

RECORDER'S MEMO: Legibility of writing, Typing or Printing unsatisfactory in this document when received.

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 (½) 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.

RECORDER'S MEMO: Legibility of writing, Typing or Printing unsatisfactory in this document when received.

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 MHSD - 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 Permited: 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 Homes

B. 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 proviced 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 (½) 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 exitway 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 totthe 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 establishements 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 (½) 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

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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 accomodate 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) Millenery 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.

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(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 ofSide 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 industrail 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: Invloving primary production of the following products from raw materials: asphalt, cement, charcoal and fuel briquetts, 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 requirment 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 strucutres 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 Accesory 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) Cemetaries.
(3) Schools and colleges

3. Minumum Lot Area: Two and one-quarter (2¼) 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 porvisions 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 developmentplans 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 facilites 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.

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 theland, 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

Modificaion 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		Class	
A	$25.00	F	5.00
B	15.00	G	5.00
C	10.00	H	Equivalent to corresponding class
D	5.00		
E	5.00	I	Equivalent to corresponding

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 cased the fee shall be whichever is the greater.

Section 13. 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.

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.

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.

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 exisin 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 ½ 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 acoordance 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 A. Tengel
Vice Chairman

By: Deputy Clerk

Approved as to form and legality:

Donald Arthur Pickworth
Collier County Attorney

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Recorded in Official Records of COLLIER COUNTY, FLORIDA
MARGARET T. SCOTT
Clerk of Circuit Court