

ORDINANCE NO. 15 – 45

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF COLLIER COUNTY, FLORIDA, AMENDING ORDINANCE NUMBER 04-41, AS AMENDED, THE COLLIER COUNTY LAND DEVELOPMENT CODE, WHICH INCLUDES THE COMPREHENSIVE LAND REGULATIONS FOR THE UNINCORPORATED AREA OF COLLIER COUNTY, FLORIDA, BY PROVIDING FOR: SECTION ONE, RECITALS; SECTION TWO, ADOPTION OF AMENDMENTS TO THE LAND DEVELOPMENT CODE, MORE SPECIFICALLY AMENDING CHAPTER 2 – ZONING DISTRICTS AND USES, INCLUDING SECTION 2.03.09 OPEN SPACE ZONING DISTRICTS, TO ADD GOLF MAINTENANCE BUILDINGS AS A NEW ACCESSORY USE WITHIN THE GOLF COURSE ZONING DISTRICT; CHAPTER 4 – SITE DESIGN AND DEVELOPMENT STANDARDS, INCLUDING SECTION 4.02.03 SPECIFIC STANDARDS FOR LOCATION OF ACCESSORY BUILDINGS AND STRUCTURES, TO ESTABLISH SETBACK REQUIREMENTS FOR GOLF CLUBHOUSE AND MAINTENANCE BUILDINGS ON WATERFRONT LOTS AND GOLF COURSE LOTS IN ZONING DISTRICTS OTHER THAN RURAL AGRICULTURAL AND ESTATES; SECTION THREE, CONFLICT AND SEVERABILITY; SECTION FOUR, INCLUSION IN THE COLLIER COUNTY LAND DEVELOPMENT CODE; AND SECTION FIVE, EFFECTIVE DATE.

RECITALS

WHEREAS, on October 30, 1991, the Collier County Board of County Commissioners adopted Ordinance No. 91-102, the Collier County Land Development Code (hereinafter LDC), which was subsequently amended; and

WHEREAS, the Collier County Board of County Commissioners (Board) on June 22, 2004, adopted Ordinance No. 04-41, which repealed and superseded Ordinance No. 91-102, as amended, the Collier County Land Development Code, which had an effective date of October 18, 2004; and

WHEREAS, the LDC may not be amended more than two times in each calendar year unless additional amendment cycles are approved by the Collier County Board of Commissioners pursuant to Section 10.02.09 A. of the LDC; and

WHEREAS, this amendment to the LDC is part of the first amendment cycle for the calendar year 2015; and

WHEREAS, on March 18, 1997, the Board adopted Resolution 97-177 establishing local requirements and procedures for amending the LDC; and

WHEREAS, all requirements of Resolution 97-177 have been met; and

WHEREAS, the Board of County Commissioners, in a manner prescribed by law, did hold advertised public hearings on June 23, 2015, and July 7, 2015, and did take action concerning these amendments to the LDC; and

WHEREAS, the subject amendments to the LDC are hereby determined by this Board to be consistent with and to implement the Collier County Growth Management Plan as required by Subsections 163.3194 (1) and 163.3202 (1), Florida Statutes; and

WHEREAS, this ordinance is adopted in compliance with and pursuant to the Community Planning Act (F.S. § 163.3161 *et seq.*), and F.S. § 125.01(1)(t) and (1)(w); and

WHEREAS, this ordinance is adopted pursuant to the constitutional and home rule powers of Fla. Const. Art. VIII, § 1(g); and

WHEREAS, all applicable substantive and procedural requirements of the law have otherwise been met.

NOW, THEREFORE BE IT ORDAINED by the Board of County Commissioners of Collier County, Florida, that:

SECTION ONE: RECITALS

The foregoing Recitals are true and correct and incorporated by reference herein as if fully set forth.

SECTION TWO: ADOPTION OF AMENDMENTS TO THE LAND DEVELOPMENT CODE

SUBSECTION 2.A: AMENDMENTS TO SECTION 2.03.09 OPEN SPACE ZONING DISTRICTS

Section 2.03.09 Open Space Zoning Districts, of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

2.03.09 Open Space Zoning Districts

- A. Golf Course District "GC". The purpose and intent of "GC" district is to provide lands for golf courses and normal **accessory uses** to golf courses, including certain uses of a commercial nature. The 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 GMP.

1. The following subsections identify the uses that are permissible by right and the uses that are allowable as **accessory** or **conditional uses** in the ~~RMF-6~~ GC district.

a. *Permitted uses.*

1. Golf courses.

b. **Accessory 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 clubhouse, community center **building**, practice driving range, shuffleboard courts, swimming pools and tennis facilities, snack shops and restrooms.

3. Pro shops with equipment sales, no greater than 1,000 square feet.

4. Restaurants with a seating capacity of 150 seats or less provided that the hours of operation are no later than 10:00 p.m.

5. A maximum of two residential **dwelling units** for use by golf course employees in conjunction with the operation of the golf course.

6. Golf maintenance buildings.

c. **Conditional uses.** The following uses are permissible as **conditional uses** in the GC district, subject to the standards and provisions established in LDC section 10.08.00.

1. Commercial establishments oriented to the permitted uses of the district including gift shops; pro shops with equipment sales in excess of 1,000 square feet; **restaurants** with seating capacity of greater than 150 seats; cocktail lounges, and similar uses, primarily intended to serve patrons of the golf course.

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SUBSECTION 2.B: AMENDMENTS TO SECTION 4.02.03 SPECIFIC STANDARDS FOR LOCATION OF ACCESSORY BUILDINGS AND STRUCTURES

Section 4.02.03 Specific Standards for Location of Accessory Buildings And Structures, of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

4.02.03 Specific Standards for Location of Accessory Buildings And Structures

A. For the purposes of this section, in order to determine **yard** requirements, the term "**accessory structure**" shall include detached and attached **accessory use structures or buildings** notwithstanding the attachment of such **structure or building** containing the **accessory use** to the **principal use structure or building**. **Accessory buildings and structures** must be constructed simultaneously with or following the construction of the **principal structure** and shall conform with the following **setbacks and building separations**.

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Table 4. Dimensional Standards for Accessory Buildings and Structures on Waterfront Lots and Golf Course Lots in Zoning Districts other than Rural Agricultural (A) and Estates(E)2**

		Setbacks			
		Front	Rear	Side	Structure to Structure (if detached)
1.	Parking garage or carport, single-family	SPS	SPS	SPS	10 feet
2.	One-story parking structures	SPS	SPS	SPS	10 feet
3.	Multistory parking structures	SPS	SPS	SPS	1/1 ¹
4.	Swimming pool and/or screen enclosure (one- and two-family)	SPS	10 feet ³	SPS	N
5.	Swimming pool (multi-family and commercial)	SPS	20 feet	15 feet	N
6.	Tennis courts (private) (one- and two-family)	SPS	15 feet	SPS	10 feet
7.	Tennis courts (multi-family and commercial)	SPS	35 feet	SPS	20 feet
8.	Boathouses and boat shelters (private)	SPS	N/A	7.5 feet or 15 feet	10 feet
				See subsection 5.03.06F.	
9.	Utility buildings	SPS	SPS	10 feet	10 feet
10.	Chickee, barbecue areas	SPS	10 feet	SPS	N
11.	Davits, hoists and lifts	N/A	N/A	7.5 feet or 15 feet	SPS
12.	Attached screen porch	SPS	10 feet ⁴	SPS	SPS
13.	Unlisted accessory	SPS	SPS	SPS	10 feet
14.	Docks, decks and mooring pilings	N/A	N/A	7.5 feet or 15 feet	N/A
15.	Boat slips and ramps (private)	N/A	N/A	7.5 feet	N/A
16.	Satellite dish antennas	NP	15 feet	SPS	10 feet
17.	Permanent emergency generators	NP	10 feet	See Sec. 4.02.01 D.13	N/A
18.	<u>Golf clubhouse and maintenance buildings</u> ⁵	<u>50 feet</u>	<u>50 feet</u>	<u>50 feet</u>	<u>N/A</u>

N = None.
N/A = Not applicable.
NP = Structure allowed in rear of building only.
SPS = Calculated same as principal structure.

** = All accessory structures in Rural Agricultural and Estates zoning districts must meet principal structure setbacks.

¹ 1 foot of **accessory** height = 1 foot of **building** separation.

² In those cases where the coastal construction control line is involved, the coastal construction control line will apply.

³ 20 feet where swimming pool decks exceed 4 feet in height above top of seawall or top of bank, except Marco Island and Isles of Capri which may construct to a maximum of seven feet above the seawall with a maximum of four feet of stem wall exposure, with the rear **setback** of ten feet.

⁴ 20 feet where floor or deck of porch exceeds 4 feet in height above top of seawall or top of bank, except Marco Island and Isles of Capri which may construct to a maximum of seven feet above the seawall with a maximum of four feet of stem wall exposure, with the rear **setback** of ten feet.

⁵ The setback shall apply to external boundaries of the golf course district, and shall be inclusive of separately platted buffer tracts.

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SECTION TWO: CONFLICT AND SEVERABILITY

In the event that any provisions of this ordinance should result in an unresolved conflict with the provisions of the existing Land Development Code (LDC) or Growth Management Plan (GMP), the applicable provisions of the existing LDC or GMP shall prevail. In the event this Ordinance conflicts with any other Ordinance of Collier County or other applicable law, the more restrictive shall apply. 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 THREE: INCLUSION IN THE COLLIER COUNTY LAND DEVELOPMENT CODE

The provisions of this Ordinance shall become and be made a part of the Land Development Code of Collier County, Florida. The sections of the Ordinance may be renumbered or re-lettered to accomplish such, and the word "ordinance" may be changed to "section," "article," or any other appropriate word.

SECTION FOUR: EFFECTIVE DATE

This Ordinance shall become effective upon filing with the Florida Department of State.

PASSED AND DULY ADOPTED by the Board of County Commissioners of Collier County, Florida, this 7th day of July, 2015.

ATTEST:
DWIGHT E. BROCK, CLERK

BOARD OF COUNTY COMMISSIONERS
OF COLLIER COUNTY, FLORIDA

By: [Signature]
Deputy Clerk

By: T. Nance
TIM NANCE, Chairman

Attest as to Chairman's
signature only.

Approved as to form and legality:

[Signature]
Heidi Ashton-Cicko, Esquire
Managing Assistant County Attorney

04-CMD-01077/1702 (6/23/15)

This ordinance filed with the
Secretary of State's Office the
9th day of July, 2015
and acknowledgement of that
filing received this 9th day
of July, 2015

By: [Signature]
Deputy Clerk



FLORIDA DEPARTMENT *of* STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

July 9, 2015

Honorable Dwight E. Brock
Clerk of the Circuit Court
Collier County
Post Office Box 413044
Naples, Florida 34101-3044

Attention: Ms. Martha S. Vergara, BMR Senior Clerk

Dear Mr. Brock:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Collier County Ordinance No. 15-45, which was filed in this office on July 9, 2015.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb