

**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, BY AMENDING SECTION 5.04.05 TEMPORARY EVENTS, TO ALLOW TEMPORARY EVENTS ON COLLIER COUNTY PROPERTY WITHOUT A PERMIT; PROVIDING FOR CONFLICT AND SEVERABILITY; INCLUSION IN THE COLLIER COUNTY LAND DEVELOPMENT CODE; AND AN EFFECTIVE DATE.**

**Recitals**

WHEREAS, the Board of County Commissioners wishes to amend to Land Development Code in order to provide that Temporary Events held on County property are not subject to a Temporary Use Permit but instead will require a Board approved agreement with the holder of the event; 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: AMENDMENT TO SECTION 5.04.05 TEMPORARY EVENTS**

Section 5.04.05 Temporary Events, of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

**5.04.05 Temporary Events**

A. Special Events.

1. Sales and Promotional Events.

- a. A temporary use permit is required for temporary sales and/or promotional events on non-residential property, such as grand openings, going out of business sales, special promotional sales, **sidewalk** sales, overstock sales, tent sales, or other similar uses for sales and promotional events related to the **principal** activities in operation at the subject property, unless otherwise provided for in this section.
- b. The Administrative Code shall establish the procedural requirements for a temporary use permit for sales or promotional events.
- c. In support of the proposed temporary sale or event, temporary signs, merchandise, **structures**, and equipment may be placed subject to approval of a site plan depicting same.
  - i. Temporary signage shall be subject to the restrictions set forth in section 5.04.06
  - ii. All temporary **structures** and equipment, merchandise, or placement and parking of vehicles in conjunction with the temporary sale, shall conform to the minimum yard requirements of the zoning district in which it is located.
  - iii. A building permit may be required for the erection of temporary **structures**.
- d. Temporary use permits for sales may be issued to the owner(s) of a commercial establishment, or to the tenant(s) operating within a commercial establishment with the approval of the property owner or property manager, provided said tenant provides documentation of a current annual lease with the property owner. Uses permitted by an approved temporary sales permit shall be operated by the property owner or tenant(s), except as provided for in sections 5.04.05 A.1.g. and 5.04.05 A.1.h. below.
- e. Temporary use permits for sales shall be restricted to those zoning districts in which the sale of the items would normally be permitted. Further, the sales activity permitted by the temporary use permit shall be related to the principal commercial activities in operation on the subject property, except as provided for in subsections 5.04.05 A.1.g. and 5.04.05 A.1.h. below.
- f. Special event temporary use permits shall not be issued for undeveloped properties, with exception to pre-construction ground breaking events with a valid development order.
- g. The County Manager or designee may issue temporary use permits for satellite locations subject to the applicable restrictions set forth in this section, provided the **applicant** currently operates a business from a permanent, approved commercial location within the County. Additionally, the purpose of the temporary sale shall be the same as the principal purpose of the existing commercial business of the **applicant**.
- h. The County Manager or designee may, in determining a specific benefit to the public, grant a temporary use permit to facilitate the sale of an item or items not generally available within a specific planning community, subject to the applicable restrictions set forth in this section.

2. Sports, religious, and community events.

- a. A temporary use permit is required for sports, religious, community, or other similar events sponsored by profit, nonprofit, charitable, civil, or membership organizations, on lands not specifically developed and approved for such activities on a regular basis. The County Manager or designee may grant a nonrenewable temporary use permit of up to 14 days duration for such events.
  - b. Temporary use permits of this type may, in support of the use being permitted, include the placement of temporary signs, merchandise, **structures** and equipment, and a **mobile home** as an office, but not for residency.
    - i. Temporary signage shall be subject to the restrictions set forth in section 5.04.06
    - ii. A building permit may be required for the placement and/or erection of temporary **structures**.
  - c. Temporary use permits in this category shall be restricted to those zoning districts in which the use would normally be permitted, unless otherwise approved by the Board of County Commissioners via a public petition request.
  - d. The County Manager or designee shall accept, without fee, temporary use permit applications for sports, religious, community, or other similar events, upon presentation of documentation that the sponsor of the event is a bona fide nonprofit organization and the event is intended to benefit the community at large or a specific group of individuals. Two such events per calendar year per organization are eligible for this permit.
3. Special Event time limits.
- a. The County Manager or designee may grant nonrenewable temporary use permits of up to 14 days duration, such that during any calendar year the sum total duration of all permits for such events for that location does not exceed 28 days.
  - b. For multiple occupancy **parcels** with 10 or more tenants the total duration of all such permits shall not exceed 42 days per calendar year.
  - c. Temporary use permits for special events may be extended up to an additional 4 weeks when approved by the Board of County Commissioners. Such approval may be subject to stipulations and additional constraints which shall be noted as conditions of the permit and the permittee will be required to sign a notarized agreement to abide by such conditions.
- B. Temporary seasonal sales. A nonrenewable 5 week temporary use permit may be issued for seasonal and holiday related temporary sales subject to the following restrictions.
- 1. Temporary use permits for seasonal sales may be issued only for the following seasonal/holiday related items:
    - a. Christmas trees.
    - b. Fireworks, as allowed by F.S. Chapter 791 and subject to the issuance of an approved permit by the jurisdictional fire district.

- c. Pumpkins.
  - 2. Temporary use permits for seasonal sales may be issued on improved or unimproved properties.
  - 3. The **applicant** shall provide a notarized letter from the property owner or property manager granting permission to utilize the subject property for the temporary seasonal sales.
  - 4. Temporary use permits for seasonal and/or holiday sales may, in support of the use being permitted, include the placement of signs, merchandise, temporary structures, and equipment.
    - a. Temporary signage is subject to the restrictions set forth in LDC subsection 5.04.06 A & B.
    - b. A building permit may be required for the erection of temporary **structures**.
- C. Garage sales: In the case of garage sales, lawn sales, and other similar temporary sales to be held at private homes, **churches** and other places of worship, community centers, or other nonprofit residentially zoned institutions, the County Manager or designee may issue one 2-day permit for such events during each 6 month period.
- D. Temporary events on Collier County property.
- 1. A Board approved agreement shall be required for temporary events on all Collier County parks, facilities, and other property. A temporary use permit shall not be required.
  - 2. Signage for temporary events on Collier County property shall comply with LDC section 5.04.06 Temporary Signs.
  - 3. The applicant shall coordinate with emergency medical services, fire districts, and Collier County Sheriff's offices to determine the appropriate level of coverage required for the event.
- ~~D~~.E. Temporary Uses, not elsewhere classified. At the direction of the BCC, the County may, from time to time, be called upon to allow certain uses for specific periods of time. After public hearing, the County Manager or designee may issue a Temporary Use Permit upon receipt of satisfactory evidence that all stipulations and/or requirements have been satisfied.

### SECTION THREE: CONFLICT AND SEVERABILITY

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 Section not affect the validity of the remaining portion.

**SECTION FOUR: 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 FIVE: EFFECTIVE DATE**

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

PASSED AND DULY ADOPTED by the Board of County Commissioners of Collier County, Florida, this 28th day of April, 2015.

ATTEST:  
DWIGHT E. BROCK, CLERK

BOARD OF COUNTY COMMISSIONERS  
OF COLLIER COUNTY, FLORIDA

By: *Amy Spivey* SC.  
Deputy Clerk  
Attest as to Chairman's  
signature only

By: *T. Nance*  
TIM NANCE, Chairman

Approved as to form and legality:  
*[Signature]*  
Jeffrey A. Klatzkow, County Attorney

This ordinance filed with the  
Secretary of State's Office the  
30th day of April, 2015  
and acknowledgement of that  
filing received this 30th  
day of April, 2015.  
By: *Amy Spivey*  
Deputy Clerk



## FLORIDA DEPARTMENT *of* STATE

**RICK SCOTT**  
Governor

**KEN DETZNER**  
Secretary of State

April 30, 2015

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

Attention: Ann P. Jennejohn, Deputy 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. 15-28, which was filed in this office on April 30, 2015.

Sincerely,

Ernest L. Reddick  
Program Administrator

ELR/lb