

ORDINANCE NO. 14 – 33

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, FINDINGS OF FACT; SECTION THREE, ADOPTION OF AMENDMENTS TO THE LAND DEVELOPMENT CODE, MORE SPECIFICALLY AMENDING THE FOLLOWING: CHAPTER ONE – GENERAL PROVISIONS, INCLUDING SECTION 1.08.02 DEFINITIONS; CHAPTER TWO – ZONING DISTRICTS AND USES, INCLUDING SECTION 2.03.03 COMMERCIAL ZONING DISTRICTS, SECTION 2.03.04 INDUSTRIAL ZONING DISTRICTS, SECTION 2.03.07 OVERLAY ZONING DISTRICTS; CHAPTER THREE – RESOURCE PROTECTION, INCLUDING SECTION 3.05.02 EXEMPTIONS FROM REQUIREMENTS FOR VEGETATION PROTECTION AND PRESERVATION, SECTION 3.05.05 CRITERIA FOR REMOVAL OF PROTECTED VEGETATION, SECTION 3.05.07 PRESERVATION STANDARDS; CHAPTER FOUR – SITE DESIGN AND DEVELOPMENT STANDARDS, INCLUDING SECTION 4.01.02 KITCHENS IN DWELLING UNITS, SECTION 4.02.01 DIMENSIONAL STANDARDS FOR PRINCIPAL USES IN BASE ZONING DISTRICTS, SECTION 4.02.03 SPECIFIC STANDARDS FOR LOCATION OF ACCESSORY BUILDINGS AND STRUCTURES, SECTION 4.02.16 DESIGN STANDARDS FOR DEVELOPMENT IN THE BAYSHORE GATEWAY TRIANGLE REDEVELOPMENT AREA, SECTION 4.06.02 BUFFER REQUIREMENTS; CHAPTER FIVE – SUPPLEMENTAL STANDARDS, INCLUDING SECTION 5.03.02 FENCES AND WALLS, EXCLUDING SOUND WALLS, SECTION 5.03.03 GUESTHOUSES, SECTION 5.03.05 CARETAKER RESIDENCES, SECTION 5.04.04 MODEL HOMES AND MODEL SALES CENTERS, SECTION 5.04.05 TEMPORARY EVENTS, SECTION 5.06.00 SIGN REGULATIONS AND STANDARDS BY LAND USE CLASSIFICATION, SECTION 5.06.02 DEVELOPMENT STANDARDS FOR SIGNS WITHIN RESIDENTIAL DISTRICTS, SECTION 5.06.04 DEVELOPMENT STANDARDS FOR SIGNS IN NONRESIDENTIAL DISTRICTS, SECTION 5.06.05 EXEMPTIONS FROM THESE REGULATIONS, SECTION 5.06.06 PROHIBITED SIGNS, SECTION 5.06.09 NONCONFORMING SIGNS; CHAPTER SIX – INFRASTRUCTURE IMPROVEMENTS AND ADEQUATE PUBLIC FACILITIES REQUIREMENTS, INCLUDING SECTION 6.06.02 SIDEWALKS, BIKE LANE AND PATHWAY REQUIREMENTS; CHAPTER NINE – VARIATIONS FROM CODE REQUIREMENTS, INCLUDING SECTION 9.03.03 TYPES OF NONCONFORMITIES; CHAPTER TEN – APPLICATION, REVIEW, AND DECISION-MAKING PROCEDURES, INCLUDING SECTION 10.02.08 REQUIREMENTS FOR AMENDMENTS TO THE OFFICIAL ZONING ATLAS, SECTION 10.02.13 PLANNED UNIT DEVELOPMENT (PUD) PROCEDURES, SECTION 10.03.05 REQUIRED METHODS OF



PROVIDING PUBLIC NOTICE, SECTION 10.03.06 PUBLIC NOTICE AND REQUIRED HEARINGS FOR LAND USE PETITIONS; SECTION FOUR, ADOPTION OF AMENDMENTS TO THE COLLIER COUNTY ZONING ATLAS, MORE SPECIFICALLY AMENDING THE FOLLOWING: ZONING MAP NUMBER 0502S TO REZONE VARIOUS PROPERTIES LOCATED ON THE NORTH SIDE OF DAVIS BOULEVARD (SR-84) FROM AIRPORT-PULLING ROAD (CR-31) WEST TO THE NAPLES CITY LIMIT, FROM C-4 GENERAL COMMERCIAL AND C-5 HEAVY COMMERCIAL TO C-4-GTMUD-MXD AND C-5-GTMUD-MXD (GATEWAY TRIANGLE MIXED USE OVERLAY DISTRICT – MIXED USE SUBDISTRICT); SECTION FIVE, CONFLICT AND SEVERABILITY; SECTION SIX, INCLUSION IN THE COLLIER COUNTY LAND DEVELOPMENT CODE; AND SECTION SEVEN, 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 the first amendment cycle for the calendar year 2014; 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 24, 2014, and July 8, 2014, 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: FINDINGS OF FACT

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

1. Collier County, pursuant to § 163.3161, *et seq.*, F.S., the Florida Community Planning Act (herein after the "Act"), is required to prepare and adopt a comprehensive plan.
2. After adoption of the Comprehensive Plan, the Act and in particular § 163.3202(1). F.S., mandates that Collier County adopt land development regulations that are consistent with and implement the adopted comprehensive plan.
3. Section 163.3201, F.S., 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.
4. Section 163.3194(1)(b), F.S., requires that all land development regulations enacted or amended by Collier County be consistent with the adopted comprehensive plan, or element or portion thereof, and any land 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. Section 163.3202(3), F.S., 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 § 163.3161 *et seq.*, F.S.

7. Section 163.3194(1)(a), F.S., 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 or portion thereof shall be consistent with such comprehensive plan or element or portion thereof.

8. Pursuant to § 163.3194(3)(a), F.S., a development order or land development regulation 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.

9. Section 163.3194(3)(b), F.S., states 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. On October 30, 1991, Collier County adopted the Collier County Land Development Code, which became effective on November 13, 1991. The Land Development Code adopted in Ordinance 91-102 was recodified and superseded by Ordinance 04-41.

11. Collier County finds that the Land Development Code is intended and necessary to preserve and enhance the present advantages that exist in Collier County; to encourage the most appropriate use of land, water and resources consistent with the public interest; to overcome present handicaps; and to 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; to prevent the overcrowding of land and avoid the undue concentration of population; to facilitate the adequate and efficient provision of transportation, water, sewerage, schools, parks, recreational facilities, housing and other requirements and services; to conserve, develop, utilize and protect natural resources within the jurisdiction of Collier County; to protect human, environmental, social and economic resources; and to maintain through orderly growth

and development, the character and stability of present and future land uses and development in Collier County.

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 Comprehensive Plan, Chapter 125, Fla. Stat., and Chapter 163, Fla. Stat., and through these amendments to the Code.

SECTION THREE: ADOPTION OF AMENDMENTS TO THE LAND DEVELOPMENT CODE

SUBSECTION 3.A. AMENDMENTS TO SECTION 1.08.02 DEFINITIONS

Section 1.08.02 Definitions, of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

1.08.02 Definitions

* * * * *

Guest-house ~~or cottage~~: An accessory dwelling structure which is attached to or detached from, a principal dwelling located on the same residential parcel and which an accessory dwelling serves as an ancillary use providing living quarters for the occupants of the principal dwelling, their temporary guests or their domestic employees and which may contain kitchen facilities. ~~Guesthouses or cottages~~ are not permitted in development that is receiving an AHDB. (See LDC section[s] 4.01.02, 5.03.03 and 2.05.02) for additional information.

* * * * *

Kitchen, primary: A room in a principal dwelling or guesthouse which is used, designed and intended for the preparation and cooking of food, often where meals are also eaten. See LDC section 4.01.02 Kitchens in Dwelling Units and Guesthouses.

Kitchen, secondary: A kitchen, accessory in function to the primary kitchen, located within and only accessible through the principal dwelling unit. See LDC section 4.01.02 Kitchens in Dwelling Units and Guesthouses.

* * * * *

Lot, corner: A lot located at the intersection of two or more streets. In the case of corner lots, the front yard with the shorter street frontage shall establish the required minimum lot width. A lot abutting 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.



* * * * *

Wet bar. An area designed for mixing drinks that contains a sink with running water, has a counter top, and is not a kitchen. See LDC section 4.01.02 Kitchens in Dwelling Units and Guesthouses.

* * * * *

Yard, front. The required open space extending across the entire width of the lot between the front building line and street right-of-way line. Where double-frontage lots exist, the required front yard shall be provided on both streets except as otherwise provided for herein.

~~Where corner lots of record existed prior to the date of adoption of Collier County Ordinance No. 82-2 [January 5, 1982], which lots do not meet minimum lot width or area requirements established in this Code, only one full depth front yard shall be required. In all zoning districts, the full depth front yard requirement shall apply to the front yard which has the shorter or shortest street frontage. In all zoning districts, except the E (estates) zoning district, the setback requirement for the remaining front yard(s) may be reduced to 50 percent of the full front yard setback requirement for that district, exclusive of any road right of way or road right-of-way easement. For setbacks for E (estates) zoning, see Section 2.03.01.~~

Yard, waterfront. The required open space on property adjacent to the Gulf, bays, bayous, navigable streams and on man-created canals, lakes, or impounded reservoirs. The required waterfront yard shall be measured from the most restrictive of the following: property line, bulkhead, shoreline, seawall, control elevation contour, or mean high water line (MHWL). Waterfront yards do not apply to drainage easements, canals, and lakes that were created for water management purposes with no intention to be navigable waterways providing vessel access to a larger body of water.

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SUBSECTION 3.B. AMENDMENTS TO SECTION 2.03.03 COMMERCIAL ZONING DISTRICTS

Section 2.03.03 Commercial Zoning Districts, of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

2.03.03 Commercial Zoning Districts

A. Commercial Professional and General Office District (C-1)...

* * * * *

- 1. The following uses, as identified with a number from the Standard Industrial Classification Manual (1987), or as otherwise provided for within this section are permissible by right, or as **accessory** or **conditional uses** within the C-1 commercial professional and general office district.

* * * * *



b. **Accessory uses.**

1. Uses and **structures** that are accessory and incidental to the uses permitted as of right in the C-1, ~~C-4/F~~ district.

* * * * *

c. **Conditional uses.** The following uses are permissible as **conditional uses** in the (C-1) commercial professional and general office district, subject to the standards and procedures established in section 10.08.00.

1. Ancillary plants.
2. Automobile parking, automobile parking garages and parking structures (7521 — shall not be construed to permit the activity of "tow-in parking lots").
3. Banks, credit unions and trusts (6011—6099).
4. **Churches.**
5. Civic, social and fraternal associations (8641).
6. Eating places primarily intended to serve employees and customers of the permitted use (5812, excluding Automats (eating places); caterers; commissary restaurants; contract feeding; dinner theaters; drive-in restaurants; industrial feeding; restaurants; carry-out; theaters; dinner). The request may be permitted subject to the following criteria:
 - a. The use is physically integrated and operated in conjunction with another permitted use in the C-1 district (no stand-alone facilities shall be permitted).
 - b. There is no exterior signage.
 - c. There is no direct exterior access.
 - d. Parking for the permitted use is consistent with LDC section 4.05.04.
 - e. In addition to the Planning Commission's Findings, its recommendation shall include, but not be limited to, the following considerations for the conditional use request:
 - i. Seating capacity.
 - ii. Gross floor area of the request in relation to the principal structure.
- ~~6-7.~~ Educational services (8211—8222).
- ~~7-8.~~ Funeral services (7261, except crematories).
- ~~8-9.~~ Home health care services (8082).
- ~~9-10.~~ Homeless shelters.
- ~~10-11.~~ Libraries (8231, except regional libraries).
- ~~11-12.~~ Mixed residential and commercial uses subject to design criteria contained in section 4.02.38 except where superseded by the following criteria:
 - i. Seating capacity.
 - ii. Gross floor area of the request in relation to the principal structure.
- ~~12-13.~~ Religious organizations (8661).
- ~~13-14.~~ Soup kitchens.
- ~~14-15.~~ Veterinary services (0742, excluding outdoor **kenneling**).
- ~~15-16.~~ Any other commercial or professional use which is comparable in nature with the foregoing list of permitted uses and consistent with the purpose and intent statement of the district as determined by the board of zoning appeals pursuant to section 10.08.00.

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B. Commercial Convenience District (C-2)...

* * * * *

1. The following uses, as identified with a number from the Standard Industrial Classification Manual (1987), or as otherwise provided for within this section are permissible by right, or as **accessory** or **conditional uses** within the C-2 commercial convenience district.

a. **Permitted uses.**

* * * * *

74. Any other commercial or professional use which is comparable in nature with the (C-1) list of permitted uses and consistent with the purpose and intent statement of the district as determined by the board of zoning appeals pursuant to section 10.08.00.

75. An existing lawful structure over 1,800 sq. ft. as of [effective date of this ordinance] may be occupied by any C-2 permitted use with a 1,800 sq. ft. or greater limitation.

* * * * *

c. **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 section 10.08.00.

1. **Ancillary plants.**

- 2. Educational services (8211, 8222).
- 3. Homeless shelters.

4. Household appliance stores (5722, limited to air-conditioning room units, self-contained-retail, electronic household appliance stores-retail, household appliance stores, electric or gas-retail, sewing machine stores-retail, and vacuum cleaner stores-retail) with 1,800 square feet or less of gross floor area in the principal structure.

5. Marinas (4493 excluding boat yards, storage and incidental repair), subject to LDC section 5.05.02

6. Membership organizations, miscellaneous (8699, excluding humane societies, animal) limited to 1,800 square feet or less of gross floor area in the principal structure.

4-7. Mixed residential and commercial uses subject to design criteria contained in LDC section 4.02.38 except where superseded by the following criteria:

* * * * *

8. Personal services, miscellaneous (7299 – not listed as principle uses and limited to babysitting bureaus; birth certificate agencies; car title and tag services; computer photography or portraits; dating service; diet workshops; dress suit rental; tux rental; genealogical investigation service; hair removal; shopping service for individuals only; wardrobe service, except theatrical; wedding



chapels, privately operated) with 1,800 square feet or less of gross floor area in the principal structure.

5-9. Permitted personal service, video rental or retail uses with more than 1,800 square feet of gross **floor area** in the **principal structure.**

6-10. Permitted food service (eating places or food stores) uses with more than 2,800 square feet of gross **floor area** in the permitted **principal structure.**

7-11. Soup kitchens.

8-12. Any other convenience commercial use which is comparable in nature with the foregoing (C-2) list of permitted uses and consistent with the purpose and intent statement of the district, as determined by the board of zoning appeals pursuant to section 10.08.00.

C. Commercial Intermediate District (C-3)...

* * * * *

1. The following uses, as identified with a number from the Standard Industrial Classification Manual (1987), or as otherwise provided for within this section are permissible by right, or as **accessory** or **conditional uses** within the commercial intermediate district (C-3).

a. **Permitted uses.**

* * * * *

- 67. Photographic studios, portrait (7221).
- 68. Physical fitness facilities (7991; 7911, except discotheques).
- 69. Political organizations (8651).

* * * * *

95. Any other commercial or professional use which is comparable in nature with the (C-1) list of permitted uses and consistent with the purpose and intent statement of the district as determined by the board of zoning appeals pursuant to section 10.08.00.

96. An existing lawful structure over 5,000 sq. ft. as of **effective date of this ordinance** may be occupied by any C-3 permitted use with a 5,000 sq. ft. or greater limitation.

* * * * *

c. **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 sections 4.02.02 and 10.08.00.

- 1. Amusements and recreation services (7999 - boat rental, miniature golf course, bicycle and moped rental, rental of **beach** chairs and accessories only).
- 2. **Ancillary plants.**
- 3. Automotive vehicle dealers (5511, limited to automobile agencies (dealers)-retail and only new vehicles). In addition to the Planning Commission's Findings, its recommendation shall include, but not



be limited to, the following considerations for the conditional use request:

- a. Controls on outdoor paging or amplified systems used as part of the daily operations.
 - b. Location of enclosed service areas, with exception for entry/exit doors.
 - c. The number of service bays.
 - d. Operation hours.
 - e. Adequacy of **buffer(s)**.
 - f. Location of gasoline storage and/or fueling tanks.
 - g. Means of delivery of automobiles.
- ~~3-4.~~ Bowling centers (7933).
 - ~~4-5.~~ Coin operated amusement devices (7993).
 - ~~5-6.~~ Courts (9211).
 - ~~6.~~ ~~Dance Studios, schools and halls (7911).~~
 7. Drinking places (5813) excluding bottle clubs. All establishments engaged in the retail sale of alcoholic beverages for on-premise consumption are subject to the locational requirements of section 5.05.01.
 8. Educational services (8221 & 8222).
 9. Fire protection (9224).
 10. Food stores with greater than 5,000 square feet of gross **floor area** in the **principal structure** (groups 5411—5499).
 - ~~11.~~ Health services (8071, 8092, and 8099).
 - ~~11-12.~~ Homeless shelters.
 - ~~12-13.~~ **Hospitals** (groups 8062—8069).
 - ~~13-14.~~ Legal counsel and prosecution (9222).
 - ~~15.~~ Medical equipment rental and leasing (7352).
 - ~~16.~~ Membership sports and recreational clubs indoor only (7997).
 - ~~14-17.~~ Mixed residential and commercial uses, subject to design criteria contained in section 4.02.38 except where superseded by the following criteria:
* * * * *
* * * * *
 - ~~15-18.~~ Motion picture theaters, (7832 - except drive-in).
 - ~~16-19.~~ Permitted food service (5812, eating places) uses with more than 6,000 square feet of gross **floor area** in the **principal structure**.
 - ~~17-20.~~ Permitted personal services, video rental or retail uses (excluding drug stores - 5912) with more than 5,000 square feet of gross **floor area** in the **principal structure**.
 - ~~18-21.~~ Permitted use with less than 700 square feet gross **floor area** in the **principal structure**.
 - ~~19-22.~~ Public order and safety (9229).
 - ~~20-23.~~ Social services (8322 - other than those permitted, 8331-8399)
 - ~~21-24.~~ Soup kitchens.
 - ~~22-25.~~ Theatrical producers and miscellaneous theatrical services (7922 - community theaters only).
 - ~~23-26.~~ Vocational schools (8243—8299).
 - ~~24-27.~~ Any other intermediate commercial use which is comparable in nature with the foregoing list of permitted uses and consistent with the permitted uses and purpose and intent statement of the district, as determined by the board of zoning appeals pursuant to section 10.08.00.

D. General Commercial District (C-4)...

* * * * *

1. The following uses, as defined with a number from the Standard Industrial Classification Manual (1987), or as otherwise provided for within this section are permissible by right, or as **accessory** or **conditional uses** within the general commercial district (C-4).

* * * * *

- c. **Conditional uses.** The following uses are permitted as **conditional uses** in the general commercial district (C-4), subject to the standards and procedures established in section 10.08.00.

1. Animal specialty services, except veterinary (0752, with outside **kenneling**).
2. Amusement and recreation services, outdoor (7948, 7992, 7996, 7999).
3. Auctioneering services, auction rooms (7389, 5999).
4. Automotive dealers and gasoline service stations (5511, 5521, ~~5551, 5561, 5599~~ outdoor display permitted).
5. Automotive rental and leasing, outdoor display permitted (7513, 7519).
6. Boat dealers (5551).
- ~~6-7.~~ Bottle clubs. (All establishments engaged in the retail sale of alcoholic beverages for on-premise consumption are subject to the locational requirements of section 5.05.01.).
- ~~7-8.~~ Communication towers above specified height, subject to section 5.05.09.
9. Dealers not elsewhere classified (5599 outdoor display permitted, excluding Aircraft dealers –retail).
- ~~8-10.~~ Fire protection (9224).
- ~~9-11.~~ Fishing, hunting and trapping (0912—0919).
- ~~10-12.~~ Fuel dealers (5983—5989).
- ~~11-13.~~ Homeless shelters.
- ~~12-14.~~ **Hotels** and **motels** (7011, 7021, 7041 when located outside an activity center).
- ~~13-15.~~ Kiosks.
- ~~14-16.~~ Legal counsel and prosecution (9222).
- ~~15-17.~~ Local and suburban transit (groups 4111—4121, bus stop and van pool stop only).
- ~~16-18.~~ Motion picture theaters, drive-in (7833).
- ~~17-19.~~ Permitted use with less than 700 square feet of gross **floor area** in the principal structure.
- ~~18-20.~~ Police Protection (9221).
- ~~19-21.~~ Public order and safety (9229).
22. Recreational vehicle dealers (5561).
- ~~20-23.~~ Soup kitchens.
- ~~21-24.~~ Motor freight transportation and warehousing (4225, air conditioned and mini-and self storage warehousing only).
- ~~22-25.~~ Veterinary services (0741 & 0742, with outside **kenneling**).



~~23-26~~. Any other general commercial use which is comparable in nature with the foregoing list of permitted uses and consistent with the permitted uses and purpose and intent statement of the district, as determined by the board of zoning appeals pursuant to section 10.08.00.

E. Heavy Commercial District (C-5)...

* * * * *

1. The following uses, as identified with a number from the Standard Industrial Classification Manual (1987), or as otherwise provided for within this section are permissible by right, or as **accessory** or **conditional uses** within the heavy commercial district (C-5).

* * * * *

c. **Conditional uses.** The following uses are permissible as **conditional uses** in the heavy commercial district (C-5), subject to the standards and procedures established in section 10.08.00.

* * * * *

16. Transfer stations (4212, local refuse collection and transportation only).

17. Packing Services (4783).

~~17-18~~. Veterinary services (0741 & 0742, with outdoor **kenneling**).

~~18-19~~. Any other heavy commercial use which is comparable in nature with the foregoing list of permitted uses and consistent with the purpose and intent statement of the district, as determined by the board of zoning appeals pursuant to section 10.08.00.

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SUBSECTION 3.C. AMENDMENTS TO SECTION 2.03.04 INDUSTRIAL ZONING DISTRICT

Section 2.03.04 Industrial Zoning District, of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

2.03.04 Industrial Zoning District

A. Industrial District (I). 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 manufacturing, processing, storage and warehousing, wholesaling, and distribution activities, as well as commercial uses relating to automotive repair 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 GMP.



1. The following uses, as identified within the Standard Industrial Classification Manual (1987), or as otherwise provided for within this section, are permitted as a right, or as accessory or conditional uses within the industrial district (I).

- a. Permitted uses.

- * * * * *
- ~~33.~~ Miscellaneous repair services (7622—7699) with no associated retail sales.
 34. Miscellaneous services (8999).
 - ~~34-35.~~ Motor freight transportation and warehousing (4212, 4213—4225, 4226 except oil and gas storage, and petroleum and chemical bulk stations).
 - ~~35-36.~~ Outdoor storage yards pursuant to the requirements of section 4.02.12
 - ~~36-37.~~ Paper and allied products (2621—2679).
 38. Perfumes, cosmetics, and other toilet preparations (2844).
 - ~~37-39.~~ Physical fitness facilities (7994); (7911 except Discotheques, 7991, 7999 limited to baseball instruction, basketball instruction, gymnastics instruction, judo instruction, karate instruction, and yoga instruction.)
 - ~~38-40.~~ Printing, publishing and allied industries (2711—2796).
 - ~~39-41.~~ Railroad transportation (4011, 4013).
 - ~~40-42.~~ Real estate brokers and appraisers (6531).
 - ~~41-43.~~ Rubber and miscellaneous plastics products (3021, 3052, 3053).
 - ~~42-44.~~ Shooting range, indoor (7999).
 45. Soap: granulated, liquid, cake, flake, and chip (2841).
 - ~~43-46.~~ Stone, clay, glass, and concrete products (3221, 3231, 3251, 3253, 3255—3273, 3275, 3281).
 - ~~44-47.~~ Textile mill products (2211—2221, 2241—2259, 2273—2289, 2297, 2298).
 - ~~45-48.~~ Title abstract offices (6541).
 - ~~46-49.~~ Transportation equipment (3714, 3716, 3731, 3732, 3751, 3761, 3764, 3769, 3792, 3799).
 - ~~47-50.~~ Transportation by air (4512—4581).
 - ~~48-51.~~ Transportation services (4724—4783, 4789 except stockyards).
 - ~~49-52.~~ United States Postal Services (4311).
 - ~~50-53.~~ Vocational schools (8243—8249).
 - ~~51-54.~~ Welding repair (7692).
 - ~~52-55.~~ Wholesale trade—Durable goods (5012—5014, 5021—5049, 5063—5092, 5094—5099).
 - ~~53-56.~~ Wholesale trade—nondurable goods (5111-5159, 5181, 5182, 5191 except that wholesale distribution of chemicals, fertilizers, insecticides, and pesticides must be a minimum of 500 feet from a residential zoning district (5192—5199).
 - ~~54-57.~~ Existing retail uses that were in operation on January 1, 2009, in the Industrial zoning district and which have been continuously and conspicuously operating in the Industrial zoning district as of June 8, 2010, without limitation as to square footage of the retail use. These existing retail businesses shall be treated as legal non-conforming uses in accordance with the LDC, provided however that in the event of destruction or damage due to natural

disaster, the **structures** housing such uses may be rebuilt to their pre-disaster condition.

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SUBSECTION 3.D. AMENDMENTS TO SECTION 2.03.07 OVERLAY ZONING DISTRICTS

Section 2.03.07 Overlay Zoning Districts, of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

2.03.07 Overlay Zoning Districts

* * * * *

D. Special Treatment Overlay (ST).

* * * * *

4. Transfer of **Development Rights (TDR)**.

* * * * *

f. Procedures applicable to the severance and **redemption** of **TDR credits** and the generation of **TDR Bonus credits** from **RFMU sending lands**.

* * * * *

ii. In order to facilitate the County's monitoring and regulation of the **TDR Program**, the County shall serve as the central registry for all **TDR severances**, transfers (sales) and **redemptions**, as well as maintain a public listing of **TDR credits** available for sale along with a listing of purchasers seeking **TDR credits**. No **TDR credit** generated from **RFMU sending lands** may be utilized to increase **density** in any area unless the following procedures are complied with in full.

* * * * *

b) **TDR Bonus credits** shall not be used to increase **density** in either non-RF MU receiving areas or **RFMU receiving lands** until a **TDR credit** certificate reflecting the **TDR Bonus credits** is obtained from the County and recorded.

1) **Early Entry Bonus credits**. All **TDR credit** certificates issued by the County for the period from the effective date of this provision until March 27, 20125, unless further extended by resolution by the Board of County Commissioners, shall include one **Early Entry Bonus credit** or fractional **Early Entry Bonus credit** for each **TDR credit** or fractional **TDR credit** reflected on the **TDR credit** certificate. Where **TDR credits** were severed from March 5, 2004, until the effective date of this provision, the County shall, upon receipt of a copy of the **TDR credit** certificate reflecting those previously severed **TDR credits**, issue a **TDR credit**

certificate entitling Early Entry **Bonus credits** equal in number to the previously severed **TDR credits**.

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SUBSECTION 3.E. AMENDMENTS TO SECTION 3.05.02 EXEMPTIONS FROM REQUIREMENTS FOR VEGETATION PROTECTION AND PRESERVATION

Section 3.05.02 Exemptions from Requirements for Vegetation Protection and Preservation, of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

3.05.02 Exemptions from Requirements for Vegetation Protection and Preservation

* * * * *

D. Pre-existing uses. The requirements of LDC subsection 3.05.07 C- shall not apply to, affect or limit the continuation of uses within the RFMUD which existed prior to June 19, 2002. No changes in location of preserves shall be required for projects identified by this exemption.

1. Such existing uses shall include: those uses for which all required permits were issued prior to June 19, 2002; or projects for which a **conditional use** ~~or Rezone petition~~ has been approved by the County prior to June 19, 2002; or, projects for which a Rezone petition has been approved by the County prior to June 19, 2002 – inclusive of all lands not zoned Rural Agricultural (A); or, land use petitions for which a completed application has been submitted and which have been determined to be vested from the requirements of the Final Order prior to June 19, 2002. The continuation of existing uses shall include on-site expansions of those uses if such expansions are consistent with or clearly ancillary to the existing uses.

* * * * *

G. A vegetation removal permit is not required for the following situations:

* * * * *

4. Removal of protected vegetation prior to building permit issuance, if the conditions set forth in LDC section 4.06.04 A are met.
5. Hand removal of **prohibited exotic and non-native vegetation**. Mechanical clearing ~~See LDC section 3.05.05 for mechanical removal of prohibited exotic and non-native vegetation shall require a vegetation removal permit. Mechanical clearing is defined as clearing that would impact or disturb the soil or sub-soil layers or disturb the root systems of plants below the ground.~~



6. After a **right-of-way** for an electrical transmission line or public utility distribution line has been established and constructed, a local government may not require any clearing permits for vegetation removal, maintenance, tree pruning or trimming within the established and constructed **right-of-way**. Trimming and pruning shall be in accordance with LDC section 4.06.05 subsection 4.06.05 J.1 of the Code. All needed environmental permits must be obtained from the appropriate agencies and management plans must comply with agency regulations and guidelines. These may include but are not limited to permits for **wetland** impacts and management plans for listed species protection.
7. After a publicly owned road **right-of-way** has been legally secured, a local government may not require any clearing permits for vegetation removal, maintenance, tree pruning or trimming within the established road **right-of-way**. Trimming and pruning shall be in accordance with LDC section 4.06.05 subsection 4.06.05 J.1 of the Code. All needed environmental permits or management plans have been obtained from the appropriate local, state and federal agencies. These permits may include but are not limited to permits for wetland impacts or for listed species protection.
8. Vegetation removal for environmental restoration projects on publically owned land designated as parks, preserves, forests or mitigation areas. State and Federal agency permits or approvals shall be required, where applicable, prior to clearing.
9. Vegetation removal to implement Preserve Management Plans and firewise safety wildfire mitigation plans that specify land management practices for clearing for fuel management or fire lines in accordance with normal forestry practices and which have been approved as part of a Preserve Management Plan pursuant to LDC section 3.05.07 H. State and Federal agency permits or approvals shall be required, where applicable, prior to clearing.
10. Creation of fire breaks installed by the Florida Forest Service or reviewed and approved by the Florida Forest Service as part of a wildfire mitigation plan.
11. Removal of dead, dying or leaning trees within preserves which pose a safety concern, unless such trees contain a nest or cavity of a listed animal species or bald eagle. Where such preserves have monitoring plan requirements pursuant to LDC section 3.05.07.H.1.g, the annual inspection monitoring report for the preserve shall document with photographs the trees to be removed for safety concerns.

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SUBSECTION 3.F. AMENDMENTS TO SECTION 3.05.05 CRITERIA FOR REMOVAL OF PROTECTED VEGETATION

Section 3.05.05 Criteria for Removal of Protected Vegetation, of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

3.05.05 Criteria for Removal of Protected Vegetation

Native vegetation shall be retained within proposed **developments** where existing vegetation would be expected to survive in **open space** areas or **buffers**, where site improvements or changes in elevation are not proposed or required. A permit for the removal or replacement of plants installed as LDC required landscaping shall be issued in accordance with LDC section 4.06.05. A vegetation removal permit may be issued under the following conditions:

- A. Protected vegetation is a safety hazard to pedestrian or vehicular traffic, public services, utilities, or to an existing **structure**.
- B. Diseased or otherwise unhealthy vegetation, as determined by standard horticultural practices, and, if required, a site inspection by the County Manager or designee.
- C. A **final local development order** has been issued which allows removal of the protected vegetation.
- D. Compliance with other codes and/or ordinances may involve protected vegetation removal.
- E. ~~Replacement of non-native vegetation shall be with native vegetation and shall be subject to the approval of the County Manager or designee. Replacement vegetation shall comply with the standards of section 4.06.05 and shall include the following minimum sizes: one gallon ground cover; seven (7) gallon shrubs; fourteen (14) foot high trees with seven foot crown spread and dbh (diameter at breast height) of three inches. Replacement native vegetation shall be planted within fourteen (14) calendar days of removal.~~ Mechanical removal of prohibited exotic and non-native vegetation. Mechanical removal is defined as clearing that would impact or disturb the soil or sub-soil layers or root systems of plants below the ground.
- F. On a **parcel** of land zoned RSF, VR, E, or other nonagricultural, noncommercial zoning district in which single-family **lots** have been subdivided for single-family use only, a vegetation removal permit may be issued for any permitted **accessory use** to that zoning.
- G. Removal of vegetation for approved mitigation bank sites (as defined by the Florida Administrative Code); and state, federal or county approved or endorsed environmental preservation, enhancement, or restoration projects, ~~shall be permitted~~. Vegetation removal permits issued under these criteria are valid for the period of time authorized by such agency permits.
- H. Vegetation relocation plan. If vegetation relocation is proposed by the **applicant** prior to site **development plan**, construction plan or other final approvals, a vegetation relocation permit (vegetation removal permit) may be issued by the County Manager or designee provided that it can be demonstrated that early transplantation will enhance the survival of the relocated vegetation. The vegetation relocation plan shall document methods of relocation, timing of relocation, watering provisions, maintenance and other information as required by the County Manager or designee.

- ~~I.~~ ~~Landscape plant removal or replacement. The removal or replacement of approved landscaping shall be done in accordance with the regulations that guide the landscape plans reviews and approvals in section 4.06.00. A vegetation removal permit will not be issued for the removal or replacement of landscape plants. That approval must be obtained through an amendment process to the landscape plan or as otherwise authorized by permit by the Collier County Landscape Architect.~~
- I.J. Removal of vegetation for firebreaks to implement wildfire mitigation plans reviewed and approved by the State of Florida, Division of Forestry Florida Forest Service, shall be permitted. The width of the approved clearing shall be limited to the minimum width determined necessary by the Division of Forestry. Exemptions for fire breaks are as provided for in LDC section 3.05.02 G.
- J.K. A State or Federal permit issuance depends on data that cannot be obtained without preliminary removal of some **protected vegetation**. The clearing shall be minimized and shall not allow any greater impacts to the **native vegetation** on site than is absolutely necessary. Clearing shall be limited to areas that are outside any on-site preserves, as identified on the PUD master plan, Plat/Construction Plans or Site **Development Plan**.
- K.L. In conjunction with a Collier County approved Preserve Management Plan, **native vegetation** clearing may be approved only when it is to improve the native habitat or to improve listed species habitat.
- L.M. Conservation Collier projects which may need minimal clearing for parking, **pathways** for walking, or **structures** that may not require site plan approvals.
- M.N. Early clearing as part of a final review of an SDP, SIP or PPL, in accordance with LDC Sections 4.06.04 and 10.01.02. The following criteria shall apply.
1. Final configuration of preserves is complete.
 2. ~~Conservation easements are complete and have been recorded in the public records.~~ Preserves shall be field surveyed and described by sketch and legal description or shown on a specific purpose survey with geometry for the preserve provided. Vegetation shall be protected in accordance with LDC section 3.05.04.
 3. The site clearing/preservation plan for the SDP, SIP or PPL is approved.
 4. All applicable Federal, State, and local permits have been submitted prior to commencement and before or at the pre-construction meeting.
- N.O. Removal of living or dead standing vegetation with a bald eagle nest. Permits, if required, shall be provided from the Florida Fish and Wildlife Conservation Commission and U.S. Fish and Wildlife Service authorizing the removal of the nest, in accordance with state and federal permit requirements, prior to issuance of a County permit. Removal of vegetation containing an active, inactive or abandoned nest may be allowed when:
1. The vegetation is located on a single-family lot, and is located in such a manner that either:
 - a. The principal **structure** cannot be constructed, or

- b. **access** to the property is impeded.
- 2. The **protected vegetation** poses an imminent threat to human safety or an **adjacent** principal or **accessory building**.
- 3. The vegetation is located outside of a preserve or an area used to fulfill the **native vegetation** preservation requirements of ~~this Code~~ the LDC.

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SUBSECTION 3.G. AMENDMENTS TO SECTION 3.05.07 PRESERVATION STANDARDS

Section 3.05.07 Preservation Standards, of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

3.05.07 Preservation Standards

All **development** not specifically exempted by this ordinance shall incorporate, at a minimum, the preservation standards contained within this section.

- A. General standards and criteria. The following criteria shall be used to administer the preservation standards in all unincorporated areas of the County:

* * * * *

- 3. Areas that fulfill the **native vegetation** retention standards and criteria for native vegetative communities of this section shall be set aside as preserve areas, subject to the requirements of LDC section 3.05.07 H. State and Federal parks, preserves, and forests are subject to compliance with the minimum **native vegetation** retention requirements of this section; however, such lands are not required to be designated as preserves and are exempt from the requirements of LDC section 3.05.07 H.

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- B. Specific standards applicable outside the **RFMU** and **RLSA** districts. Outside the **RFMU** and **RLSA** Districts, **native vegetation** shall be preserved on site, except for **single family** residences, through the application of the following preservation and vegetation retention standards and criteria. The single family exception is not to be used as an exception from any calculations regarding total preserve area for a **development** containing **single family lots**. For properties not previously within the Coastal High Hazard Area but now within the Coastal High Hazard Area due to adoption of a revised Coastal High Hazard Area boundary in 2013, the **native vegetation** preservation and retention standards of the Non-Coastal High Hazard Area shall continue to apply. (Reference the Coastal High Hazard Area Comparison Map in the Future Land Use Element of the Collier County Growth Management Plan.)



1. Required preservation.

Development Type	Coastal High Hazard Area		Non-Coastal High Hazard Area	
	Less than 2.5 acres	10%	Less than 5 acres	10%
Residential and Mixed Use development	Equal to or greater than 2.5 acres	25%	Equal to or greater than 5 acres and less than 20 acres	15%
			Equal to or greater than 20 acres	25%
	Golf Course		35%	
Commercial and Industrial development and all other non-specified development types	Less than 5 acres	10%	Less than 5 acres	10%
	Equal to or greater than 5 acres	15%	Equal to or greater than 5 acres	15%
Industrial development (Rural-Industrial District only)	50%, not to exceed 25% of the project site		50%, not to exceed 25% of the project site.	

2. Exceptions. An exception from the vegetation retention standards above shall be granted in the following circumstances:

- a. Where the **parcel** was legally cleared of **native vegetation** prior to January 1989 and remains cleared of **native vegetation**;
- b. Where the **parcel** cannot reasonably accommodate both the application of the **native vegetation** retention standards and the proposed uses allowed under this Code, subject to the criteria set forth in LDC section 3.05.07 H.1.e.
- c. **Right-of-way** acquisitions by any governmental entity for all purposes necessary for roadway construction, including ancillary drainage facilities, and including utilities within the **right-of-way** acquisition area.
- d. Existing utility **easements** and **easements** for ingress or egress required for neighboring properties.
- e. Previously cleared **parcels** for support of public infrastructure, and which remain cleared of **native vegetation**.
- f. Trees and other vegetation planted for landscaping and which have not been used to satisfy the **native vegetation** preservation requirement.
- g. Previously cleared fallow farm fields and pastures, with no canopy trees (other than slash pine trees with less than an 8 inch **DBH** or palms with less than 8 foot of clear trunk) and less than 75 percent aerial coverage of native vegetation. Marshes and similar type environments (640 FLUCFCS Codes) shall not be included in this exception.
- h. Industrial zoned **parcels**, pursuant to the table in LDC section 3.05.07 B.1 (above), which have a **native vegetation** retention requirement of 2 acres or less shall be exempt from this requirement. This exemption shall not apply to the overall **native vegetation** retention requirement for a PUD or **subdivision** used to create these **parcels**, unless the overall **native**

vegetation retention requirement for the PUD or subdivision is 2 acres or less.

C. Specific standards for the **RFMU district**. For Lands within the **RFMU district**, **native vegetation** shall be preserved through the application of the following preservation and vegetation retention standards and criteria, in addition to the generally applicable standards and criteria set forth in LDC section 3.05.07 A. ~~above:~~ (above). Further, for the portion of the Lake Trafford/Camp Keais Strand System located within the Immokalee Urban Designated Area, **native vegetation** shall be preserved on site through the application of the **Neutral Lands** standards established in LDC section 3.05.07 C.2 (below).

1. **RFMU receiving lands** outside the NBMO.

- a. A minimum of 40% of the **native vegetation** present, not to exceed 25% of the total site area shall be preserved.
 - i. Off-site preservation shall be allowed at a ratio of 1:1 if such off-site preservation is located within **RFMU sending lands**.
 - ii. Off-site preservation shall be allowed at a ratio of 1.5:1 if such off-site preservation is located outside of Sending Lands.
 - iii. Like for like preservation shall be required for Tropical Hardwood and Oak Hammock vegetative communities.
- b. Where schools and other public facilities are co-located on a site, the **native vegetation** retention requirement shall be 30% of the **native vegetation** present, not to exceed 25% of the site.

2. **Neutral lands.**

- a. In **neutral lands**, a minimum of 60% of the **native vegetation** present, not to exceed 45% of the total site area shall be preserved.
- b. Exceptions.
 - i. In those **neutral lands** located in Section 24, Township 49 South, Range 26 East, in the NBMO, **native vegetation** shall be preserved as set forth in LDC section 2.03.08 D.5.b.
 - ii. Where schools and other public facilities are co-located on a site, the **native vegetation** retention requirement shall be 30% of the **native vegetation** present, not to exceed 25% of the site.

3. **RFMU sending lands.**

- a. In **RFMU sending lands** that are not within a NRPA, 80% of the **native vegetation** present on site shall be preserved, or as otherwise permitted under the Density Blending provisions of LDC section 2.05.02. Off-site preservation shall be allowed in satisfaction of up to 25% of the site

preservation or vegetative retention requirement, at a ratio of 3:1, if such off-site preservation is located within or contiguous to Sending Lands.

- b. In **RFMU sending lands** that are within a NRPA, 90% of the **native vegetation** present shall be preserved or such other amount as may be permitted under the Density Blending provisions of LDC section 2.05.02. Off-site preservation shall not be credited toward satisfaction of any of the vegetative retention requirement applicable in such NRPAs.

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H. Preserve standards.

- 1. Design standards.

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f. Off-site vegetation retention.

- i. Applicability. A property owner may request that all or a portion of the Collier County on-site **native vegetation** preservation retention requirement be satisfied offsite for only the following situations and subject to restrictions listed below.

- a) Properties zoned commercial ~~or industrial~~ where the on-site preserve requirement is less than 2 acres in size.

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SUBSECTION 3.H. AMENDMENTS TO SECTION 4.01.02 KITCHENS IN DWELLING UNITS

Section 4.01.02 Kitchens in Dwelling Units, of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

4.01.02 Kitchens in Dwelling Units and Guesthouses

A. A room or area, shall be considered a **kitchen** when designated as such or when there is an apparent food preparation area having one or more of the following criteria:

- 1. A range; or
- 2. A sink and countertop which is not identified for a use other than food preparation; or
- 3. An unexplained 220-volt electrical outlet that could be used for a major **kitchen** appliance, such as a range.

B. A **dwelling unit** containing less than 2,500 square feet of living area shall be limited to one **primary kitchen**. A **dwelling unit** containing 2,500 square feet of living area, or greater, may have a **secondary kitchen** provided all rooms are internally accessible and the **secondary kitchen** is only accessible through the main **dwelling unit**.

C. Nothing in this section shall prohibit a **dwelling unit** from having a **wet bar**.



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SUBSECTION 3.I. AMENDMENTS TO SECTION 4.02.01 DIMENSIONAL STANDARDS FOR PRINCIPAL USES IN BASE ZONING DISTRICTS

Section 4.02.01 Dimensional Standards for Principal Uses in Base Zoning Districts, of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

4.02.01 Dimensional Standards for Principal Uses in Base Zoning Districts

A. The following tables describe the dimensional standards pertaining to base zoning districts. Site design requirements apply to the principal building on each site.

* * * * *

Table 2. Building Dimension Standards for Principal Uses in Base Zoning Districts.

Zoning District	Maximum Building Height (feet)	Minimum Distance Between Buildings	Minimum Floor Area of Buildings (square feet)		Floor Area Ratio (%)
GC	35	None	None		None
A	35	None	550		None
E	30	None	1,000		None
RSF-1	35	None	1-story 1,500	2-story 1,800	None
RSF-2	35	None	1,500	1,800	None
RSF-3	35	None	1,000	1,200	None
RSF-4	35	None	800	1,200	
RSF-5	35	None	600	1,200	None
RSF-6	35	None	600	800	None
RMF-6	35	A	750		None
RMF-12	50	A	Efficiency 450 1 BR 600 2+ BR 750		None
RMF-16	75	A	Efficiency 450 1 BR 600 2+ BR 750		None
RT	10 stories, not to exceed 100'	A	300 (max. for hotel units = 500')		None
VR	S.F. 30 MH 30 Duplex 30 M.F. 35	None None None B	None		None
MH	30	None	None		None
TTRVC	30	10	None		None
C-1	35	None	1,000 (ground floor)		None
C-2	35	A	1,000 (ground floor)		None



C-3	50	None	700 (ground floor)	None
C-4	75	A	700 (ground floor)	Hotels .60 Destination resort .80
C-5	35	A	700 (ground floor)	Hotels .60 Destination resort .80
I	50	A	1,000	None
BP	35	A	1,000	None
CON	35	None	None	None
P	C	None	None	None
CF	Towers/antennas 40 Other 30	D	1,000 (ground floor)	None
Overlay Districts	See table of special design requirements applicable to overlay districts.			

A = 50% of the sum of the heights of the **buildings**, but not less than 15 feet.

B = 50% of the sum of the heights of the **buildings**.

C = **Buildings** within 100 feet of an adjoining district are limited to the height of the most restrictive of an adjoining district.

D = 50% of the sum of the heights of the **buildings**, but not less than 25 feet.

1. Principal Structure Minimum Yard (Setback) Requirements: Table 2.1, below, provides the minimum yard requirements for principal structures on conforming lots of record in base zoning districts. The following shall apply for all other lots:
 - a. Corner Lots: Corner lots shall have front yards along each street frontage. The other yards shall be considered side yards. See LDC section 2.03.01 for Estates setbacks.
 - b. Nonconforming Lots of Record: Minimum yard requirements for nonconforming lots of record are provided in LDC section 9.03.03 A.

Table 2.1 - TABLE OF MINIMUM YARD REQUIREMENTS (SETBACKS) FOR BASE ZONING DISTRICTS

Note as to **setback line** measurement: minimum **setback lines** are typically measured from the legal boundary of a **lot**, regardless of all **easements** burdening a **lot**, with the exception of **easements** that comprise a road **right-of-way** where the minimum **setback line** is to be measured from the road **right-of-way easement** line.

Zoning district	Minimum Front Yard (feet)	Minimum Side Yard (feet)		Minimum Rear Yard (feet)	Public School Requirements
GC	None	None		None	
A	50	30		50	x
E	75	30		75	x
RSF-1	50	30		50	x
RSF-2	40	20		30	x
RSF-3	30	Waterfront 10	Non-waterfront 7.5	25	x
RSF-4	25	10	7.5	25	x
RSF-5	25	10	7.5	20	x

RSF-6	25	10	7.5	20		x
RMF-6	S.F. 25 Duplex 25 3 + units 30	NA 10 NA 10 NA 15	7.5 10 15	20 20 20		x
RMF-12	30	A		30		x
RMF-16	b	A		b		x
RT	b	A		b		x
VR	SF./MH 20 Duplex 35 M.F. 35	Waterfront 10 15 15	Non-waterfront 5 15 15	20 30 30		x
MH ¹	25	Waterfront 10	Non-waterfront 7.5	10		X
TTRVC ²	10	Waterfront 10	Non-waterfront 5	Waterfront 10	Non-waterfront 8	-
C-1	25	Residential 25	Non-residential 15	Residential 25	Non-residential 15	x
C-2	25	25	15	25	15	x
C-3 ³	c	25	a	25	a	x
C-4 ⁴	d	25	a	25	a	x
C-5 ⁴	25	25	15	25	15	x
I ⁴	25	50	e	50	15	x
BP	50	50	10	50	25	-
CON ⁵	50	50	50	50	50	-
P	f	f	f	f	f	x
CF	25	Residential 25	Non-residential 15	Residential 25	Non-residential 15	x
Overlay Districts	See table of special design requirements for the applicable overlay district located in the appropriate section for that district in Chapter 4.					

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D. Exemptions and exclusions from design standards.

1. The height limitations contained in Chapter-2 LDC subsection 4.02.01 A. Table 2. Building Dimension Standards for Principal Uses in Base Zoning Districts do not apply to infrastructure in support of the **building**, such as mechanical penthouses, elevator shafts, stair shafts, mechanical equipment, mechanical screening, 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 placed above the roof level and not intended for human occupancy or for commercial purposes as provided below:

* * * * *



SUBSECTION 3.J. 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.

Table 3. Dimensional Standards for Accessory Buildings and Structures on Non-Waterfront Lots And Non-Golf Course Lots in Zoning Districts other than Rural Agricultural (A) and Estates (E).**

		Front	Rear	Side	Structure to Structure (If Detached)
1.	Parking garage or carport, single-family	SPS	10 feet	SPS	10 feet
2.	One-story parking structures and/or carports	SPS	35 feet	SPS	10 feet
3.	Multistory parking structures	SPS	35 feet	SPS	1/1*
4.	Swimming pool and/or screen enclosure (one- and two-family)	SPS	10 feet	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	20 feet	15 feet	20 feet
8.	Utility buildings	SPS	10 feet	SPS	10 feet
9.	Chickee, barbecue areas	SPS	10 feet	SPS	10 feet
10.	Attached screen porch	SPS	10 feet	SPS	N/A
11.	Unlisted accessory	SPS	SPS	SPS	10 feet
12.	Satellite dish antenna	NP	15 feet	SPS	10 feet
13.	Permanent emergency generators	NP	10 feet	See Sec. 4.02.01 D.13	N/A

- N = None.
- N/A = Not applicable.
- NP = **structure** allowed in rear of **building** only.
- SPS = Calculated same as **principal structure**.
- * = 1 foot of **accessory** height = 1 foot **building** separation.
- ** = All accessory structures in Rural Agricultural and Estates zoning districts must meet **principal structure setbacks**.

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

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.

* * * * *

SUBSECTION 3.K. AMENDMENTS TO SECTION 4.02.16 DESIGN STANDARDS FOR DEVELOPMENT IN THE BAYSHORE GATEWAY TRIANGLE REDEVELOPMENT AREA

Section 4.02.16 Design Standards for Development in the Bayshore Gateway Triangle Redevelopment Area, of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

4.02.16 Design Standards for Development in the Bayshore Gateway Triangle Redevelopment Area

* * * * *

D. Building Types and Architectural Standards



1. Purpose and Intent. The purpose of this section is to supplement the provisions of LDC section 5.05.08 ~~of the LDC~~ by identifying and providing design standards for the **building** types allowed within the Bayshore Gateway Triangle Redevelopment Area. The standards are intended to attach the same importance to the overall **building** design as is placed on the use contained therein, and to ensure that proposed **development** is consistent with the CRA's goals for **building** form, character and quality. **Buildings** within the BMUD and GTMUD are expected to be added as long-term additions to the architectural vibrancy of the community.
2. Applicability. Each proposed **building** shall be designed in compliance with the standards of this section for the applicable **building** type, regardless of the underlying zoning district provisions. The uses permitted within the **building** are determined by the underlying zoning district or overlay subdistrict in which it is located. All **buildings** shall meet the design requirements set forth in LDC section 5.05.08 unless otherwise specified in this section.
3. General Architectural Standards.

* * * * *

- e. Exterior **building** color within the Cultural District. **Buildings** with a mixed use or non-residential use and within the Cultural District boundary, as identified in the Community Redevelopment Agency Resolution 2008-60 as amended, shall meet the following exterior **building** color standards:
 - i. The use of color materials or finish paint above level 10 saturation (chroma) or below lightness level 3 on the Collier County Architectural Color Charts is limited to no more than 10 percent of a **façade** or the total roof area.
 - ii. Natural and manmade materials which exceed the saturation or lightness level requirements of Collier County Architectural Color Charts, such as marble, granite, stone, slate, brick, block, tile, and galvanized metal are permissible.
- f. Deviations from exterior **building** color. Applicants within the Bayshore Gateway Triangle Community Redevelopment District boundaries may request a deviation from the exterior **building** color requirements of LDC section 5.05.08 C. A deviation request shall be subject to the procedures established in 5.05.08 F and shall be subject to the following criteria:
 - i. The deviation request is consistent with LDC section 5.06.00, regarding sign regulations and standards.
 - ii. The deviation request consists of no more than 3 colors.
 - iii. The deviation request may not be for a color which is below lightness level 3 on the Collier County Architectural Color Charts.



* * * * *

8. **Building Type: COMMERCIAL**

* * * * *

g. **Massing and Scale:** Commercial buildings shall relate in mass and scale to the adjacent built environment and shall avoid single, large, dominant building mass.

i. Commercial buildings shall include façade variations so that the maximum length, or uninterrupted curve, of any façade does not exceed 100 linear feet. Façade variations shall be provided through projections and recesses with a minimum depth of 4 feet.

ii. Roofline offsets shall be provided to lend architectural interest and variety to the massing of a building and to relieve the effect of a single, long roof. The maximum length of an uninterrupted flat roof is 100 linear feet.

~~h.~~ **Materials and Colors:**

~~i.~~ Commercial **buildings** shall be of wood clapboard, stucco finish, cement fiber board products, brick or stone.

~~ii.~~ Pitched roofs shall be metal seam (5v crimp, standing seam or similar design), slate, copper, or wood shingles.

~~iii.~~ Exterior building color: Applicants may request a deviation from the exterior building color requirements of section 5.05.08 C.13.b if 50 percent or more of the façade consists of glazing in the form of transparent windows or doors. These deviation requests shall be subject to the procedures established in section 5.05.08 F. following the review and approval by the CRA Advisory Board to ensure consistency with CRA goals and objectives and community character.

h. i. **Awning:**

i. For **awnings** spanning less than 25 percent of a **façade**, an **applicant** may request a deviation from the color restriction identified in section 5.05.08 C.11.c.iv. These deviation requests shall be subject to the procedures established in section 5.05.08 F. following the review and approval by the CRA Advisory Board to ensure consistency with CRA goals and objectives and community character.

* * * * *



SUBSECTION 3.L. AMENDMENTS TO SECTION 4.06.02 BUFFER REQUIREMENTS

Section 4.06.02 Buffer Requirements, of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

4.06.02 Buffer Requirements

* * * * *

C. Table of **buffer yards**.

Types of **buffers**. Within a required **buffer** strip, the following alternative shall be used based on the matrix in table 2.4.

1. *Alternative A:* Ten-foot-wide **landscape buffer** with trees spaced no more than 30 feet on center. When an Alternative A **buffer** is located within a residential PUD and **adjacent** to a lake, the required trees may be clustered on common property lines to provide a view of the lake. Clustered tree plantings shall not exceed 60 feet between clusters.

2. *Alternative B:* Fifteen-foot-wide, 80 percent opaque within one year **landscape buffer** six feet in height, which may include a wall, fence, hedge, **berm** or combination thereof, including trees spaced no more than 25 feet on center. When planting a hedge, it shall be a minimum of ten gallon plants five feet in height, three feet in spread and spaced a maximum four feet on center at planting. When an Alternative B **buffer** is located within a residential PUD and **adjacent** to a lake, the required plant materials may be clustered to provide views. Clustered tree plantings shall not exceed 60 feet between clusters and the clustered hedge plantings can be provided as a double row of shrubs that are a minimum of 30 inches in height. When the **adjacent** lake exceeds 1500 feet in width the hedge planting shall not be required. When a community facility is located within a residential PUD and abuts a residential unit, a Type B **buffer** shall be required. When a fence or wall is used within the **buffer** a minimum of 50 percent of the trees and hedge plantings shall be located on the residential side of the fence or wall.

* * * * *



Table 2.4 Table of **Buffer** Requirements by Land Use Classifications

Subject Property's District/Use	Adjacent Properties Zoning District and/or Property Use													
	1	2	3	4	5	6	7	8	9	10	11	12	13	14
1. Agriculture (A ¹)	-	B	B	B	B	B	A	A	A	A	D	A	-	A
2. Residential (E, RSF) single-family	A	A	B	B	B	B	B	C	B	*	D	B	-	C
3. Residential (RMF-6, RMF-12, RMF-16) multifamily	A	B	A	A	A	B	B	B	B	*	D	B	-	C
4. Residential tourist (RT)	A	B	A	A	B	B	A	B	B	*	D	B	-	B
5. Village residential (VR)	A	A	B	B	A	B	B	B	B	*	D	B	-	B
6. Mobile home (MH)	A	B	B	B	B	A	B	B	B	*	D	B	B	B
7. Commercial ³⁻³ (C-1, C-1/T , C-2, C-3, C-4, C-5); Business Park (BP)	A	B	B	B	B	B	A	A	A	*	D	B	B	B
8. Industrial ² (I)	A	C	B	B	B	B	A	A ²	A	*	D	B	B	B
9. Public use (P), community facility (CF), Golf Course Clubhouse, Amenity Center	A	B	B	B	B	B	A	A	A	*	D	B	-	C
10. Planned unit development (PUD)	*	*	*	*	*	*	*	*	*	*	D	*	*	*
11. Vehicular rights-of-way	D	D	D	D	D	D	D	D	D	D	-	B	-	D
12. Golf course maintenance building	B	B	B	B	B	B	B	B	B	B	B	A	B	C
13. Golf course	-	-	-	-	-	-	-	-	-	-	-	B	-	C
14. Automobile service station ⁴	A	C	C	B	B	B	B	B	C	*	D	C	C	D

Table 2.4 information: The letter listed under "Adjacent Properties Zoning District and/or Property Use" shall be the landscape buffer and screening alternative required. Where a conflict exists between the buffer required by zoning district or property use, the more stringent buffer shall be 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 property use with the most similar types, densities and intensities of use. 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, where abutting industrial (I) zoned property, shall be required to install a minimum 5-foot-wide type A **landscape buffer** adjacent to the side and rear property lines. The buffer area shall not be used for water management. In addition, trees may be reduced to 50 feet on center along rear and side perimeter **buffers** only. This reduction in **buffer** width shall not apply to **buffers adjacent** to vehicular **rights-of-way** or nonindustrial zoned property. **Abutting** industrial zoned properties may remove a side or rear **buffer** along the shared property line in accordance with Section 4.06.02 C.7. This exception to **buffers** shall not apply to **buffers abutting** to vehicular **rights-of-way**.

³ **Buffer** areas between commercial **outparcels** located within a **shopping center**, Business Park, or similar commercial **development** may have a shared **buffer** 15 feet wide with each **abutting** property contributing 7.5 feet. The **outparcels** may remove a side or rear **buffer** along the shared property line between comparable uses within the same zoning designation in accordance with Section 4.06.02 C.7. These provisions shall not apply to **right-of-way buffers**.

~~e. The letter listed under "Adjacent Properties Zoning District and/or Property Use" shall be the landscape buffer and screening alternative required. Where a conflict exists between the buffer required by zoning district or property use, the more stringent buffer shall be 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 property use with the most similar types, densities and intensities of use. 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.~~

⁴f. Refer to section 5.05.05 for automobile service station landscape requirements.

* * * * *

SUBSECTION 3.M. AMENDMENTS TO SECTION 5.03.02 FENCES AND WALLS, EXCLUDING SOUND WALLS

Section 5.03.02 Fences and Walls, Excluding Sound Walls, of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

5.03.02 Fences and Walls, Excluding Sound Walls

* * * * *

C. Residential (RSF, RMF, RT, VR, MH) and TTRVC zoning districts and designated residential components of PUDs shall be subject to the following maximum fence and wall heights:

- a-1. If located within the Rrequired front yard:
 - i-a. **Lots** greater than 1 acre: 6 feet.
 - ii-b. Non-waterfront **interior lots** 1 acre or less: 4 feet.
 - iii-c. Waterfront **lots** 1 acre or less: 4 feet.
 - iv-d. **Corner lots** 1 acre or less: fences closer than 10 feet to the longest **lot line frontage** of a **corner lot**, 4 feet; when placed at 10 feet or greater from the longest **lot line frontage**, ~~than~~ then 6 feet.

- b-2. If located within the Rrequired side and/or rear **yard(s)**.
 - i-a. **Lots** greater than 1 acre: 6 feet.
 - ii-b. Non-waterfront **interior lots** 1 acre or less: 6 feet.
 - iii-c. Waterfront **lots** 1 acre or less: 6 feet side **yard(s)**; 4 feet in rear **yards**.
 - iv-d. **Public Utility Ancillary Systems**: 8 feet.



v.e. **Corner lots** 1 acre or less: 46 feet (there is no rear **yard** on a **corner lot**).

* * * * *

H. Wall requirement between residential and nonresidential development. Whenever a nonresidential development lies contiguous to or opposite a residentially zoned district, a masonry wall, concrete or pre-fabricated concrete wall and/or fence shall be constructed on the nonresidential property consistent with the following standards.

* * * * *

- 4. Deviation from wall requirement.
 - a. At the **applicant's** request, the County Manager or designee may determine that a masonry wall and/or fence is not warranted, particularly where the local **street** lies contiguous to the rear of a residence or some other physical separation exists between the residential development and the nonresidential development, or for other good cause including the existence of a wall on an **adjacent** residential development. The **applicant** shall demonstrate that the intent of this section can be effectively accomplished, without constructing a wall, by providing submitting for approval of an alternative design and a descriptive narrative through an Administrative Fence Waiver application, as set forth in the Administrative Code through the administrative variance process set forth in subsection 5.03.02 B.2.b. of this Code. The County Manager or designee shall review the submitted documents for consistency with the intent of this section and, if the administrative variance is approved, the approval and its basis shall be noted on the site development plan and the administrative variance approval letter.

* * * * *

SUBSECTION 3.N. AMENDMENTS TO SECTION 5.03.03 GUESTHOUSES

Section 5.03.03 Guesthouses, of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

5.03.03 Guesthouses

Where a **guesthouse** is an allowable use, it shall be permitted only in compliance with the following standards. See LDC section 1.08.00 **Guesthouse** for additional information.

- A. No guest accommodation facility in a single-family residential district, whether a freestanding guest house or guest accommodations which are structurally integrated with the main **dwelling**, may be utilized for commercial purposes.

* * * * *



SUBSECTION 3.O. AMENDMENTS TO SECTION 5.03.05 CARETAKER RESIDENCES

Section 5.03.05 Caretaker Residences, of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

5.03.05 Caretaker Residences

The County Manager or designee may authorize the construction of a caretaker's residence in the C-1~~F~~, C-2, C-3, C-4, C-5, and I zoning districts subject to the following:

* * * * *

SUBSECTION 3.P. AMENDMENTS TO SECTION 5.04.04 MODEL HOMES AND MODEL SALES CENTER

Section 5.04.04 Model Homes and Model Sales Center, of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

5.04.04 Model Homes and Model Sales Center

* * * * *

B. Model homes and model sales centers located within residential zoning districts, a residential component of a PUD, the estates (E) zoning district, or the agricultural (A) zoning district, shall be restricted to the promotion of a product or products permitted within the zoning district in which the model home or model sales center is located and further subject to the following:

1. Model homes shall only be permitted for **dwelling**s that have not been previously used as a residence.
2. A model home or model sales center is not intended to allow the full scope of real estate activities and 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.
3. Model homes may be "wet" or "dry."
 - a. Model homes permitted as "dry" models (unoccupied by a sales office and/or representative) shall be limited to a conditional certificate of occupancy allowing the use of the **structure** as a model only, provided all required infrastructure is in place to service the unit.
 - b. Model homes permitted as "wet" models (occupied by a sales office and/or representative) shall not be occupied until such time as all required infrastructure is available to service the unit and a permanent certificate of occupancy has been issued.



- c. Transportation to and from unoccupied model homes shall be provided at a sales center, which also provides required parking and handicapped accommodations in accordance with LDC section 5.04.04 ~~(C)~~.
 - d. Model homes occupied by a sales office and/or representative must have all required landscaping, parking, and handicapped **access** on site.
 - e. A temporary use permit for a model home (occupied or unoccupied) shall be issued initially for a period of ~~three (3)~~ years. Extensions in excess of this period shall require submittal and approval of a **conditional use** petition in accordance with LDC section 10.08.00 ~~Chapter 10 of this Code~~.
4. Model sales centers may be located in either a temporary **structure**, usually a **mobile home**, or a permanent **structure** which is either a residential **dwelling unit** or a non-residential **structure**. Temporary use permits shall be issued as follows:
- a. A temporary use permit for a sales center in a temporary **structure** shall be issued initially for a period of ~~three (3)~~ years and may be renewed annually based upon demonstration of need.
 - b. A temporary use permit for a sales center in a permanent **structure** which is a residential **dwelling unit** shall be issued initially for a period of ~~three (3)~~ years. Extensions in excess of this period shall require submittal and approval of a **conditional use** petition in accordance with LDC section 10.08.00 ~~Chapter 10 of this Code~~.
 - c. A temporary use permit for a sales center in a permanent **structure** other than a residential **dwelling unit** shall be issued initially for a period of ~~three (3)~~ years and may be renewed annually on demonstration of need.
5. Temporary use permits for model homes or model sales centers to be located within a proposed single-family **development** prior to final plat approval may be requested by the **applicant** and require:
- a. Administrative approval of a plat and construction plans showing all required infrastructure for the **lot(s)** on which the model home or model sales center is to be located.
 - b. A site **development plan** (SDP) pursuant to LDC section 10.02.03 ~~Chapter 10~~.
 - c. A maximum of ~~five (5)~~ models, or a number corresponding to ~~ten (10)~~ percent of the total number of platted **lots**, whichever is less, per platted, approved **development** shall be permitted prior to final plat approval as specified above.
 - d. The **applicant** shall provide documentation that all required utilities will be available to the subject site, and, where required, shall depict such utilities in detail on the SDP.

- e. The **parcels** on which the models are located must **abut** a privately owned and maintained road, temporary in nature or permanently constructed to Collier County roadway standards.
 - f. The boundaries depicted on the preliminary subdivision plat shall be depicted on the SDP in order to ensure compliance with the applicable **development** standards in effect on the subject property.
 - g. Final **lot** grading and drainage conveyance shall be in conformance with the master grading plan for the project as depicted on the preliminary subdivision plat submittal documents.
6. Temporary use permits for model units or units used for sales centers in multi-family projects shall not be issued prior to plat recordation and final approval of the project site **development plan**.
 7. All other temporary use requests for model homes shall require the submission of a conceptual plan which demonstrates that provisions will be made to adequately address the requirements of LDC section 5.04.04(C).
 8. Temporary use permits for a model sales center within an existing **subdivision** shall require a site plan as follows:
 - a. In the case of a permanent structure which is a **dwelling unit**, a site improvement plan (SIP) per LDC section 10.02.0310.02.04 of this Code;
 - b. In the case of a permanent structure which is other than a **dwelling unit**, a site **development plan (SDP)**;
 - c. In the case of a temporary structure (**mobile home** or sales trailer), either a conceptual site plan (CSP) which addresses the requirements of LDC section 5.04.04(C), or a SIP, depending on the extent of the work required.
 - d. ~~A SIP, depending on the extent of the work required.~~
 9. Temporary use permits for model homes to be located within a proposed single-family **development** may be approved following administrative approval of a plat and construction drawings for all required infrastructure encompassing the **lots** on which the models are to be constructed pursuant to LDC section 4.03.00, and a CSP which addresses the requirements of LDC section 5.04.04(C) of this Code. Unoccupied (dry) model homes will be permitted only in conjunction with an approved SDP for a model sales center which provides adequate parking to support the model(s).
 10. Temporary use permits for occupied (wet) model homes following **subdivision** approval shall require a CSP which addresses the requirements of section 5.04.04(C) of the LDC~~this Code~~. Temporary use permits for unoccupied model homes following **subdivision** approval shall require a CSP and shall be issued only in conjunction with an approved SDP or SIP for a model sales center which provides adequate parking to support the model(s).

* * * * *

SUBSECTION 3.Q. AMENDMENTS 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

* * * * *

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.
 - i a. Temporary signage is subject to the restrictions set forth in LDC subsection 5.04.06 A & B.
 - ii b. A building permit may be required for the erection of temporary **structures**.

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SUBSECTION 3.R. AMENDMENTS TO SECTION 5.06.00 SIGN REGULATIONS AND STANDARDS BY LAND USE CLASSIFICATION

Section 5.06.00 Sign Regulations and Standards by Land Use Classification, of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

5.06.00 Sign Regulations and Standards by Land Use Classification

A. Definitions. The definitions of the following terms shall apply to the requirements of the Land Development Code, in particular this section 5.06.00, to be known as the "Collier County Sign Code."

* * * * *
Light Pole Banners: Fabric panels projecting from light poles.

* * * * *

SUBSECTION 3.S. AMENDMENTS TO SECTION 5.06.02 DEVELOPMENT STANDARDS FOR SIGNS WITHIN RESIDENTIAL DISTRICTS

Section 5.06.02 Development Standards for Signs within Residential Districts, of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

5.06.02 Development Standards for Signs within Residential Districts

* * * * *

B. Applicability. Signs within residential zoning districts, and in designated residential portions of PUD zoned properties shall be permitted as provided for in this section.

* * * * *

5. On-premises directional signs. This provision shall apply to all new and existing residential developments within Collier County, including all created through the PUD process. In the event of a conflict between this provision and a PUD ordinance, the PUD language shall control. Directional signs are subject to the following standards: no greater than 4 square feet in area, 4 feet in height, and located internal to the subdivision or development may be allowed under the following restrictions:

a. Each sign shall be setback a minimum of 10 feet from the edge of the roadway, paved surface or back of the curb, as applicable.

b. There is no limitation on the number of directional signs provided they are separated by a minimum distance of 250 feet or a road right-of-way.

b-c. These signs may be combined into 1 Signs shall be no greater than 4 square feet in area and 4 feet in height.



i. Exception. One on-premise directional sign with a maximum area of 24 square feet and a maximum height of 8 feet is allowed. Such combined signs requires a building permit.

d. Directional signs shall be located internal to the subdivision or development.

* * * * *

12. Community Amenities Signs.

a. Amenity sign. A community center, clubhouse, health spa, tennis club, and other recreational facilities intended primarily to serve the residential communities and/or residential components of a PUD are allowed to have amenity signs located interior to the residential development and shall not be visible from external roadways. This provision shall apply to all new and existing residential developments within Collier County, including all created through the PUD process. In the event of a conflict between this provision and a PUD ordinance, the PUD language shall control. The following amenity signs are allowed:

i. A maximum of 2 ground signs with a height of 8 feet and a sign copy area of no more than 32 square feet per sign. Signs shall be located at the main entrance to the facility. A minimum 10 foot setback from the property line or road right-of-way is required.

ii. A maximum of 1 wall sign, pursuant to 5.06.02 B.7.

b. Information sign. A community information sign shall be no larger than 6 feet in height and 16 square feet in area. An informational sign shall be located interior to the subdivision or residential development.

13. Light Pole Banner. Light pole banners shall be located interior to residential developments and/or residential components of a PUD and shall not be visible from external roadways. One light pole banner may be attached to community street light poles with a minimum clearance of 8 feet, measured from the lowest point of the light pole banner bracket. Light pole banners shall be no more than 12 square feet per banner. This provision shall apply to all new and existing residential developments within Collier County, including all created through the PUD process. In the event of a conflict between this provision and a PUD ordinance, the PUD language shall control.

a. Residential communities shall be responsible for the maintenance of all light pole banners. No permit is required to install a light pole banner.

14. Boundary Marker sign. One boundary marker sign or monument structure may be located at each property corner. The boundary marker may contain the name of the subdivision and the insignia or motto of the development. This provision shall apply to all new and existing residential developments within Collier County, including all created through the PUD process. In the event of a conflict between this provision and a PUD ordinance, the PUD language shall control.



- a. The maximum height is 8 feet to the uppermost portion of the boundary marker structure.
- b. The **sign face** area may not exceed 24 square feet in area and may not exceed the height or length of the monument or structure upon which it is located.
- c. Minimum **setback** from all property lines and road **right-of-way** is 10 feet.
- d. A maximum of two boundary markers shall be allowed on any one road frontage, provided that boundary markers are separated by a minimum distance of 250 feet.

* * * * *

SUBSECTION 3.T. AMENDMENTS TO SECTION 5.06.04 DEVELOPMENT STANDARDS FOR SIGNS IN NONRESIDENTIAL DISTRICTS

Section 5.06.04 Development Standards for Signs in Nonresidential Districts, of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

5.06.04 Development Standards for Signs in Nonresidential Districts

* * * * *

F. **On-premise signs. On-premises pole signs, ground signs, projecting signs, wall signs, and mansard signs** shall be allowed in all nonresidential zoning districts subject to the restrictions below:

* * * * *

4. Wall, mansard, canopy or **awning** signs. One wall, mansard, canopy or **awning** sign shall be permitted for each single-occupancy **parcel**, or for each unit in a multiple-occupancy **parcel**. Sign(s) shall be affixed to the associated tenant or lease holder's unit, with exceptions for architectural design impediments, as noted in LDC section 5.06.04 F.4.b. End units within **shopping centers** and multiple-occupancy **parcels**, or single occupancy **parcels** where there is double **frontage** on a public **right-of-way**, shall be allowed 2 signs, but such signs shall not be placed on one wall. Retail businesses with a floor area of larger than 25,000 square feet and a front wall length of more than 200 linear feet, are allowed 3 wall signs; however, the combined area of those signs shall not exceed the maximum allowable display area for signs by the LDC.

- a. The maximum allowable display area for signs shall not be more than 20 percent of the total square footage of the visual **façade** including windows of the **building** or unit to which the sign will be attached and shall not, in any case, exceed 150 square feet for **buildings** or units up to 24,999 square feet, 200 square feet for **buildings** or units between 25,000 and



59,999 square feet and 250 square feet for **buildings** over 60,000 square feet in area.

b. No wall sign shall exceed 80 percent of the width of the unit(s) or the **building** with a minimum of 10 percent clear area on each outer edge of the unit(s) or of the **building**. Exceptions may be granted for architectural design impediments subject to noted approval(s).

i. The clear area, however, may be reduced in width or eliminated provided approval is granted by the County Manager or designee. if it interferes with the architectural features of the unit(s) or the **building**.

ii. A sign may encroach onto an **adjacent** unit provided the following:

a) Approval is granted by the County Manager or designee; and

b) A notarized authorization letter is required at the time of building permit submittal from the property owner or property management company giving authorization for the sign installation and encroachment onto the **adjacent** tenant space.

* * * * *

SUBSECTION 3.U. AMENDMENTS TO SECTION 5.06.05 EXEMPTIONS FROM THESE REGULATIONS

Section 5.06.05 Exemptions from These Regulations, of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

5.06.05 Exemptions from These Regulations

The following **signs** and actions are exempt from the permit requirements of the LDC this Code, and shall be permitted in all districts subject to the limitations set forth below:

A. **Signs** authorized to be displayed by law or by governmental order, rule or regulation.

* * * * *

4. Religious displays that do not constitute advertising and which are consistent with the requirements of LDC section 5.06.04 F.11, regarding illumination.

* * * * *



SUBSECTION 3.V. AMENDMENTS TO SECTION 5.06.06 PROHIBITED SIGNS

Section 5.06.06 Prohibited Signs, of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

5.06.06 Prohibited Signs

A. *Prohibited.* Any sign not specifically permitted by this sign code shall be prohibited.

* * * * *

7. Clear or uncovered neon and exposed LED signs.

* * * * *

SUBSECTION 3.W. AMENDMENTS TO SECTION 5.06.09 NONCONFORMING SIGNS

Section 5.06.09 Nonconforming Signs, of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

5.06.09 Nonconforming Signs

A. A nonconforming sign shall not be enlarged or altered in a way that increases its degree of nonconformity. If any sign or portion thereof is to be altered, then the sign/sign structure is to be brought into compliance with all current provisions of the LDC.

1. Change in sign copy. Notwithstanding the above, a change in sign copy to a nonconforming sign structure shall be permitted and shall require a building permit. However, if the change in sign copy includes a change in size, shape, or function of the sign structure, it shall require the nonconforming sign to be removed or altered so as to conform to the regulations contained within the LDC.

B. A nonconforming sign shall not be structurally altered to prolong the life of the sign. Reasonable repair and maintenance of nonconforming signs, is permitted.

* * * * *



SUBSECTION 3.X.

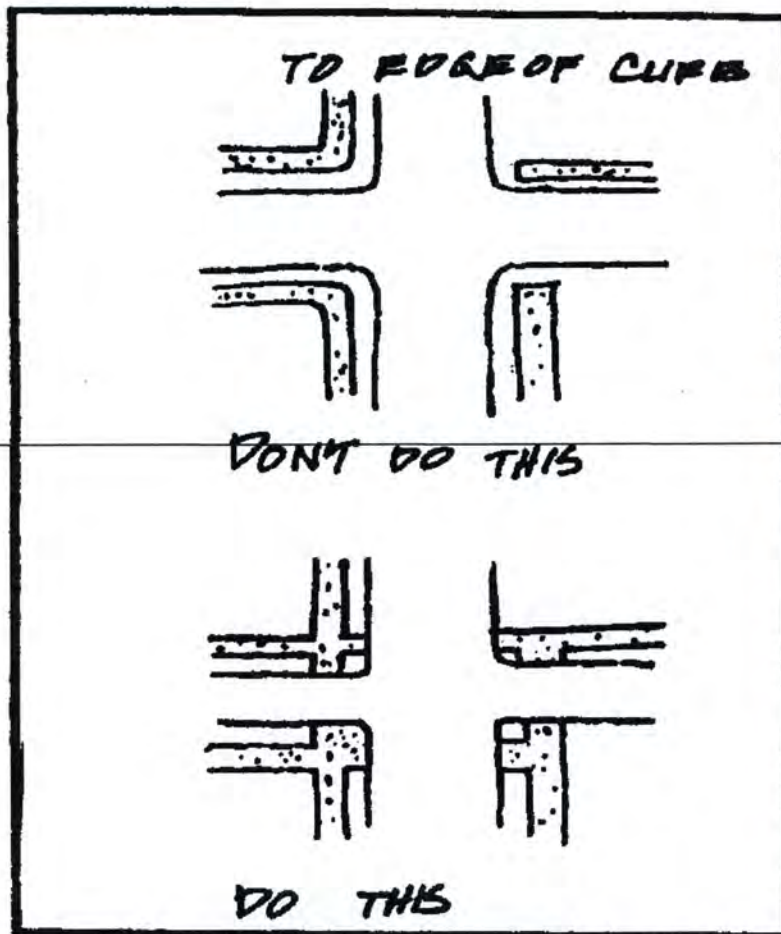
AMENDMENTS TO SECTION 6.06.02 SIDEWALKS, BIKE LANE AND PATHWAY REQUIREMENTS

Section 6.06.02 Sidewalks, Bike Lane and Pathway Requirements, of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

6.06.02 Sidewalks, Bike Lane and Pathway Requirements

A. All developments must construct **sidewalks, bike lanes, and pathways**, as described below:

- * * * * *
7. **Sidewalks** and bike paths at intersections shall continue to the edge of curb as depicted by Illustrations 1 and 2.



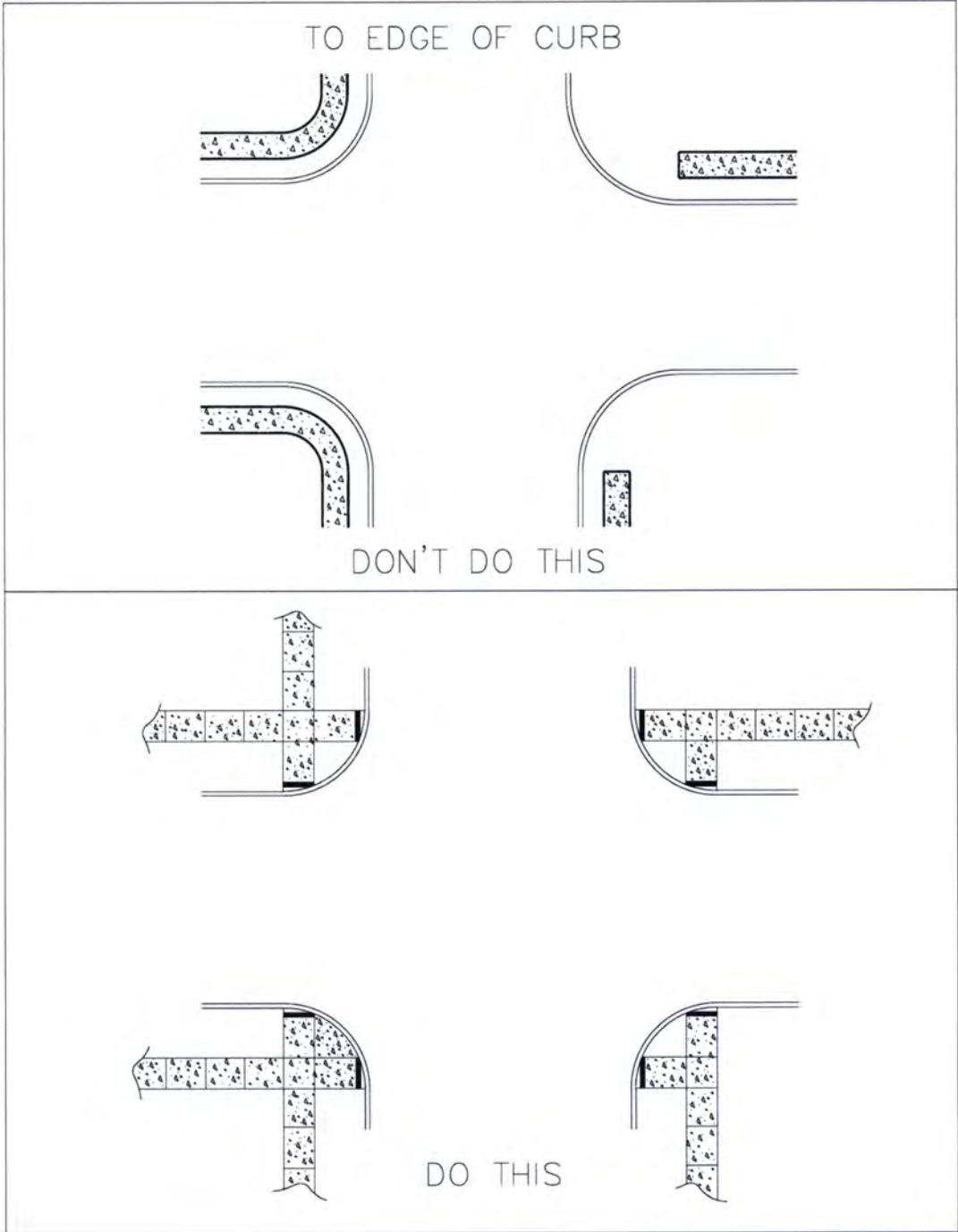
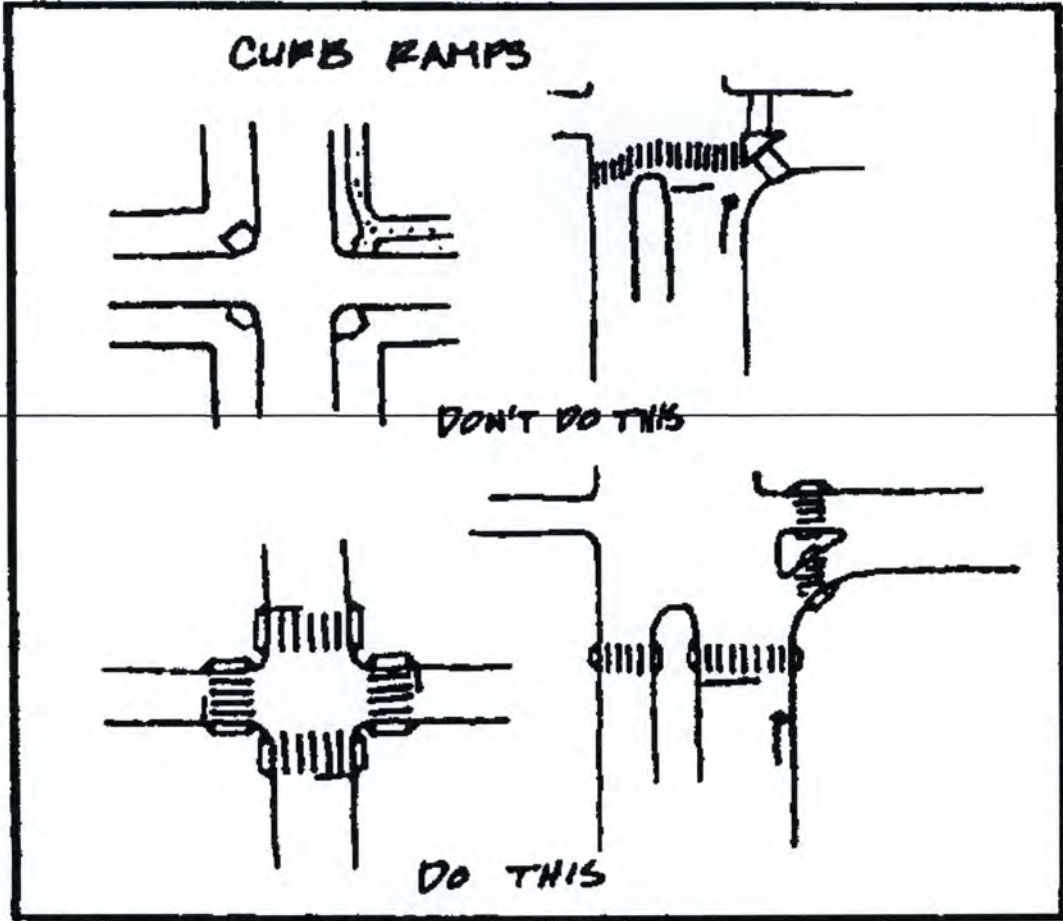


Illustration 1





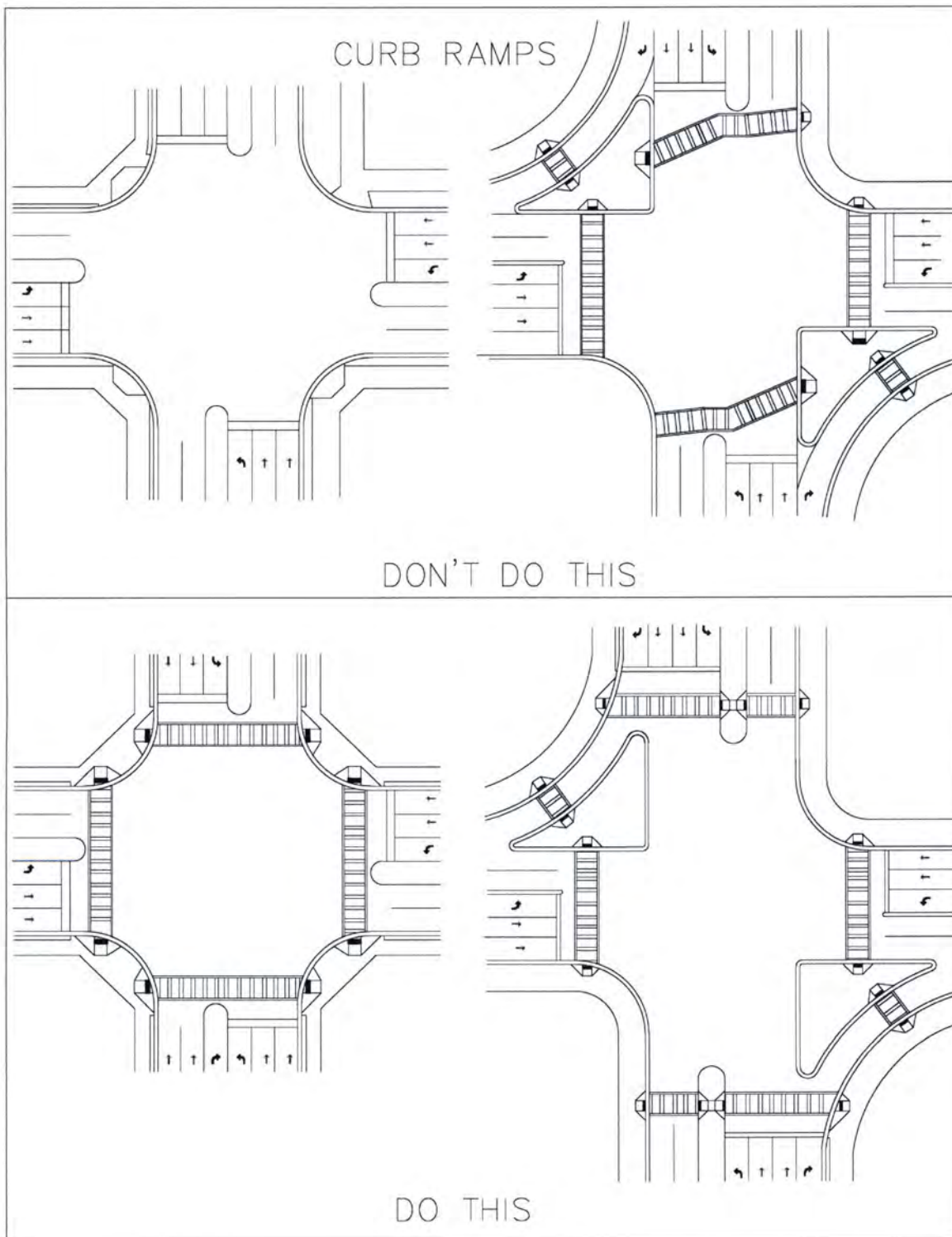


Illustration 2

8. Two curb ramps shall be provided for **sidewalks** and bike paths at each **street** corner of an intersection. Curb ramps shall be a minimum of 36 inches in width and shall not rise at a ratio greater than as outlined by the Florida accessibility code for **building** construction.

* * * * *

SUBSECTION 3.Y. AMENDMENTS TO SECTION 9.03.03 TYPES OF NONCONFORMITIES

Section 9.03.03 Types of Nonconformities, of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

9.03.03 Types of Nonconformities

A. **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 the LDC.

1. ~~Except as provided herein, the~~The minimum **yard** requirements in any residential district except RMF-6 ~~and E estates~~ 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.

a. Rural Agricultural (A) zoning district:

i. **Front Yard:** 40 feet.

ii. Side **Yard:** 10 percent of **lot width**, not to exceed 20 feet on each side.

iii. Rear **Yard:** 30 feet.

b. Estates (E) zoning district: See LDC section 2.03.01 for **setbacks**.

c. RMF-12:

i. **Single-family dwellings** revert to RSF-6 standards.

ii. **Duplex and multi-family dwellings** revert to RMF-6 standards.

d. Mobile Home (MH) zoning district:

i. **Front Yard:** 10 feet.

ii. Side **Yard:** 5 feet or zero (0) foot. Where zero is used, the opposite **yard** must maintain a minimum of 10 feet.

iii. Rear **Yard:** 8 feet.

iv. **Waterfront Yard** (Side or Rear): 10 feet.

2. The minimum side **yard** requirement in any commercial or industrial district shall be equal to the height of the proposed **principal structure**, or the minimum side **yard** requirement in the district, whichever is lesser.

3. ~~Nonconforming through lots, i.e., double frontage lots, legal nonconforming lots of record with double road frontage, which are nonconforming due to inadequate lot depth, in which case, may have a reduced the front yard along the local road frontage portion. The reduction shall be computed at the rate of fifteen (15) percent of the depth of the lot, as measured from edge of the right-of-way. Front yards along the local road shall be developed with structures having an average front yard of not less than six (6) feet; no building thereafter erected shall project beyond the average line. The reduced front yard setback shall be prohibited along a collector or arterial roadway.~~

4. ~~The nonconforming through lot utilizing the reduced frontage shall establish the lot frontage along the local road only. Frontage along a collector or arterial roadway to serve such lots is prohibited. front yards along the local road shall be developed with structures having an average front yard of not more than six (6) feet; no building thereafter erected shall project beyond the average line so established.~~

- 4.5. When two or more **adjacent legal nonconforming lots of record** are either combined under a single folio or parcel number for taxing purposes by the property appraiser's office, or combined as a single **parcel** by recording the previously separate **non-conforming lots** into one legal description, neither or both of these actions will prohibit the owner or future owners from subsequently splitting the **parcel** into two or more folio or parcel numbers for tax purposes, or severing the **parcels** into their former legal descriptions as legal **nonconforming lots of record** according to the original legal description(s) at the time the property was recognized as legal **nonconforming**. Prior to any two or more adjacent legal **non-conforming lots** being combined for **development**, a legally binding document must be recorded to reflect a single parcel with a unified legal description. Once such a document has been recorded to amend the legal description and a **development** permit has been approved by the County for **development** as that unified **parcel**, the property cannot be split or subdivided except as may then be allowed by this Code.

5. Nonconforming Corner Lots. Corner lots of record which existed prior to the date of adoption of Collier County Ordinance No. 82-2 [January 5, 1982] and which do not meet minimum lot width or area requirements established in the LDC, shall be required to provide only one full depth front yard. The full depth front yard requirement shall apply to the front yard which has the shorter or shortest street frontage. The setback requirement for the remaining front yard(s) may be reduced to 50 percent of the full front yard setback requirement for that district, exclusive of any road right-of-way or road right-of-way easement. For setbacks for Estates (E) zoning district, see Section 2.03.01.

* * * * *

SUBSECTION 3.Z.

AMENDMENTS TO SECTION 10.02.08 REQUIREMENTS FOR AMENDMENTS TO THE OFFICIAL ZONING ATLAS

Section 10.02.08 Requirements for Amendments to the Official Zoning Atlas, of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

10.02.08 Requirements for Amendments to the Official Zoning Atlas

- * * * * *
- I. Restrictions, stipulations and safeguards. The Planning Commission may recommend that a petition to amend, supplement or establish a zoning district be approved subject to stipulations, including, but not limited to limiting the use of the property to certain uses provided for in the requested zoning district. The governing body, after receiving the recommendation from the Planning Commission on a request to amend, supplement or establish a zoning district, may grant or deny such amendment or supplement and may make the granting conditional upon such restrictions, stipulations and safeguards as it may deem necessary to ensure compliance with the intent and purposes of the Growth Management Plan.
- * * * * *
- 2. Dedication of public facilities and **development** of prescribed amenities.
- * * * * *

- b. Land set aside and/or to be improved as committed as part of the rezoning approval shall be deeded or dedicated to Collier County within 90 days of receipt of notification by the county that the property is needed for certain pending public improvements or as otherwise approved by the Board of County Commissioners during the rezoning approval process. In any case, however, the county shall take title to the set aside property, at the latest, by a date certain established during, and condition on, the approval of the rezoning action. At no cost to the county, the land set aside and/or to be improved shall be made free and clear of all liens, encumbrances and improvements, at the **applicant's** sole expense, except as otherwise approved by the board. Failure to deed the land or complete the dedication within the 90 day appropriate time frame noted above may result in a recommendation to the board ~~of~~ for consideration of rezoning the subject **parcel** from its current zoning district to an appropriate zoning district and may be in a violation of this LDC pursuant to LDC section 8.08.00.

* * * * *

SUBSECTION 3.AA. AMENDMENTS TO SECTION 10.02.13 PLANNED UNIT DEVELOPMENT (PUD) PROCEDURES

Section 10.02.13 Planned Unit Development (PUD) Procedures, of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby amended to read as follows:



10.02.13 Planned Unit Development (PUD) Procedures

* * * * *

- D. Time limits for approved PUDs. If prior to [effective date of this ordinance] a PUD contains a sunset provision, the sunset provision shall be deemed null and void. Development rights conferred by an approved PUD shall remain in force so long as they are in accordance with the Collier County Growth Management Plan, as amended. For purposes of this section, the word "sunset" or "sunsetting" shall be the term used to describe a PUD which has, through a determination made by the Planning and Zoning Department Director, not met the time frames and **development** criteria outlined in this section of the LDC, as applicable. For all PUDs, the owner entity shall submit to the Planning and Zoning Department Director a status report on the progress of **development** annually from the date of the PUD approval by the Board of County Commissioners.
1. ~~Criteria for sunsetting. The purpose of the report will be to evaluate whether or not the project has commenced in earnest in accordance with the following criteria:~~
 - a. ~~For residential portions of PUDs, physical **development** of infrastructure improvements, including **access** roads, internal roads, sewer and water utilities and any other related infrastructure, that supports a minimum of 15 percent of the designated residential area or areas of the PUD shall be initiated by the fifth anniversary date of the PUD approval. An additional 15 percent of such infrastructure shall be completed every year thereafter until PUD buildout; and~~
 - b. ~~For the nonresidential portions of PUDs and commercial and industrial PUDs, physical **development** of a minimum of 15 percent of authorized **floor area** when approved on the basis of a defined amount of floor space shall be initiated by the fifth anniversary date of the PUD approval. In the event that the **floor area** is not the defining intensity measure, then 25 percent of the land area to include some representative portion of the **building** space shall be constructed by the fifth anniversary date of the PUD approval. The same amount of **development** shall be required every year thereafter up to an amount representing 75 percent of authorized buildable area and **floor area**. Thereafter the PUD shall be exempt from these sunset provisions.~~
 - c. ~~For mixed use **tracts** or **structures**, physical **development** of infrastructure improvements, including **access** roads, internal roads, sewer and water utilities and any other related infrastructure that supports a minimum of 15 percent of the designated mixed use **tract** or **structure** shall be initiated by the fifth anniversary date of the PUD approval. Physical **development** of a minimum of 15 percent of approved mixed use **floor area**, and 15 percent of the approved residential units, shall be initiated by the fifth anniversary date of the PUD approval. Components of mixed use planned unit **developments** (MPUDs) that are non-residential must comply with LDC subsections 10.02.13 D.1.b.~~
 - d. ~~If in the event of a moratorium, or other action of government that prevents the approval of any final **development order**, the duration of the suspension of the approval shall not be counted towards the 5 year sunset period.~~
 - e. ~~Infrastructure improvements as required above shall be located on site and shall constitute infrastructure that makes possible vertical construction consistent with the permitted land uses. Acceleration lanes,~~

- ~~entry road access and the like do not count towards meeting the required levels of infrastructure improvements as required above.~~
- ~~2. PUD sunsetting. Prior to or any time after the Planning and Zoning Department Director determines that a PUD has sunsetted, then the property owner shall initiate one of the following:
 - ~~a. Request a PUD extension;~~
 - ~~b. Request a PUD amendment ; or~~
 - ~~c. Request a rezone.~~~~
 - ~~3. Board of County Commissioners action on PUDs which have sunsetted. Upon review and consideration of the appropriate application, or the status report provided by the property owner and any supplemental information that may be provided, the Board of County Commissioners shall elect one of the following:
 - ~~a. To extend the current PUD approval for a maximum period of two years; at the end of which time, the property owner shall again submit to the procedure as defined herein, however no further development order applications shall be processed by the County until the PUD is officially extended.~~
 - ~~b. Approve or deny an application for a PUD amendment. The existing PUD shall remain in effect until subsequent action by the Board of County Commissioners on the submitted amendment to the PUD, however no further development order applications shall be processed by the county until the PUD is officially amended.~~
 - ~~c. Require the owner to submit an amended PUD. The existing PUD shall remain in effect until subsequent action by the Board of County Commissioners on the submitted amendment to the PUD, however no further development order applications shall be processed by the County until the PUD is officially amended.
 - ~~i. If the owner fails to submit an amended application to the PUD within six months of the action of the Board of County Commissioners to require such a submittal, or the board denies the request to amend the PUD, then the Board of County Commissioners may initiate proceedings to rezone the unimproved portions of the original PUD to an appropriate zoning classification consistent with the future land use element of the growth management plan.~~~~~~
 - ~~4. PUD time limit extensions. Extensions of the time limits for a PUD may be approved by the Board of County Commissioners. The Administrative Code shall establish the submittal requirements for a PUD extension request. An approved PUD may be extended as follows:
 - ~~a. Maximum extension: There may be one PUD extension granted for a maximum of 2 years from the date of original sunset.~~
 - ~~b. Approval of an extension shall be based on the following:
 - ~~i. The PUD and the master plan is consistent with the current growth management plan including, but not limited to, density, intensity and concurrency requirements;~~
 - ~~ii. The approved development has not become incompatible with existing and proposed uses in the surrounding area as the result of development approvals issued subsequent to the original approval of the PUD zoning; and~~
 - ~~iii. Approved development will not, by itself or in conjunction with other development, place an unreasonable burden on essential public facilities.~~~~~~

- e. ~~No more than one extension may be granted for any **development** original approval date.~~
- d. ~~Any PUD developer who has not commenced **development** pursuant to the sunset provisions set forth in this section of the LDC within 10 years of the original PUD approval date shall submit a new rezoning application.~~
- 5. ~~Retention of existing PUD status.~~
 - a. ~~Once a PUD has sunsetted the land shall retain its existing PUD zoning status, however applications for additional **development orders** shall not be processed until 1 of the following occurs:~~
 - i. ~~The Board of County Commissioners approves a request for extension of PUD zoning status.~~
 - ii. ~~The Board of County Commissioners approves an amendment to the existing PUD.~~
 - b. ~~Should the Planning and Zoning Department Director determine that **development** has commenced in earnest, then the land shall retain its existing PUD approval and shall not be subject to additional review and consideration of new **development** standards or use modification pursuant to the provisions for time limits for approved PUDs.~~
 - c. ~~In the case of **developments** of regional impact, PUD time limit restrictions shall be superseded by the phasing plan and/or time limits contained within the application for **development** approval and approved as part of a **development order** in conformance with F.S. § 380.06.~~
- 6. ~~Exemptions from sunseting. Any educational plants or facilities or public service facilities including police, fire and EMS facilities that were identified in an approved PUD zoning district or PUD master plan and which are consistent with the approved **development** regulations shall retain **development** rights, although a planned unit **development** may have sunsetted, as provided for this section. A **development order** for such facilities shall be issued in accordance with a site **development plan** approval, without the requirement to amend or extend the original planned unit **development**.~~
- 7. ~~PUD buildout. For PUDs approved on or after January 3, 2007 the land owner shall:~~
 - a. ~~For all PUDs the build out year as submitted and approved with the application's Traffic Impact Statement (TIS) shall serve as the reference year for the approved **density** and intensity. Two years after the build out year as defined on the approved TIS submitted with the application and on the anniversary date of the adopted PUD any remaining **density** or intensity that has not been approved by the appropriate **site development plan** or plat and received a certificate of public adequacy (COA) shall be considered expired and void of any remaining development rights. In the event that action or in-action by the County or any regulatory agency or legal action prevents the approval of a **development order**, the duration of the suspension of the approval shall not be counted towards the expiration provision above, contingent that the applicant has been diligently pursuing a local **development order** or permit through any of the required regulatory agencies. The County Manager or designee must be notified in writing of the circumstances of the delay with the appropriate documentation.~~
 - b. ~~For all PUDs the build out year as submitted and approved with the application's Traffic Impact Statement (TIS) shall serve as the reference year for the approved **density** and intensity. On the build out year as~~

defined on the approved TIS submitted with the application and on the anniversary date of the adopted PUD any remaining **density** and intensity shall be considered expired if all of the lands within the PUD boundary have received approval through site **development plans** or plats and received a certificate of public adequacy (COA). For non-residential portions of a PUD, section (a) above allows for two 2 additional years to amend the site **development plan(s)** in order to apply for **development orders** for any remaining intensity within non-residential sections of the PUD.

- 8. ~~Local Economic Emergency Ordinance.~~
 - a. ~~Short title and recitals. This Ordinance shall be known as the Collier County Local Economic Emergency Ordinance, and the above findings and recitals are hereby adopted by reference into this Ordinance.~~
 - b. ~~Declaration of Local Economic Emergency. The Board of County Commissioners, convened in regular session, hereby declares and ordains that a local economic emergency exists within Collier County, Florida, requiring immediate measures to address the emergency before irreversible harm is done to the economic well being of the citizens of the County. This Ordinance is adopted after public hearing pursuant to, and in accordance with, F.S. § 125.66(2).~~
 - c. ~~Tolling of Land Development Code Section 10.02.13.D. LDC section 10.02.13.D of the Collier County Land Development Code provides for Planned Unit **Development** time limit and time limit extension requirements. These time limit and time limit extension requirements are hereby tolled to May 12, 2014 for Planned Unit **Developments** which have not sunsetted prior to the effective date of this Ordinance [2009-22]. Prior to May 12, 2014, the Board of County Commissioners will determine if the declaration of Local Economic Emergency should be ended.~~

E. Changes and amendments. There are three types of changes to a PUD master plan Ordinance: Substantial, Insubstantial, and Minor. Language changes to a previously approved PUD document shall require the same procedure as for amending the official zoning atlas, except for the removal of a commitment for payment towards affordable housing which is considered to be a minor change as described in Section 10.02.13 E.3.c.

- 1. Substantial changes. Any substantial change(s) to an approved PUD Ordinance shall require the review and recommendation of the Planning Commission and approval by the Board of County Commissioners as a PUD amendment prior to implementation. Applicants shall be required to submit and process a new application complete with pertinent supporting data, as set forth in the Administrative Code. For the purpose of this section, a substantial change shall be deemed to exist where:

* * * * *



SUBSECTION 3.BB. AMENDMENTS TO SECTION 10.03.05 REQUIRED METHODS OF PROVIDING PUBLIC NOTICE

Section 10.03.05 Required Methods of Providing Public Notice, of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

10.03.05 Required Methods of Providing Public Notice

This section shall establish the required methods of providing public notice. Chapter 8 of the Administrative Code shall establish the public notice procedures for land use petitions.

A. Neighborhood Information Meetings (NIM). ~~Neighborhood Information Meetings, where required,~~ shall be held prior to the first public hearing and noticed as follows:

1. Mailed Notice shall be sent prior to the NIM and shall be pursuant to LDC section 10.03.05 B.
2. Newspaper Advertisement prior to the NIM.

B. Mailed Notice.

1. Where required, Mailed Notice shall be sent to property owners in the notification area as follows:
 - a. For areas in the urban designated area of the future land use element of the Growth Management Plan notices shall be sent to all property owners within 500 feet of the property lines of the subject property.
 - b. For all other areas, notices shall be sent to all property owners within 1,000 feet of the property lines of the subject property.
 - c. Notices shall also be sent to property owners and condominium and civic associations whose members may be are impacted by the proposed land use changes and who have formally requested the county to be notified. A list of such organizations must be provided and maintained by the county, but the **applicant** must bear the responsibility of insuring that all parties are notified.
2. 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. Unless required by F.S. §125.66 (4), the mailed notice is a courtesy only and is not jurisdictional. Accordingly, provided a good faith attempt for mailed notice is made, failure to mail or to timely mail the notice or failure of an affected property owner to receive mailed notice will not constitute a defect in notice or bar the public hearing as scheduled.

C. Newspaper Advertisement.

1. In accordance with F.S. §125.66.

D. Posting of Signage. Where required, signs shall be posted 15 days prior to the first advertised public hearing pursuant to the Administrative Code.

E. Agent Letter. Where required, an informational letter shall be sent by the owner or Agent to property owners within 150 feet of the area covered by the petition following the initial staff review comments for the petition and prior to the resubmittal of the petition to the County.

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SUBSECTION 3.CC. AMENDMENTS TO SECTION 10.03.06 PUBLIC NOTICE AND REQUIRED HEARINGS FOR LAND USE PETITIONS

Section 10.03.06 Public Notice and Required Hearings for Land Use Petitions, of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

10.03.06 Public Notice and Required Hearings for Land Use Petitions

* * * * *

B. Ordinance or resolution for a rezoning, a PUD amendment, or a **conditional use**. For minor **conditional use** notice requirements see 10.03.06 C, below and for County initiated rezonings, see 10.03.06 K.:

1. The following advertised public hearings are required:
 - a. One Planning Commission hearing.
 - b. One BCC or BZA hearing.

2. The following notice procedures are required:
 - a. A NIM. See LDC section 10.03.05 A.
 - b. Mailed Notice prior to the first advertised public hearing.
 - c. Newspaper Advertisement prior to each advertised public hearing in accordance with F.S. §125.66.
 - d. Posting of a sign prior to the first advertised public hearing.
 - e. For a rezoning or a PUD amendment the County shall notify by mail each owner within the area covered by the proposed ordinance or resolution of the time, place, and location of the public hearing before the BCC or BZA.

C. ~~Ordinance or resolution for a m~~Minor conditional use.

* * * * *

D. ~~Ordinance or resolution for a PUD extension, conditional use extension, or conditional use re-review:~~

* * * * *



F. ~~Ordinance or resolution for a v~~Variance, pursuant to LDC section 9.04.02 or a sign variance, pursuant to LDC section 5.06.08:

1. The following advertised public hearings are required:
 - a. One Planning Commission or Hearing Examiner hearing.
 - b. If heard by the Planning Commission, one BZA hearing.
2. The following notice procedures are required:
 - a. An Agent Letter shall be sent to property owners within 150 feet of the area covered by the petition following the initial staff review comments and prior to the resubmittal of the petition to the County.
 - ~~a-b. Mailed Notice prior to the advertised public hearing. Mailed Notice shall be sent to property owners within 150 feet of the area covered by the ordinance or resolution prior to the first advertised public hearing.~~
 - ~~b-c. Newspaper Advertisement prior to each advertised public hearing.~~
 - ~~e-d. Posting of a sign prior to the first advertised public hearing.~~

G. ~~Ordinance or resolution for a parking~~ Parking exemption, pursuant to LDC section 4.05.02 K.3:

1. The following advertised public hearing is required:
 - a. ~~One BZA-Planning Commission~~ or Hearing Examiner hearing.
 - b. If heard by the Planning Commission, one BZA hearing.
2. The following notice procedures are required:
 - a. An Agent Letter shall be sent to property owners within 150 feet of the area covered by the petition following the initial staff review comments and prior to resubmittal of the petition to the County. A NIM. See LDC section 10.03.05 A.
 - b. ~~Mailed Notice prior to each advertised public hearing. shall be sent to property owners within 150 feet of the subject site prior to the advertised public hearing.~~
 - c. Newspaper Advertisement prior to the advertised public hearing.
 - d. Posting of a sign prior to the first advertised public hearing.

H. ~~Ordinance or resolution for a PUD Insubstantial Change (PDI) or Boat~~ **Dock Facility** Extension, Boathouse Establishment, or Boat Dock Canopy Deviation:

1. The following advertised public hearings are required:
 - a. One Planning Commission or Hearing Examiner hearing.

2. The following notice procedures are required:

a. For a PDI, a NIM. See LDC section 10.03.05 A. However, upon written request by the applicant, the Hearing Examiner has the discretion to waive the NIM after the first set of staff review comments have been issued.

b a. Mailed Notice prior to the advertised public hearing.

c b. Newspaper Advertisement prior to the advertised public hearing.

d e. Posting of a sign prior to the advertised public hearing.

I. Ordinance or resolution for the establishment, amendment to, or the abandonment of a **Development** of Regional Impact (DRI):

* * * * *

J. Ordinance or resolution that is initiated by the BCC and will change the zoning map designation of less than 10 contiguous acres of land. This is commonly referred to as a rezone.

2. The following notice procedures are required:

* * * * *

d. The County shall notify by mail each owner within the area covered by the proposed ordinance or resolution of the time, place, and location of the public hearings before the BCC.

K. Ordinance or resolution that is initiated by the BCC and will change the zoning map designation of more than 10 contiguous acres of land or more or an ordinance or resolution that will change the actual list of permitted, conditional, or prohibited uses of land within a zoning category. This is commonly referred to as a rezone or LDC amendment:

* * * * *

2. The following notice procedures are required:

* * * * *

b. Newspaper Advertisement prior to the BCC hearings in accordance with F.S § 125.66 (4) including a project location map.

i. In lieu of the newspaper advertisement, the BCC may mail a written notice to property owners within the area covered by the proposed ordinance or resolution. The notice shall include the time, place and location of both the public hearings before the BCC.

* * * * *

T. Minor Change to a PUD to remove affordable housing contributions, pursuant to LDC section 10.02.13 E.3.c.



1. The following notice procedures are required:
 - a. Mailed Notice, sent by the applicant.
 2. The following advertised public hearings may be required:
 - a. If a written objection is received, one BCC or Hearing Examiner hearing.
- U. Automobile Service Station Waiver pursuant to 5.05.05; and Alcohol Beverage Distance Waiver pursuant to 5.05.01; and Nonconforming Use Change pursuant to 9.03.02 D.
1. The following advertised public hearings are required:
 - a. One BZA or Hearing Examiner hearing.
 2. The following notice procedures are required:
 - a. For an Alcohol Beverage Distance Waiver, an Agent Letter shall be sent to property owners within 150 feet of the area covered by the petition following the initial staff review comments and prior to the second submittal.
 - a-b. Newspaper Advertisement prior to the advertised public hearing.
- V. Nonconforming Use Change pursuant to 9.03.02 D and Nonconforming Use Alteration, pursuant to LDC section 9.03.03 B.5.
1. The following advertised public hearings are required:
 - a. One Hearing Examiner or BZA hearing.
 2. The following notice procedures are required:
 - a. Mailed Notice prior to the advertised public hearing.
 - b. Newspaper Advertisement prior to the advertised public hearing.
 - c. Posting of a sign prior to the advertised public hearing.

* * * * *

SECTION FOUR: ADOPTION OF AMENDMENTS TO THE COLLIER COUNTY ZONING ATLAS

The amended Zoning Map Number 0502S attached as Exhibit A is hereby adopted.



SECTION FIVE: CONFLICT AND SEVERABILITY

In the event that any provisions of this ordinance should result in an unresolved conflict with the provisions of the Land Development Code (LDC) or Growth Management Plan (GMP), the applicable provisions of the 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 SIX: 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 SEVEN: 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 8th day of July, 2014.

ATTEST:
DWIGHT E. BROCK, CLERK

BOARD OF COUNTY COMMISSIONERS
OF COLLIER COUNTY, FLORIDA

By: *Dwight E. Brock*
Attest as to Chairman Deputy Clerk
signature only.

By: *Tom Henning*
TOM HENNING, Chairman

Approved as to form and legality:
Heidi Ashton-Cicko
Heidi Ashton-Cicko
Managing Assistant County Attorney

This ordinance filed with the
Secretary of State's Office the
14th day of July, 2014
and acknowledgement of that
filing received this 14th day
of July, 2014
By: *M. [Signature]*
Deputy Clerk





FLORIDA DEPARTMENT *of* STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

July 14, 2014

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

Attention: Martha Vergara, 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. 14-33, which was filed in this office on July 14, 2014.

Sincerely,

Liz Cloud
Program Administrator

LC/mrh
Enclosure