



ORDINANCE NO. 09-55

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 5 - SUPPLEMENTAL STANDARDS, BEFORE RELOCATING SECTION 5.04.06 ANNUAL BEACH EVENTS PERMITS, TO NEW SECTION 5.04.07, ADDING SECTION 5.04.06 TEMPORARY SIGNS, AMENDING SECTION 5.06.04 DEVELOPMENT STANDARDS FOR SIGNS IN NONRESIDENTIAL DISTRICTS; AND AMENDING SECTION 5.05.08 ARCHITECTURAL AND SITE DESIGN STANDARDS; SECTION FOUR, CONFLICT AND SEVERABILITY; SECTION FIVE, INCLUSION IN THE COLLIER COUNTY LAND DEVELOPMENT CODE; AND SECTION SIX, EFFECTIVE DATE.

FILED
NOV 2 2009
COLLIER COUNTY, FLORIDA

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WHEREAS, the Collier County Board of County Commissioners (Board) on June 22, 2004, adopted Ordinance No. 04-41, which repealed and superseded Ordinance No. 91-102, as amended, the Collier County Land Development Code, which had an effective date of October 18, 2004; and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 is the first amendment to the LDC for the calendar year 2009; 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 an advertised public hearing on June 2, 2009 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 Local Government Comprehensive Planning and Land Development Regulation 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 Sec. 163.3161, *et seq.*, Fla. Stat., the Florida Local Government Comprehensive Planning and Land

Development Regulations 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 Section 163.3202(1), Fla. Stat., mandates that Collier County adopt land development regulations that are consistent with and implement the adopted comprehensive plan.

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

4. Section 163.3194(1)(b), Fla. Stat., 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), Fla. Stat., states that the Act shall be construed to encourage the use of innovative land development regulations.

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

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

8. Pursuant to Sec. 163.3194(3)(a), Fla. Stat., a development order or land development regulation shall be consistent with the comprehensive plan if the 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), Fla. Stat., requires that a development approved or undertaken by a local government shall be consistent with the comprehensive plan if the land uses, densities or intensities, capacity or size, timing, and other aspects of development are compatible with, and further the objectives, policies, land uses, densities, or intensities in the comprehensive plan and if it meets all other criteria enumerated by the local government.

10. On October 30, 1991, Collier County adopted the Collier County Land Development Code, which became effective on November 13, 1991 and may be amended twice annually. 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 5.04.06 ANNUAL BEACH EVENT PERMITS

Section 5.04.06 Annual Beach Event Permits, of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

5.04.06 ANNUAL BEACH EVENT PERMITS TEMPORARY SIGNS

* * * * *

A. Reserved

B. Temporary Sign Permit Types and Standards

1. Temporary Events. A temporary use permit for a temporary event, issued per section 5.04.05., shall allow for the placement of temporary signage as classified and regulated herein.

a. A "sign only" temporary use permit may be issued for temporary ground signs and banners used to promote a sale, event, or activity not requiring a temporary event temporary use permit per section 5.04.05 of this Code. Such uses include, however are not limited to, study or course offerings, vacation camp, non-public indoor events, and sales events occurring within the confines of an established business.

i. "Sign only" temporary use permits will be allowed, regulated, and enforced as special event signs.

ii. Time limits for 'sign only' temporary use permits shall be the same as those for special events, see subsection 5.04.05 A.3.

b. Special event signs.

i. Special event signs shall be erected not more than 15 calendar days prior to the supporting event and shall be removed within 7 calendar days after the event has taken place.

2. Grand Opening signs. A one-time 14-day nonrenewable grand opening sign only temporary use permit may be issued upon the opening of a new business, or the approved relocation of an existing business.

a. A current valid Collier County Business Tax Receipt or an approved Land Use and Zoning Certificate (Non-Residential) may serve as evidence of the new business, or location, opening.

b. A separate permit is not required for a grand opening sign if being placed in conjunction with a special event temporary use permit

issued per subsection 5.04.05 A.1.

- c. A grand opening sign temporary use permit may be obtained only within the first 3 months of establishing a new business or location.
- d. A grand opening sign is limited to an anchored banner.
- e. A 'sign only' temporary use permit for a grand opening sign shall be exempt from the annual time limitations identified in subsections 5.04.05 A.3.a. and 5.04.06 C.1.a.ii.

3. "Coming Soon Signs." A onetime non-renewable temporary use permit may be granted, for a coming soon **sign** located within a non-residential zoning district, subject to the following:

- a. As applied in this section, a coming soon sign is defined as a **ground sign** used to inform the public of the intended opening of a new business.
- b. A temporary use permit for a **sign** shall not be issued until the **applicant** has applied for a building permit for the principal **structure**.
- c. The temporary use permit number shall be placed at the base of the **sign** not less than ½ inch from the bottom.
- d. The **sign** shall not be displayed for a period more than 6 months from the issuance of the temporary use permit or until the issuance of a permit for the permanent **sign**, whichever occurs first. The non-refundable fee for this temporary use permit shall be as set forth in the fee schedule for the services performed by the Community Development and Environmental Services Division.

* * * * *

6. *Election and Referendum signs.* **Signs** for elections and referendums shall be permitted subject to the following requirements:

- a. A bulk temporary permit shall be obtained prior to the erection, installation, placement, or display of signage before elections and referendums. The fee for the bulk permit shall be as set forth in the fee schedule for the services performed by the Community Development and Environmental Services Division.
- b. The bulk permit number shall appear on every **sign** or on the pole supporting the **sign**.

- c. All signs for which the permit is issued shall be removed within 7 days after the event. Each sign not removed within the required time shall constitute a separate violation of this Code. The permittee will be subject to issuance of a citation for each violation from the Collier County Code Enforcement Board.
- d. Signs erected within residentially zoned or used property shall not exceed 4 square feet in area and 3 feet in height, and shall be located on-site and no closer than 5 feet to any property line.
- e. In all other zoning districts, signs shall not exceed a maximum sign area of 32 square feet per sign, and shall be located no closer than 10 feet to any property line. The quantity of such signs shall be limited to 1 sign for each lot or parcel per bulk permit issued.
 - i. In addition to a bulk temporary use permit, a building permit shall be required for each installed sign.
 - ii. All supports shall be securely built, constructed and erected to conform to the requirements of the Florida Building Code
 - iii. The maximum height of any sign or poster shall be limited to 8 feet, except for signs affixed to the surface of a building wall.

SUBSECTION 3.B. RELOCATION OF SECTION 5.04.06 ANNUAL BEACH EVENTS PERMITS TO NEW SECTION 5.04.07

5.04.07 ANNUAL BEACH EVENTS PERMITS

* * * * *

5.05.08 ARCHITECTURAL AND SITE DESIGN STANDARDS

* * * * *

C. Building design standards

14. Barber Poles. All traditional size (not more than 54 inches in height and not more than 6 inches in diameter) and style barber poles which contain any illuminated moving or rotating part may be permitted if the following and all other applicable requirements are met:

- a. The barber pole is attached to the exterior wall of an establishment providing the services of a licensed barber;
- b. Each such establishment (barbershop, salon, etc.) is limited to only one barber pole;

- c. No barber pole may move or rotate except when the establishment is open and providing the services of a licensed barber; and
- d. All barber poles that are illuminate, whether or not they rotate, shall obtain a building permit.

SUBSECTION 3.C. 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**. 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 this Code.

* * * * *

e. In addition, any non-illuminated sign located in a window shall not exceed 25 percent of the each window area. No building permit required.

i. Signs located in windows shall not be illuminated in any manner with the following exception:

a) One **sign** per business establishment that is located in a window may have 2.25 square feet of illuminated signage.

* * * * *

~~9. *Temporary signs.* A temporary use permit is required to erect a~~

~~temporary sign as set forth in section 10.02.06 G., unless otherwise provided herein. Applicants for temporary sign permits shall pay the fee established for a temporary sign permit. Temporary signs shall be allowed subject to the restrictions imposed by this section and other relevant parts of this Code. Temporary use permits for special events signs are located in section 5.04.05.~~

~~a. Temporary signs. An occupant of a parcel, multi-tenant parcel or mixed use building, may display 1 on-site temporary commercial sign or 2 such signs for properties containing more than 1 street frontage, not to exceed 32 square feet in area or 8 feet in height. See subsection 5.04.05 A for time limits on the display of temporary signs.~~

~~i. Such signs shall be located a minimum of 10 feet from any property line.~~

~~b. Temporary sign covers made of vinyl or canvas may be authorized for an existing ground or pole sign, under the following conditions:~~

~~i. A blank sign cover made from all-white material, shall be allowed for 90 days, after which time the cover shall be removed, regardless of whether or not the sign face has been replaced. A permit is not required.~~

~~ii. A sign cover made from all-white material, displaying graphics limited to 32 square feet, shall be permitted for 14 days. A temporary use permit (TUP) is required. A maximum of 2 temporary use permits may be issued within 12 consecutive months. If the graphics are removed from the cover, it may remain for the balance of the 90 days.~~

~~a) Submittal requirements for a TUP include an application deemed sufficient by County staff, a dimensioned drawing of the graphic, which may appear on both sides of the cover, and the permit fee as indicated in the CDES fee schedule.~~

9.40. **On-premises directional signs** may be permitted within nonresidential zoning districts intended to facilitate the movement of pedestrians and vehicles within the site upon which such signs are posted. **On-premises directional signs** shall not exceed 6 square feet in area and 4 feet in height. **On-premises directional signs** shall be limited to 2 at each vehicle access point and a maximum of 4 internal to the development. Internal signs are not intended to be readily visible from the road.

a. **Directional signs** located internal to the **subdivision** or

development shall maintain a minimum **setback** of 10 feet from the edge of the roadway, paved surface or back of the curb, as applicable.

- b. Directional **signs** may be combined into a single **sign** not to exceed 6 feet in height and 64 square feet in area. Such **signs** shall require a building permit.

10.44. *On-premise signs within agricultural districts.*

- a. *In the rural agricultural area designated on the future land use map of the growth management plan.* **On-premises signs** shall be permitted within agriculturally zoned or used property, for agri-commercial uses defined within the Collier County zoning ordinance only, and subject to the following restrictions:

- i. One **pole** or **ground sign**, located at the entrance or gate of each street **frontage**. The maximum allowable **sign area** for each **pole** or **ground sign** shall not exceed 100 square feet with a maximum height of 20 feet, and shall be located a minimum of 15 feet from any property line, public or private **right-of-way** or **easement**.

- b. **On-premises signs** within agricultural zoning districts in the urban area shall comply with the requirements of section 5.06.04 of the Land Development Code.

- c. **Wall, mansard canopy** or **awning signs** within agricultural districts. **Wall, mansard, canopy** or **awning signs** shall be permitted within agriculturally zoned or used property, for agri-commercial uses defined within the Collier County Land Development Code, and subject to the following restrictions:

- i. One **wall** or **mansard, canopy** or **awning sign** shall be permitted for each **principal use structure** on the **parcel**. Corner **parcels** or double-**frontage parcels** shall be allowed 1 **sign** per **street frontage**, but such **signs** shall not be combined for the purpose of placing the combined area on one wall. The maximum allowable display area for any sign shall not be more than 20 percent of the total square footage of the wall to which it is affixed, and shall not in any case exceed 250 square feet in area per sign.

11.42. *Illuminated signs.* All **illuminated signs** shall have electrical components, connections, and installations that conform to the National Electrical Code, and all other applicable federal, state, and local codes and regulations. Further, lighted **signs** shall be shielded in such a manner as to produce no glare, hazard or nuisance to motorists or occupants of **adjacent** properties; nor be reflective or fluorescent; and shall have a steady non-fluctuating or non-undulating light source.

12.43. *Mobile billboard.* It shall be unlawful for any person to display any **mobile billboard**.

13.44. See section 5.05.05 of this Code for signage regulations for automobile

service stations.

* * * * *

SECTION FOUR: CONFLICT AND SEVERABILITY

In the event this Ordinance conflicts with any other Ordinance of Collier County or other applicable law, the more restrictive shall apply. If any phrase or portion of this Ordinance is held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding Section not affect the validity of the remaining portion.

SECTION FIVE: 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 SIX: EFFECTIVE DATE

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

PASSED AND DULY ADOPTED by the Board of County Commissioners of Collier County, Florida, this 27th day of October, 2009.

ATTEST
DWIGHT E. BROCK, CLERK

BOARD OF COUNTY COMMISSIONERS
OF COLLIER COUNTY, FLORIDA

By: *Mitchell* Deputy Clerk

By: *Donna Fiala*
DONNA FIALA, CHAIR

Approved as to form and legal sufficiency:

Jeff E Wright
Jeff E Wright
Assistant County Attorney

This ordinance filed with the Secretary of State's Office the 2nd day of November, 2009 and acknowledgement of that filing received this 10th day of November, 2009

By: *Mitchell*
Deputy Clerk

STATE OF FLORIDA)

COUNTY OF COLLIER)

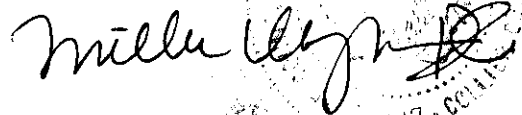
I, DWIGHT E. BROCK, Clerk of Courts in and for the Twentieth Judicial Circuit, Collier County, Florida, do hereby certify that the foregoing is a true and correct copy of:

ORDINANCE 2009-55

Which was adopted by the Board of County Commissioners on the 27th day of October, 2009, during Regular Session.

WITNESS my hand and the official seal of the Board of County Commissioners of Collier County, Florida, this 29th day of October, 2009.

DWIGHT E. BROCK
Clerk of Courts and Clerk
Ex-officio to Board of
County Commissioners



By: Martha Vergara,
Deputy Clerk

