

ORDINANCE NO. 02- 31



AN ORDINANCE AMENDING ORDINANCE NUMBER 91-102, AS AMENDED, THE COLLIER COUNTY LAND DEVELOPMENT CODE, WHICH INCLUDES THE COMPREHENSIVE 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: ARTICLE 2, ZONING, DIVISION 2.1. GENERAL; DIVISION 2.2. ZONING DISTRICTS, PERMITTED USES, CONDITIONAL USES, DIMENSIONAL STANDARDS INCLUDING REVISIONS TO THE C-1 THROUGH C-5 AND INDUSTRIAL ZONING DISTRICTS LIST OF PERMITTED AND CONDITIONAL USES; DIVISION 2.4 LANDSCAPING AND BUFFERING; DIVISION 2.6 SUPPLEMENTAL DISTRICT REGULATIONS; DIVISION 2.7 ZONING ADMINISTRATION AND PROCEDURES; DIVISION 2.8 ARCHITECTURAL AND SITE DESIGN STANDARDS AND GUIDELINES FOR COMMERCIAL BUILDINGS AND PROJECTS; DIVISION 3.2 SUBDIVISIONS; DIVISION 3.3 SITE DEVELOPMENT PLANS; DIVISION 3.13 COASTAL CONSTRUCTION SETBACK LINE VARIANCE; SECTION FOUR, CONFLICT AND SEVERABILITY; SECTION FIVE, INCLUSION IN THE COLLIER COUNTY LAND DEVELOPMENT CODE; AND SECTION SIX, EFFECTIVE DATE.

DEPARTMENT OF STATE  
TALLAHASSEE, FLORIDA  
2002 JUN 27 AM 9:51  
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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 has been subsequently amended; 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 County Commissioners pursuant to Section 1.19.1., LDC; and

WHEREAS, this is the first amendment to the LDC, Ordinance 91-102, for the calendar year 2002; and

WHEREAS, on March 18, 1997, the Board of County Commissioners 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 May 29, 2002, and June 19, 2002, 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, all applicable substantive and procedural requirements of the law have 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 County 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 (hereinafter the "Act"), is required to prepare and adopt a Comprehensive Plan.
2. After adoption of the Comprehensive Plan, the Act and in particular Sec. 163-3202(1). Fla. Stat., mandates that Collier County adopt land development regulations that are consistent with and implement the adopted comprehensive plan.
3. Sec. 163.3201, Fla. Stat., provides that it is the intent of the Act that the adoption and enforcement by Collier County of land development regulations for the total unincorporated area shall be based on; be related to, and be a means of implementation for, the adopted Comprehensive Plan as required by the Act.
4. Sec. 163.3194(1)(b), Fla. Stat., requires that all land development regulations enacted or amended by Collier County be consistent with the adopted Comprehensive Plan, or element or portion thereof, and any land development regulations existing at the time of adoption which are not consistent with the adopted Comprehensive Plan, or element or portion thereof, shall be amended so as to be consistent.
5. Sec. 163.3202(3), Fla. Stat., states that the Act shall be construed to encourage the use of innovative land development regulations.
6. On January 10, 1989, Collier County adopted the Collier County Growth Management Plan (hereinafter the "Growth Management Plan" or "GMP") as its Comprehensive Plan pursuant to the requirements of Sec. 1634.3161 et seq. Fla. Stat., and Rule 9J-5, F.A.C.
7. Sec. 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.
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; encourage the most appropriate use of land, water and resources, consistent with the public interest; overcome present handicaps; and deal effectively with future problems that may result from the use and development of land within the total unincorporated are of Collier County and it is intended that this Land Development Code preserve, promote, protect, and improve the

public health, safety, comfort, good order, appearance, convenience, and general welfare of Collier County; prevent the overcrowding of land and avoid the undue concentration of population; facilitate the adequate and efficient provision of transportation, water, sewerage schools, parks, recreational facilities, housing, and other requirements and services, conserve, develop, utilize, and protect natural resources within the jurisdiction of Collier County; and protect human, environmental, social, and economic resources; and maintain through orderly growth and development, the character and stability of present and future land uses and development in Collier County.

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 DIVISION 2.1., GENERAL**

Division 2.1., General, of Ordinance 91-102, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

\* \* \* \* \*  
**DIVISION 2.1 GENERAL**

**Sec. 2.1.15. Prohibited uses and structures.**

~~6. In any zoning district, where the list of permitted and conditional uses contains the phrase "any other use which is comparable in nature with the foregoing uses and is consistent with the permitted uses and purpose and intent statement of the district" or any similar phrase which provides for a use which is not clearly defined or described in the list of permitted and conditional uses, which requires the discretion of the planning services director or other staff as to whether or not it is permitted in the district, then the determination of whether or not that use is permitted in the district shall be made through the process outlined in division 1.6, interpretations, of this code.~~

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**SUBSECTION 3.B. AMENDMENTS TO DIVISION 2.2., ZONING DISTRICTS, PERMITTED USES, CONDITIONAL USES, DIMENSIONAL STANDARDS .**

Division 2.2., Zoning Districts, Permitted Uses, Conditional Uses, Dimensional Standards, of Ordinance 91-102, as amended, of the Collier County Land Development Code, is hereby amended to read as follows:

**DIVISION 2.2., ZONING DISTRICTS, PERMITTED USES, CONDITIONAL USES, DIMENSIONAL STANDARDS**

**Sec. 2.2.6. Residential multiple-family-12 district (RMF-12).**

**2.2.6.4.3. *Minimum yard requirements.***

1. Front yard – Thirty feet.
2. Side yards – One-half of the building height as measured from ~~each exterior wall~~ the first floor of a structure with a minimum of 15 feet.

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**Sec. 2.2.7. Residential multiple-family-16 district (RMF-16)**

**2.2.7.4.3. *Minimum yard requirements.***

1. Front yard – One half of the building height as measured from ~~each exterior wall or wing of a structure~~ the first floor of the structure with a minimum of 30 feet.
2. Side yards – One-half of the building height as measured from ~~each exterior wall~~ the first floor of a structure with a minimum of 15 feet.
3. Rear yard – One-half the building height as measured from ~~each exterior wall or wing of a structure~~ the first floor of the structure with a minimum of 30 feet

\* \* \* \* \*

**Sec. 2.2.12. (C-1)Commercial professional district ~~(C-1)~~ and general office district.**

2.2.12.1. *Purpose and intent.* The C-1 commercial professional and general office district is intended to allow a concentration of office type buildings and land uses that are most compatible with, and located near, residential areas. Most C-1 commercial professional and general office districts are contiguous to, or when within a PUD will be placed in close proximity to residential areas, and therefore serve as a transitional zoning district between residential areas and higher intensity commercial zoning districts. The types of office uses permitted are those that do not have high traffic volumes throughout the day, which extend into the evening hours. They will have morning and evening short-term peak conditions. The market support for these office uses should be those with a localized basis of market support as opposed to office functions requiring inter-jurisdictional and regional market support. Because office functions have significant employment characteristics, which are compounded when aggregations occur, certain personal service uses shall be permitted, to provide a convenience to office-based employment. Such convenience commercial uses shall be made an integral part of an office building as opposed to the singular use of a building. Housing may also be a component of this district as provided for through conditional use approval.

2.2.12.2. *Permitted uses.* The following uses, as identified with a number from the Standard Industrial Classification Manual (1987), or as otherwise provided for within this section, are permitted as of right, or as uses accessory to permitted uses in the C-1 commercial professional district and general office district. ~~the C-1/T commercial professional/transitional district.~~

**2.2.12.2.1. *Permitted uses.***

1. Accounting, auditing and bookkeeping services (8721).
2. Automobile parking (7521) ~~except for tow-in parking lots only.~~
3. Barber shops (7241), except barber schools.
4. Beauty shops (7231), except beauty schools.
5. Business services (groups 7311, 7313, 7322--7331, 7338, ~~7361~~, 7371, 7372, 7374--7376, 7379).
6. Child day care services (8351).
7. ~~Churches and other places of worship.~~

- 78. Group care facilities (category I and II, except for homeless shelters); care units, except for homeless shelters; nursing homes; assisted living facilities pursuant to F.S. § 400.402 and ch. 58A-5 F.A.C.; and continuing care retirement communities pursuant to F.S. § 651 and ch. 4-193 F.A.C.; all subject to section 2.6.26.
- 89. Offices for engineering, architectural, and surveying services (groups 0781, 8711--8713).
- 910. Health services (8011--8049).
- 1011. Individual and family social services (8322 activity centers, elderly or handicapped; adult day care centers; and day care centers, adult and handicapped only).
- 1112. Insurance carriers, agents and brokers (groups 6311--6399, 6411).
- 1213. Legal services (8111).
- 1314. Management and public relations services (groups 8741--8743, 8748).
- 1415. Miscellaneous personal services (7291, 7299, debt counseling only).
- ~~16. Museums and art galleries (8412).~~
- 1517. Nondepository credit institutions (groups 6141--6163).
- 1618. Photographic studios (7221).
- 1719. Physical fitness facilities (7991 permitted only when physically integrated and operated in conjunction with another permitted use in this district – no stand alone facilities shall be permitted).
- 1820. Real estate (groups 6531--6541).
- 1921. Shoe repair shops and shoeshine parlors (7251).
- 20. Security and commodity brokers, dealer, exchanges and services (groups 6211-6289).
- 21. Transportation services (4724), travel agencies only.
- ~~22. Any other commercial use or professional services which is comparable in nature with the foregoing uses including those that exclusively serve the administrative as opposed to the operational functions of a business, and are purely associated with activities conducted in an office.~~

2.2.12.3. *Conditional uses.* The following uses are permissible as conditional uses in the (C-1)commercial professional and general office district /transitional district (C-1, C-1/T), subject to the standards and procedures established in division 2.7.4.

- 1. Automobile parking (7521), garages-automobile parking, parking structures.
- 2. Churches and other places of worship.
- 31. Civic, social and fraternal associations (8641).
- 42. Depository institutions (groups 6011--6099).

53. Educational services (8211--8231), except regional libraries.
- ~~4.~~ ~~Health service (8011--8049).~~
65. Homeless shelters, as defined by this Code.
76. Increased building height to a maximum of 50 feet.
87. Mixed residential and commercial uses subject to the following criteria:
- a. A site development plan is approved pursuant to division 3.3. that is designed to protect the character of the residential uses and of the neighboring lands;
  - b. The commercial uses in the development may be limited in hours of operation, size of delivery trucks, and type of equipment;
  - c. The residential uses are designed so that they are compatible with the commercial uses;
  - d. Residential dwelling units are located above principal uses;
  - e. Residential and commercial uses do not occupy the same floor of a building;
  - f. The number of residential dwelling units shall be controlled by the dimensional standards of the C-1, ~~C-1/F~~ district, together with the specific requirement that in no instance shall the residential uses exceed 50 percent of the gross floor area of the building;
  - g. Building height may not exceed two stories;
  - h. Each residential dwelling unit shall contain the following minimum floor areas: efficiency and one-bedroom, 450 square feet; two-bedroom, 650 square feet; three-bedroom, 900 square feet;
  - i. A minimum of 30 percent of the mixed-use development shall be maintained as open space. The following may be used to satisfy the open space requirements: areas used to satisfy water management requirements, landscaped areas, recreation areas, or setback areas not covered with impervious surface or used for parking (parking lot islands may not be used unless existing native vegetation is maintained);
  - j. The mixed commercial/residential structure shall be designed to enhance compatibility of the commercial and residential uses through such measures as, but not limited to, minimizing noise associated with commercial uses; directing commercial lighting away from residential units; and separating pedestrian and vehicular accessways and parking areas from residential units, to the greatest extent possible.
98. Nursing and personal care facilities (8082).
109. Funeral service and ~~crematories~~ (7261 except crematories).
1140. Religious organizations (8661).
1244. Soup kitchens, as defined by this Code.
- 13 42. Veterinarian's office (0742), excluding outdoor kenneling.
14. 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.

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**Sec. 2.2.13. Commercial convenience district (C-2).**

2.2.13.1. *Purpose and intent.* The purpose and intent of the commercial convenience district (C-2) is to provide lands where commercial establishments may be located to provide the small scale shopping and personal needs of the surrounding residential land uses within convenient travel distance except to the extent that office type uses and land uses carried forward from the C-1 district will expand the traditional neighborhood size. However, the intent of this district is that retail and service uses by be of a nature that can be economically supported by the immediate residential environs. Therefore, the uses should allow for goods and services that households require on a daily basis, as opposed to those goods and services that households seek for the most favorable economic price and therefore require much larger trade areas. It is intended that the C-2 district implements the Collier County growth management plan within those areas designated agricultural/rural; estates neighborhood center district of the Golden Gate Master Plan; the neighborhood center district of the Immokalee Master Plan; and the urban mixed use district of the future land use element permitted in accordance with the locational criteria for commercial and the goals, objectives and policies as identified in the future land use element of the Collier County growth management plan. The maximum density permissible in the commercial convenience district and the urban mixed use land use designation shall be guided, in part, by the density rating system contained in the future land use element of the Collier County growth management plan. The maximum density permissible or permitted in a district shall not exceed the density permissible under the density rating system.

2.2.13.2. *Permitted uses.* The following uses, as defined with a number from the Standard Industrial Classification Manual (1987), or as otherwise provided for within this section, are permitted as of right, or as uses accessory to permitted uses in the C-2 commercial convenience district.

2.2.13.2.1. *Permitted uses.*

1. Unless otherwise provided for in this section, all permitted uses and all conditional uses except increased height and mixed residential and commercial uses of the C-1 commercial professional district and general office district. and the C-1/T commercial professional/transitional district.
2. Apparel and accessory stores with 1800 with square feet or less of gross floor area in the principal structure (groups 5611--5699).
3. Business services (groups 7311, 7313, 7322--7338, ~~7361~~ 7371--7379, 7384).
4. Eating places with 2,800 square feet or less of gross floor area in the principal structure (5812 except contract feeding, dinner theaters, food service (institutional), industrial feeding).
5. Food stores with 2,800 square feet or less of gross floor area in the principal structure (groups 5411 except supermarkets, 5421--5499).
6. Gasoline service stations (5541 subject to section 2.6.28).
7. General merchandise stores with 1,800 square feet or less of gross floor area in the principal structure (5344 ~~5331~~ - 5399).
8. Group care facilities (category I and II, except for homeless shelters); care units, except for homeless shelters; nursing homes; assisted living facilities

pursuant to § 400.402 F.S. and ch. 58A-5 F.A.C.; and continuing care retirement communities pursuant to § 651 F.S. and ch. 4-193 F.A.C.; all subject to section 2.6.26.

9. Hardware stores with 1,800 square feet or less of gross floor area in the principal structure (5251).
10. Health services (groups 8011--8049, 8082).
11. Home furniture, furnishing and equipment stores with 1,800 square feet or less of gross floor area in the principal structure (groups 5713--5719, 5731--5736).
12. Libraries (8231) except regional libraries.
13. Miscellaneous repair services, except aircraft, business and office machines, large appliances, and white goods such as refrigerators and washing machines (7629--7631).
14. Miscellaneous retail services with 1,800 square feet or less of gross floor area in the principal structure (5912, 5942--5961).
- ~~15. Museums and art galleries (8412).~~
156. Paint, glass and wallpaper stores with 1,800 square feet or less of gross floor area in the principal structure (5231).
167. Personal services with 1,800 square feet or less of gross floor area in the principal structure (groups 7212, 7215, 7221--7251, no beauty or barber schools, 7291).
178. Security and commodity brokers, dealer, exchanges and services (groups 6211--6289).
189. United States Postal Service (4311 except major distribution center).
1920. Veterinary services (0742 excluding outside kenneling).
204. Videotape rental with 1,800 square feet or less of gross floor area in the principal structure (7841).
- ~~22. Any other convenience commercial use which is comparable in nature with the foregoing uses including buildings for retail, service and office purposes consistent with the permitted uses and purpose and intent statement of the district.~~

2.2.13.3. *Conditional uses.* The following uses are permissible as conditional uses in the commercial convenience district (C-2), subject to the standards and procedures established in division 2.7.4.

1. Educational services (8221,8222) except regional libraries.
- 1.2. Homeless shelters, as defined by this Code.
- 2.3. Mixed residential and commercial uses subject to the following criteria:
  - a. A site development plan is approved pursuant to division 3.3 that is designed to protect the character of the residential uses and neighboring lands;
  - b. The commercial uses in the development may be limited in hours of operation, size of delivery trucks, and type of equipment;



- c. The residential uses are designed so that they are compatible with the commercial uses;
- d. Residential dwelling units are located above principal uses;
- e. Residential and commercial uses do not occupy the same floor of a building;
- f. The number of residential dwelling units shall be controlled by the dimensional standards of the C-2 district, together with the specific requirement that in no instance shall the residential uses exceed 50 percent of the gross floor area of the building or the density permitted under the growth management plan;
- g. Building height may not exceed two stories;
- h. Each residential dwelling unit shall contain the following minimum floor areas: efficiency and one-bedroom, 450 square feet; two-bedroom, 650 square feet; three-bedroom, 900 square feet;
- i. The residential dwelling units shall be restricted to occupancy by the owners or lessees of the commercial units below;
- j. A minimum of 30 percent of the mixed use development shall be maintained as open space. The following may be used to satisfy the open space requirements: areas used to satisfy water management requirements; landscaped areas; recreation areas; or setback areas not covered with impervious surface or used for parking (parking lot islands may not be used unless existing native vegetation is maintained);
- k. The mixed commercial/residential structure shall be designed to enhance compatibility of the commercial and residential uses through such measures as, but not limited to, minimizing noise associated with commercial uses; directing commercial lighting away from residential units; and separating pedestrian and vehicular accessways and parking areas from residential units, to the greatest extent possible.

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

5. 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.

63. Soup kitchens, as defined by this Code.

7. Any other convenience commercial use which is comparable in nature with the foregoing list of permitted uses and consistent with purpose and intent statement of the district, as determined by the board of zoning appeals.

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**Sec. 2.2.14. Commercial intermediate district (C-3).**

2.2.14.1. *Purpose and intent.* The purpose and intent of the commercial intermediate district (C-3) is to provide for a wider variety of goods and services intended for areas expected to receive a higher degree of automobile traffic. The type and variety of goods and services are those that provide an opportunity for comparison shopping and have a trade area consisting of several neighborhoods and are preferably located at the intersection of two arterial level streets. Most activity centers meet this standard. This district is also intended to allow all of the uses

permitted in the C-1 and C-2 zoning districts typically aggregated in planned shopping centers. This district is not intended to permit wholesaling types of uses, or land uses that have associated with them the need for outdoor storage of equipment and merchandise. A mixed-use project containing a residential component is permitted in this district subject to the criteria established herein. The C-3 district is permitted in accordance with the locational criteria for commercial and the goals, objectives and policies as identified in the future land use element of the Collier County growth management plan. The maximum density permissible in the commercial intermediate district and the urban mixed use land use designation shall be guided, in part, by the density rating system contained in the future land use element of the Collier County growth management plan. The maximum density permissible or permitted in a district shall not exceed the density permissible under the density rating system.

2.2.14.2. *Permitted uses.* The following uses, as defined with a number from the Standard Industrial Classification Manual (1987), or as otherwise provided for within this section, are permitted as of right, or as uses accessory to permitted uses in the commercial intermediate district (C-3).

2.2.14.2.1. *Permitted uses.*

1. Unless otherwise provided for in this section, all permitted uses of the C-2 commercial convenience district.
2. Apparel and accessory stores with 5,000 square feet or less of gross floor area in the principal structure (groups 5611--5699).
3. Auto and home supply stores with 5,000 square feet or less of gross floor area in the principal structure (5531).
4. Automotive services (7549) except that this shall not be construed to permit the activity of "wrecker service (towing) automobiles, road and towing service."
5. Business services (groups 7311, 7313, 7322--7338, 7361--7379, 7384, 7389 except auctioneering service, automobile recovery, automobile repossession, batik work, bottle exchanges, bronzing, cloth cutting, contractors' disbursement, cosmetic kits, cotton inspection, cotton sampler, directories - telephone, drive-away automobile, exhibits-building, filling pressure containers, field warehousing, fire extinguisher, floats-decoration, folding and refolding, gas systems, bottle labeling, liquidation services, metal slitting and shearing, packaging and labeling, patrol of electric transmission or gas lines, pipeline or powerline inspection, press clipping service, recording studios, repossession service, rug binding, salvaging of damaged merchandise, scrap steel cutting and slitting, shrinking textiles, solvent recovery, sponging textiles, swimming pool cleaning, tape slitting, texture designers, textile folding, tobacco sheeting, window trimming, and yacht brokers).
6. Eating places with 6,000 square feet or less in gross floor area in the principal structure (5812 only). All establishments engaged in the retail sale of alcoholic beverages for on-premise consumption are subject to locational requirements of section 2.6.10.
7. Food stores with 5,000 square feet or less of gross floor area in the principal structure (groups 5411--5499).
8. General merchandise stores with 5,000 square feet or less of gross floor area in the principal structure (groups ~~5311~~ 5331-5399).
9. Group care facilities (category I and II, except for homeless shelters); care units, except for homeless shelters; nursing homes; assisted living facilities pursuant to § 400.402 F.S. and ch. 58A-5 F.A.C.; and continuing care

retirement communities pursuant to § 651 F.S. and ch. 4-193 F.A.C.; all subject to section 2.6.26.

10. [Reserved.]
  11. Home furniture, furnishing, and equipment stores with 5,000 square feet or less of gross floor area in the principal structure (groups 5712--5736).
  12. Libraries (8231).
  13. Marinas (4493), subject to section 2.6.22.
  14. Membership organizations (8611--8699).
  15. Miscellaneous repair services (groups 7629-7631, 7699 bicycle repair, binocular repair, camera repair, key duplicating, lawnmower repair, leather goods repair, locksmith shop, picture framing, and pocketbook repair only).
  16. Miscellaneous retail with 5,000 square feet or less of gross floor area, except drug stores (groups 5912--5963 except pawnshops and building materials, 5992--5999 except auction rooms, awning shops, gravestones, hot tubs, monuments, swimming pools, tombstones and whirlpool baths).
  17. Museums and art galleries (8412) art galleries only.
  18. Nondepository credit institutions (groups 6111--6163).
  19. Paint, glass and wallpaper stores with 5,000 square feet or less of gross floor area in the principal structure (5231).
  20. Personal services with 5,000 square feet or less of gross floor area in the principal structure (groups 7211, 7212, 7215, 7216 nonindustrial dry cleaning only, 7221--7251, 7291, 7299 babysitting bureaus, clothing rental, costume rental, dating service, depilatory salons, diet workshops, dress suit rental, electrolysis, genealogical investigation service, and hair removal only).
  21. Physical fitness facilities (7991)
  - ~~21.~~ 22. Public administration (groups 9111--9199, 9229, 9311, 9411--9451, 9511--9532, 9611--9661).
  - ~~22.~~ 23. Retail nurseries, lawn and garden supply stores with 5,000 square feet or less of gross floor area in the principal structure (5261).
  - ~~23.~~ 24. Veterinary services (groups 0742, 0752 excluding outside kenneling).
  24. ~~25.~~ Videotape rental with 5,000 square feet or less of gross floor area in the principal structure (7841).
  25. ~~26.~~ United States Postal Service (4311 except major distribution centers).
  - ~~26.~~ 27. Any use which was permissible under the prior GRC zoning district and which was lawfully existing prior to the adoption of this Code.
  - ~~27.~~ Any other general commercial use which is comparable in nature with the foregoing uses including buildings for retail, service and office purposes consistent with the permitted uses and purpose and intent statement of the district.
- 2.2.14.3. *Conditional uses.* The following uses are permissible as conditional uses in the commercial intermediate district (C-3), subject to the standards and procedures established in division 2.7.4.

1. Amusements and recreation services (groups 7911, 7922 community theaters only, 7933, ~~7991~~, 7993, 7999 boat rental, miniature golf course, bicycle and moped rental, rental of beach chairs and accessories only).
2. 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 2.6.10.
3. Educational services (8221, 8222)
43. Homeless shelters, as defined by this Code.
54. Hospitals (groups 8062--8069).
65. Justice, public order and safety (groups ~~9211—9224~~, 9221, 9222, 9224, 9229).
76. Social services (8322--8399).
87. Mixed residential and commercial uses, subject to the following criteria:
  - a. A site development plan is approved pursuant to division 3.3 that is designed to protect the character of the residential uses and neighboring lands;
  - b. The commercial uses in the development may be limited in hours of operation, size of delivery trucks, and type of equipment;
  - c. The residential uses are designed so that they are compatible with the commercial uses;
  - d. Residential dwelling units are located above principal uses;
  - e. Residential and commercial uses do not occupy the same floor of a building;
  - f. The number of residential dwelling units shall be controlled by the dimensional standards of the C-3 district, together with the specific requirement that in no instance shall the residential uses exceed 50 percent of the gross floor area of the building or the density permitted under the growth management plan;
  - g. Building height may not exceed two stories;
  - h. Each residential dwelling unit shall contain the following minimum floor areas: efficiency and one-bedroom, 450 square feet; two-bedroom, 650 square feet; three-bedroom, 900 square feet;
  - i. The residential dwelling units shall be restricted to occupancy by the owners or lessees of the commercial units below;
  - j. A minimum of 30 percent of the mixed-use development shall be maintained as open space. The following may be used to satisfy the open space requirements: areas used to satisfy water management requirements; landscaped areas; recreation areas; or setback areas not covered with impervious surface or used for parking (parking lot islands may not be used unless existing native vegetation is maintained);
  - k. The mixed commercial/residential structure shall be designed to enhance compatibility of the commercial and residential uses

through such measures as, but not limited to, minimizing noise associated with commercial uses; directing commercial lighting away from residential units; and separating pedestrian and vehicular accessways and parking areas from residential units, to the greatest extent possible.

98. Motion picture theaters, except drive-in (7832).

10. 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.

11. Permitted food service (eating places) uses with more than 6,000 square feet of gross floor area in the principal structure.

129. Permitted use with less than 700 square feet gross floor area in the principal structure.

~~134~~. Soup kitchens, as defined by this Code.

~~144~~. Vocational schools (8243--8299).

15. 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.

\* \* \* \* \*

**Sec. 2.2.15. General commercial district (C-4).**

2.2.15.1. *Purpose and intent.* The general commercial district is intended to provide for those types of land uses that attract large segments of the population at the same time by virtue of scale, coupled with the type of activity. The purpose and intent of the C-4 district is to provide the opportunity for the most diverse types of commercial activities delivering goods and services, including entertainment and recreational attractions, at a larger scale than the C-1 through C-3 districts. As such, all of the uses permitted in the C-1 through C-3 districts are also permitted in the C-4 district. The outside storage of merchandise and equipment is prohibited, except to the extent that it is associated with the commercial activity conducted on site such as but not limited to automobile sales, marine vessels, and the renting and leasing of equipment. Activity centers are suitable locations for the uses permitted by the C-4 district because most activity centers are located at the intersection of arterial roads; therefore the uses in the C-4 district can most be sustained by the transportation network of major roads. The C-4 district is permitted in accordance with the locational criteria for commercial and the goals, objectives and policies as identified in the future land use element of the Collier County growth management plan. The maximum density permissible or permitted in a district shall not exceed the density permissible under the density rating system.

2.2.15.2. *Permitted uses.* The following uses, as identified within the Standard Industrial Classification Manual, or as otherwise provided for within this section, are permitted as of right, or as uses accessory to permitted uses in the general commercial district (C-4).

2.2.15.2.1. *Permitted uses.*

1. Unless otherwise provided for in this Code, all permitted uses in the C-3 commercial intermediate district.

2. Agricultural services (groups 0741 except outdoor kenneling, 0742 except outdoor kenneling, ~~0752, except outdoor kenneling-0783 except outdoor kenneling~~).
3. Amusements and recreation services, indoor (groups 7911--7941, 7991--7993, 7997, 7999), outdoor (7999), including only fishing piers and lakes operation, houseboat rental, pleasure boat rental, operation of party fishing boats, canoe rental.
4. Automotive dealers and gasoline service stations (groups 5511, 5531, 5541 with services and repairs as described in section 2.6.28, 5571, 5599 new vehicles only).
5. Automotive repair, services, parking (groups 7514, 7515, 7521 except that this shall not be construed to permit the activity of "tow-in parking lots"), and carwashes (group 7542), provided that carwashes abutting residential zoning districts shall be subject to the following criteria:
  - a. *Size of vehicles.* Carwashes designed to serve vehicles exceeding a capacity rating of one ton shall not be allowed.
  - b. *Minimum yards.*
    1. *Front yard setback:* 50 feet.
    2. *Side yard setback:* 40 feet.
    3. *Rear yard setback:* 40 feet.
  - c. *Minimum frontage.* A carwash shall not be located on a lot with less than 150 feet of frontage on a dedicated street or highway.
  - d. *Lot size.* Minimum 18,000 square feet.
  - e. *Fence requirements.* If a carwash abuts a residential district, a masonry or equivalent wall constructed with a decorative finish, six feet in height shall be erected along the lot line opposite the residential district and the lot lines perpendicular to the lot lines opposite the residential district for a distance not less than 15 feet. The wall shall be located within a landscaped buffer as specified in section 2.4.7. All walls shall be protected by a barrier to prevent vehicles from contacting them.
  - f. *Architecture.* The building shall maintain a consistent architectural theme along each building facade.
  - g. *Noise.* A carwash shall be subject to Ordinance No. 90-17, Collier County Noise Control Ordinance [Code ch. 54, art. IV].
  - h. *Washing and polishing.* The washing and polishing operations for all car-washing facilities, including self-service car washing facilities, shall be enclosed on at least two sides and shall be covered by a roof. Vacuuming facilities may be located outside the building, but may not be located in any required yard area.
  - i. *Hours of operation.* Carwashes abutting residential districts shall be closed from 10:00 p.m. to 7:00 a.m.
6. Building materials, hardware and garden supplies (groups 5231--5261).
7. Business services (groups 7311--7352, 7359 except airplane, industrial truck, portable toilet and oil field equipment renting and leasing, 7361--~~7397~~ 7381, except armored car and dog rental, 7382-7389 except auctioneering service).

automobile recovery, automobile repossession, batik work, bottle exchanges, bronzing, cloth cutting, contractors' disbursement, cosmetic kits, cotton inspection, cotton sampler, directories - telephone, drive-away automobile, exhibits-building, filling pressure containers, field warehousing, fire extinguisher, floats-decoration, folding and refolding, gas systems, bottle labeling, liquidation services, metal slitting and shearing, packaging and labeling, patrol of electric transmission or gas lines, pipeline or powerline inspection, press clipping service, recording studios, repossession service, rug binding, salvaging of damaged merchandise, scrap steel cutting and slitting, shrinking textiles, solvent recovery, sponging textiles, swimming pool cleaning, tape slitting, texture designers, textile folding, tobacco sheeting and window trimming service).

8. Commercial printing (2752, excluding newspapers).
9. Communications (groups 4812--4841) including communications towers up to specified height, subject to section 2.6.35.
10. Eating and drinking establishments (5812, 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 2.6.10.
11. Educational services (8221, 8222)
- ~~1211.~~ Engineering, accounting, research, management and related services (groups 8711--8748).
- ~~12. Glass and glazing work (1793).~~
13. Group care facilities (category I and II, except for homeless shelters); care units, except for homeless shelters; nursing homes; assisted living facilities pursuant to § 400.402 F.S. and ch. 58A-5 F.A.C.; and continuing care retirement communities pursuant to § 651 F.S. and ch. 4-193 F.A.C.; all subject to section 2.6.26.
14. Health services (groups 8051--8059, 8062-8069, 8071--8072 and 8092--8099).
15. Hotels and motels (groups 7011, 7021, 7041 when located within an activity center).
16. Marinas (4493, 4499 except canal operation, cargo salvaging, ship dismantling, lighterage, marine salvaging, marine wrecking, steamship leasing), subject to section 2.6.22.
17. Miscellaneous repair services (groups 7622--7641, 7699 except agricultural equipment repair, awning repair, beer pump coil cleaning and repair, blacksmith shops, catch basin, septic tank and cesspool cleaning, coppersmithing, farm machinery repair, fire equipment repair, furnace and chimney cleaning, industrial truck repair, machinery cleaning, repair of service station equipment, boiler cleaning, tinsmithing, tractor repair).
18. Miscellaneous retail (groups 5912-5963, 5992-5999).
19. Motion picture theaters (7832).
20. Public or private parks and playgrounds.
21. Personal services (groups 7215, 7217, 7219, 7261 except crematories, 7291--7299).

22. Real estate (group 6512).
23. Social services (groups 8322--8399, except for homeless shelters and soup kitchens).
24. [Reserved.]
25. Vocational schools (groups 8243--8299).
26. ~~Any other general commercial use which is comparable in nature with the foregoing uses including buildings for retail, service and office purposes consistent with the permitted uses and intent and purpose statement of the district.~~

2.2.15.3. *Conditional uses for C-4.* The following uses are permitted as conditional uses in the general commercial district (C-4), subject to the standards and procedures established in division 2.7.4.

1. Agricultural services (groups 0741--0742, 0752, with outdoor kenneling).
2. Amusement and recreation services, outdoor (groups 7948, 7992, 7996, 7999).
3. Auctioneering services, auction rooms (7389, 5999).
4. Automotive dealers and gasoline service stations (groups 5521, 5551, 5561, 5599 outdoor display permitted).
5. Automotive rental and leasing, outdoor display permitted (groups 7513, 7519).
6. Bottle clubs. (All establishments engaged in the retail sale of alcoholic beverages for the on-premise consumption are subject to the locational requirements of section 2.6.10.)
7. Fishing, hunting and trapping (groups 0912--0919).
8. Fuel dealers (groups 5983--5989).
9. Homeless shelters, as defined by this Code.
10. Hotels and motels (groups 7011, 7021, 7041 when located outside an activity center).
11. Justice, public order and safety (groups ~~9222~~ 9224 9221, 9222, 9224, 9229).
12. Kiosks.
13. Local and suburban transit (groups 4111--4121, bus stop and van pool stop only).
14. Motion picture theaters (7833).
15. Communication towers above specified height, subject to section 2.6.35.
16. Permitted use with less than 700 square feet of gross floor area in the principal structure.
17. Soup kitchens as defined by this Code.
18. Motor freight transportation and warehousing (4225 air conditioned and mini- and self storage warehousing only).



19. 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.

\* \* \* \* \*

**Sec. 2.2.15 ½ . Heavy commercial district (C-5).**

2.2.15 ½ .1. *Purpose and intent.* In addition to the uses provided in the C-4 zoning district, the heavy commercial district (C-5) allows a range of more intensive commercial uses and services which are generally those uses that tend to utilize outdoor space in the conduct of the business. The C-5 district permits heavy commercial services such as full-service automotive repair, and establishments primarily engaged in construction and specialized trade activities such as contractor offices, plumbing, heating and air conditioning services, and similar uses that typically have a need to store construction associated equipment and supplies within an enclosed structure or have showrooms displaying the building material for which they specialize. Outdoor storage yards are permitted with the requirement that such yards are completely enclosed or opaquely screened. The C-5 district is permitted in accordance with the locational criteria for commercial and the goals, objectives and policies as identified in the future land use element of the Collier County growth management plan.

2.2.15 ½ .2. *Permitted uses.* The following uses, as identified within [with] a number from the Standard Industrial Classification Manual (1987), or as otherwise provided for within this section, are permitted as of right, or as uses accessory to permitted uses in the heavy commercial district (C-5).

2.2.15 ½ .2.1. *Permitted uses.*

1. Unless otherwise provide for in this section, all permitted uses in the C-4 general commercial district.
2. Auctioneering/auction houses (groups 7389, 5999).
3. Automotive dealers and gasoline service stations (groups 5511--5599).
4. Automotive repair, services and parking (groups 7513--7549), provided that carwashes abutting residential zoning districts shall be subject to the following criteria:
  - a. *Size of vehicles.* Carwash designed to serve vehicles exceeding a capacity rating of one ton shall not be allowed.
  - b. *Minimum yards.*
    - (1) *Front yard setback:* 50 feet.
    - (2) *Side yard setback:* 40 feet.
    - (3) *Rear yard setback:* 40 feet.
  - c. *Minimum frontage.* A carwash shall not be located on a lot with less than 150 feet of frontage on a dedicated street or highway.
  - d. *Lot size.* Minimum 18,000 square feet.
  - e. *Fence requirements.* If a carwash abuts a residential district, a masonry or equivalent wall constructed with a decorative finish, six feet in height shall be erected along the lot line opposite the residential district and the lot lines perpendicular to the lot lines opposite the residential district for a

distance not less than 15 feet. The wall shall be located within a landscaped buffer as specified in section 2.4.7. All walls shall be protected by a barrier to prevent vehicles from contacting them.

- f. *Architecture.* The building shall maintain a consistent architectural theme along each building facade.
  - g. *Noise.* A carwash shall be subject to Ordinance No. 90-17, Collier County Noise Control Ordinance [Code ch. 54, art. IV].
  - h. *Washing and polishing.* The washing and polishing operations for all car-washing facilities, including self-service car washing facilities, shall be enclosed on at least two sides and shall be covered by a roof. Vacuuming facilities may be located outside the building, but may not be located in any required yard area.
  - i. *Hours of operation.* Carwashes abutting residential districts shall be closed from 10:00 p.m. to 7:00 a.m.
- 5. Building construction--general contractors (groups 1521--1542).
  - 6. Building materials (groups 5211--5261).
  - 7. Business services (groups 7311--7353, 7359, 7389 contractors' disbursement, directories-telephone, recording studios, swimming pool cleaning, and textile designers only).
  - 8. Construction--special trade contractors (groups 1711--1793, 1796, 1799).
  - 9. Education services (groups 8243--8249).
  - 10. Motor freight transportation and warehousing (4225 mini- and self-storage warehousing only).
  - 11. Fishing, hunting and trapping (groups 0912- + 0919).
  - 12. Glass and glazing work (1793).
  - 1312. Crematories (7261).
  - 1413. Justice, public order and safety (groups ~~92111, 9221, 9222, 9229~~ 9211, 9221, 9222, 9224, 9229).
  - 1514. Local and suburban transit (groups 4111--4121).
  - 1615. Mobile home dealers (5271).
  - 1716. Miscellaneous repair services (groups 7622--7699).
  - 1817. Outdoor storage yard, provided outdoor storage yard not be located closer than 25 feet to any public street and that such yard shall be completely enclosed, except for necessary ingress and egress, pursuant to the requirements of Section 2.2.151/2.6 of this Code. This provision shall not allow as a permitted or accessory use, wrecking yards, junkyards, or yards used in whole or part for scrap or salvage operations or for processing, storage, display, or sales of any scrap, salvage, or secondhand building materials, junk automotive vehicles, or secondhand automotive vehicle parts.
  - 19 18. Printing, publishing, and allied industries (groups 2711, 2721).

~~2019.~~ Transportation services (groups 4724--~~14~~729).

20. ~~Any other heavy commercial use which is comparable in nature with the foregoing uses including buildings for retail, service and office purposes consistent with the permitted uses and intent and purpose statement of the district.~~

2.2.15 ½ 3. *Conditional uses for C-5.* The following uses are permissible as conditional uses in the heavy commercial district (C-5), subject to the standards and procedures established in division 2.7.4.

1. Agricultural services (groups 0741--0742, 0752, with outdoor kenneling).
2. Amusement and recreation services, outdoor (groups 7948, 7992, 7996, 7999).
3. Bottle clubs. (All establishments engaged in the retail sale of alcoholic beverages for on-premise consumption are subject to the locational requirements of section 2.6.10.)
4. Child day care services (8351), provided:
  - a. All areas and surfaces readily accessible to children shall be free of toxic substances and hazardous materials. This shall include all adjacent and abutting properties lying within 500 feet of the childcare center's nearest property line.
    - (1) For purposes of this subsection, the following definitions shall apply:
      - (a) Hazardous materials: A material that has any of the following properties; ignitable, corrosive, reactive and/or toxic.
      - (b) Toxic substances: a substance which is, or is suspected to be, carcinogenic, mutagenic, teratogenic, or toxic to human beings.
  - b. It shall not be located within 500 feet of the nearest property line of land uses encompassing wholesale storage of gasoline, liquefied petroleum, gas, oil, or other flammable liquids or gases.
  - c. It shall not be located on the same street customarily utilized by construction truck traffic from asphalt plants and excavation quarries.
  - d. It shall have a minimum lot area of 20,000 square feet and a minimum lot width of 100 feet.
  - e. It shall provide a minimum usable open space of not less than 30 percent of the total square footage of the lot area.
  - f. It shall provide that all open spaces to be used by children will be bounded by a fence of not less than five feet in height, to be constructed of wood, masonry or other approved material.
  - g. It shall provide a landscape buffer in accordance with division 2.4.
  - h. It shall comply with the State of Florida Department of Health and Rehabilitative Services Child Day Care Standards, Florida Administrative Code, chapter 10M-12, effective March 11, 1986.
  - i. Where a child care center is proposed in conjunction with, and on the same parcel as, a facility which is a permitted use, the requirements set forth in subparagraphs a through h above, with the exceptions of subparagraphs d and e, shall be used to provide the protections to

children using the child care center intended by this section consistent with the development of the proposed permitted use.

5. Communications (groups 4812--4841) with communications towers that exceed specified height, subject to section 2.6.35.
6. Farm product raw materials (groups 5153--5159).
7. Fuel dealers (groups 5983--5989).
8. Homeless shelters, as defined by this Code.
9. Hotels and motels (groups 7011, 7021, 7041 when located outside an activity center.)
10. Justice, public order and safety (groups 9223--9224 )
11. Kiosks.
12. Local and suburban passenger transportation (groups 4131--4173).
13. Motion picture theaters (7833, drive-ins).
14. Permitted uses with less than 700 square feet of gross floor area in the principal structure.
15. Soup kitchens, as defined by this Code.
16. Transfer stations (4212, local refuse collection and transportation only
17. 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.

**Sec. 2.2.16. Industrial district (I).**

\* \* \* \* \*

2.2.16.2.1.1. *Permitted uses.*

\* \* \* \* \*

10. Crematories (7261)

*(Renumber remaining list of uses)*

~~47. Any other use which is comparable in nature with the foregoing uses and is otherwise clearly consistent with the intent and purpose statement of the district.~~

2.2.16.2.2. *Uses accessory to permitted uses.*

1. Uses and structures that are accessory and incidental to uses permitted as of right in the I district.
2. Caretaker's residence, subject to section 2.6.16.
3. Retail sales and/or display areas as accessory to the principal use, excluding automotive sales and/or display areas, not to exceed an area greater than 20 percent of the gross floor area of the permitted principal

use, and subject to retail standards for landscaping, parking and open space.

- 4. Recreational vehicle campground and ancillary support facilities when in conjunction with temporary special event activities such as air shows and the like.

\* \* \* \* \*

2.2.16.3. *Conditional uses.* The following uses are permitted as conditional uses in the industrial district (I), subject to the standards and procedures established in division 2.7.4:

\* \* \* \* \*

- 23. Any other industrial 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.

\* \* \* \* \*

Sec. 2.2.20. Planned unit development district.

Sec. 2.2.20.2. *General.*

2.2.20.2.1. *Relation of planned unit development regulations to the growth management plan, zoning, subdivision, or other applicable regulations.* All application for PUDs shall be in full compliance with the future land uses element and the goals, objectives, and policies of all elements of the growth management plan. Proposed PUD developments shall demonstrate consistency with "Smart Growth" principles as adopted in the most recent policy guide on smart growth by the American Planning Association (APA). All development regulations, including overlay districts or special development standards for specific land use types, or the like, supplemental regulations and other applicable provisions of all county ordinances such as, but not limited to, all provisions of the Collier County land development code, as may be amended, shall apply unless specifically modified by the approved PUD document and PUD master plan. Where the application for a PUD proposes to modify any of the regulations set forth in the land development code, the application, the PUD document and the PUD master plan shall specifically identify the code section number, the specific regulation and the proposed modification to such regulation, in a standard format established by the planning services director.

\* \* \* \* \*

**Sec. 2.2.21. Corridor management overlay district (CMO); special regulations for properties abutting Golden Gate Parkway west of Santa Barbara Boulevard and Goodlette-Frank Road south of Pine Ridge Road.**

\* \* \* \* \*

2.2.21.5. *Landscaping.*

2.2.21.5.1. *Goodlette-Frank Road.*

~~1. The minimum landscaping area shall be ten feet in width measured from the right-of-way line.~~

~~2.~~ 1. Tree plantings shall consist of canopy trees with a minimum canopy spread of five feet and height of ten feet at the time of planting. Trees ~~must~~ shall be placed every 30 feet in landscaped areas.

~~3.~~ 2. Palm trees may not be substituted for canopy trees.

4. ~~3.~~ Landscape designs shall incorporate the use of xeriscape plant materials species as listed in the Xeriscape Plant Guide published by the South Florida Water Management District.

\* \* \* \* \*

**Sec. 2.2.24. Special treatment overlay district (ST); special regulations for areas of environmental sensitivity and lands and structures of historical and/or archaeological significance and the Big Cypress Area of Critical State Concern.**

2.2.24.8 *Exceptions from public hearing requirements.*

The development services director may administratively approve a site alteration plan or site development plan for land designated ST without the public hearing otherwise required by this section if:

1. ~~Where land has an ST designation and~~ The area of the proposed alteration or development area contains is 20 ~~five (5) acres or less in gross area; and where there are no transfer of development rights are involved, the development services director may approve a site alteration plan or a site development plan. Prior to such approval, the development services director shall make a finding that and the following conditions, where applicable, exist:~~
  - a. ~~The proposed site alteration or site development will occur on land that was lawfully cleared and no more than ten percent of the cleared lands have re-grown with native vegetation. plan will not require any modification, with the exception of exotic vegetation removal, of the topography, drainage, flora, or fauna on the site.~~
  - b. ~~Where the proposed alteration or development involves a~~ sSingle-family principal structure or the renovation or replacement of a single-family structure and ~~where the proposed site alteration or site development plan will not require any significant modification of topography, drainage, flora, or fauna on the site, or where the alteration involves the renovation or replacement of a single-family structure. s“Significant modification” shall mean modification greater than ten~~ fifteen percent of the site.
  - c. No pollutants will be discharged from the area that will degrade the air, water or soil below the levels existing at the time of application.
  - d. Water management berms and structures proposed for the protection and/or enhancement of the ST areas are of will meet the minimum dimensions permitted ~~approved~~ by the South Florida Water Management District.
2. Temporary site alteration for ~~Oil and gas geophysical surveys and testing. “Temporary site” alteration shall mean only those alterations involving hand cutting of vegetation for surveys and equipment entry, drill shot holes not exceeding six inches in diameter and rutting associated with vehicle access. Trimming of vegetation for access routes shall be kept to the minimum width necessary for surveying and testing. The site shall be restored as required by federal, state and county permits within 90- days of the start of the project.~~
3. Where a conditional use has been approved, along with an environmental impact statement (EIS) or an exemption from the requirement for an EIS has been granted pursuant to section 3.8.9. of this code.

4. Site alteration or site development around existing communication towers to expand or construct accessory structures associated with an already existing tower, not to exceed five acres.

All other site alteration or site development plan approvals of any size shall be as required to comply with the provisions in sections 2.2.24.4, 2.2.24.5, and 2.2.24.6., as applicable.

\* \* \* \* \*

**Sec. 2.2.28. Immokalee Overlay Districts.**

2.2.28.1. *Purpose and intent:* To create the Immokalee Overlay District with distinct sub-districts for the purpose of establishing development criteria suitable for the unique land use needs of the Immokalee Community.

2.2.28.2.1 Murals. Murals in the Immokalee Overlay District and its sub-districts are intended to support and promote community-based cleanup and other architectural and aesthetic improvement efforts in the Immokalee Community as set forth below:

1. For the purposes of section 2.2.28, "murals" are defined as paintings or other artistic depictions directly affixed to, and that do not project more than four (4) inches from, a building wall.
2. Applications for approval of murals shall be submitted to the community development and environmental services division. A scale rendering of the mural in full color, as it will appear on the building, shall accompany applications. Prior to final action on the application, the staff will obtain a recommendation by the mural review committee.
3. The board of county commissioners shall appoint a mural review committee for purposes of reviewing and making recommendations regarding the proposed murals. The committee shall develop criteria for reviewing mural applications.
4. All applications for approval of murals shall receive approval of the mural review committee.
  - a. Murals affixed to existing structures require submittal of a site improvement plan application or an insubstantial change to site development plan application. Such applications shall be exempt from the applicable application fees.
  - b. Murals affixed to new structures require application for approval of mural as part of a site development plan application. Murals that are part of a site development plan application are shall not be exempt from the applicable application fees.
5. Notwithstanding the definition of "signs" elsewhere in this code, murals depicting the history, culture, or natural environment of the Immokalee Community that do not have any commercial message or advertisement are not signs, and therefore, the creation, display, or maintenance of such murals does not require a sign permit, but does, require the recommendation of the mural review committee.

\* \* \* \* \*

2.2.28.5.3. *Permitted Uses:* All permitted uses within the underlying zoning districts, and the following uses, as identified in the Standard Industrial Classification Manual (1987), are permitted as a right in this sub-district.

1. Agricultural Services (0723)
2. Wholesale Trade (5148)
3. Agricultural Outdoor Sales
4. Petroleum Bulk Stations and Terminals (5171) and Petroleum and Petroleum Products Wholesalers, (5172 – gasoline: buying in bulk and selling to farmers – wholesale only) provided:

a. Separation requirements: There shall be a minimum distance of 500 feet, shortest airline measurement, between the nearest points on any lot or parcel of land containing such proposed operations, and any lot or parcel which is already occupied by such operation, or for which a building permit has been issued.

b. Waiver of separation requirements: The board of zoning appeals may by resolution grant a waiver of part or all of the minimum separation requirements set forth above pursuant to section 2.6.28.4. of this code.

c. Separation from residentially zoned lands: There shall be a minimum distance of 500 feet, shortest airline measurement, from all residentially zoned land.

d. Maximum lot area: Two (2) acres.

\* \* \* \* \*

**SUBSECTION 3.C. AMENDMENTS TO DIVISION 2.4., LANDSCAPING AND BUFFERING.**

Division 2.4, Landscaping and Buffering, of Ordinance 91-102, as amended, the Collier County Code, is hereby amended to read as follows:

**DIVISION 2.4. LANDSCAPING AND BUFFERING**

**Sec. 2.4.4. Plant material standards and installation standards.**

\* \* \* \* \*

2.4.4.11. *Prohibited species.* The following plant species shall not be planted:

2.4.4.11.1. Enterolobium cyclocarpum (ear tree).

2.4.4.11.2. Melia azedarach (Chinaberry tree).

2.4.4.11.3. Bischofia javanica (bishopwood).

2.4.4.11.4. Scaevola frutescens (Australian inkberry).

2.4.4.11.5. Dalbergia sissoo (Indian rosewood).

2.4.4.11.6. Sapium sebiferum (Chinese tallow tree).

2.4.4.11.7. Ardisia elliptica (shoe button ardisia).

2.4.4.11.8. ~~Ficus microcarpa~~ Ficus microcarpa /Ficus nitida (laurel fig/ Cuban laurel).

This list shall be subject to revision as exotic plant species are determined to be noxious, invasive, cause environmental degradation to native habitats, or to be detrimental to human health, safety, or the public welfare.

**SUBSECTION 3. D. AMENDMENTS TO DIVISION 2.6. SUPPLEMENTAL DISTRICT REGULATIONS.**



Division 2.6, Supplemental District Regulations, of Ordinance 91-102, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

**DIVISION 2.6. SUPPLEMENTAL DISTRICT REGULATIONS**

\* \* \* \* \*  
**Essential Services.**

\* \* \* \* \*

2.6.9.1. *Permitted uses.* The following uses are allowed as shall be deemed permitted uses:

- a. in any every zoning district: water lines, sewer lines, gas lines, telephone lines, telephone switching stations, cable television, electrical transmission and distribution lines, substations, emergency power structures, sewage lift stations, water pumping stations; essential service wells (including extraction facilities, and requisite ancillary facilities,) and any other wells which have been or will be permitted by the South Florida Water Management District or the Florida department of environmental protection either prior to or subsequent to the effective date of this ordinance, or if the respective well and/or well related facility is otherwise required to be installed or constructed by law; in every zoning district: individual private wells and septic tanks, and similar installations necessary for the performance of these services. If any proposed well is a Collier County owned well under the permitting jurisdiction of a Florida agency, staff, early in the county's well permit application process, shall post sign(s) at the county's proposed well site(s) and shall provide written notice that the county has applied for a required well permit to property owners within 300 feet of the property lines of the lots or parcels of land on which the applied-for well is being sought by the county, including, if applicable, the times and places of the permitting agency's scheduled public hearings;
- b. in commercial and industrially zoned districts: other governmental facilities, as defined by this Code, shall be permitted uses in commercial and industrial zoned districts to the extent the facility and/or service is required by law, rule or regulation;  
Furthermore, the following governmental facilities shall be permitted uses
- c. in the agricultural and estate zoned districts the following governmental facilities: nonresidential not-for-profit child care, nonresidential education facilities, libraries, museums, neighborhood parks, and recreational service facilities;
- d. in residentially zoned districts: neighborhood parks;

2.6.9.2. *Conditional uses.* The following uses ~~shall be deemed~~ require approval pursuant to section 2.7.5. as conditional uses:

- a. in any every zoning district: electric or gas generating plants, effluent tanks, major re-pump stations, sewage treatment plants including percolation ponds, hospitals, hospices, water aeration or treatment plants, governmental facilities;
- b. in residential, agricultural and estate zoned districts, except as otherwise specified by section 2.6.9.1.; public water supply acquisition, withdrawal, or extraction facilities; regional parks, community parks, safety service facilities, and other similar facilities;

\* \* \* \* \*  
2.6.35.7. Alligator Alley communication towers.

\* \* \* \* \*

- (6) ~~Landscaping e buffer: A landscape buffer no less than ten feet wide with trees planted 25 feet on center shall be developed and maintained around the perimeter of each tower site and other related equipment, structures, and buildings. This buffer shall encompass all structures including the tower base. At least one row of native vegetation shall be planted within the buffer to form a continuous hedge at~~

~~least three feet in height at planting. The buffer must be maintained in good condition. This landscape buffer may be waived by the planning services director where the buffer is not practical due to public safety problems. Shall be as required by section 2.4.6.4., of this code.~~

\* \* \* \* \*

**SUBSECTION 3.E. AMENDMENTS TO DIVISION 2.7., ZONING ADMINISTRATION AND PROCEDURES**

Division 2.7., Zoning Administration and Procedures of Ordinance 91-102, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

**DIVISION 2.7. ZONING ADMINISTRATION AND PROCEDURES.**

~~2.7.2.3.4 Notice and public hearing requirements where proposed amendment initiated by the board of county commissioners would change the zoning map designation of a parcel or parcels of land involves involving ten contiguous acres or more of land in the county or would change the actual list of permitted, conditional, or prohibited uses of land within a zoning category. Ordinances or resolutions In-eases initiated by the board of county commissioners in which the proposed to change to the zoning map designation of a parcel or parcels of land involves involving ten acres or more of land, or which changes the actual list of permitted, conditional or prohibited uses of land within a zoning category such provisions shall be enacted or amended pursuant to the following minimum public notice and hearing requirements: by the planning commission and the board of county commissioners.~~

~~1. The planning commission shall hold two advertised public hearings on the proposed ordinance or resolution. Both hearings shall be held after 5:00 P.M on a weekday, and the first shall be held approximately seven days after the day that the first advertisement is published. The second hearing shall be held approximately two weeks after the first hearing and shall be advertised approximately five days prior to the public hearing. The day, time, and place at which the second public hearing will be held shall be announced at the first public hearing.~~

1. The planning commission shall hold at least one advertised public hearing unless the planning commission elects by a majority decision to hear such ordinance or resolution to be heard at two public hearings before the planning commission. If there is only one hearing required before the planning commission, that hearing shall be held after 5:00 p.m. on a weekday, and if there are two hearings required before the planning commission, then at least one of the required hearings shall be held after 5:00 p.m. on a weekday, and in which case the first hearing shall be held approximately seven days after the day that the first advertisement is published. The second hearing will be held approximately two weeks after the first hearing and shall be advertised approximately five days prior to the public hearing. The day, time and place of a second public hearing shall be announced at the first public hearing.

\* \* \* \* \*

*2.7.3.4 Time Limits for approved PUD master plans.*

Should the development services director determine that the development has not commenced in earnest, then upon review and consideration of the report provided by the owner and any supplemental information that may be provided, the board of county commissioners shall elect one of the following:

1. To extend the current PUD approval for a maximum period of two years; at the end of which time, the owner will again submit to the procedure as defined herein.
2. Require the owner to submit an amended PUD in which the unimproved portions of the original PUD shall be consistent with the growth management plan. The existing PUD shall remain in effect until subsequent action by the board on the submitted amendment of the PUD.
3. If the owner fails to submit an amended PUD within six months of board action to require such an amended submittal, then the board 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.

\* \* \* \* \*

If in the event of a moratorium or third party litigation challenging the development order 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 ~~three-year~~ sunset provision.

\* \* \* \* \*

**SUBSECTION 3.F. AMENDMENTS TO DIVISION 2.8., ARCHITECTURAL AND SITE DESIGN STANDARDS AND GUIDELINES FOR COMMERCIAL BUILDINGS AND PROJECTS.**

Division 2.8., Architectural and Site Design Standards and Guidelines for Commercial Buildings and Projects, of Ordinance 91-102, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

**DIVISION 2.8. ARCHITECTURAL AND SITE DESIGN STANDARDS AND GUIDELINES FOR COMMERCIAL BUILDINGS AND PROJECTS.**

*2.8.3.4. Pedestrian walkways.*

*2.8.3.4.1. Purpose and intent.* To provide safe opportunities for alternative modes of transportation by connecting with existing and future pedestrian and bicycle pathways within the county and to provide safe passage from the public right-of-way to the ~~commercial~~ building or project, which includes the area between and including the parking areas and the building perimeter, and between alternative modes of transportation.

*2.8.3.4.2. Pedestrian access standards.* Pedestrian ways, linkages and paths shall be provided from the building entry(s) to surrounding streets, external sidewalks, ~~and~~ outparcels and parking areas. Pedestrian ways shall be designed to provide access between parking areas and the building entrance(s) in a coordinated and safe manner through the incorporation of walkways, sidewalks and crosswalks. Pedestrian ways may be incorporated within a required landscape perimeter buffer, provided said buffer is ~~not less than ten feet in width on average~~ consistent with the exceptions outlined in subsection 2.4.7.3(4) of this code. Shared pedestrian walkways are encouraged between adjacent commercial projects.

\* \* \* \* \*

**SUBSECTION 3.G. AMENDMENTS TO DIVISION 3.2, SUBDIVISIONS**

Division 3.2, Subdivisions, of Ordinance 91-102, as amended, the Collier Land Development Code, is hereby amended to read as follows:

### DIVISION 3.2. SUBDIVISIONS

3.2.8.3.4. *Buffer areas.* Subdivisions or developments shall be buffered for the protection of property owners from surrounding land uses as required pursuant to division 2.4. Buffers shall not inhibit pedestrian circulation between adjacent commercial land uses. Buffers shall be installed during construction as follows and in accordance with division 2.4:

- (a) To separate residential developments from commercial, community use, industrial and public use developments and adjacent expressways, arterials and railroad rights-of-way, except where such expressway, arterial, or railroad right-of-way abuts a golf course.
- (b) To separate commercial, community use, industrial and public use developments from residential developments.
- (c) To separate subdivisions of residential property that do not result in the submittal of a site development plan pursuant to the provisions of division 3.3 from other residential properties.

Separation shall be created with a landscape buffer strip which is designed and constructed in compliance with the provisions of division 2.4. Such buffer strip(s) shall be shown and designated on the final plat as a tract of easement and shall not be located within any public or private right of way. The ability to locate buffer(s) within a platted or recorded easement shall be determined pursuant to the provisions of division 2.4. Buffers adjacent to protected/preserve areas shall conform to the requirements established by the agency requiring such buffer.

\* \* \* \* \*

#### 3.2.8.4.8. *Fire hydrants.*

1. *Residential land development.* In one and two-family land developments with not more than ten dwelling units per acre, fire hydrants shall be spaced not greater than 500 feet apart and not more than 250 feet from the center of any lot in the subdivision and shall be connected to mains no less than six inches in diameter. The system shall provide capacity for fire flows of at least 500 gallons per minute or greater, ~~as required by the Fire Suppression Schedule of the Insurance Services Office,~~ in addition to maximum day domestic requirements at residual pressures of not less than 20 pounds per square inch unless otherwise required by the applicable fire code.
2. *Commercial, industrial, single family with structures in excess of 5000 square feet, and multifamily developments.* Fire hydrants located in these areas shall be connected to water mains no less than eight inches in diameter. In no case shall the spacing of hydrants be greater than ~~500~~ 300 feet apart ~~and not more than 250 feet from the center of any lot in the subdivision.~~ Additional on site fire hydrants are required when portions of structures are more than 150 feet from the street. These hydrants shall be located as determined by the fire code official. Hydrant spacing and size shall be capable of providing water flows adequate to meet the requirements of the Fire Flow Analysis ~~Suppression Rating Schedule of the Insurance Services Office.~~ In no case shall the flow be less than 750 gallons per minute with the residual pressure of 20 pounds per square inch at the most demanding ~~remote~~ point of discharge.

\* \* \* \* \*

**3.H. AMENDMENTS TO DIVISION 3.3., SITE DEVELOPMENT PLANS**

Division 3.3, Site Development Plans, of Ordinance 91-102, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

**DIVISION 3.3. SITE DEVELOPMENT PLANS**

**Sec. 3.3.7. Site Development plan review (SDP) procedures.**

\* \* \* \* \*

3.3.7.1.10 *Permits.* All necessary permits and necessary applications requiring county approval and other permitting and construction related items, including but not limited to the following, shall be submitted and approved with the side development plan:

4. Collier County right-of-way permit, if required, prior to or at site development plan ~~at the time of building permit approval.~~

\* \* \* \* \*

**SUBSECTION 3.I. AMENDMENTS TO DIVISION 3.13 COASTAL CONSTRUCTION SETBACK LINE VARIANCE.**

Division 3.13, Coastal Construction Setback Line Variance, of Ordinance 91-102, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

**DIVISION 3.13 COASTAL CONSTRUCTION SETBACK LINE VARIANCE.**

**Sec. 3.13.8. Permits.**

The following activities seaward of the coastal construction setback line shall not require a hearing by the board of county commissioners, but shall require a coastal construction setback line permit. Such permit shall be reviewed and approved administratively by site development review environmental staff. The appropriate fee as set by county resolution shall be submitted with permit application.

3.13.8.1. Construction of a dune walkover ~~with a maximum width of six feet,~~ when a Florida Department of Environmental Protection (FDEP) permit has been obtained and the following criteria have been met.

3.13.8.1.1. A maximum width of six feet.

3.13.8.1.2. A minimum separation of 200 feet between walkovers when two or more walkovers are proposed on a single parcel.

3.13.8.2. Creation, restoration, re-vegetation or repair of the dune or other natural area seaward of the CCSL on an individual parcel of land, when a Florida Department of Environmental Protection (FDEP) permit has been obtained and the following criteria have been met.

3.13.8.2.1. Sand used must be compatible in color and grain size to existing sand subject to FDEP requirements.

3.13.8.2.2. Plants utilized shall be 100 percent native coastal species.

3.13.8.2.3. Restoration plans shall be designed by an individual with expertise in the area of environmental sciences, natural resource management or landscape architecture. Academic credentials shall be a bachelors or higher degree. Professional experience may be substituted for academic credentials on a year for year basis, provided at least two years of professional experience are in the State of Florida.

\* \* \* \* \*

**SECTION FOUR: CONFLICT AND SEVERABILITY**

In the event this Ordinance conflicts with any other Ordinance of Collier County and other applicable law, the more restrictive shall apply. If any phrase or portion of the 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 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 relettered 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 Department of State.

PASSED AND DULY ADOPTED by the Board of County Commissioners of Collier County, Florida, this 19th day of June, 2002.

BOARD OF COUNTY COMMISSIONERS  
COLLIER COUNTY, FLORIDA

BY: *James N. Coletta*  
JAMES N. COLETTA, CHAIRMAN



*Dwight E. Brock*  
DWIGHT E. BROCK, CLERK  
~~Attest as to Chairman's~~  
~~signature only.~~  
Approved As To Form And Legal Sufficiency

This ordinance filed with the Secretary of State's Office the 27th day of June, 2002 and acknowledgement of that filing received this 3rd day of July, 2002  
By: *Ellie Zeffman*  
Deputy Clerk

*Marjorie M. Student*  
Marjorie M. Student  
Assistant County Attorney

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 2002-31

Which was adopted by the Board of County Commissioners on the 19th day of June, 2002, during Special Session.

WITNESS my hand and the official seal of the Board of County Commissioners of Collier County, Florida, this 19th day of June, 2002.

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

*Ellie Hoffman*

By: Ellie Hoffman,  
Deputy Clerk

2002 JUN 27 AM 9:52  
DEPARTMENT OF STATE  
TALLAHASSEE, FLORIDA

FILED

