

ORDINANCE NO. 2000-43



AN ORDINANCE AMENDING ORDINANCE NUMBER 91-102, AS AMENDED, THE COLLIER COUNTY LAND DEVELOPMENT CODE, WHICH INCLUDES THE COMPREHENSIVE ZONING 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 1, GENERAL PROVISIONS, DIVISION 1.9. ENFORCEMENT; ARTICLE 2, ZONING, DIVISION 2.1. GENERAL; DIVISION 2.2. ZONING DISTRICTS, PERMITTED USES, CONDITIONAL USES, DIMENSIONAL STANDARDS, DIVISION 2.3. OFF-STREET PARKING AND LOADING; DIVISION 2.4. LANDSCAPING AND BUFFERING; DIVISION 2.5. SIGNS; DIVISION 2.6. SUPPLEMENTAL DISTRICT REGULATIONS; ARTICLE 3, DIVISION 3.2. SUBDIVISIONS; DIVISION 3.5. EXCAVATION; DIVISION 3.9. VEGETATION REMOVAL, PROTECTION AND PRESERVATION; 3.11. ENDANGERED, THREATENED, OR LISTED SPECIES PROTECTION; ARTICLE 6, DIVISION 6.3. DEFINITIONS, INCLUDING, BUT NOT LIMITED TO THE DEFINITIONS OF DOCK FACILITY, FLOOR AREA RATIO AND COMMERCIAL EQUIPMENT; APPENDIX D, AIRPORT ZONING; SECTION FOUR, CONFLICT AND SEVERABILITY; SECTION FIVE, INCLUSION IN THE COLLIER COUNTY LAND DEVELOPMENT CODE; AND SECTION SIX, EFFECTIVE DATE.

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 pursuant to Section 1.19.1., LDC; and

WHEREAS, this is the first amendment to the LDC, Ordinance 91-102, commencing in calendar year 2000; 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 31, 2000 and June 14, 2000, and did take action concerning these amendments to the LDC; 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.

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DEPARTMENT OF STATE  
TALLAHASSEE, FLORIDA

## 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 1.9., ENFORCEMENT**

Division 1.9, Enforcement, of Ordinance 91-102, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

**DIVISION 1.9 ENFORCEMENT**

**Sec. 1.9.8 Other remedies.**

\* \* \* \* \*  
1.9.8.6. Requiring replacement by the property owner of any vegetation removed in violation of the land alteration and landscaping regulations or in violation of any permit issued under the code, including corrective measures pursuant to section 3.9.6.9. Replacement trees shall be of sufficient size and quantity to replace the dbh (diameter at breast height) of inches removed. At the time of planting, a replacement tree shall have a minimum ~~caliper dbh~~ dbh of ~~4 1/2~~ 3 inches and a minimum height of ~~seven to eight~~ 14 feet and a 7 foot crown; and  
\* \* \* \* \*

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

Division 2.2., Zoning Districts, Permitted Uses, Conditional Uses, Dimensional Standards, of Ordinance 91-102, as amended, 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. 2.2.2. Rural agricultural district (A).**

2.2.2.3. *Conditional uses.* The following uses are permitted as conditional uses in the rural agricultural district (A), subject to the standards and procedures established in division 2.7.4.

\* \* \* \* \*

- 21. Retail plant nurseries subject to the following conditions:
  - a. Retail sales shall be limited primarily to the sale of plants, decorative products such as mulch or stone, fertilizers, pesticides, and other products and tools accessory to or required for the planting or maintenance of said plants.
  - b. Additionally, the sale of fresh produce is permissible at retail plant nurseries as an incidental use of the property as a retail plant nursery.
  - c. The sale of large power equipment such as lawn mowers, tractors, and the like shall not be permitted in association with a retail plant nursery in the rural agricultural district.

\* \* \* \* \*

**Sec. 2.2.8. Residential tourist district (RT).**

2.2.8.4.3. *Minimum yard requirements.*

1. Front yard – One half the building height as measured from each exterior wall or wing of a structure with a minimum of 30 feet.

\* \* \* \* \*

2.2.8.4.4. ~~Maximum height. Ten stories or~~ for a maximum height of 100 feet, whichever is greater.

2.2.8.4.5. ~~Maximum density permitted. A maximum of 26 units per acre for hotels and motels, and 16 units per acre for timeshares and multifamily uses~~ when located within an activity center or if the RT zoning was in existence at the time of adoption of this code. When located outside an activity center, except as provided above, the density shall be determined through application of the density rating system established in the Collier County growth management plan, but shall not exceed 16 units per acre.

2.2.8.4.7. ~~Floor area requirements.~~

2.2.8.4.7.1. 500 square feet minimum for timeshare facilities. Minimum R requirements for multiple family, efficiency, 450 square feet; one bedroom, 600 square feet; two bedrooms or more, 750 square feet.

2.2.8.4.7.2. 300 square foot minimum for hotels and motels, with a 500 square foot maximum for hotels and motels, except that 20 percent of the total units may be utilized for suites.

2.2.8.4.8. ~~Maximum lot coverage. (Reserved.)~~ Floor area ratio. The maximum floor area ratio for hotels, motels and timeshare facilities shall not exceed a factor of 0.60, except for destination resort hotels as defined in Article 6.3 where a floor area ratio of 0.80 is permitted.

2.2.8.4.9. ~~Off street parking and off street loading. As required in division 2.3.~~ Maximum lot coverage. (Reserved.)

2.2.8.4.10. ~~Landscaping requirements. As required in division 2.4.~~ Off-street parking and off-street loading. As required in division 2.3.

2.2.8.4.11. Landscaping requirements. As required in division 2.4.

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

2.2.15.4.3. ~~Minimum yard requirements.~~

1. ~~Front yard. 25 feet or one-half of the building height as measured from each exterior wall, whichever is greater. Structures 50 feet in height or greater shall maintain a minimum of a 25 foot front yard setback and shall be required to provide an additional 1 foot of setback for each foot of building height in excess of 50 feet.~~

\* \* \* \* \*

2.2.15.4.7. ~~Floor area ratio. (Reserved)~~ The maximum floor area ratio for hotels and motels shall not exceed a factor of 0.60, except for destination resort hotels as defined in Article 6.3 where a floor area ratio of 0.80 is permitted.

2.2.15.4.8. ~~Maximum density. 26 units per acre for hotels, motels and timeshare facilities when located within activity centers. 16 units per acre when located outside an activity center. (Reserved.)~~

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

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.

- \* \* \* \* \*
- 9. Hotels and motels (groups 7011, ~~7921~~, 7021, 7041 when located outside an activity center.)
- \* \* \* \* \*

2.2.15 ½.4.3. *Minimum yard requirements.*

- 1. *Front yard.* ~~25 feet. or one half of the building height as measured from each exterior wall, whichever is greater.~~

- \* \* \* \* \*
- 3. *Rear yard.* ~~Zero feet or five feet or One-half of the building height as measured from each exterior wall, whichever is greater.~~

2.2.15 ½.4.7. *Floor area ratio.* ~~(Reserved)~~ The maximum floor area ratio for hotels and motels shall not exceed a factor of 0.60, except for destination resort hotels as defined in Article 6.3 where a floor area ratio of 0.80 is permitted.

2.2.15 ½.4.8. *Maximum density.* ~~26 units per acre for hotels, motels and timeshare facilities located within activity centers. 16 units per acre when located outside an activity center.~~ (Reserved.)

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

2.2.16.4.3. *Minimum yard requirements.*

- 1. *Front yard.* 25 ~~50~~ feet.
- 2. *Side yard.* The sum total of the side yards shall be 20 percent of the lot width, not to exceed a maximum of 50 feet. This yard requirement may be apportioned between the side yards in any manner, except that ~~one~~ neither side yard may ~~not~~ be less than ten feet ~~unless the structure is constructed at the side property line.~~ A zero lot line option may be used only in conjunction with an existing structure built on the lot line, or in conjunction with a unified plan of development involving one or more lots under common ownership where the preceding yard requirements for this district are met relative to the unified site.

**Sec. 2.2.16 1/2 . Business park PUD district (BP).**

2.2.16 ½.1. *Purpose and intent.* The purpose and intent of the business park PUD district (BP) is to provide a mix of industrial uses, corporate headquarters offices and business/professional offices which complement complement each other and provide convenience services for the employees within the district; and to attract businesses that create high value added jobs. It is intended that the BP PUD district be designed in an attractive park-like environment, with low structural density and large landscaped areas provided for both the functional use of buffering and enjoyment by the employees of the BP PUD district. The BP PUD district ~~corresponds to and implements the industrial land use designation on the Future Land Use Map~~ is permitted by the Urban - Mixed Use, Urban Commercial, and Urban - Industrial Districts of the Future Land Use Element of the Collier County Growth Management Plan.

2.2.16 ½.2. *Permitted uses.* The following uses, as identified within the latest edition of the Standard Industrial Classification Manual-(1987), or as otherwise provided for within this section, are permitted as a right, or as uses accessory to permitted primary and secondary uses in the business park PUD district (BP).

2.2 16 ½.2.1. *Permitted primary uses* – One-hundred percent of the total business park PUD district acreage is allowed to be developed with the following uses:

1. Aircraft and parts (groups 3721-3728)
2. Apparel and other finished products (groups 2311-2399)
- ~~3. Building construction (groups 1521-1542)~~
- ~~3.4. Business services (groups 7311) ~~7312, 7313, 7319, 7334, 7336, 7342-7389, not including auction rooms (5999)~~~~
- ~~5. Child day care services (group 8351)~~
- ~~4.6. Communications (group 4812-4899 ~~not~~ including communication towers limited in height to 100 feet and subject to section 2.6 35.6.2.1.)~~
- ~~5.7. Construction: Special trade contractors (groups 1711-1799)~~
- ~~6. 8. Depository and non-depository institutions (groups 6011-~~6163~~ 6019, 6081, 6082)~~
- ~~7. 9. Drugs and medicines (groups 2833-2836)~~
- ~~8. 10. Eating places (group 5812 not including fast foods, walk-up windows and drive-thru restaurants)~~
- ~~9. 11. Educational services (groups ~~8243-8249~~ 8221-8299)~~
- ~~10. 12. Electronics and other electrical equipment manufacturing (groups 3612-3699)~~
- ~~11. 13. Engineering, accounting, research, management and related services (groups 8711-8748)~~
- ~~12. Food manufacturing (groups 2034, 2038, 2053, 2064, 2066, 2068, 2096, 2098, 2099)~~
- ~~13. Furniture and fixtures manufacturing (groups 2511 -2599)~~
- ~~14. Government offices/buildings (groups 9111 - 9229~~2~~, 9224-9229, 9311, 9411-9451, 9511-9532, 9611-9661)~~
- ~~15. Health services (groups 8011-8049)~~
16. Industrial and commercial machinery and computer equipment (groups 3511-3599)
17. Industrial inorganic chemicals (groups 2812-2819)
18. Job training and vocational rehabilitation services (group 8331)
19. Leather and leather products (groups 3131-3199)
20. Measuring, analyzing, and controlling instruments; photographic, medical and optical goods; watches and clocks manufacturing (groups 3812-3873)
- ~~21. Medical clinics (groups 8011, 8021, 8041-8049), provided that said use shall be permitted only as a related, accessory use, supportive and incidental to the primary, planned research office facilities and further provided that any such use shall be oriented internally to the major development of the planned research office facilities, with no direct access to major arterials external to the project.~~

- ~~22.~~ 21. Medical laboratories and research and rehabilitative centers (groups 8071, 8072, 8092, 8093)
- ~~23.~~ Membership organizations (groups 8611: Business associations, 8631: Labor unions and similar labor organizations)
- ~~24.~~ 22. Miscellaneous manufacturing industries (groups 3911-3999)
- 23. Motion picture production (groups 7812-7819)
- ~~25.~~ Museums and art galleries (group 8412)
- ~~26.~~ Ordinance and accessories, not elsewhere classified (groups 34 82 3489)
- ~~27.~~~~24.~~ Paper and allied products (groups 2621-2679)
- ~~28.~~ Personal services (groups 7211 7219)
- ~~29.~~ Physical fitness facilities (group 7991)
- ~~30.~~25. Plastic materials and synthetics (groups 2821-~~2824~~ ,2834)
- ~~31.~~26. Printing, publishing and allied industries (groups 2711-2796)
- ~~32.~~27. Professional offices: Travel agencies (group 4724); insurance agencies; (group 6411); insurance carriers (groups 6311-6399); real estate (groups 6531, 6541, 6552, 6553); holding and other investment offices (groups 6712-6799); attorneys (group 8111)
- ~~33.~~28. Rubber and miscellaneous plastic products (groups 3021, 3052, 3053)
- 29. Security/commodity brokers (group 6211)
- ~~34.~~30. Transportation equipment (groups 3714, 3716, 3731, 3732, 3751, ~~3761, 3764, 3769, 3792, 3799~~)
- ~~35.~~ 31. United States Postal Service (group 4311)
- ~~36.~~32. Wholesale trade - durable goods (groups ~~5012-5014, 5021-5049, 5031, 5043-5049, 5063-5078, 5091, 5092, 5094-5099~~)
- ~~37.~~33. Wholesale trade - nondurable goods (groups 5111-5159, 5181, 5182, 5191 except that wholesale distribution of chemicals, fertilizers, insecticides, and pesticides shall be a minimum of 500 feet from a residential zoning district, 5192-5199)
- ~~38.~~ ~~Any other use which is comparable in nature with the forgoing uses and is otherwise clearly consistent with the intent and purpose statement of the district.~~

2.2.16 ½.2.2. Permitted secondary uses accessory to the business park PUD district. Development is limited to a maximum of 30% of the total acreage of the business park district for the following uses:

- 1. Business services (groups 7312, 7313, 7319, 7331, 7334-7336, 7342, 7349, 7352, 7361, 7363, 7371-7384, 7389)
- 2. Child day care services (group 8351)
- 3. Depository and non-depository institutions (groups 6021-6062. 6091, 6099, 6111-6163)

4. Drug stores (group 5912, limited to drug stores and pharmacies) in conjunction with health services groups and medical laboratories/research/rehabilitative groups.
5. Hotels (group 7011 hotels only). Maximum density 26 units per acre when located within activity centers and 16 units per acre when located outside activity centers.
6. Membership organizations (group 8611); business associations (group 8621); professional organizations (group 8631); labor unions and similar labor organizations)
7. Personal services (groups 7215~ 7231, 7241)
8. Physical fitness facilities (group 7991)
9. Professional offices: travel agencies (group 4724)

2.2.16 ~~1/2.2.2.3.~~ Uses accessory to permitted primary and secondary uses:

1. Uses and structures that are accessory and incidental to uses permitted as of right in the BP PUD district.
2. Caretaker's residence, subject to Section 2.6.16.
3. Retail sales and/or display areas as accessory to the principal use, 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.

2.2.16 ~~1/2.2.3.4.~~ General requirements. The following requirements shall apply to the ~~business park zoning district and/or~~ business park PUD district.

1. Business parks shall be a minimum of 35 contiguous acres. The term contiguous shall include properties separated by either an intervening planned or developed public street right-of-way; provided, however, no portion of such separated properties shall be less than five acres.
2. Business parks shall be permitted to develop with a maximum of ~~40-30~~ percent commercial uses. For the purposes of this section, commercial uses are defined as ~~offices, financial institutions, cultural facilities, fitness centers, child care centers, restaurants, and public and semi-public facilities.~~ retail sales in accordance with section 2.2.16 1/2.2.3.3., and recreational facilities.
3. Business parks within the Urban - Industrial District of the Future Land Use Element shall have direct access to a road classified as an arterial or collector street, on the Five Year Future Traffic Circulation Map contained in the Transportation Element, and shall have with an internal circulation system that prohibits industrial traffic from traveling through predominantly residential areas. Business parks within the Urban Mixed-Use and Urban Commercial Districts of the Future Land Use Element shall have direct access to a road classified as an arterial street on the Five Year Future Traffic Circulation Map contained in the Transportation Element, and shall have an internal circulation system that prohibits traffic from having direct access to the arterial roadway and from traveling through predominantly residential areas.
4. Access shall be in accordance with the Collier County Management Policy or plan and consistent with Objective 7 and Policy 7.1 of the ~~Traffic Circulation~~ Transportation Element.



5. Business parks shall have central water and sewer, and shall not generate light, noise or odors so as to be incompatible with surrounding land uses.
6. Business parks located within Interstate Activity Center quadrants that permit industrial uses shall also be required to meet the standards as stated under the Interstate Activity Center Subdistrict of the Future Land Use Element for commercial and industrial land uses. These standards include site development plan approval; landscaping, buffering and/or berming installed along the Interstate; fencing that is wooden or masonry; no direct access to the Interstate right-of-way; joint access and frontage roads established when frontage is not adequate to meet the access spacing requirements of the Access Management Policy, Activity Center Access Management Plans, or State Access Management Plans, as applicable; access points and median openings designed to provide adequate turning radii to accommodate truck traffic and to minimize the need for U-turn movements; the developer to provide all necessary traffic improvements - to include traffic signals, turn lanes, deceleration lanes, and other improvements deemed necessary - as determined necessary during the rezoning process; and, a maximum floor area ratio (FAR) for the designated industrial land uses component of the projects of 0.45.
7. A twenty five (25) foot wide landscape buffer shall be provided around the boundary of the business park. A six foot tall opaque architecturally finished masonry wall, or berm, or combination thereof shall be required and two staggered rows of trees spaced no more than 30 feet on center shall be located on the outside of the wall, berm, or berm/wall combination.

2.2.16 ~~1/2~~.2.4.5. *Dimensional standards.* The following dimensional standards shall apply to all permitted, and accessory, ~~and conditional~~ uses in the Bbusiness Ppark PUD district (BP). Where specific development criteria and standards also exist in the Immokalee Master Plan or in the Future Land Use Element of the Collier County Growth Management Plan, they shall supersede any less stringent requirement or place additional requirements on development.

2.2.16 ~~1/2~~.2.4.5.1. *Minimum lot area:* 20,000 square feet.

2.2.16 ~~1/2~~.2.4.5.2. *Minimum lot width:* 100 feet.

2.2.16 ~~1/2~~.2.4.5.3. *Minimum yard requirements for principal and accessory structures:*

1. *Front yard:* 50 feet.
2. *Side yard:* ~~The sum total of the side yards shall be 20 percent of the lot width, not to exceed a maximum of 50 feet. This yard requirement may be apportioned between the side yards in any manner, except that one side yard may not be less than ten feet unless the structure is constructed at the side property line. 10 feet.~~
3. *Rear yard:* ~~15~~ 25 feet.
4. *Yard abutting residential lot:* 50 feet.

2.2.16 ~~1/2~~.2.4.5.4. *Distance between structures.* If there is a separation between any two principal structures on the same parcel, said separation shall be a minimum of 15 feet or a distance equal to one-half the sum of their heights, whichever is the greater.

2.2. 16 ~~1/2~~.2.4.5.5. *Maximum height of structures.* 35 feet.

2.2. 16 ~~1/2.2.4.5.6.~~ *Minimum floor area.* 1,000 square feet.

2.2. 16 ~~1/2.2.4.5.7.~~ *Maximum building coverage:* Maximum building coverage shall exceed 45 percent of the lot area.

2.2. 16 ~~1/2.2.4.5.8.~~ *Minimum open space.* A minimum of 30 percent of each lot shall be devoted to open space. Open space shall be that unoccupied space which is not used for buildings, parking, driveways, or structures and which is open to the sky. On improved lots, open space is the area between and around structures, including recreation areas.

2.2. 16 ~~1/2.2.4.5.9.~~ *Minimum off-street parking and off-street loading.* As required in Division 2.3.

2.2. 16 ~~1/2.2.4.5.10~~ *Landscaping.* As required in Division 2.4 and in Subsection 2.2.16 1/2.2.4.7.

2.2. 16 ~~1/2.2.5.6.~~ *Lighting.* Lighting shall be located so that no light is aimed directly toward a property designated residential if lighting is located within 200 feet of residential property.

2.2. 16 ~~1/2.2.6.7.~~ *Signs.* As required in Division 2.5, except that no pole signs shall be allowed.

2.2. 16 ~~1/2.2.7.8.~~ *Storage.* No outside storage or display shall be permitted. The parking of commercial vehicles may be permitted on improved property, provided such parking be limited to the rear yard. Furthermore, such parking areas, when located on a lot abutting a residential district, shall be screened from said residential district. Such screen may be in the form of walls or fences, and shall be at least six feet in height. Said walls or fences shall be opaque in design and made of masonry, wood, or other materials approved by the planning development services director. Chain linked fences ~~shall not be permitted.~~ are prohibited in the business park PUD district.

2.2. 16 ~~1/2.2.8.9.~~ *Sidewalks.* As required in Division 3.2.

2.2. 16 ~~1/2.2.9.10.~~ *Architectural and site design standards.* All ~~commercial~~ buildings and projects shall be subject to the provisions of Division 2.8.

## **Sec. 2.2.20. Planned Unit Development District (PUD).**

2.2.20.3.1. *Maximum intensities and residential densities.*

1. Maximum residential density permissible for the overall PUD shall be guided, in part, by the density rating system contained in the future land use element of the growth management plan. The overall maximum residential density permissible or permitted in a PUD shall be calculated by dividing the total number of dwelling units by the total of gross acreage of the proposed PUD excluding the acreage of the areas designated for commercial, industrial, or other land use having an established equivalent residential density in this Land Development Code. The maximum density permissible or permitted in a PUD shall not exceed the density permissible under the density rating system, or applicable policies contained in the future land use element. Land use intensities for non-residential uses shall be governed by provisions of the most similar use district or as otherwise provided in these regulations.

2.2.20.3.3. *Minimum dimensional standards within a PUD.* Except as provided for within the industrial and neighborhood village center component of this section, dimensional standards within any tract or increment of the proposed PUD shall conform to the minimum dimensional and other standards of the zoning district to which it most closely resembles in type, density, and intensity of use. Where

there is uncertainty, the more restrictive standards shall apply. Variation from these minimum dimensional standards may be approved if the PUD demonstrates unique or innovative design. For purposes of this section, examples of unique and innovative design may include, but are not limited to:

\* \* \* \* \*

7. Providing certain personal services, offices and convenience shopping goods to residents of the PUD having the effect of reducing the number of vehicular trips for these purposes to destinations outside of the PUD.

Submission of schematic architectural drawings, site plans, floor plans, elevations, and perspectives which shall graphically demonstrate the proposed reduction in dimensional standards for all proposed land use types and their accessory uses within the PUD shall also be required to provide support documentation for reduction in the minimum standards of the zoning code.

Where required side yard setbacks are permitted to be zero, a site improvement plan, pursuant to section 3.3.8, of this code shall be approved prior to issuance of a building permit.

2.2.20.3.14. *Special requirements for mixed use planned unit developments containing commercial component.*

1. ~~When a residential mixed use PUD containing a commercial tract or increment is located outside of an activity center, all commercial components of the PUD shall be subject to all provisions of the future land use element and other elements of the growth management plan. Minimum development standards shall be as described within section 2.2.20.3. and is intended as a neighborhood village center offering personal services, offices and convenience goods for residents of the PUD, as provided for in the PUD neighborhood village center subdistrict of the future land use element of the growth management plan, the following list of uses, regulations, development standards, and design guidelines shall apply.~~
2. ~~When a residential mixed use PUD is located outside of an activity center as designated on the future land use map of the growth management plan, all commercial components of that PUD shall be subject to the provisions of the growth management plan PUD neighborhood commercial subdistrict.~~
1. Land area requirement. The gross acreage of the neighborhood village center shall be sized in proportion to the number of housing units authorized in the PUD as follows. The maximum size shall be fifteen (15) contiguous acres.

<u>No. of Dwelling Units</u>	<u>Maximum Size of Neighborhood Village Center(Acres)</u>
<u>250 through</u>	<u>1.5</u>
<u>400</u>	<u>1.5</u>
<u>401 through</u>	<u>2.5</u>
<u>550</u>	<u>2.5</u>
<u>551 through</u>	<u>3.5</u>
<u>700</u>	<u>3.5</u>
<u>701 through</u>	<u>4.5</u>
<u>850</u>	<u>4.5</u>
<u>851 through</u>	<u>5.5</u>
<u>1000</u>	<u>5.5</u>
<u>1001 through</u>	<u>6.75</u>
<u>1150</u>	<u>6.75</u>
<u>1151 through</u>	<u>8</u>

<u>1300</u>	<u>8</u>
<u>1301 through</u>	<u>9.5</u>
<u>1450</u>	<u>9.5</u>
<u>1451 through</u>	<u>11</u>
<u>1700</u>	<u>11</u>
<u>1701 through</u>	<u>12.5</u>
<u>1850</u>	<u>12.5</u>
<u>1851 through</u>	<u>14</u>
<u>2000</u>	<u>14</u>
<u>2001+</u>	<u>15</u>

3. ~~The uses permitted within the commercial components of the mixed use PUD shall be limited to those uses listed in the C-3 district.~~

2. Maximum floor area ratio: 0.25 for the commercial component

3. Permitted uses:

1. Commercial uses:

<u>Major Category</u>	<u>Specific uses:</u>
a. Groups 6021-6029	<u>Commercial banks - drive-through facilities are prohibited.</u>
b. Group 6531	<u>Real estate agents and managers for property within PUD only.</u>
c. Group 5251	<u>Hardware store only - 2,500 sq. ft. maximum floor area.</u>
d. Group 5331	<u>Variety stores - 2,500 sq. ft. maximum floor area.</u>
e. Group 5399	<u>Miscellaneous general merchandise stores, except catalog showrooms - 2,500 sq. ft. maximum floor area.</u>
f. Group 5411	<u>Grocery stores, except frozen food and freezer plans - 10,000 sq. ft. maximum floor area.</u>
g. Group 5421	<u>Fish, meat, and seafood markets only.</u>
h. Group 5431	<u>Fruit and vegetable markets.</u>
i. Group 5461	<u>Retail bakeries.</u>
j. Group 5499	<u>Health food store only - 2,500 sq. ft. maximum floor area.</u>
k. Group 5541	<u>Gasoline service stations, except truck stops.</u>
l. Groups 5611-5661	<u>Apparel and accessory stores - 2,500 sq. ft. maximum floor area.</u>
m. Group 5735	<u>Record and prerecorded tape stores.</u>
n. Group 5812	<u>Eating places, except caterers and industrial and institutional food service establishments, dinner theaters, drive-in restaurants and restaurants with drive-through facilities.</u>
o. Group 5921	<u>Liquor stores.</u>
p. Group 5947	<u>Gift, novelty, and souvenir shops.</u>
q. Group 5949	<u>Sewing, needlework, and piece goods stores.</u>
r. Group 5992	<u>Florists</u>
s. Group 7212	<u>Agents for laundries and drycleaners only.</u>
t. Group 7215	<u>Coin-operated laundries and drycleaning.</u>
u. Group 7219	<u>Diaper service, and garment alteration and repair shops only.</u>
v. Group 7231	<u>Beauty shops, except beauty schools and cosmetology schools.</u>
w. Group 7241	<u>Barber shops, except barber colleges.</u>
x. Group 7299	<u>Depilatory salon, electrolysis, massage parlor, shopping service for individuals, and tanning salons only.</u>
y. Group 7349	<u>Housekeeping and maid service only.</u>
z. Group 7841	<u>Video tape rental.</u>
aa. Group 7991	<u>Physical fitness facilities.</u>
bb. Groups 8011-8021	<u>Offices and/or clinics of physicians, and offices and/or clinics of dentists.</u>
cc. Group 8041	<u>Offices and clinics of chiropractors.</u>

2. Non-commercial uses: In addition to the above commercial uses, the neighborhood village center may also contain recreational facilities and other amenities of the PUD, such as a clubhouse, community center or day care center.

4. Unified plan of development and common ownership. The neighborhood village center shall be a unified, and architecturally integrated, plan of development with common ownership of all of the property that comprises the neighborhood village center.
5. Locational criteria and functional operation. The following locational criteria and functional operating characteristics shall characterize the neighborhood village center:
  - a. The neighborhood village center must be internally located within the PUD such that the site has no direct access to roads external to the PUD. The center must be located a minimum of 660 feet from the nearest external roadway providing access to the PUD. The center must be located a minimum of 330 feet from the perimeter boundaries of the PUD.
  - b. The neighborhood village center shall be located within a 1,760 foot radius (1/3 mile) of at least 80% of the total number of approved residential units.
  - c. The neighborhood village center shall be pedestrian-friendly meaning minimal dependency upon access by automobiles and with location and design to encourage pedestrian access, which shall be reflected in the pedestrian walkway system for the entire PUD.
6. Off-street parking and design. In recognition of the pedestrian-friendly design of the neighborhood village center, as required in section 2.2.20.14.5.c., the number of required off-street parking spaces shall only be fifty (50) percent of that required by section 2.3.16 of the land development code. However, the number of off-street parking spaces provided shall not exceed 75% of that required by section 2.6.13. In all other respects, off-street parking areas shall be designed in accordance with the provisions of divisions 2.3 and 2.4 of the land development code.
7. Design guidelines. The neighborhood village center shall be subject to, and in compliance with, the design guidelines identified in division 2.8 of the land development code except as otherwise excepted or required herein.
8. Signs. A unified sign plan shall be submitted and made a part of the approval for the neighborhood village center site development plan. The approved unified sign plan will establish signage specifications and will therefore become the sign regulations that will apply to the neighborhood village center. The unified sign plan shall adhere to section 2.8.3.6.2.1. of this code, except that pole signs are prohibited. Signs shall be designed so that their size and location are pedestrian-oriented.
9. Phasing of development. No commercial building construction in the neighborhood village center shall be allowed until building construction has commenced on at least 30% of the residential dwelling units in the PUD.

**Sec. 2.2.23. Airport Overlay Districts (APO); special regulations for specified areas in and around the airports in Collier County.**

- 2.2.23.1. Purpose and intent. ~~Certain areas in Collier County, Florida, require special regulation to prevent hazards which endanger the lives and property of users of the airports and of occupants of land in their vicinity and which, if of the obstruction type, reduce the size of the area available for the taking off, maneuvering and landing of aircraft, thus tending to destroy or impair the utility~~

~~of the airports and the public investment therein. Accordingly, it is hereby declared:~~ The purpose and intent of these zoning regulations is to provide both airspace protection and land use compatibility in relation to the normal operation of public-use airports located within Collier County, including the Naples Municipal Airport, Everglades City Airpark, Marco Island Executive Airport, Immokalee Regional Airport, and all existing and future public-use airports and heliports in the County. The purpose and intent of these regulations shall be as follows:

- 2.2.23.1.1. ~~That the creation or establishment of airport hazards and obstructions are a public nuisance and an injury to the county;~~ To attempt to promote maximum safety of aircraft arriving at and departing from all public-use airports located within Collier County;
- 2.2.23.1.2. ~~That it is necessary, in the interest of public health, public safety, and general welfare, that the creation of airport obstructions, hazards and structures be prevented;~~ To attempt to promote maximum safety of residents and property within areas surrounding public-use airports located within Collier County;
- 2.2.23.1.3. ~~That it is necessary in the interest of public health and welfare that the establishment of incompatible land uses be prevented in the areas defined as the airport noise area (65 Ldn), and/or the accident potential hazard areas;~~ To attempt to promote full utility of the public-use airports within Collier County;
- 2.2.23.1.4. ~~That the prevention of these obstructions, structures and incompatible land uses should be accomplished, to the extent legally possible, by the exercise of the police power without compensation; and~~ To provide development standards for land uses within prescribed noise zones associated with the normal operation of public-use county airports;
- 2.2.23.1.5. To provide building height standards for use within the approach, transitional, horizontal, and conical zones so as to encourage and promote proper development beneath such areas;
- 2.2.23.1.6. To provide administrative and enforcement procedures for the efficient and uniform regulation of all development proposals within such areas;
- ~~2.2.23.1.5.~~  
~~2.2.23.1.7.~~ That in addition to the regulations applicable to land zoned, as indicated in the official zoning atlas, the following regulations are additionally applicable to lands in the county in the vicinity of the Naples Municipal, Everglades, Marco Island and Immokalee (~~Ed Scott Airfield~~) Airports as indicated on the airport zoning maps of Collier County. Lands lying within various zones as indicated on the airport zoning maps are subject to the additional regulations set out in this section.
- 2.2.23.1.8. The regulations set out in this code are adopted pursuant to the authority conferred by § 333.03, F.S. It is hereby determined that an airport obstruction has the potential for being hazardous to aircraft operations as well as to persons and property on the ground in the vicinity of the obstruction. An obstruction may affect land use in its vicinity and may reduce the size of areas available for the taking-off, maneuvering and landing of aircraft, thus tending to impair or destroy the utility of airports within Collier County and the public investment therein. It is hereby found that excessive aircraft noise may be an annoyance or may be objectionable to residents in the county. Accordingly, it is declared that:
1. The creation or establishment of an airport obstruction which may be hazardous to aircraft operations, or which reduces the size of the area available for such operations, or which inhibits the safe and efficient use of airspace surrounding a county airport, is a public nuisance and an injury to Collier County and no variance by the county shall be granted to authorize any such obstruction;

2. It is necessary in the interest of the public health, safety and general welfare that the creation of airport hazards and incompatible use of land within the designated airport noise zones be prevented; and
3. The prevention of these hazards and incompatible land uses should be accomplished, to the extent legally possible, by the exercise of police powers without compensation.

2.2.23.1.9. It is further declared that the prevention of the creation of airport hazards and incompatible land uses, and the elimination, removal, alteration, mitigation or marking and lighting of existing airport obstructions are public purposes for which the political subdivision may raise and expend public funds and acquire land or interests in land.

2.2.23.2. *Airport zones and airspace height limitations.* In order to carry out the provisions of this zoning code, there are hereby created and established certain surfaces which include all of the land lying beneath the approach, transitional, primary, horizontal and conical surfaces as they apply to a particular airport. Such zones are shown on the Naples Municipal, Marco Island Executive, Everglades City, and Immokalee Regional Airport zoning maps and declared to be made a part of this zoning code. Those maps are incorporated as follows:

Zoning Map A: Naples Municipal Airport.

Zoning Map B: Marco Island Executive Airport.

Zoning Map C: Everglades City Airpark ~~Airport~~.

Zoning Map D: Immokalee Regional Airport (Ed Scott Airfield).

An area located in more than one of the described ~~height~~ zones is considered to be only in the zone with the most restrictive height limitation. The various zones are hereby established and defined as follows:

2.2.23.2.1. *Primary ~~zone~~ surface* . An area longitudinally ~~entered~~ aligned along the runway centerline on a runway, extending 200 feet beyond each end of the runway with the width so specified for each runway for the most precise approach existing or planned for either end of the runway. The width of each primary ~~zone~~ surface is as follows:

**PRIMARY ~~ZONE~~ SURFACE WIDTH (FEET)**

Airports	Runway	Type	Width
Naples <u>Municipal</u>	14-32	Other than utility/non-precision instrument	500
	5-23	Other than utility/precision instrument	1,000
Marco Island <u>Executive Airport</u>	17-35	Other than utility/non-precision instrument	500
Everglades <u>City Airpark</u>	15-33	Utility/visual	250
Immokalee <u>Regional Airport</u>	9-27	Other than utility/precision instrument	1,000
	18-36	Other than utility/non-precision instrument	500
	4-22	Utility/visual	250

1. *Primary ~~zone~~ surface height.* No structure or obstruction will be permitted within the primary surface area that is not part of the landing and takeoff area and is of greater height than the nearest point on the runway centerline with the exception of FAA approved navigation aids.

2.2.23.2.2. *Horizontal zone .* ~~The area around each public use airport with an outer boundary, the perimeter of which is constructed by swinging arcs of specified radii from the center of each end of the primary zone of each airport's runways and connecting the adjacent arcs by lines tangent to those arcs.~~ A horizontal plane 150 feet above the established airport elevation, the perimeter of which is constructed by swinging arcs for specified radii from the center of each end of the primary surface of each runway of each airport and connecting the adjacent arcs by lines tangent to those arcs. The radius of each arc is as follows:

HORIZONTAL ZONE RADIUS (FEET)

<i>Airports</i>	<i>Runway</i>	<i>Type</i>	<i>Radius</i>
Naples <u>Municipal</u>	14-32	Other than utility/non-precision instrument	10,000
	5-23	Other than utility/precision instrument	10,000
Marco Island <u>Executive Airport</u>	17-35	Other than utility/non-precision instrument	10,000
Everglades City <u>Airpark</u>	15-33	Utility/visual	5,000
Immokalee <u>Regional Airport</u>	9-27	Other than utility/precision instrument	10,000
	18-36	Other than utility/non-precision instrument	10,000
	4-22	Utility/visual	5,000

1. *Horizontal zone height.* No structure or obstruction will be permitted in the horizontal zone that has a height greater than 150 feet above the airport height. ~~unless a Federal Aviation Administration Determination Of No Hazard To Air Navigation has been issued.~~

2.2.23.2.3. *Conical zone.* The area extending outward and upward from the periphery of the horizontal zone for a distance of 4,000 feet.

1. *Conical zone height.* Height limitations for structures in the conical zone are 150 feet above airport height at the inner boundary with permitted height increasing one foot vertically for every 20 feet of horizontal distance measured outward from the inner boundary to a height of 350 feet above airport height at the outer boundary.

2.2.23.2.4. *Approach zone.* An area longitudinally centered on the extended runway centerline and extending outward and upward from each end of the primary surface. An approach zone is designated for the end of each runway based upon the type of approach available or planned for that runway end.

1. *Approach zone width.* The inner edge of the approach zone is the same width as the primary surface zone. The outer width of the approach zone is prescribed for the most precise approach existing or planned for that runway end expanding uniformly to the following widths:



**APPROACH ZONE WIDTH (FEET)**

<i>Airports</i>	<i>Runway</i>	<i>Type</i>	<i>Width</i>
Naples <u>Municipal</u>	14-32	Other than utility/non-precision instrument	3,500
	5	Other than utility/precision instrument	16,000
	23	Other than utility/precision instrument	16,000
Marco Island <u>Executive Airport</u>	17-35	Other than utility/non-precision instrument	3,500
Everglades <u>City Airpark</u>	15-33	Utility/visual	1,250
Immokalee <u>Regional Airport</u>	9	Other than utility/precision instrument	16,000
	27	Other than utility/non-precision instrument	3,500
	18	Other than utility/non-precision instrument	3,500
	36	Other than utility/visual	1,500
	4-22	Utility/visual	1,250

2. *Approach zone lengths.* The approach zone extends for the applicable horizontal distance as follows:

**APPROACH ZONE LENGTH (FEET)**

<i>Airports</i>	<i>Runway</i>	<i>Type</i>	<i>Length</i>
Naples <u>Municipal</u>	14-32	Other than utility/non-precision instrument	10,000
	5	Other than utility/non-precision instrument	10,000
	23	Other than utility/non-precision instrument	50,000
Marco Island <u>Executive Airport</u>	17-35	Other than utility/non-precision instrument	10,000
Everglades <u>City Airpark</u>	15-33	Utility/visual	5,000
Immokalee <u>Regional Airport</u>	27	Other than utility/non-precision instrument	10,000
	9	Other than utility/precision instrument	50,000
	18	Other than utility/non-precision instrument	10,000
	36	Other than utility/visual	5,000
	4-22	Utility/visual	5,000

3. *Approach zone height.* Permitted height limitation within the approach zone shall not exceed the runway end height at the inner edge and increases uniformly with horizontal distance outward from the inner edge as follows:

**APPROACH ZONE HEIGHT**

<i>Airports</i>	<i>Runway</i>	<i>Type</i>	<i>Height</i>
Naples <u>Municipal</u>	14-32	Other than utility/non-precision instrument	34:1
	5	Other than utility/precision instrument	50:0/40:1
	23	Other than utility/precision instrument	50:1/40:1

Marco Island <u>Executive Airport</u>	17-35	Other than utility/non-precision instrument	20:1
Everglades <u>City Airpark</u>	15-33	Utility/visual	20:1
Immokalee <u>Regional Airport</u>	9	Other than utility/non-precision instrument	50:1/40:1
	27	Other than utility/non-precision instrument	34:1
	18	Other than utility/non-precision instrument	34:1
	36	Other than utility/visual	20:1
	4-22	Utility/visual	20:1

1. 4 *Precision instrument runway(s).* One foot vertically for every 50 feet horizontally for the first 10,000 feet increasing to one foot vertically for every 40 feet horizontally for additional 40,000 feet.
2. 5 *Non-precision instrument runways.* One foot vertically for every 34 feet horizontally.
3. 6 *Visual runways.* One foot vertically for every 20 feet horizontally.

2.2.23.2.5. *Transitional zones.* The area extending outward from the sides of the primary surface zones and approach zones connecting them to the horizontal zone or for a horizontal distance of 5,000 feet from the side of the part of the precision approach zone that extends beyond the conical zone.

1. *Transitional zone height.* Height limits within the transitional zone are the same as the primary surface zone or approach zone at the boundary line where it adjoins and increases at a rate of one foot vertically for every seven feet horizontally, with the horizontal distance measured at right angles to the runway centerline and extended centerline until the height matches the height of the horizontal zone or for a horizontal distance of 5,000 feet from the side of the part of the precision approach zone that extends beyond the conical zone.

2.2.23.2.6. *Helicopter primary zones.* The area of the primary zone coincides in size and shape with the designated take-off and landing area of a heliport. This surface is a horizontal plane at the established heliport elevation.

1. *Helicopter approach zone.* The approach zone begins at each end of the heliport primary zone with the same width as the primary zone, and extends outward and upward for a horizontal distance of 4,000 feet where its width is 500 feet. The slope of the approach zone is 8 to 1 (one foot vertically for every eight feet horizontally.)
2. *Helicopter transitional zone.* These zones extend outward and upward from the lateral boundaries of the heliport primary zone and from the approach zone at a slope of 2 to 1 (one foot vertically for every two feet horizontally) for a distance of 250 feet measured horizontally from the centerline of the Heliport Primary and Approach Zone.

~~2.2.23.2.6.~~  
~~2.2.23.2.7.~~

*Other areas.* In addition to the height limitations imposed in [sections] 2.2.23.2.1 through ~~2.2.23.2.5~~ 2.2.23.2.6 above, no structure or obstruction will be permitted within Collier County that would cause a minimum obstruction clearance altitude (MOCA), a minimum descent altitude (MDA), decision height (DH) or a minimum vectoring altitude (MVA) to be raised nor which would impose either the establishment of restrictive minimum climb gradients or nonstandard takeoff minimums. ~~All development proposals within the unincorporated area around the~~

~~Naples Airport that include construction over 200 feet above ground level or construction at a height greater than a slope of 100 to one for a horizontal distance of 20,000 feet from a runway will be submitted to the Naples Airport Authority for review at building permit stage. The horizontal distance of 20,000 feet is depicted in appendix I [of appendix D], map A of this code.~~

1. Except as expressly provided in these APO regulations, no structure or object of natural growth shall be erected, altered, allowed to grow, or be maintained to a height which exceeds the height of any zone created in these APO regulations.
2. Except as otherwise provided in these APO regulations, no structure, or object of natural growth shall be erected, altered, allowed to grow or be maintained, which is or would be an obstruction to air navigation within Collier County or of a height greater than any of the following:
  - a. A height of 500 feet above ground level at the site of the object.
  - b. A height that is 200 feet above ground level or above the established airport elevation, whichever is higher, within 3 nautical miles of the established reference point of an airport, excluding heliports, with its longest runway more than 3,200 feet in actual length, and that height increases in the proportion of 100 feet for each additional nautical mile of distance from the airport up to a maximum of 500 feet.
  - c. A height within a terminal obstacle clearance area, including an initial approach segment, a departure area, and a circling approach area, which would result in the vertical distance between any point on the object and an established minimum instrument flight altitude within that area or segment to be less than the required obstacle clearance. (Refer to FAR 77.23.(a.)(2).

2.2.23.2.7.

2.2.23.2.8. *Exemptions.*

1. Development of the Marco Shores Golf Course Community that comports with the location and height requirements of Ordinance 81-6, as amended by Ordinance 85-56 and Ordinance 94-41, is exempted from the provisions of Section 2.2.23.2. ~~By virtue of the following:~~ Only to the following extent:
  - i. ~~An~~ The agreement between Johnson Bay Development Corporation Collier County Airport Authority and the Board of County Commissioners, dated August 8, 1995.
  - ii. Prior issuance of a Federal Aviation Administration “Determination Of No Hazard To Air Navigation.”

2.2.23.3. *Airport land use restrictions.*

2.2.23.3.1. Notwithstanding any other provision of this code, no use may be made of land or water within any zone established by this code in such a manner as to interfere with the operation of an airborne aircraft. The following special requirements shall apply to each permitted use:

1. All lights or illumination used in conjunction with street, parking, signs or use of land or structures shall be arranged and operated in such a manner that it is not misleading to pilots or dangerous to aircraft operating from a public use airport or in the vicinity thereof.

2. All flood lights, spot lights, or any type of pulsating, flashing, rotating or oscillating light shall be modified or prohibited if determined by the Executive Director who has authority over that public airport to be a possible risk to safety of aircraft operation.
- ~~2.~~ 3. No operations of any type shall produce smoke, glare, or other visual impairment to pilots within three miles of any usable runway of a public airport.
- ~~3.~~ 4. No operations of any type shall produce electronic interference with navigation signals or radio communication between the airport ~~and~~ and aircraft, or other air traffic control facility.
- ~~4.~~ 5. Land within ~~accident potential hazard areas (runway clear zones)~~ runway clear zones (runway protection zones) shall be prohibited from use for high density residential use, schools, hospitals, storage of explosives or flammable material, assemblage of large groups of people or any other use that could produce a major catastrophe as a result of an aircraft crash.
- ~~5.~~ 6. Based on the possibility that ~~landfills~~ solid waste management facilities may attract birds, any ~~landfill~~ solid waste management facility located so that it places the runways and/or approach and departure pattern of an airport between bird feeding, water or roosting areas shall be considered as an incompatible use and is therefore prohibited in and around the airports in Collier County.
- ~~7.~~ Any type of tethered dirigible, balloon, or other type of hovering or floating object the height of which exceeds the airspace notification limits outlined in Sec 2.2.23.2 shall be limited as provided in Section 2.2.23.2.
- ~~8.~~ No structure of any height, type or material shall be constructed or altered which could possibly cause interference to any Airport Surveillance Radar System as determined by the Federal Aviation Administration, or by the Executive Director who has jurisdiction over the Airport deemed to be effected.

2.2.23.3.2. *Obstruction marking and lighting.* Any permit or variance granted pursuant to ~~section 2.7.5~~ this code shall require, as a specific condition, that the owner mark and light the structure to indicate to pilots the presence of the obstruction. Such marking and lighting shall conform to the then existing specific standards of Chapter 333.07, Florida Statutes, and in accordance with FAA Advisory Circular 70/7460-1H, or subsequent revisions to either or both. The permit may also be conditioned to permit Collier County, at its own expense, to install, operate and maintain such markers and lights as may be necessary to indicate to pilots the presence of an airspace obstruction if special conditions so warrant.

2.2.23.3.3. *Variances.* Any person desiring to erect or increase the height of any structure or use his property not in accordance with the regulations prescribed in this ordinance may apply to the Board of Zoning Appeals for a variance from such regulations pursuant to Section 2.7.5. of this code, except for provisions herein or by Chapter 333, F.S., that are not variable.

2.2.23.3.4. *Nonconforming uses; regulations not retroactive.* The regulations prescribed by this section shall not be construed to require the removal, lowering or other changes or alteration of any structure not conforming to the regulations as of the effective date of this section as amended, or to otherwise interfere with the continuance of any nonconforming use. Nothing herein contained shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of the amendment of this ordinance, and which has been issued a building permit which is diligently pursued.

- 2.2.23.3.5. *Future uses.* Except as specifically provided herein, no material change shall be made in the use of land and no structure or tree shall be erected, altered, planted or otherwise established in any zone hereby created except in compliance with ~~these~~ the requirements of these APOs.
- 2.2.23.3.6. *Existing uses.* No building permit shall be granted that would allow the establishment or creation ~~for [of]~~ of an airport hazard or permit a nonconforming use or structure to be made or become higher, or to become a greater hazard to air navigation than it was on the initial effective date of ~~this section~~ Section 2.2.23.
- 2.2.23.4. *Naples Municipal Airport noise zones, land use restrictions, sound level requirements (SLR) for buildings or structures, and SLR design requirements.*
- 2.2.23.4.1. *Purpose.* The purpose of this section (2.2.23) is to establish standards for land use and for sound level reduction requirements with respect to exterior noise resulting from the legal and normal operations at the airports within Collier County. This section establishes noise ~~surfaces~~ zones of differing intensities and land use in the vicinity of the Naples Municipal Airport, as identified in the most recent Naples Airport FAA Part 150 Study; establishes permitted land uses in the noise ~~surfaces;~~ zones; establishes soundproofing requirements for residential development within the noise ~~surfaces-zones;~~ and establishes notification procedures to prospective purchasers of real estate within the noise zones.
- 2.2.23.4.2. *Airport noise zones.*
1. *Noise zones.* In addition to the prior three noise zones, there is ~~There are~~ hereby created and established ~~three~~ a fourth noise zones D; ~~There are now noise zones A, zone B, and zone C, and D.~~ Such zones are shown on the Naples Airport noise zone map(s) which are incorporated and made a part herein and are described in section 2.2.23.4.2.2 below. The noise zones contained herein are based on a projection of future ~~noise environments arising from~~ aircraft flight operations at the Naples Municipal Airport. The purpose of these noise zones is to define and set forth specific regulations for all properties within the described areas.
  2. *Noise zone boundaries.*
    - c. *Zone C.* That area commencing at the boundary indicated on the noise zone map as the outer boundary of noise zone B and extending outward therefrom to the ~~furthest~~ furthestmost boundary indicated on the noise zone map as “D”. The outer contour of noise zone C approximates a noise level of 65 Ldn. ~~and is hereafter established as the Naples Airport noise zone.~~
    - d. *Zone D.* This new noise zone commences at the boundary indicated on the noise zone map as the outer boundary of noise zone C and extending outward therefrom to the furthestmost boundary indicated on the noise zone map. The outer contour of noise zone D approximates a noise level of 60 Ldn and is the Naples Airport noise zone (This area is referenced in the 1996 Naples Airport FAA Part 150 Study).
  3. *Application.*
    - a. Where boundaries of a described noise zone are shown to extend over a portion, but not all of a platted lot or un-subdivided property, the owner or owners of the entire property will be notified of potential noise impact in accordance with section 2.2.23.5.

- b. Where boundaries of more than one described noise zone are shown on a platted lot or unsubdivided property, provisions of the most restricted zone shall apply.

2.2.23.4.3. *Land use restrictions.*

1. *Permitted and restricted activities.* All land uses shall be permitted in the noise zone pursuant to the applicable zoning district and as provided in the activities and/or land use guidance chart made a part hereof. Those activities and land uses not specifically listed in the land use guidance chart are permitted or restricted in the noise zone based on their similarity to noise tolerance as exhibited by the activities and land uses which are listed in the guidance chart.
2. *Nonconforming uses.* The regulations prescribed by this section shall not be construed to require the sound conditioning or other changes or alteration of any preexisting structure not conforming to this part as of the first effective date of this section or to otherwise interfere with the continuance of any such preexisting nonconforming use. Nothing herein contained shall require any such change in the construction of or alteration of a structure which has commenced construction prior to the effective date of this section and which is diligently pursued.

2.2.23.4.4. *Sound level requirements (SLR) for buildings or structures.*

1. *Scope of requirements.* The provisions of ~~this section~~ these APO special regulations shall apply to the construction, alteration, moving, demolition, repair and use of any building or structure within unincorporated Collier County except work located primarily in a public right-of-way, on public utility towers, poles and mechanical equipment not specifically regulated ~~in this section~~ these APOs. Additions, alterations, repairs, and changes of use in all buildings and structures shall comply with the provisions of ~~this section~~ these APOs.
2. *Existing buildings or structures.* Buildings or structures constructed prior to the initial adoption of this amended section, to which additions, alteration, or repairs are made to the exterior walls and ceilings of rooms having one or more exterior walls or ceilings shall be required to meet the SLR requirements of ~~this section~~ these APOs.
  - a. Alterations or repairs which are nonstructural and do not affect the exterior walls or ceilings of an existing building or structure may be made with the same materials of which the building or structure is constructed and shall not be required to meet SLR requirements.
  - b. Buildings in existence at the time of the initial adoption of ~~this section~~ these APOs may have their existing use or occupancy continued if such use or occupancy was legal at the time of the initial adoption of ~~this section~~ these APOs provided such continued use is not dangerous to life. A change in the use of a structure may require additional sound level reduction.
3. *Moved buildings.* Buildings or structures moved into or within the vicinity of the established noise zone must comply with applicable provisions of ~~this section~~ these APOs.
4. *Approval of types of construction.* The development services director, or his designee, may approve any type construction that complies with the SLR requirements of the activities and/or land use guidance chart (appendix III [of appendix D]). The SLR requirements specified in appendix III of this amendment shall be achieved by the use of assemblies having the South Transmission Class Ratings specified in table 403.2, Minimum Sound

Transmission of Assemblies, of the Southern Building Code Congress International, Inc., Standard for Sound Control, SSTD 8-87, incorporated herein and adopted by reference as appendix IV [of appendix D].

2.2.23.4.5. *SLR design requirements.*

1. *General requirements.* The SLR requirements of the land use guidance chart at appendix III may be achieved by any suitable combination of building design, choice of building materials and execution of construction details in accordance with established architectural and acoustical principles. The SLR requirements shall apply to the exterior walls and ceilings only of all rooms having one or more exterior walls or ceilings. Regulations to achieve the SLR requirements specified in appendix III, shall be found in appendix IV of this amendment and shall be used by the development services director or his designee, during the building plan review process.
2. *Meeting SLR requirements.* No building or structure for which an SLR 25, SLR 30, or SLR 35 is required by appendix III of this amendment may be constructed, altered, moved, demolished, or repaired unless and until a building permit has been issued. No such permit shall be issued unless and until the requirements contained in appendix III are met as indicated by plans and specifications for the building or structure. Such plans and specifications shall result in a sound level reduction for the applicable exterior walls and ceilings only of room(s) having one or more exterior walls or ceilings, at least as great as the SLR value specified in appendix III for the particular usage involved. These plans and specifications shall be reviewed during the building plan review process in accordance with the sound transmission ratings specified in table 403.2 of appendix IV of this amendment.

2.2.23.4.6. *Administration and enforcement.*

1. *General responsibilities.* The development services director, or his designee, prior to granting final approval must verify that the sound level reduction (SLR) of the building complies with sections 2.2.23.4.4--2.2.23.4.5.

2.2.23.5. *Notification of potential noise impact.*

1. Public notice of the existence of maps depicting noise impacted areas shall be published at least three times in a newspaper of general circulation in Collier County, as provided in Public Law 96-193 (49 USC 2107).
2. The Naples Airport noise zones ~~shall be~~ are identified on Collier County's zoning maps (9525S, 9527S, 9534N, 9534S, 9525N, 9535S, 9536N, 9536S, 0501N, 0501S, 0102N, 0102S), and any revisions or reconfigurations thereof), and shall be available to the public at the Collier County Community Development and Environmental Services Division ~~community development services division~~.
3. Upon ~~adoption of this code or any subsequent~~ revision of the maps ~~and legal descriptions~~ depicting potential noise impacted areas, the ~~county manager~~ County Administrator or his designee shall record in the Public Records of Collier County a notice of potential noise impacted areas ~~together with maps depicting the noise impacted areas and legal description~~ of the noise contours shown thereon. ~~This Said notice shall be used to~~ provide constructive notice to existing and prospective purchasers of property within the noise impacted area and elsewhere. Upon amendment of the noise zones, subsequent notice shall be ~~provided~~ recorded.

4. Notice of potential noise impact along with maps depicting noise ~~impacted areas zones and a legal description of the noise contours~~ shall upon request be furnished to the Collier County Bar Association, Board of Realtors and to others ~~upon request~~.

2.2.23.6. *Prohibited public or private educational facilities at either end of publicly owned, publicly used airports.* The construction of an educational facility or public or private school at either end of a runway of a publicly owned, public-use~~ed~~ airport shall be prohibited within an area which extends five miles in a direct line along the centerline of the runway, and which has a width measuring one-half the length of the runway. Exceptions approving construction of an educational facility within the delineated area shall only be granted when specific findings detailing how the public policy reasons for allowing the construction out-weigh health and safety concerns prohibiting such location and pursuant to section 2.7.5.

2.2.23.6.1. The procedures outlined above for the adoption of such regulations are supplemental to section 2.2.23.

2.2.23.6.2. Nothing in section ~~2.6.22~~ 2.2.23.6 shall be construed to require the removal, alteration, sound conditioning, or other change, or to interfere with the continued use or adjacent expansion of any educational structure or site in existence prior to the original effective date of ~~this amendment~~ Section 2.6.22, 2.2.23.6, or be construed to prohibit the construction of any new structure for which a site has been determined, as of ~~the~~ that effective date of ~~this amendment~~.

2.2.23.6.3. *Notice and hearing.*

1. No airport zoning regulations shall be adopted, amended, or changed under ~~this section~~ these APOs except by action of the Board of County Commissioners and set forth, after a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. Notice of the hearing shall be published at least once a week for two consecutive weeks in a paper of general circulation in Collier County.

### **Sec. 2.2.32, Santa Barbara Commercial Overlay District (SBCO).**

2.2.32. *Santa Barbara Commercial Overlay District (SBCO): Special conditions for properties abutting the east side of Santa Barbara Boulevard, as referenced in the Santa Barbara Commercial Subdistrict Map (Map 4-A) of the Golden Gate Area Master Plan.*

2.2.32.1. *Purpose and intent.* The purpose and intent of this district is to provide Golden Gate City with additional opportunities for small scale commercial development to serve the surrounding neighborhoods and those traveling nearby. This district is intended to: contain low intensity uses which generate/attract relatively low traffic volumes; be appropriately landscaped and buffered to protect nearby residential areas; be architecturally designed so as to be compatible with nearby residential areas; and limit access to promote public safety and lessen interruptions to traffic flow on Santa Barbara Boulevard. Aggregation of lots is strongly encouraged so as to allow greater flexibility in site design and ease in compliance with parking requirements and other development standards. The types of uses permitted are low intensity retail, offices, personal services, and institutional uses.

In order to reduce the potential conflicts that may result from residential and commercial uses being located in this district, existing residential uses, other than owner-occupied dwellings, are required to cease to exist within a specified time period. This does not require the removal of the residential structures if they can be, and are, converted to uses permitted in this district.



2.2.32.2. *Applicability.* These regulations apply to properties abutting the east side of Santa Barbara Boulevard, lying north of 27<sup>th</sup> Court S.W. and south of 22<sup>nd</sup> Place S.W., all in Golden Gate City, and consisting of approximately 11 acres. These properties are identified on Map 4-A of the Golden Gate Area Master Plan. Except as provided in this regulation, all other use, dimensional and development requirements shall be as required or allowed in the underlying zoning categories.

2.2.32.3 *Development criteria.* The following standards shall apply to all uses in this overlay district. Where specific development criteria and standards also exist in the Golden Gate Area Master Plan, or the Future Land Use Element of the Growth Management Plan, they shall supersede any less stringent requirement or place additional requirements on development.

2.2.32.3.1. *Common architectural style.* In support of the purpose and intent of the SBCO, all structures within the overlay district shall be designed so as to be compatible with nearby residential areas and shall have a common architectural style. To the extent possible and practicable, structures shall be designed to have a residential appearance. During the site development plan review process, architectural drawings shall be submitted to demonstrate adherence to these requirements. All commercial buildings and projects shall be subject to the provisions of Division 2.8 of the code, except where those requirements conflict with the goal of designing buildings to have a residential appearance.

2.2.32.3.2. *Permitted uses.*

- a. Accounting, auditing and bookkeeping services (8721).
- b. Amusement and recreation services (groups 7911, 7991, 7999 bicycle and moped rental only).
- c. Apparel and accessory stores (groups 5611-5699).
- d. Auto and home supply stores (5531).
- e. Automobile parking (7521).
- f. Barber shops (7241).
- g. Beauty shops (7231).
- h. Business services (groups 7311, 7313, 7322-7338, 7361-7379, 7384).
- i. Child day care services (8351).
- j. Depository institutions (groups 6011-6099).
- k. Eating places (5812 except contract feeding, dinner theaters, food service (institutional), industrial feeding).
- l. Educational services (8211-8244, 8299).
- m. Food stores (groups 5411 except supermarkets, 5421-5499).
- n. Funeral service and crematories (7261).
- o. General merchandise stores (5311-5399).
- p. 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.
- q. Hardware stores (5251).
- r. Offices for engineering, architectural, and surveying services (groups 0781, 8711-8713).
- s. Health services (8011-8049, 8082).
- t. Home furniture, furnishing and equipment stores (groups 5713-5719, 5731-5736).
- u. Individual and family social services (8322 activity centers, elderly or handicapped; adult day care centers; and, day care centers, adult and handicapped only.)
- v. Insurance carriers, agents and brokers (groups 6311-6399, 6411).
- w. Legal services (8111).
- x. Management and public relations services (groups 8741-8743, 8748).
- y. Membership organizations (8611-8699).

- z. Miscellaneous repair services, except aircraft, business and office machines, large appliances, and white goods such as refrigerators and washing machines (7629-7631).
- aa. Miscellaneous retail services (5912, 5942-5961, 5992-5999).
- bb. Museums and art galleries (8412).
- cc. Nondepository credit institutions (groups 6111-6163).
- dd. Paint, glass and wallpaper stores (5231).
- ee. Personal services (groups 7212, 7215, 7221-7251, 7291)
- ff. Photographic studios (7221).
- gg. Public administration (groups 9111-9199, 9229, 9311, 9411-9451, 9511-9532, 9611-9661).
- hh. Real estate (groups 6531-6541).
- ii. Retail nurseries, lawn and garden supply stores (5261).
- jj. Security and commodity brokers, dealer, exchanges and services (groups 6211-6289)
- kk. Shoe repair shops and shoeshine parlors (7251).
- ll. Social services, not elsewhere classified (8399).
- mm. United States Postal Service (4311 except major distribution center).
- nn. Veterinary services (groups 0742 veterinarian's office only, 0752 dog grooming and pedigree record services only, all excluding outdoor kenneling).
- oo. Videotape rental (7841).

2.2.32.3.3. Prohibited uses.

- a. Gasoline service stations (5541).

2.2.32.3.4. Minimum project area. One acre.

2.2.32.3.5. Rezoning request. Projects shall be encouraged to be in the form of a PUD. There shall be no minimum acreage requirement for PUD rezones except for the requirement that all requests for rezoning must be at least 40,000 square feet in area unless the proposed rezone is an extension of an existing zoning district consistent with the Golden Gate Area Master Plan.

2.2.32.3.6. Access. Access shall be limited to one access point per project. Abutting projects are encouraged to share access.

2.2.32.3.7. Parking. Projects shall be required to provide off-street parking and are encouraged to make provisions for shared parking arrangements with adjoining developments.

2.2.32.3.8. Deceleration lanes. Projects shall provide deceleration lanes as may be determined necessary by the community development and environmental services administrator, or his designee, based upon the requirements of the "work within the right-of-way ordinance" (Ordinance No. 93-64) and sound engineering practices.

2.2.32.3.9. Sidewalks. Projects shall provide sidewalks so as to encourage pedestrian traffic. Adjacent projects shall coordinate the location of sidewalks.

2.2.32.3.10. Maximum height. Buildings shall have a maximum height of two stories.

2.2.32.3.11. Signs. As required in division 2.5

2.2.32.3.12. Landscaping. As required in division 2.4.

2.2.32.3.13. Cessation of residential uses. Existing residential uses must cease to exist no later than ten (10) years after the effective date of the adoption of the Santa Barbara Commercial Subdistrict in the Golden Gate Area Master Plan (April 19, 1999). This does not require the removal of the residential structures if they can be, and are, converted to uses permitted in this district, within one additional year. This

requirement to cease existing residential uses does not apply to dwelling units which were owner-occupied as of April 19, 1999.

2.2.32.3.14. Variance request. Owners of property within the Santa Barbara Commercial Overlay District may petition the board of zoning appeals for a variance from the standards in this district (Sec. 2.2.32.3.1. and Sec. 2.2.32.3.4-2.2.32.3.13) as will not be contrary to the public interest when, owing to special conditions peculiar to the property, a literal enforcement of these standards would result in unnecessary and undue hardship. The procedures and standards for granting such variances are as set forth in section 2.7.5.6. of this code.

**SUBSECTION 3.C. AMENDMENTS TO OFF-STREET PARKING AND LOADING DIVISION**

Division 2.3., Off-Street Parking and Loading, of Ordinance 91-102, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

**DIVISION 2.3. OFF-STREET PARKING AND LOADING**

**Sec. 2.3.4.11. Locational Requirements.**

2.3.4.11.2.c.1.

\* \* \* \* \*

(5.) Structures in commercial zoning districts shall be set back a minimum of 15 feet from residentially zoned lots which have been granted a parking exemption.

\* \* \* \* \*

2.3.4.11.2.c.2

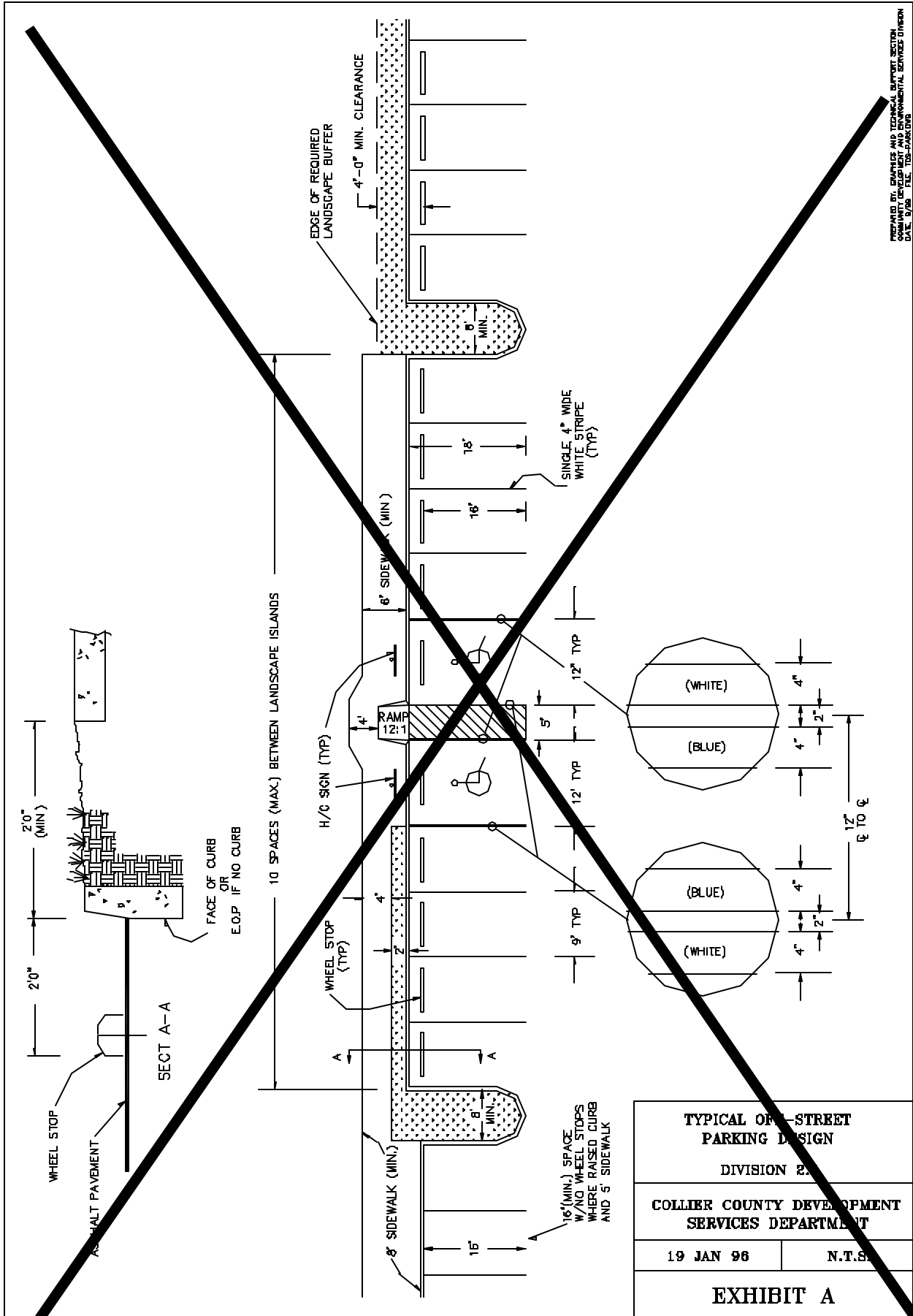
- 2. The planning commission and the board of zoning appeals shall consider the following criteria for a parking exemption:
  - (1) Whether the amount of off-site parking is required by Section 2.3.16, or is in excess of requirements.
  - (2) The distance of the farthest parking space from the facility to be served.
  - (3) Pedestrian safety if the lots are separated by a collector or arterial roadway.
  - ~~(4) If the lot is not zoned commercial, it must meet the locational criteria for commercial uses as identified in the future land use element of the growth management plan.~~
  - ~~(4)~~(5) Pedestrian and vehicular safety.
  - ~~(5)~~(6) The character and quality of the neighborhood and the future development of surrounding properties.
  - ~~(6)~~(7) Potential parking problems for neighboring properties.
  - ~~(7)~~(8) Whether the internal traffic flow is required to leave the site to reach the proposed off-site parking.
  - ~~(8)~~(9) Whether vehicular access shall be from or onto residential streets.
  - ~~(9)~~(10) Whether buffers adjacent to property zoned residential are 15 feet in width and include a wall in addition to required landscaping.

(10)(41) Whether the off-site parking area will be used for valet parking.

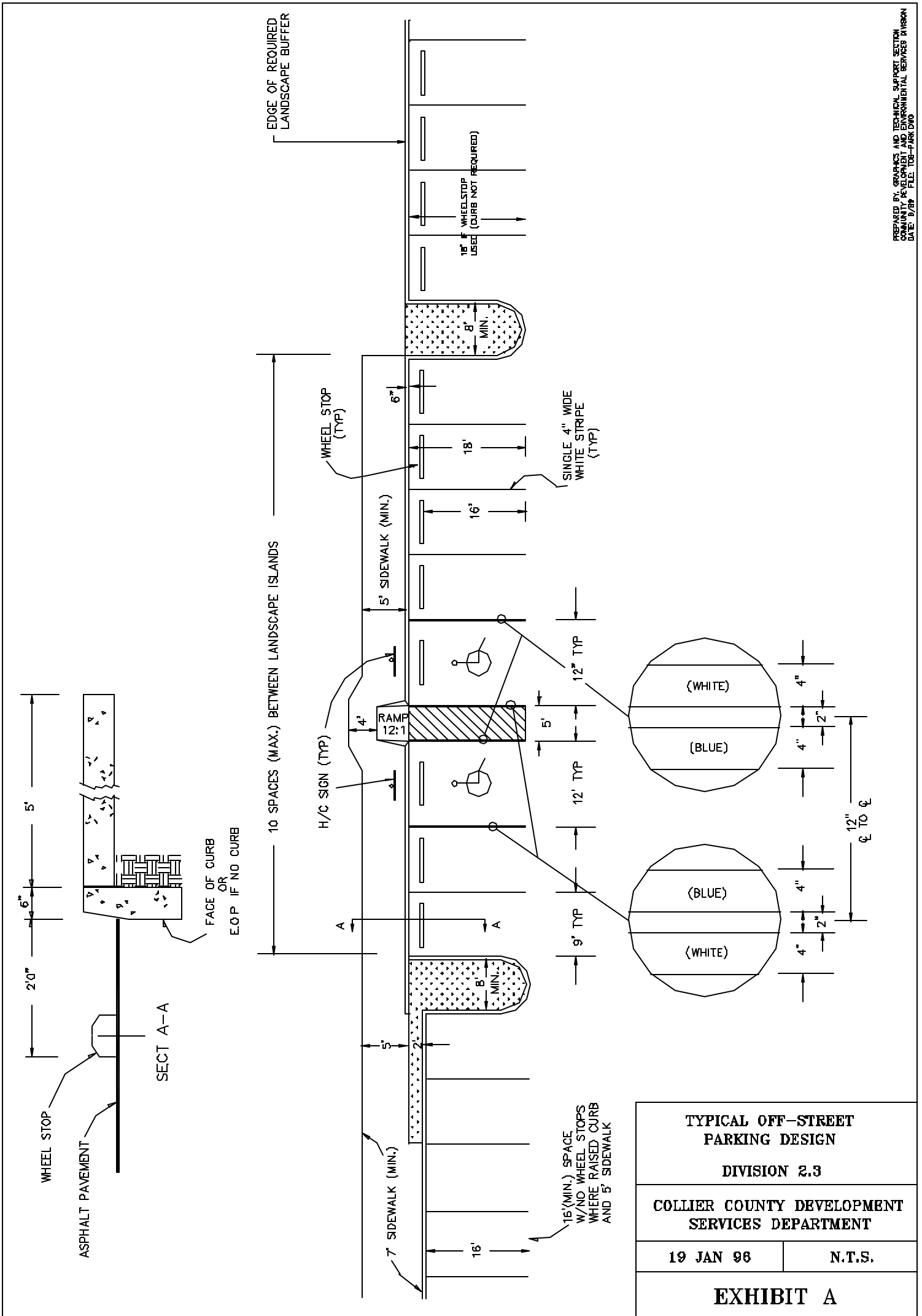
(11)(42) Whether the off-site parking area will be used for employee parking.

(12)(43) Whether there are more viable alternatives available.

2.3.4.12. Exhibit A



Remove this Drawing as Exhibit A



PREPARED BY: GRAPHICS AND TECHNICAL SUPPORT SECTION  
 COMMUNITY DEVELOPMENT AND ENVIRONMENTAL SERVICES DIVISION  
 DATE: 9/87 FILE: 108-PARK.DWG

Replace with this drawing as Exhibit A

**SUBSECTION 3.D. AMENDMENTS TO LANDSCAPING AND BUFFERING DIVISION**

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

**DIVISION 2.4. LANDSCAPING AND BUFFERING**

**Sec. 2.4.3. Procedures.**

2.4.3.5. *Installation.* Prior to the issuance of any certificate of occupancy for a use required to provide landscaping and irrigation in accordance with this section, all required landscaping and irrigation shall be installed and in place as set out in the plans approved under subsections 2.4.3.1 and 2.4.3.2. All plant materials must be installed in accordance with accepted landscape practices in the area and meet the plant material standards contained in Section 2.4.4. Plant materials shall be installed in soil conditions that are conducive to the proper growth of the plant material.

Limerock located within planting areas shall be removed and replaced with native or growing quality soil before planting. A plant's growth habit shall be considered in advance of conflicts which might arise (i.e. views, signage, overhead power lines, lighting, circulation, etc.). Trees shall not be placed where they interfere with site drainage, subsurface utilities, or overhead utility lines, or where they shall require frequent pruning in order to avoid interferences with overhead power lines. Trees shall not be planted in areas that retain excessive quantities of water or will require excessive amounts of fill placed over the root system that will affect the health of the tree species. Required landscaping shall not be placed within easements without written approval from all entities claiming an interest under said easement.

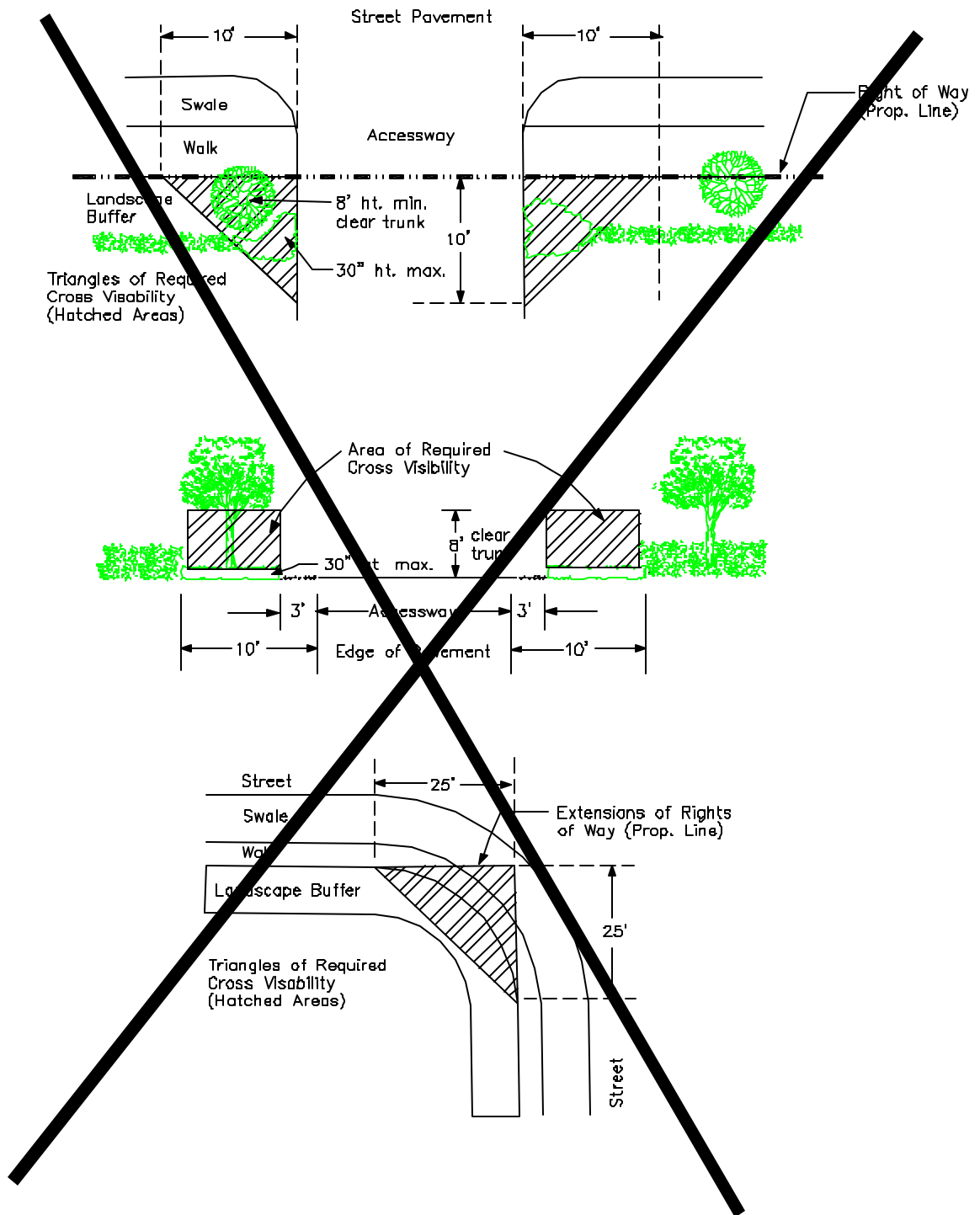
All trees and palms shall be properly guyed, braced and/or staked, at the time of planting to ensure establishment of the tree or trees and erect growth. Nail staking or other methods that cause cosmetic or biological damage to the tree are prohibited. Trees shall be re-staked within 24 hours in the event of blow-over or other failure of the staking and guying. Staking shall be removed between 6 and 12 months after installation.

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

2.4.4.16. *Safe sight distance triangles at intersection and access points.* (Refer to Figure 1, Sight Distance Triangles). Where ~~an~~ a driveway/accessway intersects a right-of-way or when a property abuts the intersection of two or more rights-of-way, a minimum safe sight distance triangular area shall be established. Within this area, vegetation shall be planted and maintained in a way that provides unobstructed visibility at a level between 30 inches and eight feet above the crown of the adjacent roadway. Landscaping shall be located in accordance with the roadside recovery area provisions of the State of Florida Department of Transportation's Manual of Uniform Minimum Standards for Design, Construction, and Maintenance of Streets and Highways (DOT Green Book) where appropriate.

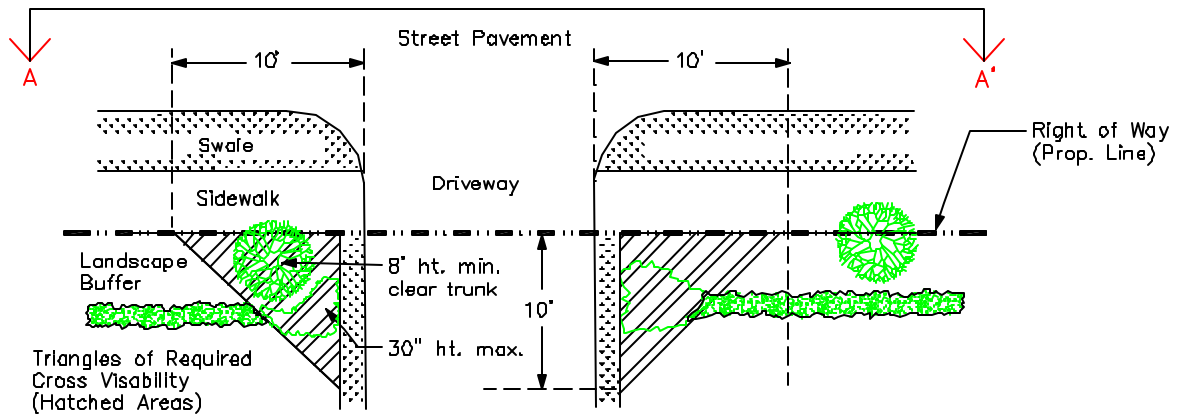
\* \* \* \* \*

FIGURE 1: SIGHT DISTANCE TRIANGLES

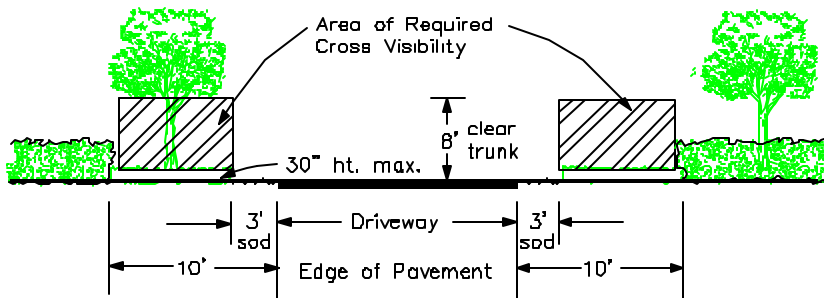


Remove this drawing as Figure 1.

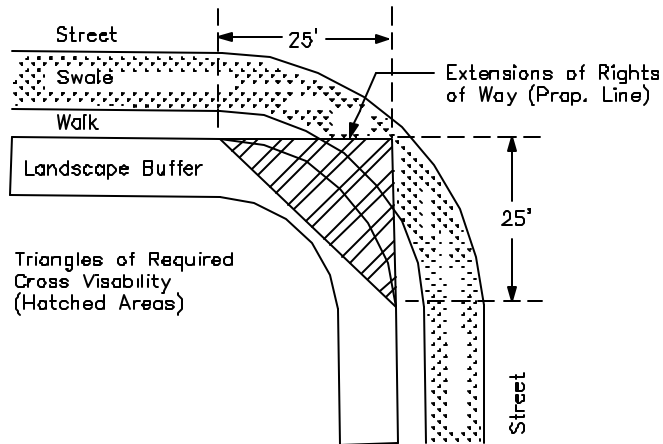
FIGURE 1: SIGHT DISTANCE TRIANGLES



PLAN : Intersection of Driveway and Street



CROSS SECTION A-A' : Intersection of Driveway and Street

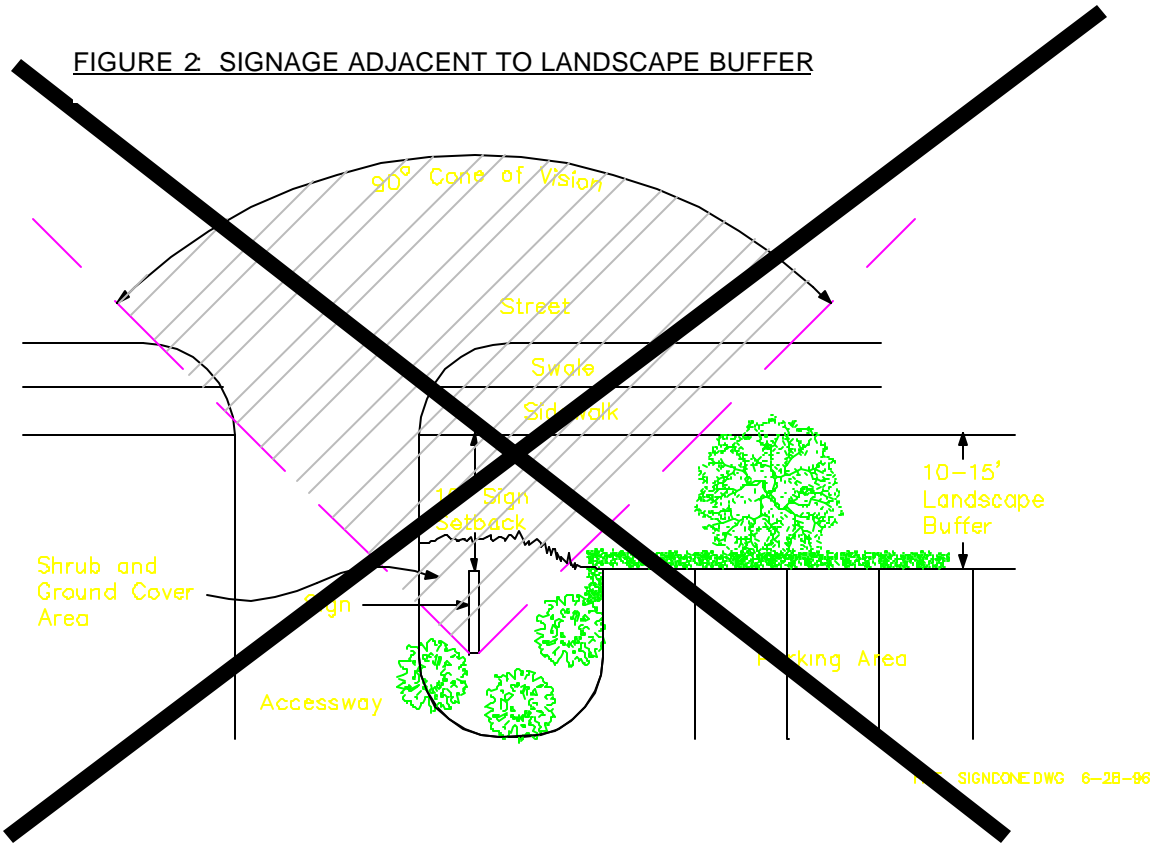


PLAN : Street Intersection

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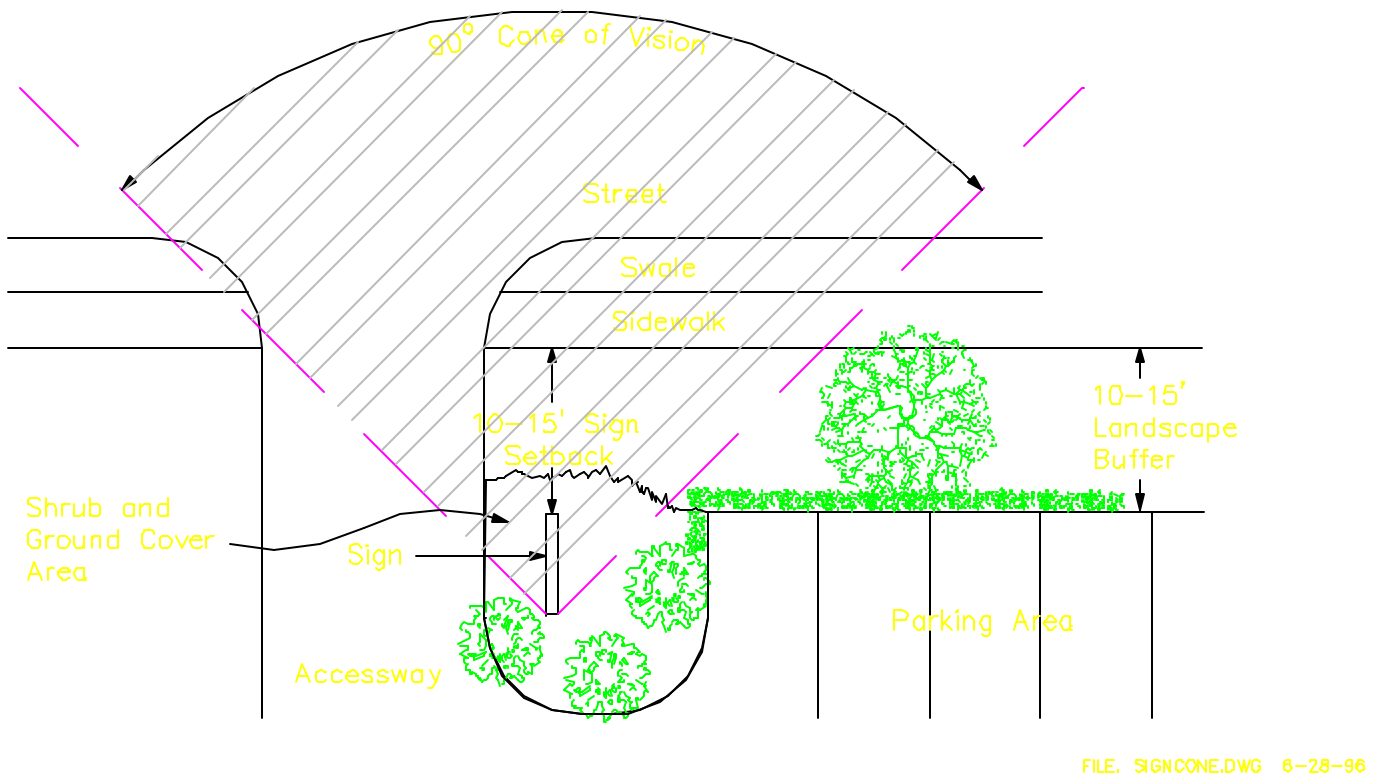
Replace with this drawing as Figure 1.





Remove this drawing as Figure 2.

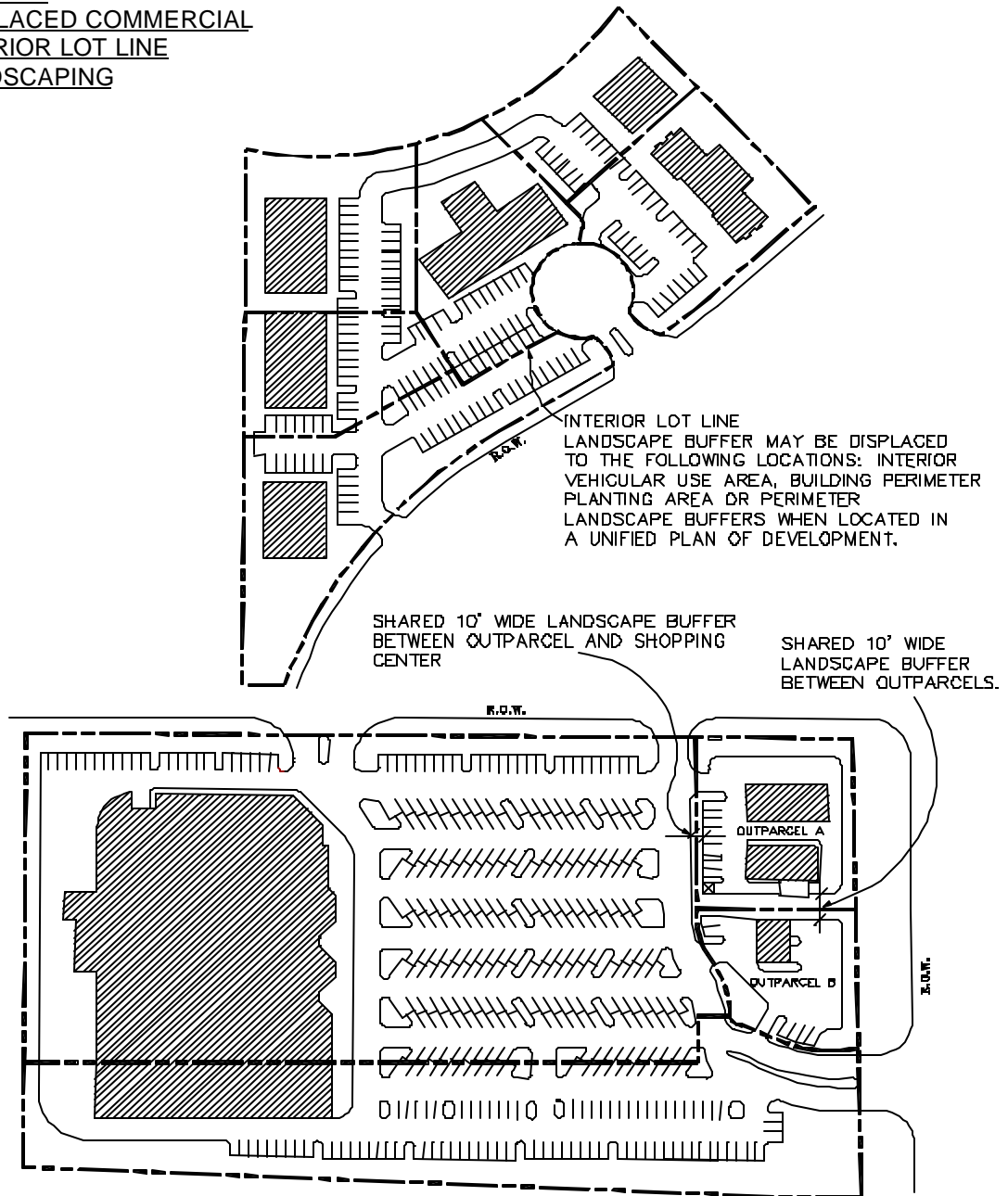
**FIGURE 2. SIGNAGE ADJACENT TO LANDSCAPE BUFFER**



Replace with this drawing as Figure 2

\* \* \* \* \*

**FIGURE 4  
DISPLACED COMMERCIAL  
INTERIOR LOT LINE  
LANDSCAPING**



JOINT ACCESS PARKING BETWEEN A PARCEL AND A PARENT TRACT NOTE THE REQUIRED SQUARE FOOT AREA OF SHARED INTERIOR LOT LINE LANDSCAPE BUFFER HAS BEEN DISPLACED AS ADDITIONAL LANDSCAPING IN THE FOLLOWING LOCATIONS: INTERIOR VEHICULAR USE AREA, BUILDING PERIMETER PLANTING AREA AND PERIMETER LANDSCAPE BUFFERS.

2.4.4.17. *Signage located within/adjacent to landscape buffer area. All trees and shrubs located within landscape buffer shall be located so as not to block the view of signage as shown in Figure 2, Signage Adjacent to Landscape Buffer. Sign locations shall be shown on the landscape plan and 100 square feet of landscaping shall be provided as required by section 2.5.5.2.1. Where specimen trees exist, the signage setback location may be administratively reduced per the requirements of*

Division 2.5. of this code required plantings shall progress in height away from the street.

**Sec. 2.4.5. Minimum landscaping required for vehicular use areas.**

2.4.5.2. *Landscaping required in interior of vehicular use areas.* At least ten percent of the amount of vehicular use area on-site shall be devoted to interior landscaped areas. The width of all curbing shall be excluded from the required landscaped areas. All interior landscaped areas not dedicated to trees or to preservation of existing vegetation shall be landscaped with grass, ground cover, shrubs or other landscape treatment. One tree shall be provided for every 250 square feet of required interior landscaped area. Interior landscaped areas shall be a minimum of five feet in width and 150 square feet in area. The amount of required interior landscape area provided shall be shown on all preliminary and final landscape plans.

All rows of parking spaces shall contain no more than ten parking spaces uninterrupted by a required landscaped island which shall measure inside the curb not less than eight feet in width and at least eight feet in length and at least 100 square feet in area. At least one tree shall be planted in each island. These islands shall not be used as retention areas or as swales. ~~Landscape islands for compact car parking areas shall be at least seven feet in width and at least 100 square feet in area.~~ These tree requirements shall be met with existing native trees whenever such trees are located within the parking area and may be feasibly incorporated into the landscaping. Where existing trees are retained in landscape islands, the amount of parking spaces in that row may be increased to 15. A parking stall shall be no farther than 50 feet from a tree, measured to the tree trunk. Interior landscaping areas shall serve to divide and break up the expanse of paving at strategic points and to provide adequate shading of the paved area. Perimeter landscaping shall not be credited toward interior landscaping.

All rows of parking spaces shall be bordered on each end by curbed landscaped islands as shown in Figure 3, Terminal Landscape Islands. Each terminal island shall measure inside the curb not less than eight feet in width and extend the entire length of the single or double row of parking spaces bordered by the island. Lay on curbing shall not be permitted. A terminal island for a single row of parking spaces shall be landscaped with at least one canopy tree. A terminal island for a double row of parking spaces shall contain not less than two canopy trees. The remainder of the terminal island shall be landscaped with sod, ground covers or shrubs or a combination of any of the above.

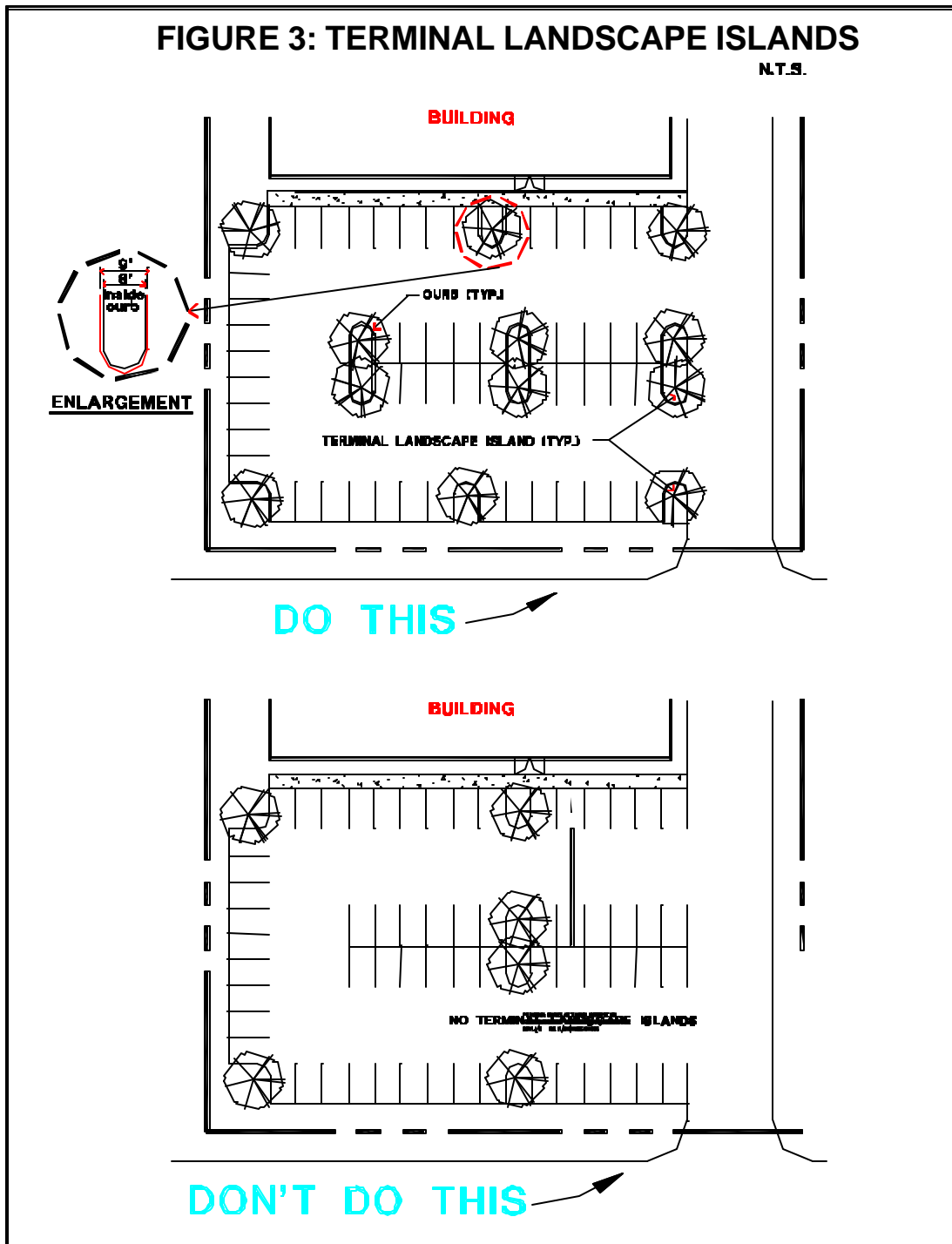


Figure 3

Interior landscaping areas shall be provided within the interior of all vehicular use areas. Landscaped areas, wall structures, and walks shall require protection from vehicular encroachment through appropriate wheel stops or curbs or other structures.

Required landscape islands and perimeter planting beds shall be graded to provide positive drainage. Curbing around landscape areas shall include curb cuts where necessary so as not to inhibit positive drainage.

Interior landscaping areas shall meet the requirements of division 2.4.3.5, 2.4.3.6, and 2.4.3.7. Alternative designs may be approved that achieve equivalent results subject to approval by the planning services director.

- 2.4.5.3. Vehicular overhang of landscape areas. See Section 2.3.4.12.2., Exhibit A ~~The front of a vehicle may overhang any landscaped area a maximum of two feet, provided the landscaped area is protected by motor vehicle wheel stops or curbing. Two feet of such landscaped area or walkway may be part of the required depth of each abutting parking spaces. Walkways shall be a minimum of five feet in width if a vehicle is to overhang the walkway.~~

2.4.5.4. *Green space required in shopping centers and freestanding retail establishments with a floor area greater than 40,000 square feet.* An area that is at least seven percent of the size of the vehicular use areas shall be developed as green space within the front yard(s) or courtyards of shopping centers and retail establishments and shall be in addition to the building perimeter planting area requirements. The courtyards shall only be located in areas that are likely to be used by pedestrians visiting the shopping center and retail establishment. The seven percent green space area shall be in addition to other landscaping requirements of this division, may be used to meet the open space requirements (section 2.6.3.2), and shall be labeled "Green Space" on all subdivision and site plans. (Refer to division 2.8, Architectural and Site Design Standards and Guidelines for Commercial Buildings and Projects.) The interior landscape requirements of these projects shall be reduced to an amount equal to five percent of the vehicular use area on site. Green space shall be considered areas designed for environmental, scenic or noncommercial recreation purposes and shall be pedestrian-friendly and aesthetically appealing. Green space may only include the following: lawns, mulch, decorative plantings, nonprohibited exotic trees, walkways within the interior of the green space area not used for shopping, fountains, manmade watercourses (but not water retention areas), wooded areas, park benches, site lighting, sculptures, gazebos, and any other similar items that the planning service director deems appropriate. Green space shall include: walkways within the interior of the green space area not used for shopping, a minimum of one foot of park bench per 1,000 square feet of building area. The green space area shall use existing trees where possible and landscaping credits will be allowed as governed by table 2.4.4. The green space areas shall be located in areas that are in close proximity to the retail shopping area. Benches may also be located in interior landscaped areas and 75 percent of the benches may be located adjacent to the building envelope along paths, walkways and within arcades or malls.

**Sec. 2.4.7. Minimum landscape buffering and screening between uses.**

2.4.7.4. *Types of buffers.*

\* \* \* \* \*

TABLE 2.4 TABLE OF BUFFER REQUIREMENTS BY LAND USE CLASSIFICATIONS

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

<sup>4</sup>Buffer areas between interior lot lines of commercial parcels may be displaced to other locations as schematically shown in figure 34, displaced commercial interior lot line landscaping. Approval shall be obtained from the planning services director subject to the following conditions:

<sup>5</sup>Refer to section 2.6.28 for automobile service station landscape requirements.

**SUBSECTION 3.E. AMENDMENTS TO SIGNS DIVISION**

Division 2.5., Signs, of Ordinance 91-102, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

**DIVISION 2.5. SIGNS**

2.5.5.2. *Signs within non-residential districts:*

\* \* \* \* \*

2.5.5.2.5.8.3. *Special events signs.* A special events sign not exceeding 32 square feet in size may be displayed to announce or advertise such temporary uses as fairs, carnivals, circuses, revivals, sporting events, or any public, charitable, educational event. Such sign shall be located no closer than 10 feet to any property line. Such signs shall require a building permit. Special events signs shall be erected not more than 15 calendar days prior to the advertised event and shall be removed within 7 calendar days after the event has taken place.

**SUBSECTION 3.F. AMENDMENTS TO SUPPLEMENTAL DISTRICT REGULATIONS DIVISION**

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**

**Sec. 2.6.7. Parking and storage of certain vehicles.**

2.6.7.1. *Parking and storage of vehicles without current license plates.*

2.6.7.1.1. Vehicles or trailers of any type that are not immediately operable, or used for the purpose for which they were manufactured without mechanical or electrical repairs or the replacement of parts; or do not meet the Florida Safety Code; or do not have current valid license plates; or do not meet the definition of recreational equipment as defined within this code, shall not be parked or stored on any residentially zoned or designated property, including the E estates district, other than in a completely enclosed building. For the purpose of this section a license plate shall not be considered valid unless it is both affixed to a vehicle or trailer in a fashion authorized by Florida Law and is registered to the vehicle or trailer upon which it is displayed.

**Sec. 2.6.21. Dock facilities.**

2.6.21.1. Individual or multiple private docks, including mooring pilings, davits, lifts and the like are permitted to serve the residents ~~of a development on canal or waterway lots~~ having waterfront property as described in division 6.3, definitions, provided they do not protrude more than the respective distances specified in sections 2.6.21.2, and 2.6.21.3, for such ~~canal or~~ waterway. Docks and the like are primarily intended to adequately secure moored vessels and provide safe access by users for routine maintenance and use while minimally impacting the navigability of the waterway, the native marine habitat, manatees, and the use and view of the waterway by surrounding property owners. Permitted dock facility protrusions as well as extension of dock facilities are measured from the property line, bulkhead line, shoreline, seawall, rip-rap line, or Mean High Water line, whichever is more restrictive. On unbridged barrier islands, a boat dock shall be

considered a permitted principal use; however, a dock shall not, in any way, constitute a use or structure which permits, requires, and/or provides for any accessory uses and or structures. Boathouses and dock facilities proposed on residentially zoned properties as defined in section 2.1.4 of this Code, shall be considered an accessory use or structure. Boathouses shall be required to be approved through the procedure and criteria in section 2.6.21.3 and 2.6.21.4. In addition, any covered structure erected on a private boat dock shall also be considered an accessory use, and shall also be required to be approved through the procedures and criteria of section 2.6.21.3. and 2.6.21.4. of this code.

- 2.6.21.2. *Dock facility requirements and restrictions.* The following criteria apply to dock facilities and boathouses. Platted waterway width, where available, shall be considered true waterway width for the purposes of this section.
  - 2.6.21.2.1. For lots on a waterway that is 100 feet or greater in width, no boathouse, dock facility/boat combination shall protrude more than 20 feet into the waterway (i.e. the total protrusion of the dock facility plus the total protrusion of the moored vessel). A dock extension in accordance with section 2.6.21.3. may be granted to allow a protrusion of more than 20 feet.
  - 2.6.21.2.2. For lots on a waterway that is less than 100 feet in width, dock facilities may ~~extend/protrude not greater than~~ occupy no more than 25 percent of the width of the waterway or protrude greater than 20 feet into the waterway, whichever is lesser, five feet into said waterway. ~~No dock extension shall be granted to allow a dock facility/boat combination to protrude more than 20 feet into the waterway and/or cause less than a minimum of 50 percent of the width of the waterway between dock structures/moored vessel(s) on the opposite side of the waterway to be unobstructed, whichever is more restrictive.~~ A dock extension in accordance with section 2.6.21.3. may be granted to allow a protrusion of more than 20 feet, but at no time shall such extension allow more than 25 percent of the waterway width to be occupied.
  - ~~2.6.21.2.3. For lots on a waterway that is less than 70 feet in width, the dock facility extension procedure identified in section 2.6.21.3 is not available (i.e., such lots are limited to a five foot dock facility).~~
  - 2.6.21.2.4. 3. All dock facilities on lots with water frontage of 60 feet or greater shall have a side setback requirement of 15 feet, except as provided in section 2.6.21.2.4.1 or as exempted below. All dock facilities (except boathouses) on lots with less than 60 feet of water frontage shall have a side setback requirement of 7 1/2 feet. All dock facilities (except boathouses) on lots at the end or side end of a waterway having regular (linear) water frontage shall have a side setback requirement of 7 1/2 feet as measured from the side lot line or riparian line, whichever is appropriate.
    - 2.6.21.2.4.1. 3.1. Riparian lines (see division 6.3, definitions, riparian line) for lots at the end or side end of a waterway with a regular shoreline are established by a line extending from the corner of an end lot and side end lot into the waterway bisecting equidistantly the angle created by the two intersecting lots (see Exhibit A). Riparian lines for all other lots should be established by generally accepted methods, taking into consideration the configuration of the shoreline, and allowing for the equitable apportionment of riparian rights. Such methods include, but are not limited to, lines drawn perpendicular to the shoreline for regular (linear) shorelines, or lines drawn perpendicular to the centerline (thread) of the waterway, or perpendicular to the line of deep water (line of navigability or edge of navigable channel), as appropriate, for irregular shorelines.

\* \* \* \* \*
  - 2.6.21.2.5. 4. All dock facilities, regardless of length/protrusion, shall have reflectors and house numbers four inches minimum size installed at the outermost end, on both sides. For multifamily developments, the house number requirement is waived.

- 2.6.21.2.6. 5. All dock facilities are subject to, and shall comply with, all federal and state requirements and permits, including but not limited to the requirements and permits of the Florida department of environmental protection, the U.S. Army Corps of Engineers, and the U.S. Environmental Protection Agency.
- 2.6.21.2.7. 6. *Protection of seagrass beds.* Where new docking facilities are proposed or boat dock extensions, the location and presence of seagrass or seagrass beds within 200 feet of any proposed dock facility shall be identified on an aerial photograph having a scale of one inch to 200 feet when available from the county, or a scale of one inch to 400 feet when such photographs are not available from the county. The location of seagrass beds shall be verified by a site visit by the site development review director or his designee prior to issuance of any project approval or permit.
- 2.6.21.2.7.1. 6.1 All proposed dock facilities shall be located and aligned to stay at least ten feet from any existing seagrass beds, except where a continuous bed of seagrasses exists off the shore of the property and adjacent to the property, and to minimize negative impacts to seagrasses and other native shoreline, emergent and submerged vegetation and hard bottom communities.
- 2.6.21.2.7.2. 6.2 Where a continuous bed of seagrasses exists off the shore of the property and adjacent to the property the applicant shall be allowed to build a dock across the seagrasses, or a docking facility within ten feet of seagrasses. Such docking facilities shall comply with the following conditions:
1. The dock shall be at a height of at least 3.5 feet NGVD.
  2. The terminal platform of the dock shall not exceed 160 square feet.
  3. The access dock shall not exceed a width of four feet.
  4. The access dock and terminal platform shall be sited to impact the smallest area of seagrasses possible.
- 2.6.21.2.7.3. 6.3. The petitioner shall be required to demonstrate how negative impacts to seagrasses and other native shoreline vegetation and hard bottom communities have been minimized prior to any project approval or permit issuance.
- 2.6.21.3. *Dock facility extension; boathouse establishment criteria.* Additional length/protrusion beyond said respective distances specified in section 2.6.21.2.1 and 2.6.21.2.2 for dock facilities; and all boathouses, regardless of the extent of the protrusion into the waterway or the width of the waterway, shall require public notice and a hearing by the Collier County Planning Commission. As to any boat dock extension petition upon which the planning commission takes action, pursuant to section 5.2.11 of this Code, an aggrieved petitioner or adversely affected property owner may appeal such final action to the board of zoning appeals, except that such appeal shall be filed with the development services director within 14 days of the date of the final action by the planning commission. The board of zoning appeals may affirm, affirm with conditions, reverse, or reverse with conditions the action of the planning commission. Such appeal shall be filed with the community development and environmental services administrator, or his designee and shall be noticed for hearing with the board of zoning appeals pursuant to the procedures and applicable fee set forth in section 1.6.6 of this Code. The planning commission shall base its decision for approval, approval with conditions, or denial, on the following criteria:
- \* \* \* \* \*
- 2.6.21.3.4. Whether or not, for lots on a waterway that is greater than 100 feet in width, the proposed dock ~~design and moored vessel~~ facility occupies more ~~protrude~~ greater than 25 percent of the width of the waterway, or , for boathouses only, protrudes greater than 20 feet ~~for boathouses,~~ and whether or not a minimum of 50 percent of the width of the waterway ~~between dock structures/moored vessel(s) on the~~



~~opposite side of the waterway~~ is maintained in order to ensure reasonable waterway navigability.

**Sec. 2.6.33. Temporary use permits**

2.6.33.2. *General.* ~~The site development review director~~ planning services director, or his designee, may grant a temporary use permit for requests that demonstrate compliance with the intent of section 2.6.33. Approvals for such requests shall be based upon, but not limited to, the applicant's description of the temporary use, the intended duration of the use, hours of operation and the impacts of the proposed temporary use on adjacent properties. All ~~requests~~ applications for a temporary use permit shall ~~submit~~ include a conceptual site plan or a site development plan (SDP) as provided for within this section. The appropriate required plan and temporary use permit application shall be submitted and approved prior to or simultaneously with the submission of a building permit application, if required. ~~and shall demonstrate, where applicable, that provisions will be made to adequately address all of the following:~~

1. ~~Traffic circulation and safety within the site as follows:~~
  - a. ~~All parking spaces shall be arranged in a manner for convenient and safe access for vehicles and pedestrians without causing vehicles to back out into a right of way. No parking spaces shall be arranged to cause vehicles to be moved in order for other vehicles to enter/exit a site.~~
2. ~~Minimum parking requirements for the temporary use as defined within Div. 2.3, Off street parking and loading as follows:~~
  - a. ~~Four parking spaces for the first model unit and one and one half spaces for each additional model unit (for dimensions see section 2.3.4.12),~~
  - b. ~~One parking space for disabled persons per parking lot shall be provided (included as part of required parking) along with an access aisle and barrier free access to the unit (for dimensions see section 2.3.20.3),~~
  - c. ~~All parking spaces shall be constructed of a concrete, asphalt, or other dustless material as may be approved by the site development review director (driveways and handicapped spaces shall be paved).~~
3. ~~Screening, buffering, and landscaping of the temporary use to reduce potential impacts on adjacent properties as required in section 2.4.4 and approval by the site development review director as follows:~~
  - a. ~~One tree per 30 linear feet around the perimeter of the parking and driveway areas.~~
  - b. ~~Double hedge between the right of way and the parking area; single hedge to screen off perimeter of drive and parking areas.~~
  - c. ~~Pavement setback a minimum of ten feet from right of way line; (15 feet for right of way 100 feet or greater in width); ten feet from side property lines (unless otherwise authorized by the site development review director);~~
4. ~~Lighting;~~
5. ~~Sanitary facilities;~~
6. ~~Fire protection;~~

- 7. ~~Environmental impacts;~~
- 8. ~~Stormwater management;~~
- 9. ~~Any other requirements determined to be necessary for the public health and safety.~~

2.6.33.3. *Temporary construction and development permits.* During the construction of any development for which at least a preliminary development order has been granted, as required below, the developer may request a temporary use permit for the below-listed activities. The temporary use permit shall be granted initially for a period not to exceed 24 months in length duration and may be renewed annually based upon demonstration of need and payment of fee. A request for renewal shall be submitted to the ~~site development review director~~ planning services director in writing 30 days prior to the expiration of the temporary use permit. Temporary construction and development permits shall be allowed for the following uses:

\* \* \* \* \*

- 9. Other on-site uses similar to the foregoing uses and determined by the director ~~planning services director~~ to meet the intent of section 2.6.33.2.

Proposed temporary structures identified above require the submission of a conceptual site plan ~~which~~ that addresses the requirements of section 2.6.33.2.

2.6.33.4. *Model homes and model sales centers.*

2.6.33.4.1. Model homes and model sales centers shall be of a temporary nature and may be allowed in any residential zoning district or residential component of a PUD, in the estates zoning district, and in the agricultural zoning district as part of a rural subdivision, by the issuance of a temporary use permit; however, a model center as a permitted use within a PUD, and not located within a dwelling unit, or a temporary structure such as a trailer, shall not require a temporary use permit. Model homes and model sales centers are intended to facilitate the sale of the model design, or of products similar in design to the model. Model homes and model sales centers located within residential zoning districts, or within a residential component of a PUD shall be restricted to the promotion of a product or products permitted within the residential zoning district or PUD in which the model home or model sales center is located and further subject to the following:

- 1. Model homes shall only be permitted for dwellings ~~which~~ that have not been previously used as a residence.

\* \* \* \* \*

- 3. Model homes may be "wet" or "dry." Model homes permitted as "dry" models (unoccupied by a sales office and/or representative) shall be limited to a conditional certificate of occupancy allowing the use of the structure as a model only provided all required infrastructure is in place to service the unit. Model homes permitted as "wet" models (occupied by a sales office and/or representative) shall not be occupied until such time as all required infrastructure is available to service the unit and a permanent certificate of occupancy has been issued. Transportation to and from unoccupied model homes is provided at a sales center, which also provides required parking and handicapped accommodations in accordance with section 2.6.33.24.1.11. Model homes occupied by a sales office and/or representative must have all required landscaping, parking, and handicapped access on site. A temporary use permit for a model home (occupied or unoccupied) shall be issued initially for a period of three years. Extensions in excess of this period shall require submittal and

approval of a conditional use petition in accordance with section 2.7.4. of this code.

\* \* \* \* \*

5. Temporary use permits for model homes or model sales centers to be located within a proposed single-family development prior to final plat approval may be requested by the applicant and require: 1) administrative approval of a plat and construction plans showing all required infrastructure for the lot(s) on which the model home or model sales center is to be located, and 2) a site development plan (SDP) pursuant to division 3.3, subject to the following:
  - (a) A maximum of five models or a number corresponding to ten percent of the total number of platted lots, whichever is lesser, per platted, approved development shall be permitted prior to final plat approval as specified above.
  - (b) The applicant shall provide documentation that all required utilities will be available to the subject site, and, where required, shall depict such utilities in detail on the site development plan.
  - (c) The parcels on which the models are located must abut a privately owned and maintained road, temporary in nature or permanently constructed to Collier County roadway standards.
  - (d) The boundaries depicted on the preliminary subdivision plat shall be depicted on the site development plan in order to ensure compliance with the applicable development standards in effect on the subject property.
  - (e) Final lot grading and drainage conveyance shall be in conformance with the master grading plan for the project as depicted on the preliminary subdivision plat submittal documents.
6. Temporary use permits for model units or units used for sales centers in multi-family projects will not be issued prior to plat recordation and final approval of the project Site Development Plan.
7. All other temporary use requests for model homes shall require the submission of a conceptual plan which demonstrates that provisions will be made to adequately address the requirements of section 2.6.33.~~24.1.11.~~
8. Temporary use permits for a model sales center within an existing subdivision shall require a site plan as follows: ~~In~~ in the case of a permanent structure which is a dwelling unit, a site improvement plan (SIP) per section 3.3.8.4. of this code; in the case of a permanent structure which is other than a dwelling unit, a site development plan (SDP); in the case of a temporary structure (mobile home or sales trailer), either a conceptual site plan (CSP) which addresses the requirements of section 2.6.33.~~24.1.11.~~, or a site improvement plan, depending on the extent of the work required.
9. Temporary use permits for model homes to be located within a proposed single-family development may be approved following administrative approval of a plat and construction drawings for all required infrastructure encompassing the lots on which the models are to be constructed pursuant to division 3.2, and a conceptual site plan which addresses the requirements of section 2.6.33.~~24.1.11.~~ of this code. Unoccupied (dry) model homes will be permitted only in conjunction with an approved SDP for a model sales center which provides adequate parking to support the model(s).

10. Temporary use permits for occupied (wet) model homes following subdivision approval shall require a conceptual site plan which addresses the requirements of section 2.6.33.~~24.1.11~~, of this code. Temporary use permits for unoccupied model homes following subdivision approval shall require a conceptual site plan and shall be issued only in conjunction with an approved site development plan or site improvement plan for a model sales center which provides adequate parking to support the model(s).
11. All model home site plans shall adequately address the following standards:
1. Traffic circulation and safety within the site as follows:
    - a. All parking spaces shall be arranged in a manner for convenient and safe access for vehicles and pedestrians. No parking spaces shall be arranged to cause vehicles to be moved in order for other vehicles to enter or exit a site.
  2. Minimum parking requirements:
    - a. Four parking spaces for the first model unit and one and one-half spaces for each additional model unit (for dimensions see section 2.3.4.12. of this code),
    - b. One paved parking space for disabled persons per parking lot shall be provided (included as part of the number of required parking spaces) along with a paved access aisle and barrier-free access to the unit (for dimensions, see section 2.3.20.3. of this code),
    - c. All parking spaces shall be constructed of a concrete, asphalt, or other dustless material as may be approved by the planning services director. Driveways and handicapped spaces shall be paved.
  3. Screening, buffering, and landscaping of the temporary use to reduce potential impacts on adjacent properties as required in section 2.4.4 and approval by the planning services director as follows:
    - a. One canopy tree per 30 linear feet around the perimeter of the vehicular use areas.
    - b. A staggered double row of hedges between the right-of-way and the parking area and a single row of hedges to screen the driveway.
    - c. Vehicular use areas shall be set back a minimum of ten feet from the property line.
  4. Lighting.
  5. Sanitary facilities.
  6. Fire protection.
  7. Environmental impacts.
  8. Stormwater management.
  9. Any other requirements determined by the planning services director to be necessary for the public health and safety.

2.6.33.5. (Reserved)

2.6.33.6. *Temporary sales.*

1. In the case of temporary sales, such as grand openings, going out of business sales, special promotional sales, or other similar uses (exclusive of garage sales, lawn sales and similar private home sales), the planning services director ~~community development services administrator, or his designee~~, may grant nonrenewable permits of up to 14 days ~~two weeks'~~ duration, such that during any calendar year the sum total of all permits for such events for that location does not exceed 28 days. A multi-tenant building of 10 or more businesses with annual leases may utilize a maximum of 42 days per calendar year for temporary sales. Temporary use permits may be permitted ~~allowed~~ for up to an additional four weeks when approved by the board of county commissioners. Such special approval shall be subject to stipulations or additional constraints deemed necessary and appropriate to the request. Such stipulations or constraints deemed necessary by the board of county commissioners shall be noted as conditions to the issuance of said permits, and the permittee shall be required to sign a notarized agreement to said stipulations or constraints.

\* \* \* \* \*

4. Temporary sales permits shall be restricted to those zoning districts in which the sale of the items would normally be permitted. Further, the sales activity permitted by the temporary use permit shall be related to the principal commercial activities in operation on the subject property except as provided for in sections 2.6.33.6.5 and 2.6.33.6.6, below. The issuance of a temporary use permit shall not be issued for undeveloped properties.

5. The planning services director ~~site development review director, or his designee~~, may issue temporary use permits for satellite locations subject to the applicable restrictions set forth in this section, provided the applicant currently operates a business from a permanent approved commercial location within Collier County. Additionally, the purpose of the temporary sale shall be the same as the principal purpose of the existing commercial business of the applicant.

6. The planning services director ~~site development review director~~ may, in determining a specific benefit to the public, grant a temporary use permit to facilitate the sale of an item or items not generally available within a specific planning community, subject to the applicable restrictions set forth in this section.

7. Prior to the issuance of a temporary sales permit, a complete application, along with a conceptual site plan, shall be submitted to planning services director ~~site development review director, or his designee~~. The conceptual plan, when reviewed in conjunction with the application, shall be of the appropriate scale and detail to adequately describe and define:

- (a) Vehicular and pedestrian traffic safety measures.
- (b) Additional parking requirements. A maximum of ten percent of the parking required by division 2.3 of this code may be occupied or otherwise rendered unusable by the placement of temporary structures, equipment, signs and merchandise. The minimum required number of handicapped parking spaces pursuant to division 2.3 shall remain available for usage.
- (c) Limited activity hours.

- (d) Watchmen, fencing, lighting.
  - (e) Fire protection measures.
  - (f) Sanitary facilities.
  - (g) If required, a faithful performance bond to guarantee compliance with the conditions of the permit.
8. In making such approval, the planning services director ~~site development review director, or his designee~~, may stipulate requirements, or restrictions as he deems appropriate in the case.
9. A multi-tenant building of 10 or more businesses with annual leases may utilize a maximum of 42 days per calendar year for temporary sales.

Garage sales: In the case of garage sales, lawn sales and other similar temporary sales to be held at private homes, churches and other places of worship, community centers, ~~or~~ or other nonprofit residentially zoned institutions, the code enforcement director ~~site development review director, or his designee~~, may issue a one two-day permit for such events during each six-month period. Such permit may include the use of temporary signs located on the property where the sale is being held, limited to a maximum of two signs, no greater than four square feet each. No signs shall be placed in any public rights-of-way. If the temporary use is not discontinued upon expiration of the permit, it shall be considered a violation of the land development code and shall be subject to the penalties herein.

2.6.33.8. *Motion picture/television production permit.*

2.6.33.8.1. *Permit required.* No person, firm, corporation or association shall take still or moving pictures on private property or property owned by or under the control of Collier County without first having obtained a permit. A permit shall be required for the following: the use of set scenery, temporary structures, lighting equipment or other apparatus, special effects, or closure of public streets or accessways. This code shall not apply to bona fide newspaper, press association, newsreel or television news media personnel, nor to properties that have been zoned to allow motion picture/television filming as a permitted use.

2.6.33.8.2. *Application for permit; contents.* Any person, firm, corporation, association or governmental entity desiring to obtain a permit shall apply to the planning services director ~~zoning director~~; and said application shall include but not be limited to the following.

1. Name, address (including local address) and telephone number of applicant.
2. Proof of comprehensive general liability insurance coverage in the amount of at least \$1,000,000.00 combined single limit, with Collier County named as an additional insured.
3. Special effects to be utilized, especially incendiary or explosive devices, with proof ~~or~~ of not less than \$5,000,000.00 comprehensive general liability insurance combined single limit with Collier County listed as additional insured. In addition, the application shall list the person in charge (pyrotechnician) of such special effects, together with his qualifications and ~~license~~ licensing by the applicable federal and/or state agencies, and authorization from the local fire district permitting the event.
4. Locations, dates and hour of filming scene to be filmed.

5. A description and sketch plan indicating the location of film events and parking facilities provided.
6. Plans for construction or utilization of structures on the subject site(s).
7. Number, type and location of sanitation facilities to be provided. Plans for disposal of refuse and debris, and restoration of the site(s) to its original condition.
8. Provide a description of any lighting facilities that would be necessary and/or the need to disconnect any public lighting.
9. Describe any use which may encroach into environmentally sensitive areas.
10. Approximate number and type of vehicles and/or equipment to be used and any special parking requirements. The number of personnel to be on location with the production.
11. Necessity for closures of public streets or sidewalks and for what duration and location.
12. Indicate any utilization of aircraft/fixed-wing, helicopter, or balloons at the subject site(s).
13. List of county personnel or equipment requested, and an agreement to pay for extraordinary services provided by Collier County.
14. Provisions for traffic control, fire safety and security precautions.
15. If located on private property, not under the county's ownership or control, a written notarized agreement will be required from the property owner to allow the filming to occur on his property.

2.6.33.8.3. *Insurance requirements.* The applicant shall, ~~as a prerequisite to the issuance of a permit,~~ maintain in force at all times during the permit period, a comprehensive general liability policy with limits other than those described in subsections 2.6.33.8.2.2. and 2.6.33.8.2.3. of this code, (b) and (c) above as recommended by the risk management director ~~director of the risk management division~~ upon a review of the particular circumstances involved ~~and determined by the board of county commissioners.~~ Said applicant, ~~as a prerequisite to the issuance of a permit,~~ shall provide to the planning services director ~~zoning director~~ a certificate of insurance as evidence evidencing that said insurance is in existence, ~~and~~ certifying that Collier County is a named insured, and that Collier County be given 30 days' notice prior to the expiration or cancellation of the policy. Any additional insurance requirements for filming on private property will be at the discretion of the affected property owner.

2.6.33.8.4. *Indemnification.* The applicant shall be required to indemnify and hold harmless Collier County, its officers, agents and employees from and against all claims, suits, actions, damages, liabilities, expenditures or causes of action arising out of or occurring during the activities of the applicant under a permit issued hereupon in the form and manner provided by the planning services director ~~zoning director~~.

\* \* \* \* \*

2.6.33.8.5. *Permit fee.* No permit fee shall be required. Any additional license or user fees which have been established for county-owned land or facilities shall be in effect.

2.6.33.8.6. *Issuance of permit.* Upon presentation of the completed application, proof of insurance, payment of permit fee, surety bond or cash payment in lieu of the bond

and review by the planning services director ~~zoning director~~, the permit may be issued. If the planning services director ~~zoning director~~ determines that the use of public or private property could affect the public's use of the property, or have potential adverse impacts on surrounding properties, then he may require that the permit application be scheduled for a public hearing before the board of county commissioners. The special circumstances could include, but are not limited to, closure of a public street or accessway; use of special effects, including incendiary or explosive devices; a large production crew or crowd control; and increased liability insurance required. The notice for the public hearing shall be advertised in a newspaper of general circulation in the county at least one time 15 days prior to the hearing.

2.6.33.9. *Temporary sports events, religious events, and community events.*

2.6.33.9.1. In the case of sports events, religious events, community events, or other similar events sponsored by profit, nonprofit, charitable, civil, or membership organizations the planning services director ~~site development review director~~, or ~~his designee~~, may grant nonrenewable permits of up to two weeks' duration, such that during any calendar year the sum total of all permits for such events does not exceed 28 days. Temporary permits may be allowed for an additional period of up to four weeks when approved by the board of county commissioners. Such special approval shall be subject to stipulations or additional constraints deemed necessary and appropriate to the request. Such stipulations or constraints deemed necessary by the board of county commissioners shall be noted as conditions to the issuance of said permits; and the permittee shall be required to sign a notarized agreement to said stipulations or constraints.

2.6.33.9.2. Temporary permits may, in support of the use being permitted, include the placement of signs, merchandise, structures and equipment, and a mobile home as an office, but not for residency. If the temporary use is not discontinued upon expiration of the permit, it shall be deemed a violation of the land development code ~~this zoning code~~ and shall be subject to the penalties therein.

\* \* \* \* \*

2.6.33.9.4. The planning services director shall accept without fee, temporary use permit applications for sports events, religious events, community events, or other similar events, upon presentation of documentation that the sponsor of the event is a bona fide nonprofit organization and the event is intended to benefit the community at large, a specific group of individuals, or the bona fide nonprofit organization. Two such events per calendar year per organization are eligible for this exemption.

**Sec. 2.6.35 Communication towers**

~~2.6.35.6.26~~

2.6.35.6.31

All new non-ionizing electromagnetic radiation (NIER) sources shall comply with the then current applicable standards adopted by the federal government. The County shall not be required by this section to enforce such standards.

**Section 2.6.35.7. Alligator Alley Communication Towers**

(1) Notwithstanding other provisions of Section 2.6.35, and irrespective of the zoning classification(s) of the underlying fee at each respective tower site, two (2) new communication towers shall be permitted at locations and heights herein specified within the I-75 right-of-way east of the toll booth (Alligator Alley). Two of the four towers shall be constructed to replace two existing Florida Department of Transportation tower. The four new telecommunication tower sites shall be located approximately at:



- (a) mile marker 52.2. The height of the tower shall not exceed 250 feet including antennas;
- (b) mile marker 92.6 (Everglades Blvd). The height shall not exceed 250 feet, including antennas;
- (c) the site of an existing FDOT tower located on State Road 29. The height shall not exceed 310 feet, including antennas;
- (d) the site of an existing FDOT tower located at mile marker 63.2 at the I-75 Rest Area. It will replace an existing tower located on the north side of I-75 at mile marker 63.3. The height shall not exceed 280 feet including antennas.

Each tower shall be constructed with a capacity to provide for a minimum of four (4) eight (8) co-users, including Florida Department of Transportation (FDOT), the U.S Fish and Wildlife Service (FWS), the National Park Service (NPS), the Department of Forestry (DOF), and Collier County agencies, where practical.

- (2) Each tower shall be constructed in accord with the standards and requirements of Section 2.6.35 and other applicable sections of the LDC except as expressly provided otherwise in this Section.
- (3) Minimum yard requirements: There shall be no minimum yard requirement for these towers at these locations because each tower and all ancillary facilities must be contained within the I-75 right-of-way and each proposed tower must maintains a separation distance from all adjacent residential property lines equal to one-half (½) the tower’s height or equal to a Florida Professional Engineer’s certified collapse area (fall zone), whichever is greatest, or a clear zone is maintained on adjoining property by a use easement applicable to such adjoining property owner. No habitable residential or non-residential structure, including offices, shall be allowed within any certified collapse area (fall zone) for any of these towers.
- (4) Access: Physical access to each tower site shall be as approved by FDOT.
- (5) Parking: Sufficient unpaved area shall be provided on or adjacent to each tower site to accommodate temporary parking for one vehicle for servicing or maintaining the communication tower.
- (6) Landscape 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 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.
- (7) A Site Development Plan and construction plans will be submitted to the Collier County Planning Services Department for review and approval prior to any construction of any such tower. No changes, additions, or alterations may be made to any approved Site Development Plan or construction plans for any such tower without County approval.

Tower lighting: In addition to requirements for tower lights specified in Section 2.6.35 of the LDC, towers located in the Big Cypress Preserve and the Florida Panther National Wildlife Preserve shall be lighted in accordance with the USFWS guidance system requirements for tower lighting

### **SUBSECTION 3.G. AMENDMENTS TO SUBDIVISIONS DIVISION**

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

**DIVISION 3.2. SUBDIVISIONS**

**Sec. 3.2.6. Subdivision review procedures.**

3.2.6.5.3. *Procedures for acceptance of required improvements.* The applicant shall submit the following data, certifications, inspections and documents for review and approval by the site development review director prior to the county administrator, or his designee denying, granting, or granting with conditions preliminary approval of any completed required improvements and prior to authorizing the site development review director to issue any building permits, except as provided for in section 3.2.7.3.4. of this code, for structures to be constructed within a subdivision or development, where the developer has chosen to construct the improvements prior to recording of the plat.

\* \* \* \* \*

4. Final release of lien from contractor(s). The applicant shall provide to the county a copy of the final release of lien from any utility / roadway contractor(s).

**Sec. 3.2.7. Preliminary subdivision plat.**

\* \* \* \* \*

3.2.7.1.20. Typical lot configurations shall be illustrated and the minimum area of the lots required by the approved zoning classification shall be referenced by note. Such illustrations shall show a typical dwelling unit meeting required setbacks for a typical lot. Setbacks required by the approved zoning classification shall be provided verbatim on the plan in matrix form. Where more than one type of dwelling unit (e.g., single-family detached, single-family attached, zero lot line) is planned, lots must be linked to the type, or types, of unit which they are intended to accommodate. Lot areas and lot dimensions may be shown on a legend as opposed to notation on each lot.

\* \* \* \* \*

**Sec. 3.2.9. Final subdivision plat.**

3.2.9.1 *General requirements.*

3.2.9.1.1 ~~Seven~~ Ten prints of the final subdivision plat shall be submitted along with the improvement plans. No final subdivision plat shall be approved unless the improvement plans shall have been reviewed and accepted by the development services director.

3.2.9.1.2. The final subdivision plat shall conform to the approved preliminary subdivision plat pursuant to section 3.2.6.3.2 and shall constitute only that portion of the approved preliminary subdivision plat which the applicant proposes to construct within a finite period not to exceed ~~36~~ 18 months. The improvements required by this division which apply to the final subdivision plat shall be completed within ~~36~~ 18 months from the date of approval of the final plat unless prior to the ~~36~~ 18 month construction period, a written request for an extension in time not exceeding one year is applied for and approved by the Development Services Administrator or his designee. The applicant shall enter into a construction and maintenance agreement with the county, in a form acceptable to the county attorney, which establishes the terms and conditions for the construction and maintenance of the improvements required during the ~~36-month~~ 18-month

construction period (unless a written extension request is approved by the ~~board of county commissioners at the time of final subdivision plat approval~~ development services director prior to the expiration of the 18-month construction period), whether the final plat is approved only or approved and recorded with the posting of a subdivision performance security. This agreement shall be submitted with the final plat for review and approval and executed by all parties at the time of final plat approval per section 3.2.9.1.3.

**SUBSECTION 3.H. AMENDMENTS TO EXCAVATION DIVISION**

Division 3.5., Excavation, of Ordinance 91-102, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

**DIVISION 3.5. EXCAVATION**

**Sec. 3.5.7. Construction requirements for the construction of excavations.**

\* \* \* \* \*

3.5.7.2.5. Ten percent of the finished lake banks shall be planted with native aquatic vegetation on a littoral shelf located three feet vertically, with two-thirds below and one-third above the control elevation, except for dry detention, dry retention ponds, wet swales and ditches used only for conveyance of surface water.

Littoral planting zones should be adjacent to and waterward of control structures when possible. The following criteria shall be minimum standards in the creation of the littoral zone:

\* \* \* \* \*

4. At the time of planting: minimum tree height shall be eight feet; minimum shrub height shall be 24 inches; minimum herbaceous height shall be 12 inches. ~~The height requirement may be administratively waived where the required height of tree, shrub or herbaceous plants are not available.~~

**SUBSECTION 3.I. AMENDMENTS TO VEGETATION REMOVAL, PROTECTION AND PRESERVATION DIVISION**

Division 3.9., Vegetation Removal, Protection And Preservation, of Ordinance 91-102, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

**DIVISION 3.9. VEGETATION REMOVAL, PROTECTION AND PRESERVATION**

**Sec. 3.9.4. Application Requirements.**

3.9.4.1. *Other permits required.* No vegetation removal permit shall be issued by the ~~development services director~~ planning services director until all applicable federal and state, and county approvals as designated by the development services director have been obtained. These approvals may include, but are not limited to:

Building permits. (except in accordance with section 3.2.8.3.6. of this code)

Special treatment (ST) development permits.

U.S. Army Corps of Engineers permits or exemptions.

~~Florida department of environmental regulation permits or exemptions.~~

~~Florida department of natural resources permits or exemptions.~~

Florida department of environmental protection permits or exemptions.

U.S. fish and wildlife service permits or exemptions.

Florida fish and wildlife conservation commission permits or exemptions.

South Florida Water Management District permits or exemptions.

Other applicable agency reviews or permits or exemptions.

Other county approvals.

**Sec. 3.9.5. Vegetation removal, protection and preservation standards.**

3.9.5.5.2. All new developments shall retain existing native vegetation to the maximum extent possible; especially where said native vegetation exists within required buffer areas. When protected species are identified on site, priority shall be given to preserving these habitats first, as a part of the retained native vegetation requirement (see section 3.11.3 for the management of these areas). Where the required minimum retained vegetation percentage has been met pursuant to sections 3.9.5.5.3 and 3.9.5.5.4 additional native vegetation shall be retained unless necessary grade changes, required infrastructure, stormwater management system design or approved construction footprints necessitate its removal. The need to remove additional existing native trees shall be demonstrated by the applicant as part of the vegetation removal review process. When required to be removed, existing viable native trees shall be transplanted into site landscaping unless the applicant can demonstrate that transplanting is not feasible or appropriate. Retained areas of vegetation shall be preserved in their entirety with all trees, understory, and ground covers left intact and undisturbed, except for prohibited exotic species removal, enhancement with native plant material and pruning and maintenance.

3.9.5.5.3. All new residential or mixed use developments greater than 2.5 acres in the Coastal Management Area as defined in the 1989 edition of the future land use element of the county growth management plan and greater than 20 acres in the Coastal Urban Designated Area as defined in the General Plan Requirements section (6.4.6) of the Adoption Notebook of the 1989 edition of the future land use element of the county growth management plan shall retain 25 percent of the viable naturally functioning native vegetation on-site including both the understory and the ground cover emphasizing the largest contiguous area possible. When protected species are identified on site, priority shall be given to preserving these habitats first, as a part of the retained native vegetation requirement (see section 3.11.3 for the management of these areas). When several different native plant communities exist on-site, the development plans will reasonably attempt to preserve examples of all of them, if possible. Areas of landscaping and open space which are planted with native species shall be included in the 25 percent requirement considering canopy understory and ground cover, providing that in such areas of credit, ground cover constitutes no more than 20 percent of the landscaped area. Where a project has included open space, recreational amenities or preserved wetlands that meet or exceed the minimum open space criteria of Collier County, this policy shall not be construed to require a larger percentage of open space set aside to meet the 25 percent native vegetation policy. This policy shall not be interpreted to allow development in wetlands, should the wetlands alone constitute more than 25 percent of the site.

Exceptions, by means of mitigation in the form of increased landscape requirements, shall be granted for parcels, which cannot reasonably accommodate both the preservation area and the proposed activity. Where native preservation requirements are not accommodated, the landscape plan shall re-create a native plant community in all three strata (ground cover, shrubs and trees), utilizing larger plant materials so as to more quickly re-create the lost mature vegetation. Such re-vegetation shall apply the standards of section 2.4.4. of this code, and include a quantity of plantings matching the amount of required preserved native vegetation that was removed. The following minimum sizes shall apply: 1 gallon ground cover; 5 gallon shrubs; 14 foot high trees with a 7 foot crown spread and a dbh (diameter at breast height) of three inches. Previously cleared parcels, void of native vegetation, shall be exempt from this requirement. ~~Exceptions shall be granted for parcels that cannot reasonably accommodate both the native vegetation and the proposed activity.~~

3.9.5.5.4. All other types of new development not referenced in section 3.9.5.5.3 above, including but not limited to 1) residential or mixed use developments under the thresholds set forth in section 3.9.5.5.3; 2) commercial development; and 3) industrial development shall be required to preserve an appropriate portion of the native vegetation on the site as determined through the county development review process. When protected species are identified on site, priority shall be given to preserving these habitats first, as a part of the retained native vegetation requirement (see section 3.11.3 for the management of these areas). For new development under five acres, a minimum of ten percent of the native vegetation on-site (by area), shall be retained, including the understory and ground cover. For new development five acres or greater, a minimum of 15 percent of the native vegetation on-site (by area), shall be retained, including the understory and ground cover. Preservation of different contiguous habitats is to be encouraged. When several native plant communities exist on-site the development plans will reasonably attempt to preserve examples of all of them, if possible. However, this policy shall not be interpreted to allow development in wetlands, should wetlands alone constitute more than the portion of the site required to be preserved. Exceptions, by means of mitigation in the form of increased landscape requirements, shall be granted for parcels which cannot reasonably accommodate both the preservation area and the proposed activity. Where native preservation requirements are not accommodated, the landscape plan shall re-create a native plant community in all three strata (ground cover, shrubs and trees), utilizing larger plant materials so as to more quickly re-create the lost mature vegetation. Such re-vegetation shall apply the standards of ~~§~~section 2.4.4. of this code, and include a quantity of plantings matching the amount of required preserved native vegetation that was removed. The following minimum sizes shall apply: 1 gallon ground cover; 5 gallon shrubs; 14 ~~to 16~~ foot high trees with a seven ~~to eight~~ foot crown spread and a ~~diameter dbh (diameter at breast height)~~ of three ~~to four~~ inches ~~at four and one half feet above natural grade~~. Previously cleared parcels, void of native vegetation, shall be exempt from this requirement.

\* \* \* \* \*

**Sec. 3.9.6. Review procedures.**

\* \* \* \* \*

3.9.6.6. *Requirement for removal of prohibited exotic vegetation.*

- 3.9.6.6.1. Prohibited exotic vegetation removal and methods of removal shall be conducted in accordance with the specific provisions regarding prohibited exotic vegetation removal in each local development order.
- 3.9.6.6.2. Protection of native vegetation, according to the applicable provisions of this division shall be required during prohibited exotic vegetation removal.
- 3.9.6.6.3. Prohibited exotic vegetation shall be removed:

- (1) From all rights-of-way, common area tracts not proposed for development and easements prior to preliminary acceptance of the phase of the required subdivision improvements;
- (2) From within the associated phase of the final site development plan prior to the issuance of a certificate of occupancy.
- (3) From all golf course fairways, roughs, and adjacent open space/natural preserve areas prior to the issuance of a certificate of occupancy for the first permitted structure associated with the golf course facility;
- (4) From property proposing any enlargement of existing interior floor space, paved parking area, or substantial site improvement;
- (5) In the case of the discontinuance of use or occupation of land or water or structure for a period of 90 consecutive days or more, property owners shall, prior to subsequent use of such land or water or structure, conform to the regulations specified by this section.

3.9.6.6.6. In addition to the other requirements of this division, the applicant shall be required to remove on single-family and two-family lots for all new ~~principal~~ dwelling units, all prohibited exotic vegetation before a certificate of occupancy is granted. The removal of prohibited exotic vegetation shall be required in perpetuity. Upon issuance of a vegetation removal permit, prohibited exotic vegetation may be removed from lots which are zoned residential single-family (RSF), estates (E), village residential (VR), and mobile home (MH), prior to issuance of a building permit.

\* \* \* \* \*

3.9.6.7. ~~Destination~~ *Designation of specimen tree.* By resolution of the Collier County board of county commissioners, a plant may be designated a specimen tree because of its historical significance, rarity in Collier County, age or extraordinary size. A public hearing shall be held with notice provided to the property owner by certified mail. The designation shall be recorded in the official records of the clerk of the circuit court. All recording fees are the responsibility of the Collier County board of county commissioners.

3.9.6.8. *Penalty*

\* \* \* \* \*

4. Restoration standards. If an alleged violation of this code has occurred and upon agreement between the development services director and the violator, or if they cannot agree, then, upon conviction by the court or the code enforcement board, in addition to any fine imposed, a restoration plan shall be ordered in accordance with the following standards:

(A) The restoration plan shall include the following minimum planting standards:

- (1) In the successful replacement of trees illegally removed, replacement trees shall be of sufficient size and quantity to replace the dbh inches removed. Dbh is defined for the purposes of this ordinance as diameter of the tree, measured at a height of 4.5 feet above natural grade.

(2) Each replacement tree shall be Florida grade no. 1 or better as graded by the Florida department of agriculture and consumer service.

(3) All replacement trees shall be nursery grown, containerized and ~~at~~ be a minimum ~~be of seven to eight~~ 14 feet in height with a 7 foot crown spread and have a minimum caliper dbh of one to 1 1/2 ~~3 inches at 12 inches above natural grade.~~

\* \* \* \* \*

3.9.6.9. *Corrective measures for environmental violations.*

\* \* \* \* \*

4. If only trees were removed and the understory vegetation was not disturbed, then replacement of the dbh (diameter at breast height) in inches removed shall be required. ~~For example, if one ten inch dbh tree was removed, then a minimum of ten one inch diameter trees six feet tall shall be required to mitigate.~~

\* \* \* \* \*

6. If the violation consists of clearing of residential, single-family (RSF), village residential (VR) or estates (E) or other non agricultural, non commercially zoned land in which single-family lots have been subdivided for single-family use only, and one acre or less of land is being cleared by the property owners themselves in advance of issuance of building permit, the development services director may, in lieu of restoration or donation, impose a penalty fee in the amount equal to double the cost of a typical building permit.

\* \* \* \* \*

3.9.6.9.2. *Site-specific review criteria.*

1. All plants used for mitigation shall be native Florida species.
2. All plants used for mitigation shall be from a legal source and be graded Florida no. 1 or better, as graded by the Florida Department of Agriculture and Consumer Services' Grades and Standards for Nursery Plants (Charles S. Bush, 1973, Part 1 and 2). All plants not listed in Grades and Standards for Nursery Plants shall conform to a Florida no. 1 as to: (1) health and vitality, (2) condition of foliage, (3) root system, (4) freedom from pest or mechanical damage, (5) heavily branched and densely foliated according to the accepted normal shapes of the species or sport. Trees shall be a minimum of ~~six~~ 14 feet tall at the time of planting and shall have a minimum ~~caliper dbh (diameter at breast height) of one inch~~ 3 inches ~~at a height of one foot above the base of the tree.~~

**SUBSECTION 3.J. AMENDMENTS TO ENDANGERED, THREATENED, OR LISTED SPECIES PROTECTION DIVISION**

Division 3.11., Endangered, Threatened, Or Listed Species Protection, of Ordinance 91-102, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

**DIVISION 3.11. ENDANGERED, THREATENED, OR LISTED SPECIES PROTECTION**

**Sec. 3.11.2. Purpose.**

The purpose of this division is to protect ~~the species listed by the Florida game and fresh water fish commission (FGFWFC) United States Fish and Wildlife Service (USFWS) and Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) as endangered, threatened or of special concern or status~~ in Collier County, Florida by including measures for protection and/or relocation of endangered, threatened, or species of special concern ~~or status~~ listed by:

- a) Florida Fish and Wildlife Conservation Commission (FFWCC) as endangered, threatened or species of special concern;
- b) United States Fish and Wildlife service (USFWS) as endangered or threatened; and
- c) Convention of International Trade in Endangered Species of Wild Fauna and Flora (CITES) on Appendix 1, Appendix II, or Appendix III.

**Sec. 3.11.3. New and existing development.**

For new and existing development and construction pursuant to divisions 3.2, and 3.3 and 3.9. of this code, and the building code of Collier County, until permanent guidelines and standards are adopted by Collier County, the following shall apply as interim guidelines or standards for the protection of endangered species, threatened species and ~~or~~ species of special concern ~~or status~~ as prescribed by Goal 7 and associated objectives and policies, as amended, of the conservation and coastal management element of the Collier County growth management plan:

3.11.3.1. Plans shall be submitted for review and subject to approval by ~~the project review services planning services Department of the development services division community development and environmental services division~~, for the management of habitat and wildlife, including measures for protection and/or relocation of endangered and threatened species and species of special concern status. The county shall consider and may utilize recommendations and letters of technical assistance of the FFWCC, and recommendations and guidelines of the USFWS, in issuing development orders on property containing endangered and threatened species and species of special concern. Such plans shall comply with current federal, state and local ordinances and policies.

3.11.3.2. Federal habitat management guidelines for the bald eagle (*Haliaeetus leucocephalus*) and the woodstork (*Mycteria americana*) in the Southeast Region, published and issued by the USFWS, shall be adopted as guidelines for minimum standards to maintain or improve the environmental conditions that are required for the survival and well-being of bald eagles and woodstorks.

3.11.3.3. Until the adoption of federal guidelines for the red-cockaded woodpecker (*Picoides borealis*) and Florida panther (*Felis concolor coryi*), the developer shall be responsible for the development of a protection plan for conservation and management of these species.

~~3.11.3.4. All protection plans shall be subject to review and approval by the project review services section of the development services department. The county may consider and utilize recommendations and letters of technical assistance of the Florida game and fresh water fish commission, and recommendations and guidelines of the USFWS, in issuing development orders on property containing wildlife species of special status.~~

**3.11.3.4 Gopher Tortoise (Gopherus polyphemus).**

- (1) All gopher tortoises are hereby protected and it is expressly prohibited to harass, molest, hunt or remove any such tortoise from its natural habitat, or to utilize such tortoises in any gaming event, unless otherwise provided for in this section.



- (2) All gopher tortoise burrows are protected and it is prohibited to intentionally destroy or molest one by any means, unless otherwise provided for in this section.
- (3) Provision is hereby made to allow personnel authorized by the United States Fish and Wildlife Service, the Florida Fish and Wildlife Conservation Commission and Collier County to house and relocate tortoises as necessary and provided for in this section.
- (4) When gopher tortoises are identified on a site, a protection/management plan or off site relocation plan shall be submitted to the planning services department of the community development and environmental services division, for review and approval. This shall apply to all new developments and site improvements. It shall also apply to substantial amendments to existing developments and site improvements, where gopher tortoise protection/management plans have not been previously approved by Collier County planning services staff. The protection/management plan shall include, but not be limited to the following items: 1) a current gopher tortoise survey; 2) a proposal for either maintaining the population in place or relocating it; 3) a site plan identifying the boundaries of the gopher tortoise preserve; 4) the method of relocation, if necessary; 5) the proposed supplemental plantings, if needed; 6) a detail of the gopher tortoise preserve fencing; 7) an annual maintenance plan describing exotic removal and possible additional plantings in the future and 8) identification of persons responsible for the initial and annual protection/management of the tortoises and the preserve area. Suitable gopher tortoise habitat shall be designated on the site plan at the time of the first development order submittal. Suitable habitat preserved on site shall be credited to the preservation requirement as specified in section 3.9.5. of this code.
- (5) Suitable habitat shall be defined as having the following characteristics: 1) the presence of well-drained, sandy soils, which allow easy burrowing for gopher tortoises, 2) appropriate herbaceous ground cover (if not present, supplemental food sources shall be planted), 3) generally open canopy and sparse shrub cover which allow sufficient sunlight to reach the ground, and 4) typically, includes the presence of an existing gopher tortoise population. Off-site relocation plans may be permitted to meet all or part of the on-site gopher tortoise habitat preservation requirements under the following circumstances:
- a.) Where suitable habitat cannot be provided on-site; or,
  - b.) Where a property owner meets the minimum on-site native vegetation preservation requirements of this code with jurisdictional wetlands and thus does not provide appropriate habitat for gopher tortoises as described above; or,
  - c.) Where a site is less than ten acres in size and based upon the above formula, the on-site preserve would exceed fifteen percent of the gross site acreage; or
  - d.) Where in the opinion of the community development and environmental services administrator, the requirement to provide the required on-site gopher tortoise habitat preservation area will not be conducive to the long term health of the on-site population of tortoises.

If an off-site relocation plan is authorized under one or more of the above conditions, approval of such a plan and associated state permit shall be obtained from the Florida fish and wildlife conservation commission. Where appropriate, a combination of on-site preservation and off-site relocation may be considered.

- (6) When relocating tortoises on site, the density shall be reviewed on a case by case basis and no more than 5 tortoises per acre will be considered a suitable density.
- (7) When identifying the native vegetation preservation requirement of section 3.9.5. of this code for parcels containing gopher tortoises, priority shall be given to protecting the largest, most contiguous gopher tortoise habitat with the greatest number of active burrows, and for providing a connection to off-site adjacent gopher tortoise preserves. All gopher tortoise preserves shall be platted with protective covenants as required by section 3.2.9.2.10. of this code or, if the project is not platted, shall provide such language on the approved site development plan. When a decision is made to allow off-site relocation of gopher tortoises, it shall be a priority to preserve scrub habitat, when it exists on site, for its rare unique qualities and for being one of the most endangered habitats in Collier County.
- (8) Gopher tortoises shall be removed from all active and inactive burrows located within the area of construction prior to any site improvement, in accordance with the protection/management plan approved by planning services staff.
- (9) Exemptions. Single family platted lots, 7.5 acres or less in size, shall be exempt from the requirements set forth in subsection 3.11.3.4(4). However, gopher tortoises shall be protected pursuant to paragraphs 1 and 2 of this section.

**Sec. 3.11.4. Penalties for violation: resort to other remedies.**

Violation of the provisions of this division or failure to comply with any of its requirements shall constitute a misdemeanor. Any person or firm who violates this division or fails to comply with any of its requirements shall upon conviction thereof be fined, or imprisoned, or both, as provided by law. Each day such violation continues shall be considered a separate offense. Each taking of a gopher tortoise shall constitute a separate violation. No penalty shall be assessed where tortoises are accidentally injured or killed during an approved relocation procedure that is done by a qualified consultant, in accordance with their protection/management plan. Any other person, who commits, participates in, assists in, or maintains such violation may be found guilty of a separate offense and suffer the penalties herein provided. The county, in addition to the criminal sanctions contained herein, may take any other appropriate legal action, including but not limited to injunctive action, to enforce the provisions of this division.

**SUBSECTION 3.K. AMENDMENTS TO DEFINITIONS DIVISION**

Division 6.3., Definitions, of Ordinance 91-102, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

**DIVISION 6.3. DEFINITIONS**

*Aeronautics*: means transportation by aircraft; the operation, construction, repair, or maintenance of aircraft, aircraft power plants and accessories, including the repair, packing, and maintenance of parachutes; the design, establishment, construction, extension, operation, improvement, repair, or maintenance of airports, restricted landing areas, or other air navigation facilities, and air instruction.

Airport: Any area of land or water designed and set aside for the landing and taking off of aircraft and utilized or to be utilized in the interest of the public for such purpose.

Airport hazard: Any structure or tree or use of land which would exceed the federal obstruction standards as contained in 14 C.F.R. ss. 77.21, 77.23, 77.25, 77.28, and 77.29 and which obstructs the airspace required for the flight of aircraft in taking off, maneuvering, or landing or is otherwise hazardous to such taking off, maneuvering, or landing of aircraft and for which no person has previously obtained a permit or variance pursuant to s. 333.025 or s. 333.07.

Airport hazard area: Any area of land or water upon which an airport hazard might be established if not prevented as provided.

Airport land use compatibility zoning: Means airport zoning regulations restricting the use of land adjacent to or in the immediate vicinity of airports in the manner enumerated in s. 333.03(2) to activities and purposes compatible with the continuation of normal airport operations including landing and takeoff of aircraft in order to promote public health, safety, and general welfare.

Airport layout plan: A current and FAA approved detailed, scaled engineering drawing, including pertinent dimensions, of the airport's current and planned facilities, their locations, and runway usage.

Commercial equipment: Any equipment commonly used in a commercial business, regardless if said equipment is actually owned or utilized by a business. Commercial equipment shall include the following: earth-moving equipment, landscaping equipment, lawn mowers (push type or tractor), tillers, ladders, pipes, spools of electric-type wiring or cable, portable pumps, portable generators, pool cleaning equipment and supplies, any trailer not recreational in nature (flat-bed, stake-bed, or fully enclosed), in addition to any other equipment of similar design or function. ~~i.e. contractors equipment, earth moving machinery, lawn equipment, or utility trailers, or devices used for the transportation of equipment, materials or merchandise.~~

Commercial vehicle: Any vehicle used in conjunction with a commercial or business activity, or possessing the following characteristics: Any motor vehicle not recreational in nature having a rated load capacity of greater than one ton, exceeding 7.5 feet in height, 7.0 feet in width, and/or 25 feet in length. The display of lettering or a similar sign upon a vehicle shall not in and of itself make a vehicle commercial.

(See section 2.6.7)

Destination Resort Hotels: A transient lodging facility where generally patrons stay for several days in order to utilize, enjoy or otherwise participate in certain amenities, natural or man-made, such as frontage on or access to the Gulf of Mexico, ability to use a golf course or courses, and other recreational amenities all of which serve to encourage occupancy by persons who primarily patronize the destination resort hotels for those specific purposes as opposed to a visitor to the area in general or otherwise conducting a business activity.

Dock facility: Any structure constructed in or over a waterway for the primary purpose of mooring a boat, or any combination of such structure and the vessel it accommodates. This includes docks, walkways, piers, mooring pilings, boathouses and the like.

Floor area ratio (FAR): ~~The quotient resulting from dividing the floor area of a building by the area of the lot on which the building is located.~~ A means of measurement of the intensity of building development on a site. A floor area ratio is the relationship between the gross floor area on a site and the gross land area. The FAR is calculated by adding together the gross floor areas of all buildings on the site and dividing that figure by the gross land area. Floor example, a floor area ratio of 1.0 means one (1) square foot of building may be constructed for each square foot of lot area. The gross floor area of a building clearly designed for a parking facility shall not be included in the floor area ratio calculation.

Obstruction: Any existing or proposed manmade object or object of natural growth or terrain that violates the standards contained in 14 C.F.R. ss. 77.21, 77.23, 77.25, 77.28, and 77.29.

Runway clear zone: A trapezoidal area underneath the inner edge of any runway approach surface where that surface is 50 feet or less above the runway end elevation. The runway clear zone begins at the end of each primary surface, and is centered upon the extended runway centerline. An area at ground level which begins at the end of each primary surface defined in FAR Part 77.27 (a) and extends with the width of each approach surface slope at a point, or points, where the slope reaches a height of 50 feet above the elevation of the runway or 50 feet above the terrain at the outer extremity of the clear zone, whichever distance is shorter.

Structure: Anything constructed or erected which requires a fixed location on the ground, or in the ground, or attached to something having a fixed location on or in the ground, including buildings, towers, smokestacks, utility poles, and overhead transmission lines. Fences, gates or posts are not intended to be structures. (See division 3.4.)

### **SUBSECTION 3.K: AMENDMENTS TO APPENDICES SECTION**

Appendix D, Airport Zoning Maps, is hereby amended by replacing the existing Airport Zoning Map illustrations with revised Airport Zoning Map illustrations attached hereto and incorporated herein by reference as Exhibit "A".

### **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 14 day of June, 2000.

BOARD OF COUNTY COMMISSIONERS  
COLLIER COUNTY, FLORIDA

BY: Timothy J. Constantine  
TIMOTHY J. CONSTANTINE, CHAIRMAN

ATTEST: **Attest as to Chairman's signature only.**

By: Karen Schoch, D.C.  
DWIGHT E. BROCK, CLERK

Approved As To Form And Legal Sufficiency

Marjorie M. Student  
Marjorie M. Student  
Assistant County Attorney

This ordinance filed with the Secretary of State's Office the 21 day of June, 2000 and acknowledgement of that filing received this 26 day of June, 2000

By: Karen Schoch  
Deputy Clerk

H:\LDC CYCLE 1 - 2000\LDC ORD CYCLE 1 - 2000

**EXHIBIT “A”**  
**(APPENDIX “D”)**

\*\* THE FOLLOWING ARE ADDITIONS, DELETIONS, AND CHANGES TO APPENDIX D OF THE LDC \*\*

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APPENDIX D

AIRPORT ZONING\*

Appendix I. [Airport Zoning Maps]

Appendix II. Naples Municipal Airport Noise Zone Map

Appendix III. Activities and/or Land Uses Guidance Chart with Soundproofing Requirements

Appendix IV. Required Sound Transmission Class Ratings

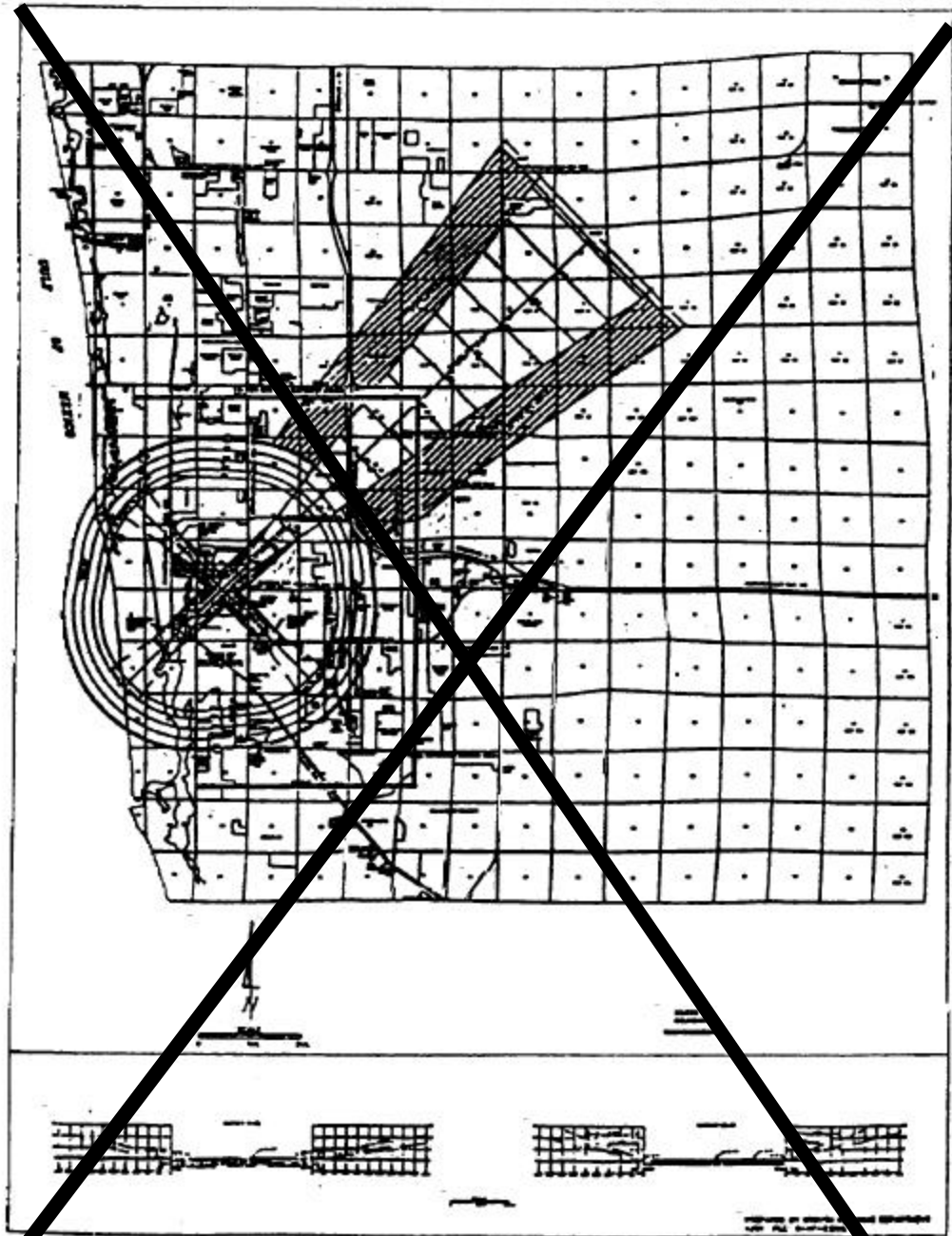
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\*Editor's note--Appendices I through IV have been designated as "Appendix D, Airport Zoning" at the discretion of the editor.

LDCD:1

APPENDIX I [AIRPORT ZONING MAPS]  
(SEE SECTION 2.2.23)

ZONING MAP A. NAPLES AIRPORT



Sup. No. 7

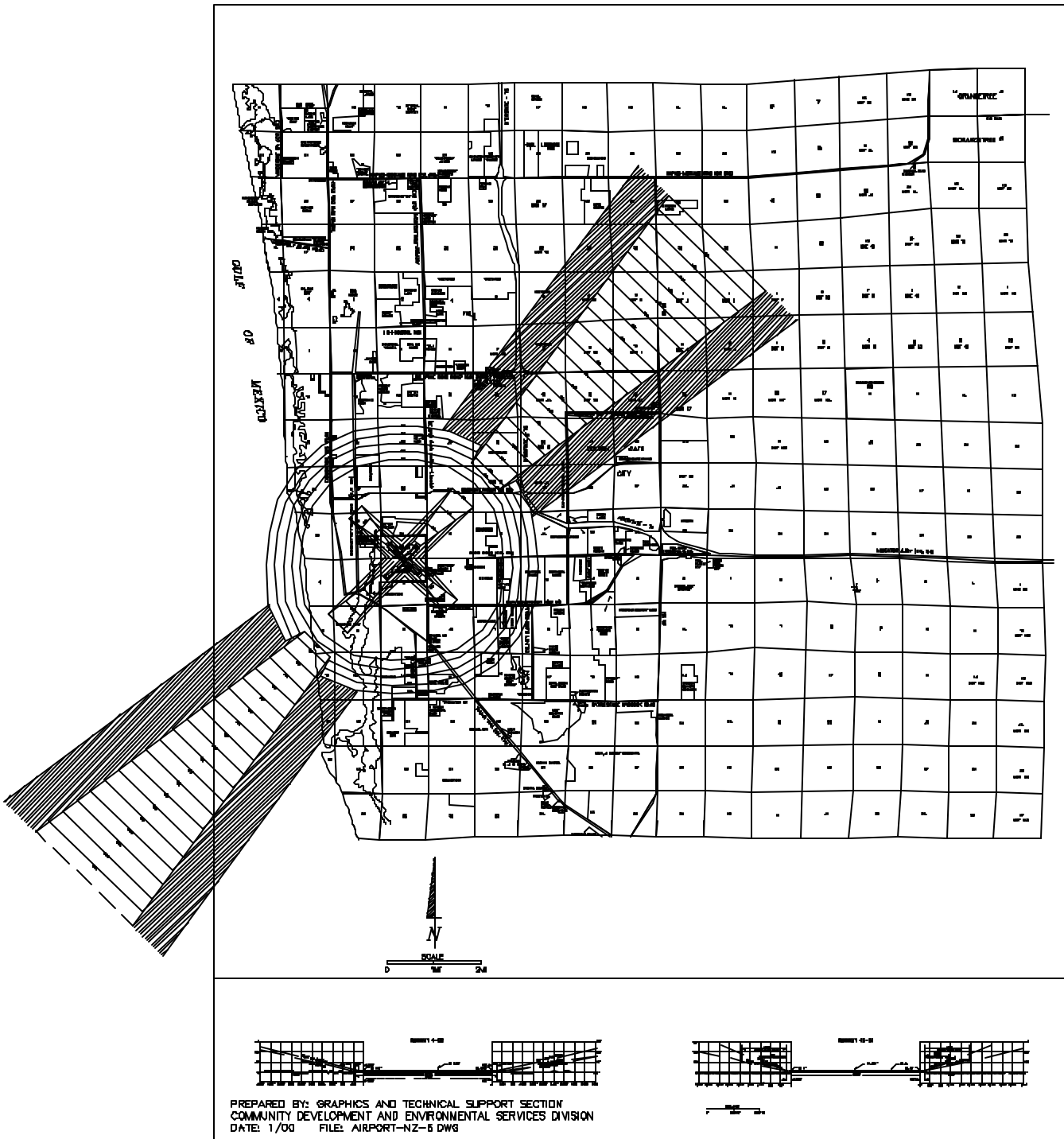
LDCD:3

Remove this Drawing From Appendix I. [Airport Zoning Maps]



APPENDIX I. (AIRPORT ZONING MAPS)  
(SEE SECTION 2.2.23)

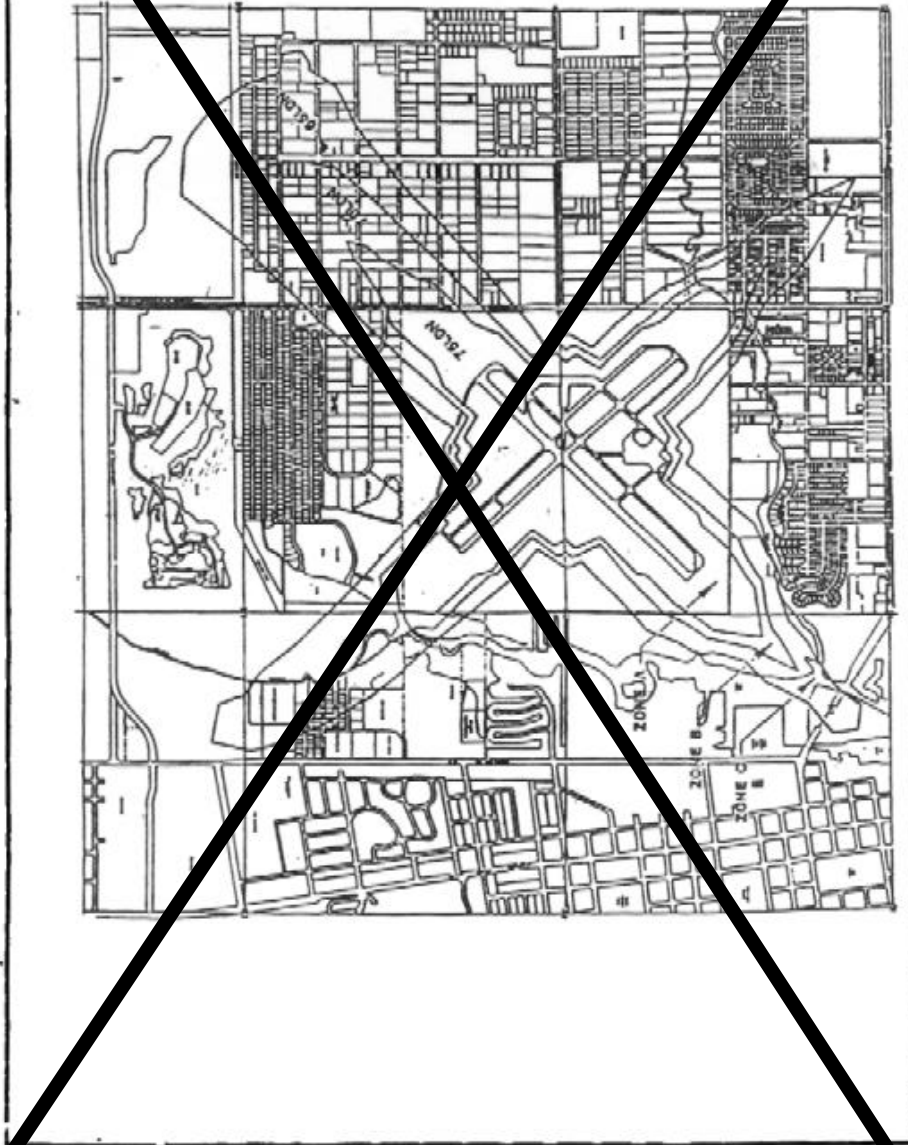
ZONING MAP A. NAPLES MUNICIPAL AIRPORT



LDCD:3

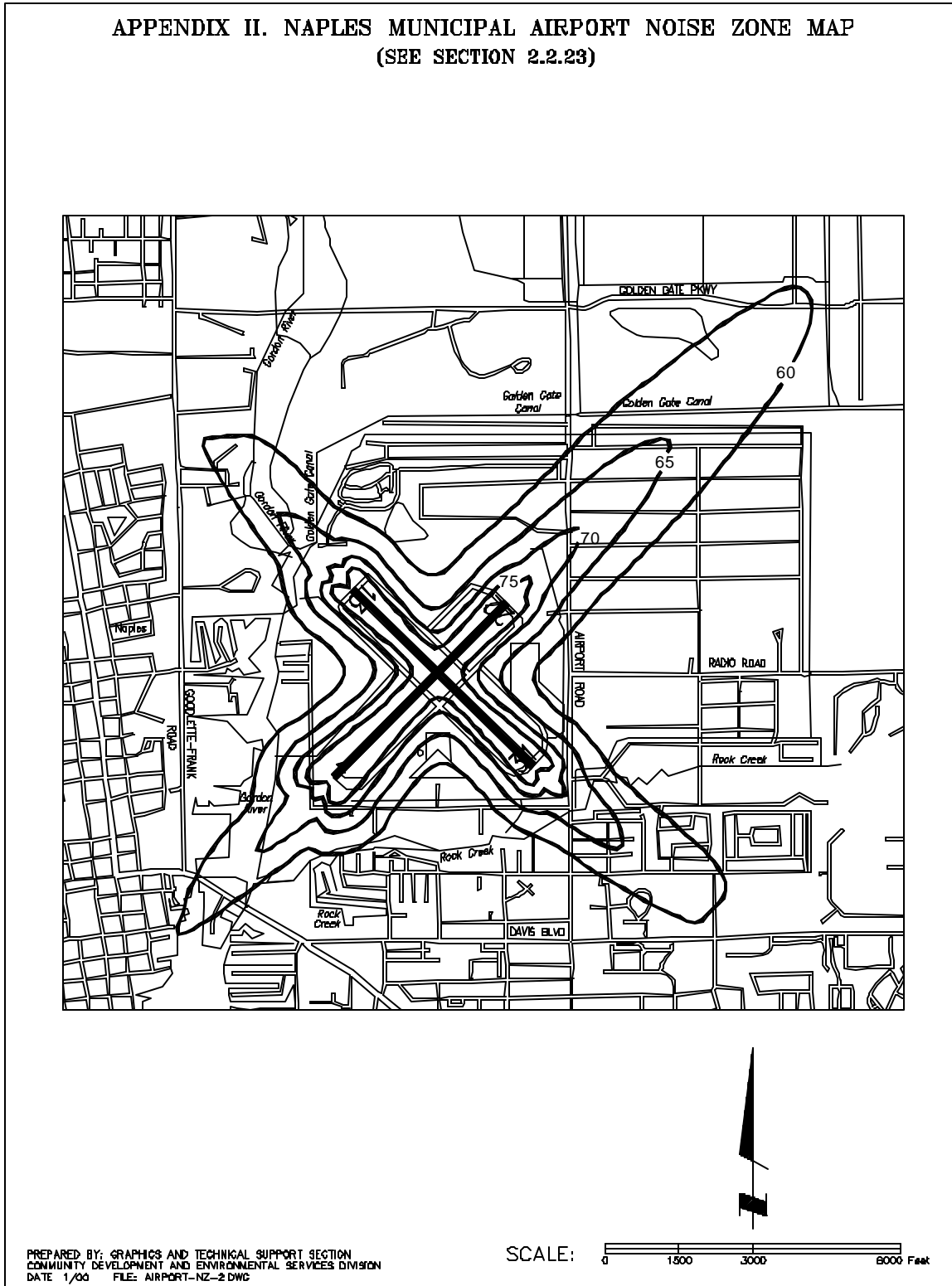
Replace Appendix I. [Airport Zoning Maps] with this Drawing

**APPENDIX II. NAPLES AIRPORT NOISE ZONE MAP**  
(SEE SECTION 2.2.23)



LDCD:7

**Remove this Drawing From Appendix II. Naples Airport Noise Zone Map**



LDCD:7

**Replace Appendix II. Naples Airport Noise Zone Map with this Drawing**

\*\*\* DELETE THE FOLLOWING TEXT WITH OVERSTRIKE FROM PAGES LDCD:8-11. \*\*\*

Airport Noise Zone A  
Legal Description

~~Commencing northwest corner Section 36, Township 49, Range 26, east 1,183.68 feet ± along north section line of Section 36, south 1,750.48 feet ± to the point of beginning, thence south 69 degrees, 26 minutes, 38 seconds, west 361.77 feet, south 45 degrees, west 149.70 feet, south 56 degrees, 18 minutes, 36 seconds, west 152.67 feet, south 58 degrees, 23 minutes, 33 seconds, west 646.32 feet, south 78 degrees, 41 minutes, 24 seconds, west 323.85 feet, south 45 degrees, west 508.98 feet, south 41~~

Words ~~struck through~~ are deleted, words underlined are added.

~~degrees, 25 minutes, 25 seconds, west 479.98 feet, south 66 degrees, 48 minutes, 5 seconds, west 322.46 feet, south 71 degrees, 33 minutes, 54 seconds, west 133.90 feet, south 42 degrees, 23 minutes, 51 seconds, west 659.36 feet, south 45 degrees, west 119.76 feet, north 60 degrees, 56 minutes, 43 seconds, west 435.93 feet, south 52 degrees, 7 minutes, 30 seconds, west 241.38 feet, north 60 degrees, 56 minutes, 43 seconds, west 217.97 feet, south 57 degrees, 5 minutes, 41 seconds, west 428.68 feet, north 45 degrees, west 179.64 feet, north 45 degrees, west 598.80 feet, north 35 degrees, 32 minutes, 16 seconds, west 182.12 feet, north 71 degrees, 33 minutes, 54 seconds, west 334.74 feet, north 45 degrees, west 479.04 feet, north 48 degrees, 48 minutes, 51 seconds, west 450.10 feet, south 83 degrees, 9 minutes, 26 seconds, west 533.07 feet, south 81 degrees, 50 minutes, 17 seconds, west 41.79 feet, south 1 degree, 32 minutes, 5 seconds, west 36.42 feet, south 6 degrees, 50 minutes, 34 seconds, west 533.07 feet, south 41 degrees, 11 minutes, 9 seconds, east 450.10 feet, south 45 degrees, east 479.04 feet, south 18 degrees, 26 minutes, 6 seconds, east 334.74 feet, south 54 degrees, 27 minutes, 44 seconds, east 182.12 feet, south 45 degrees, east 598.80 feet, south 45 degrees, east 179.64 feet, south 37 degrees, 24 minutes, 19 seconds, west 453.08 feet, south 29 degrees, 3 minutes, 17 seconds, east 217.97 feet, south 45 degrees, west 209.58 feet, south 25 degrees, 20 minutes, 46 seconds, east 445.09 feet, south 45 degrees, west 89.82 feet, south 47 degrees, 23 minutes, 9 seconds, west 719.19 feet, south 45 degrees, west 59.88 feet, south 14 degrees, 2 minutes, 10 seconds, west 174.58 feet, south 47 degrees, 43 minutes, 35 seconds, west 629.45 feet, south 32 degrees, 28 minutes, 16 seconds, west 552.07 feet, south 37 degrees, 52 minutes, 30 seconds, west 241.38 feet, south 8 degrees, 31 minutes, 51 seconds, west 856.31 feet, north 81 degrees, 28 minutes, 9 seconds, east 856.31 feet, north 52 degrees, 7 minutes, 30 seconds, east 241.38 feet, north 57 degrees, 31 minutes, 44 seconds, east 552.07 feet, north 42 degrees, 16 minutes, 25 seconds, east 629.45 feet, north 75 degrees, 57 minutes, 50 seconds, east 174.58 feet, north 45 degrees, east 59.88 feet, north 42 degrees, 36 minutes, 51 seconds, east 719.19 feet, north 45 degrees, east 89.82 feet, south 64 degrees, 39 minutes, 14 seconds, east 445.09 feet, north 45 degrees, east 209.58 feet, south 60 degrees, 56 minutes, 43 seconds, east 217.97 feet, north 56 degrees, 18 minutes, 36 seconds, east 458.00 feet, south 33 degrees, 41 minutes, 24 seconds, east 152.67 feet, south 45 degrees, east 628.74 feet, south 45 degrees east 149.70 feet, south 66 degrees, 48 minutes, 5 seconds, east 322.46 feet, south 48 degrees, 34 minutes, 35 seconds, east 479.98 feet, south 57 degrees, 5 minutes, 41 seconds, east 428.68 feet, north 87 degrees, 42 minutes, 34 seconds, east 529.69 feet, north 2 degrees, 17 minutes, 26 seconds, east 529.69 feet, north 32 degrees, 54 minutes, 19 seconds, west 428.68 feet, north 41 degrees, 25 minutes, 25 seconds, west 479.98 feet, north 23 degrees, 11 minutes, 55 seconds, west 322.46 feet, north 45 degrees west, 149.70 feet, north 45 degrees, west 628.74 feet, north 54 degrees, 27 minutes, 44 seconds, west 182.12 feet, north 33 degrees, 41 minutes, 24 seconds, east 458.00 feet, north 36 degrees, 52 minutes, 12 seconds, west 211.71 feet, north 45 degrees, east 239.52 feet, north 30 degrees, 4 minutes, 7 seconds, west 464.80 feet, north 45 degrees, east 119.76 feet, north 47 degrees, 36 minutes, 9 seconds, east 659.36 feet, north 18 degrees, 26 minutes, 6 seconds, east 133.90 feet, north 23 degrees, 11 minutes, 55 seconds, east 322.46 feet, north 48 degrees, 34 minutes, 35 seconds, east 479.98 feet, north 45 degrees, east 508.98 feet, north 15 degrees, 56 minutes, 43 seconds, east 308.25 feet, north 29 degrees, 3 minutes, 17 seconds, east 653.90 feet, north 45 degrees, east 149.70 feet north 45 degrees, east 179.64 feet, north 14 degrees, 2 minutes, 10 seconds, east 349.16 feet, to the point of beginning.~~

Airport Noise Zone B  
Legal Description

~~Commencing northeast corner, Section 36, Township 49, Range 26, west 2,772.66 feet ± along north section line of Section 36, south 430.40 feet ± to the point of beginning, thence west 42.34 feet, south 87 degrees, 42 minutes, 34 seconds, west 529.69 feet, south 57 degrees, 59 minutes, 41 seconds, west 399.45 feet, south 60 degrees, 56 minutes, 43 seconds, west 871.87 feet, south 49 degrees, 45 minutes, 49 seconds, west 721.05 feet, south 45 degrees, west 59.88 feet, south 47 degrees, 29 minutes, 22 seconds, west 689.27 feet, south 45 degrees, west 29.94 feet, south 45 degrees, west 778.44 feet, south 42 degrees, 8 minutes, 15 seconds, west 599.55 feet, south 45 degrees, west 179.64 feet, south 42 degrees, 47 minutes, 51 seconds, west 779.02 feet, south 45 degrees, west 29.94 feet, north 62 degrees, 21 minutes, 14 seconds, west 501.89 feet, south 45 degrees, west 149.70 feet, north 56 degrees, 18 minutes, 36 seconds, west 152.67 feet, south 55 degrees, 29 seconds, west 516.85 feet, north 45 degrees, west 89.82 feet, north 42 degrees, 36 minutes, 51 seconds, west 719.19 feet, north 45 degrees, west 59.88 feet, north 71 degrees, 33 minutes, 54 seconds, west 133.9 feet, north 47 degrees, 36 minutes, 9 seconds, west 659.36 feet, north 45 degrees, west 628.74 feet, south 80 degrees, 32 minutes, 16 seconds, west 257.55 feet, north 61 degrees, 23 minutes, 22 seconds, west 530.54 feet, north 45 degrees, west 269.46 feet, north 45 degrees, west 299.40 feet, north 65 degrees, 33 minutes, 22 seconds, west 511.62 feet, north 68 degrees, 17 minutes, 43 seconds, west 267.72 feet, south 28 degrees, 18 minutes, 3 seconds, east 256.72 feet, south 28 degrees, 36 minutes, 38 seconds, east 530.54 feet, south 38 degrees,~~

~~39 minutes, 35 seconds, east 271.12 feet, south 45 degrees, east 269.46 feet, south 28 degrees, 36 minutes, 38 seconds, east 530.54 feet, south 9 degrees, 27 minutes, 44 seconds, west 257.55 feet, south 45 degrees, east 628.74 feet, south 42 degrees, 23 minutes, 51 seconds, east 659.36 feet, south 18 degrees, 26 minutes, 6 seconds, east 133.90 feet, south 45 degrees, east 59.88, south 47 degrees, 23 minutes, 9 seconds, east 719.19 feet, south 45 degrees, east 89.82 feet, south 38 degrees, 39 minutes, 35 seconds, west 542.24 feet, south 33 degrees, 41 minutes, 24 seconds, east 152.67 feet, south 45 degrees, west 149.70 feet, south 27 degrees, 38 minutes, 46 seconds, east 501.89 feet, south 45 degrees, west 29.94 feet, south 52 degrees, 45 minutes, 55 seconds, west 664.78 feet, south 45 degrees, west 179.64 feet, south 47 degrees, 29 minutes, 22 seconds, west 689.27 feet, south 23 degrees, 11 minutes, 55 seconds, west 322.46 feet, south 32 degrees, 19 seconds, west 399.45 feet, south 45 degrees, west 89.82 feet, south 12 degrees, 57 minutes, 11 seconds, west 847.29 feet, south 32 degrees, 35 minutes, 9 seconds, west 276.31 feet, south 26 degrees, 33 minutes, 54 seconds, west 568.07 feet, north 62 degrees, 31 minutes, 32 seconds, east 596.55 feet, north 53 degrees, 32 minutes, 52 seconds, east 266.26 feet, north 74 degrees, 5 minutes, 25 seconds, east 349.67 feet, north 82 degrees, 34 minutes, 7 seconds, east 491.05 feet, north 45 degrees, east 89.82 feet, north 57 degrees, 59 minutes, 41 seconds, east 399.45 feet, north 66 degrees, 48 minutes, 5 seconds, east 322.46 feet, north 42 degrees, 30 minutes, 38 seconds, east 689.27 feet, north 45 degrees, east 179.64 feet, north 37 degrees, 14 minutes, 5 seconds, east 664.78 feet, north 45 degrees, east 29.94 feet, south 62 degrees, 21 minutes, 14 seconds, east 501.89 feet, north 45 degrees, east 149.70 feet, south 56 degrees, 18 minutes, 36 seconds, east 152.67 feet, north 55 degrees, 29 seconds, east 516.85 feet, south 45 degrees, east 59.88 feet, south 45 degrees, east 718.56 feet, south 45 degrees, east 59.88 feet, south 59 degrees, 2 minutes, 10 seconds, east 123.45 feet, south 47 degrees, 36 minutes, 9 seconds, east 659.36 feet, south 57 degrees, 31 minutes, 44 seconds, east 552.07 feet, east 338.73 feet, South 63 degrees, 26 minutes, 6 seconds, east 757.43 feet, south 61 degrees, 13 seconds, east 196.14 feet, north 18 degrees, 6 minutes, 23 seconds, west 211.40 feet, north 28 degrees, 44 minutes, 23 seconds, west 748.50 feet, north 3 degrees, 48 minutes, 51 seconds, east 318.27 feet, north 33 degrees, 6 minutes, 41 seconds, west 581.33 feet, north 42 degrees, 23 minutes, 51 seconds, west 659.36 feet, north 30 degrees, 57 minutes, 50 seconds, west 123.45 feet, north 45 degrees, west 59.88 feet, north 45 degrees, west 718.56 feet, north 45 degrees, west 59.88 feet, north 30 degrees, 57 minutes, 50 seconds, east 493.79 feet, north 33 degrees, 41 minutes, 24 seconds, west 152.67 feet, north 45 degrees, east 179.64 feet, north 30 degrees, 57 minutes, 50 seconds, west 493.79 feet, north 45 degrees, east 29.94 feet, north 47 degrees, 12 minutes, 9 seconds, east 779.02 feet, north 45 degrees, east 179.64 feet, north 47 degrees, 51 minutes, 45 seconds, east 599.55 feet, north 47 degrees, 2 minutes, 43 seconds, east 838.86 feet, north 45 degrees, east 718.56 feet, north 45 degrees, east 748.50 feet, north 45 degrees, east, 29.94 feet, north 45 degrees, east 59.88 feet, north 40 degrees, 14 minutes, 11 seconds, east 721.05 feet, north 8 degrees, 44 minutes, 46 seconds, east 556.92 feet, north 6 degrees, 50 minutes, 34 seconds, west 533.07 feet, north 42.34 feet, to point of beginning.~~

Airport Noise Zone C  
Legal Description

Commencing northeast corner Section 36, Township 49, Range 26, south 1,044.48 feet along east section line of Section 36, west 761.27 feet to point of beginning, thence south 57 degrees, 31 minutes, 44 seconds, west 276.03 feet, north 81 degrees, 52 minutes, 12 seconds west 97.77 feet, south 33 degrees, 5 minutes, 38 seconds, west 528.81 feet, south 61 degrees, 43 minutes 48 seconds west 211.29 feet, south 64 degrees, 26 minutes, 24 seconds west 539.75 feet, south 55 degrees, 18 minutes, 17 seconds west 334.74 feet, north 52 degrees, 7 minutes, 30 seconds east 724.15 feet, south 51 degrees, 32 seconds west 572.01 feet, south 45 degrees, west 209.58 feet, south 45 degrees, west 209.58 feet, south 48 degrees, 46 seconds, west 569.65 feet, south 52 degrees, 7 minutes, 30 seconds, west 482.77 feet, south 45 degrees, west 299.40 feet, south 50 degrees, 11 minutes, 40 seconds, west 330.70 feet, south 52 degrees, 35 minutes, 41 seconds, west 453.08 feet, south 49 degrees, 45 minutes, 49 seconds, west 360.53 feet, south 57 degrees, 5 minutes, 41 seconds, west 428.68 feet, south 29 degrees, 44 minutes, 42 seconds, east 341.37 feet, west 127.03 feet, south 32 degrees, 54 minutes, 19 seconds, west 428.68 feet, south 48 degrees, 46 seconds, east 569.65 feet, south 40 degrees, 36 minutes, 5 seconds, east 390.37 feet, south 39 degrees, 17 minutes, 22 seconds, east 601.79 feet, south 21 degrees, 2 minutes, 15 seconds, east 294.88 feet, south 32 degrees, 54 minutes, 19 seconds, east 428.68 feet, west 127.03 feet, south 32 degrees, 28 minutes, 16 seconds, east 276.03 feet, south 41 degrees, 38 minutes, 1 second, east 509.86 feet, south 48 degrees, 10 minutes, 47 seconds, east 539.75 feet, south 24 degrees, 26 minutes, 38 seconds, east 255.81 feet, south 27 degrees, 38 minutes, 46 seconds, east 501.89 feet, south 25 degrees, 16 minutes, 58 seconds, east 926.00 feet, north 60 degrees, 35 minutes, 24 seconds, west 842.83 feet, north 60 degrees, 31 minutes, 27 seconds, west 559.33 feet, north 61 degrees, 41 minutes, 57 seconds, west 312.58 feet, north 48 degrees, 34 minutes, 35 seconds, west

479.98 feet, north 45 degrees, west 508.98 feet, north 63 degrees, 26 minutes, 6 seconds, west 284.04 feet, north 74 degrees, 19 minutes, 59 seconds, west 232.86 feet, north 57 degrees, 5 minutes, 41 seconds, west 312.93 feet, north 68 degrees, 57 minutes, 45 seconds, west 294.88 feet, north 50 degrees, 42 minutes, 38 seconds, west 601.79 feet, north 53 degrees, 7 minutes, 48 seconds, west 423.42 feet, north 41 degrees, 49 minutes, 13 seconds, west 539.75 feet, south 53 degrees, 7 minutes, 48 seconds, west 423.42 feet, north 90 degrees, west 127.03 feet, north 60 degrees, 56 minutes, 43 seconds, west 217.97 feet, south 39 degrees, 48 minutes, 20 seconds, west 330.70 feet, south 45 degrees, west 449.10 feet, south 41 degrees, 38 minutes, 1 second, west 509.86 feet, south 38 degrees, 39 minutes, 35 seconds, west 271.12 feet, south 67 degrees, 22 minutes, 48 seconds, west 550.44 feet, south 57 degrees, 31 minutes, 44 seconds, west 276.03 feet, south 71 degrees, 33 minutes, 54 seconds, west 200.84 feet, north 75 degrees, 57 minutes, 50 seconds, west 174.58 feet, south 72 degrees, 53 minutes, 50 seconds, west 575.91 feet, south 48 degrees, 21 minutes, 59 seconds, west 509.86 feet, south 63 degrees, 26 minutes, 6 seconds, west 284.04 feet, south 57 degrees, 31 minutes, 44 seconds, west 552.07 feet, south 45 degrees, west 239.52 feet, south 35 degrees, 32 minutes, 16 seconds, west 364.24 feet, north 84 degrees, 17 minutes, 22 seconds, west 425.53 feet, north 8 degrees, 45 minutes, 17 seconds, west 421.17 feet, north 51 degrees, 3 minutes, 15 seconds, east 381.86 feet, north 51 degrees, 20 minutes, 25 seconds, east 211.71 feet, north 28 degrees, 36 minutes, 38 seconds, east 530.54 feet, north 26 degrees, 33 minutes, 54 seconds, east 284.04 feet, north 45 degrees, east 508.98 feet, north, 17 degrees, 6 minutes, 10 seconds, east 575.91 feet, north 14 degrees, 2 minutes, 10 seconds, west 174.58 feet, north 18 degrees, 26 minutes, 6 seconds, east 200.84 feet, north 32 degrees, 28 minutes, 16 seconds, east 276.03 feet, north 22 degrees, 37 minutes, 12 seconds, east 550.44 feet, north 51 degrees, 20 minutes, 25 seconds, east 271.12 feet, north 48 degrees, 21 minutes, 59 seconds, east 509.86 feet, north 45 degrees, east 449.10 feet, north 50 degrees, 11 minutes, 40 seconds, east 330.70 feet, north 29 degrees, 3 minutes, 17 seconds, west 217.97 feet, north 11 degrees, 18 minutes, 36 seconds, east 107.95 feet, south 34 degrees, 59 minutes, 31 seconds, west 516.85 feet, north 50 degrees, 42 minutes, 38 seconds, west 601.79 feet, north 39 degrees, 38 minutes, 39 seconds, west 962.28 feet, north 38 degrees, 25 minutes, 5 seconds, west 783.61 feet, north 45 degrees, west 209.58 feet, north 45 degrees, west 568.86 feet, north 40 degrees, 14 minutes, 11 seconds, west 721.05 feet, north 18 degrees, 26 minutes, 6 seconds, west 66.95 feet, north 30 degrees, 57 minutes, 50 seconds, west 123.45 feet, north 32 degrees, 11 minutes, 45 seconds, west 675.48 feet, north 23 degrees, 57 minutes, 45 seconds, west 834.04 feet, north 16 degrees, 41 minutes, 57 seconds, west 442.06 feet, north 13 degrees, 13 minutes, 14 seconds, east 687.87 feet, south 80 degrees, 24 minutes, 41 seconds, east 334.28 [feet], south 78 degrees, 41 minutes, 24 seconds, east 323.85 feet, south 22 degrees, 32 minutes, 40 seconds, east 453.64 feet, south 45 degrees, 10 minutes, 27 seconds, east 113.71 feet, south 61 degrees, 8 minutes, 58 seconds, east 279.46 feet, south 46 degrees, 39 minutes, 3 seconds, east 186.72 feet, south 40 degrees, 25 minutes, 34 seconds, east 750.89 feet, south 45 degrees, east 29.94 feet, south 45 degrees, east 778.44 feet, south 45 degrees, east 748.50 feet, south 49 degrees, 14 minutes, 11 seconds, east 810.60 feet, south 47 degrees, 36 minutes, 9 seconds, east 659.36 feet, south 45 degrees, east 119.76 feet, south 56 degrees, 18 minutes, 36 seconds, east 152.67 feet, south 36 degrees, 52 minutes, 12 seconds, east 635.13 feet, north 54 degrees, 27 minutes, 44 seconds, east 546.36 feet, south 90 degrees, east 127.03 feet, south 60 degrees, 15 minutes, 18 seconds, east 341.37 feet, north 32 degrees, 54 minutes, 19 seconds, east 428.68 feet, north 40 degrees, 14 minutes, 11 seconds, east 360.53 feet, north 37 degrees, 24 minutes, 19 seconds, east 453.08 feet, north 39 degrees, 48 minutes, 20 seconds, east 330.70 feet, north 45 degrees, east 329.34 feet, north 41 degrees, 11 minutes, 9 seconds, east 450.10 feet, north 41 degrees, 59 minutes, 14 seconds, east 569.65 feet, north 45 degrees, east 209.58 feet, north 45 degrees, east 778.44 feet, north 45 degrees, east 538.92 feet, north 54 degrees, 21 minutes, 32 seconds, east 317.35 feet, north 38 degrees, 56 minutes, 47 seconds, east 1,341.06 feet, north 90 degrees, east 211.71 feet, south 86 degrees, 11 minutes, 9 seconds, east 636.54 feet, south 63 degrees, 26 minutes, 6 seconds, east 284.04 feet, south 55 degrees, 29 seconds, east 516.85 feet, south 38 degrees, 39 minutes, 35 seconds, east 542.24 feet, south 30 degrees, 57 minutes, 50 seconds, 246.89 feet, south 22 degrees, 37 minutes, 12 seconds, east 550.44 feet, south 78 degrees, 41 minutes, 24 seconds, east 323.85 feet, south 11 degrees, 18 minutes, 36 seconds, east 323.85 feet, to the point of beginning.

**APPENDIX III. ACTIVITIES AND/OR LAND USES GUIDANCE CHART WITH  
SOUNDPROOFING REQUIREMENTS  
(SEE SECTION 2.2.23)**

Land Use Noise Zones

	<u>A</u> 75 Ldn	<u>B</u> 70-75 Ldn	<u>C</u> 65-70 Ldn
<b>RESIDENTIAL</b>			
<del>Single Units detached</del>	<del>NR</del>	<del>SLR-30</del>	<del>SLR-25</del>
<del>Townhouses Attached</del>			
<del>Duplex</del>			
<del>Mobile homes</del>	<del>NR</del>	<del>SLR-30</del>	<del>SLR-25</del>
<del>Multifamily</del>	<del>NR</del>	<del>SLR-30</del>	<del>SLR-25</del>
<del>Motels Residential</del>	<del>NR</del>	<del>SLR-30</del>	<del>SLR-25</del>
<del>Motels Tourist</del>	<del>NR</del>	<del>SLR-30</del>	<del>SLR-25</del>
<del>Other residential</del>	<del>NR</del>	<del>SLR-30</del>	<del>SLR-25</del>

~~NR Not recommended, the land use is not compatible within the identified noise zone. However, if the applicant chooses to develop within the identified noise zone, a sound level reduction (SLR) of 35 must be incorporated into the design and construction of the structure.~~

~~SLR Sound level reduction.~~

~~35, 30, or 25 The land use is generally compatible, however, a sound level reduction (SLR) of 35, 30 or 25 must be incorporated into the design and construction of the structure.~~

~~Permitted No sound level requirement required.~~

Land Use Noise Zones

	<u>A</u> 75 Ldn	<u>B</u> 75-70 Ldn	<u>C</u> 70-65 Ldn	<u>D</u> 65 - 60 Ldn
<b>RESIDENTIAL</b>				
<u>Single--Units detached</u>	<u>NR</u>	<u>SLR-30</u>	<u>SLR-25</u>	<u>SLR-25</u>
<u>Townhouses—Attached</u>				
<u>Duplex</u>				
<u>Mobile homes</u>	<u>NR</u>	<u>SLR-30</u>	<u>SLR-25</u>	<u>SLR-25</u>
<u>Multifamily</u>	<u>NR</u>	<u>SLR-30</u>	<u>SLR-25</u>	<u>SLR-25</u>

<u>Motels—Residential</u>	<u>NR</u>	<u>SLR-30</u>	<u>SLR-25</u>	<u>SLR-25</u>
<u>Motels—Tourist</u>	<u>NR</u>	<u>SLR-30</u>	<u>SLR-25</u>	<u>SLR-25</u>
<u>Other residential</u>	<u>NR</u>	<u>SLR-30</u>	<u>SLR-25</u>	<u>SLR-25</u>

NR      Not recommended, the land use is not compatible within the identified noise zone. However, if the applicant chooses to develop within the identified noise zone, a sound level reduction (SLR) of 35 must be incorporated into the design and construction of the structure.

SLR      Sound level reduction.

35, 30, or 25      The land use is generally compatible, however, a sound level reduction (SLR) of 35, 30 or 25 must be incorporated into the design and construction of the structure.

Permitted      No sound level requirement required.

Note: This table is a general guide. The responsibility for determining the acceptability and permissible land uses remains with the authority of the board of county commissioners. All other land uses not specified above shall be permitted in the noise zones pursuant to the applicable zoning district and shall not be required to meet SLR requirements.



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 original of:

ORDINANCE NO. 2000-43

Which was approved by the Board of County Commissioners on the 14th day of June, 2000, during Special Session.

WITNESS my hand and the official seal of the Board County Commissioners of Collier County, Florida, this 16th day of June, 2000.

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

By: *Karen Schoch*  
Karen Schoch,  
Deputy Clerk

2000 JUN 21 AM 9:38  
DEPARTMENT OF STATE  
TALLAHASSEE, FLORIDA

FILED

