

ORDINANCE NO. 15 – 46

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF COLLIER COUNTY, FLORIDA, AMENDING ORDINANCE NUMBER 04-41, AS AMENDED, THE COLLIER COUNTY LAND DEVELOPMENT CODE, WHICH INCLUDES THE COMPREHENSIVE LAND REGULATIONS FOR THE UNINCORPORATED AREA OF COLLIER COUNTY, FLORIDA, BY PROVIDING FOR: SECTION ONE, RECITALS; SECTION TWO, ADOPTION OF AMENDMENTS TO THE LAND DEVELOPMENT CODE, MORE SPECIFICALLY AMENDING THE FOLLOWING: CHAPTER ONE – GENERAL PROVISIONS, INCLUDING SECTION 1.08.02 DEFINITIONS; CHAPTER FIVE – SUPPLEMENTAL STANDARDS, INCLUDING SECTION 5.05.05 AUTOMOBILE SERVICE STATIONS, MORE SPECIFICALLY TO ESTABLISH SITE DESIGN STANDARDS FOR FACILITIES WITH FUEL PUMPS; SECTION 5.05.08 ARCHITECTURAL AND SITE DESIGN STANDARDS; SECTION 5.05.11 CARWASHES ABUTTING RESIDENTIAL ZONING DISTRICTS; SECTION THREE, CONFLICT AND SEVERABILITY; SECTION FOUR, INCLUSION IN THE COLLIER COUNTY LAND DEVELOPMENT CODE; AND SECTION FIVE, EFFECTIVE DATE.

RECITALS

WHEREAS, on October 30, 1991, the Collier County Board of County Commissioners adopted Ordinance No. 91-102, the Collier County Land Development Code (hereinafter LDC), which was subsequently amended; and

WHEREAS, the Collier County Board of County Commissioners (Board) on June 22, 2004, adopted Ordinance No. 04-41, which repealed and superseded Ordinance No. 91-102, as amended, the Collier County Land Development Code, which had an effective date of October 18, 2004; and

WHEREAS, the LDC may not be amended more than two times in each calendar year unless additional amendment cycles are approved by the Collier County Board of Commissioners pursuant to Section 10.02.09 A. of the LDC; and

WHEREAS, this amendment to the LDC is part of the second amendment cycle for the calendar year 2014; and

WHEREAS, on March 18, 1997, the Board adopted Resolution 97-177 establishing local requirements and procedures for amending the LDC; and

WHEREAS, all requirements of Resolution 97-177 have been met; and

WHEREAS, the Board of County Commissioners, in a manner prescribed by law, did hold advertised public hearings on March 10, 2015 and June 23, 2015 and July 7, 2015, and did take action concerning these amendments to the LDC; and

WHEREAS, the subject amendments to the LDC are hereby determined by this Board to be consistent with and to implement the Collier County Growth Management Plan as required by Subsections 163.3194 (1) and 163.3202 (1), Florida Statutes; and

WHEREAS, this ordinance is adopted in compliance with and pursuant to the Community Planning Act (F.S. § 163.3161 *et seq.*), and F.S. § 125.01(1)(t) and (1)(w); and

WHEREAS, this ordinance is adopted pursuant to the constitutional and home rule powers of Fla. Const. Art. VIII, § 1(g); and

WHEREAS, all applicable substantive and procedural requirements of the law have otherwise been met.

NOW, THEREFORE BE IT ORDAINED by the Board of County Commissioners of Collier County, Florida, that:

SECTION ONE: RECITALS

The foregoing Recitals are true and correct and incorporated by reference herein as if fully set forth.

SECTION TWO: ADOPTION OF AMENDMENTS TO THE LAND DEVELOPMENT CODE

SUBSECTION 2.A: AMENDMENTS TO SECTION 1.08.02 DEFINITIONS

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

1.08.02 Definitions

* * * * *

~~Automobile service station: Facility with fuel pumps: means any establishment that sells, distributes, or pumps fuels for motor vehicles whether or not such facility provides automotive repair services or includes a convenience store. See fuel pump definition. Any commercial or industrial facility wherein the retail sale of gasoline conducted. Where the sale of gasoline is provided only as a "secondary function," such as a retail establishment (i.e. grocery store or~~

~~warehouse) that provides gasoline for its customers/members as an incidental service, the structures and site related to the fuel facility will be considered an automobile service station.~~

* * * * *

Fuel pump: Also known as a “fueling position,” means any self-service or full-service device used for the sale of fuel for motor vehicles. A single fuel pump is a fuel pump that can serve only one vehicle at a time. The number of pumps on a single device is determined by the maximum number of vehicles that can be serviced at the same time. For example, a fuel dispensing device that can fuel two vehicles at once is considered two fuel pumps, and two fuel dispensing devices that can fuel four vehicles at once is considered four fuel pumps, and so on.

* * * * *

SUBSECTION 2.B: AMENDMENTS TO SECTION 5.05.05 AUTOMOBILE SERVICE STATIONS

Section 5.05.05 Automobile Service Stations, of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

5.05.05 Automobile Service Stations Facilities with Fuel Pumps

- A. The purpose of this section is to ensure that ~~automobile service stations facilities~~ **with fuel pumps** do not adversely impact **adjacent** land uses, especially residential land uses. The high levels of traffic, glare, and intensity of use associated with ~~service stations facilities~~ **facilities with fuel pumps**, particularly those open 24 hours, may be incompatible with surrounding uses, especially residential uses. Therefore, in the interest of protecting the health, safety, and general welfare of the public, the following regulations shall apply to the location, layout, drainage, operation, landscaping, parking, and permitted sales and service activities of ~~automobile service stations facilities~~ **with fuel pumps**.

B. Site design requirements.

1. Table of site design requirements:

<u>Minimum dimensions:</u>	Site Standards
Minimum lot area (sq. ft.)	30,000
Minimum lot width (ft.)	150
Minimum lot depth (ft.)	180
Separation from adjacent automobile service stations <u>facilities with fuel pumps</u> (ft.) (based on distance between nearest points)	500
Minimum setbacks , all structures :	
Front yard (ft.)	50
Side yard (ft.)	40
Rear yard (ft.)	40

2. Waiver of separation requirements.

a. The BZA may, by resolution, grant a waiver of part or all of the minimum separation requirements set forth herein if it is demonstrated by the **applicant** and determined by the BZA that the site proposed for **development of a an ~~automobile service station~~ facility with fuel pumps** is separated from another **~~automobile service station~~ facility with fuel pumps** by natural or man-made boundaries, **structures**, or other features which offset or limit the necessity for such minimum distance requirements. The BZA's decision to waive part or all of the distance requirements shall be based upon the following factors:

- i. Whether the nature and type of natural or man-made boundary, **structure**, or other feature lying between the proposed establishment and an existing **~~automobile service station~~ facility with fuel pumps** is determined by the BZA to lessen the impact of the proposed ~~service station~~ **facility with fuel pumps**. Such boundary, **structure**, or other feature may include, but is not limited to, lakes, marshes, nondevelopable **wetlands**, designated preserve areas, canals, and a minimum of a 4-lane **arterial** or **collector right-of-way**.
- ii. Whether the **~~automobile service station~~ facility with fuel pumps** is only engaged in the servicing of automobiles during regular, daytime business hours, or, if in addition to or in lieu of servicing, the station ~~facility with fuel pumps~~ **facility with fuel pumps** sells food,

gasoline, and other convenience items during daytime, nighttime, or on a 24 hour basis.

- iii. Whether the ~~service station facility with fuel pumps~~ is located within a **shopping center** primarily **accessed** by a **driveway**, or if it fronts on and is **accessed** directly from a platted road **right-of-way**.
- iv. Whether the granting of the distance waiver will have an adverse impact on **adjacent** land uses, especially residential land uses.
- b. The Administrative Code shall establish the submittal requirements for a ~~an automobile service station facility with fuel pumps~~ waiver request. The request for a ~~an automobile service station facility with fuel pumps~~ waiver shall be based on the submittal of the required application, a site plan, and a written market study analysis which justifies a need for the additional ~~automobile service station facility with fuel pumps~~ in the desired location.
- c. Additional conditions. The BZA shall have the right to add additional conditions or requirements to its approval of a distance waiver request in order to insure **compatibility** of the ~~automobile service station facility with fuel pumps~~ with the surrounding area and the goals and objectives of the GMP.

C. **Building architecture, site design, lighting, and signage requirements.**

1. **Building** architecture shall meet the requirements of LDC section 5.05.08 in addition to the following requirements:
 - a. All **structures** on-site shall be of a consistent design and color scheme.
 - b. Canopy standards:
 - i. Columns must be at least eighteen (18) inches wide on all sides.
 - ii. Under-canopy lights must be fully recessed.
 - iii. Canopies must not be higher than sixteen (16) feet clear.
 - iv. Canopy standards.
 - a) Canopy roofs shall be consistent with the architectural design and features of the **principal structure**.
 - b) The eave fascia of the canopy shall be of one (1) color, consistent with the predominant color and scheme of the **principal structure**. Color accent banding on canopy structures is permitted through the Deviations and

Alternative Compliance process established in LDC section 5.05.08.

c) One of the following shall be applied to the canopy roof or eave fascia:

i) Canopy roofs shall provide a slope ratio of 4:12 or higher. A minimum of two roof-edge or parapet line changes are required and shall create three distinct sections. One roof edge or parapet line change shall be provided for every 75 linear feet of the canopy length. Each change shall be a minimum of 20 percent of the canopy length.

ii) The eave fascia shall have a projection or recess with a minimum depth of three feet, and a minimum total width of 20 percent of the eave fascia length. One change is required for every 75 linear feet of the canopy length.

v. See canopy signage standards in LDC section 5.05.05 C.4, below.

2. Site design standards.

a. A dumpster enclosure shall be provided as established in LDC section 5.03.04 and integrated with the design and color scheme of the **facility with fuel pumps.**

b. Trash receptacle(s) shall be provided at a convenient location on-site to facilitate litter control.

c. All restrooms and ATMs shall be located inside the **principal structure.**

3. Lighting standards.

a. All light fixtures shall be directed away from neighboring properties.

b. On-site light fixtures shall not exceed a height greater than twenty (20) feet above finished **grade.**

c. On-site luminaries shall be of low level, indirect diffuse type, and shall be between a minimum average of 1.5 foot-candles and a maximum average of 5 foot-candles.

d. All light fixtures shall be full cutoff with flat lenses.

e. Lighting located underneath the canopy shall be recessed, of indirect diffuse type, and designed to provide light only to the pump island areas located underneath said canopy.

- f. Under-canopy luminance shall be between a minimum average of 5 foot-candles and a maximum average of 20 foot-candles.
24. Signage for ~~automobile service stations facilities with fuel pumps~~. The following are the only signs allowed in ~~automobile service stations facilities with fuel pumps~~ and convenience stores with gas pumps ~~fuel pumps~~.
- a. Window, Wall, and other signs: As allowed in LDC Section 5.06.00 of this Code.
 - b. ~~All canopies may have an~~ An illuminated corporate logo with a maximum area of 12 square feet shall be allowed on a canopy face which is adjacent to a dedicated street or highway. Otherwise accent lighting, and back lighting and accent striping are prohibited on canopy structures. Color accent banding on canopies may be approved as established in LDC section 5.05.05 C.1.b.iv.(b), above.
 - c. One **ground sign** shall be permitted for each site and shall be placed within a 200 square foot landscaped area. Height is limited so that the top edge of the sign face is less than eight feet above **grade**. Maximum permitted area 60 square feet. Said sign shall be consistent with the color scheme and architectural design of the principal structure.
 - d. Signage is prohibited above gas **fuel pumps**.
- D. Supplemental standards for facilities with fuel pumps within 250 feet of residential property. Facilities with fuel pumps shall be subject to the following standards when located within 250 feet of residentially zoned or residentially developed properties, hereinafter referred to as "residential property," as measured from the property line of the facility with fuel pumps to the residential property line. However, a facility with fuel pumps shall be exempt from LDC section 5.05.05 D when it is separated from residential property by a minimum of 100 feet of designated preserve area that is 80 percent opaque and at least 12 feet in height within one year, or a minimum 4-lane arterial or collector right-of-way.
1. **Setbacks.** All structures shall provide a minimum 50-foot front, side, and rear yard setback from residential property line(s).
 2. Landscaping and masonry wall standards.
 - a. Facility with fuel pumps sites shall be separated from residential property by a thirty (30) foot wide landscape buffer and an architecturally designed masonry wall. The masonry wall shall be eight (8) feet in height, centered within the landscape buffer, and shall use materials similar in

color, pattern, and texture to those utilized for the **principal structure**.
The masonry wall shall be located on top of a **berm**. The **berm** shall be constructed and maintained at a height of three (3) feet and a maximum slope of 3:1. The **berm** shall be planted with ground cover.

b. Landscaping shall be required on both sides of the masonry wall. On the residential property wall side, a hedgerow consisting of #10 shrubs, spaced three (3) feet on center, and four (4) feet high at planting and five (5) feet high within one year shall be provided. In addition, a row of canopy trees spaced thirty (30) feet on center, and ten (10) feet in height at planting are required. On the **facility with fuel pumps** wall side, a row of canopy trees, spaced thirty (30) feet on center, and twelve (12) feet in height at planting are required. A hedgerow consisting of #10 shrubs, spaced three (3) feet on center, and four (4) feet high at planting and five (5) feet high within one year shall be provided. Required canopy trees shall be staggered to accommodate the canopy trees on the residential property wall side.

3. Music, amplified sound, and delivery time standards.

a. Music and amplified sound shall not be played in the **fuel pump** area between the hours of 10:00 p.m. and 7:00 a.m.

b. Music and amplified sound shall not be audible from the residential property line.

c. Deliveries shall be prohibited between the hours of 10:00 p.m. and 7:00 a.m. in the area located between the neighboring residential property and the **facility with fuel pumps**.

4. Lighting standards.

a. On-site lighting.

i. All light fixtures shall be directed away from neighboring properties.

ii. On-site light fixtures within fifty (50) feet of residential property shall not exceed a height greater than fifteen (15) feet above finished **grade**. Light fixtures elsewhere shall not exceed a height greater than twenty (20) feet above finished **grade**.

iii. All light fixtures shall be full cutoff with flat lenses.

iv. On-site luminaries shall be of low level, indirect diffuse type, and shall be between a minimum average of 1.5 foot-candles and a maximum average of 5 foot-candles.

v. Illumination shall not exceed:

a) 0.5 foot-candles at all residential property lines; and

b) 0.2 foot-candles at ten (10) feet beyond all residential property lines.

b. Under-canopy lighting.

i. Lighting located underneath the canopy shall be recessed, of indirect diffuse type, and designed to provide light only to the pump island areas located underneath said canopy.

ii. Under canopy luminance shall be between a minimum average of 5 foot-candles and a maximum average of 20 foot-candles.

5. Dumpster enclosures. At a minimum, the dumpster enclosure shall be located at a distance from residential property equal to the **setback** of the **principal structure** from residential property.

6. See LDC section 5.05.11 for car washes, vacuums, and compressed air stations **abutting** residential zoning districts.

~~D-E.~~ The following landscape requirements are in addition to the requirements of section 4.06.00 Landscaping and Buffering.

1. **Right-of-way buffer landscaping:**

a. Landscaping **adjacent to rights-of-way** external to the **development** project shall be located within a **landscape buffer easement** which is a minimum of twenty-five (25) feet in width. Water management swales shall not be located within these **buffer** areas; however, water management facilities such as underground piping shall be permitted.

b. An undulating **berm** with a maximum slope of 3:1 shall be constructed along the entire length of the **landscape buffer**. The **berm** shall be constructed and maintained at a minimum average height of three (3) feet. The **berm** shall be planted with ground cover (other than grass), shrubs, hedges, trees, and palms.

c. The required trees and palms shall be clustered in double rows with a minimum of three (3) trees per cluster. Canopy trees shall be planted a maximum of twenty (20) feet on center within a cluster. The use of palms within the **right-of-way buffer** shall be limited to landscaped areas

adjacent to vehicular **access** points. Palms shall be planted in staggered heights, a minimum of three (3) palms per cluster, spaced at a maximum of eight (8) feet on center, with a minimum of a four (4) foot difference in height between each tree. Exceptions will be made for Roystonea spp. and Phoenix spp. (not including roebelenii) which may be planted one (1) palm per cluster. A maximum distance of twenty-five (25) feet between all types of tree clusters shall be maintained (See Illustration 1 below).

- d. All of the trees shall be a minimum of fourteen (14) feet in height at the time of installation. Trees shall have a minimum of a three and one-half (3½) inch caliper at twelve (12) inches above the ground and a six (6) foot spread. At installation, shrubs shall be a minimum of ten (10) gallon, five (5) feet in height, with a three (3) foot spread, planted four (4) feet on center.

2. Landscaping **adjacent** to all other property lines:

~~a. Side property boundaries (other than those adjacent to rights-of-way) shall be planted with single row hedges consistent with the minimum requirements of section 4.06.00, Landscaping and Buffering.~~

~~b. Rear property boundaries (other than those adjacent to road rights-of-way) shall be planted with a single row hedge. The hedge shall be a minimum height of four (4) feet at planting, planted at three (3) feet on center, and shall be maintained at a height of five (5) feet.~~

a. Landscaping **adjacent** to all other property lines shall comply with the requirements in LDC section 4.06.02.

~~e-b.~~ Curbing shall be installed and constructed, consistent with minimum code requirements, between all paved areas and landscape areas.

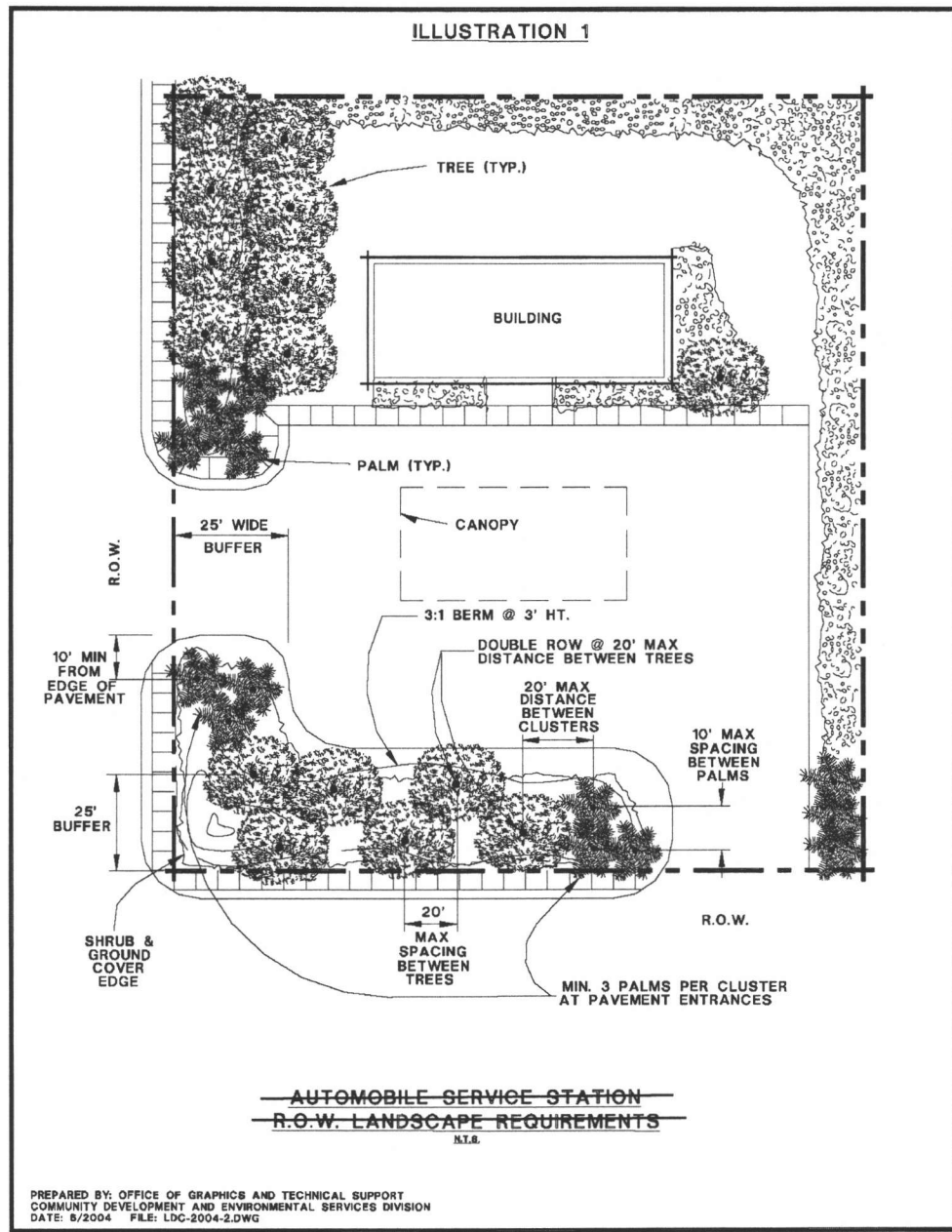


Illustration 1. Auto-Service Station-Facilities with Fuel Pumps R.O.W. Landscape Requirements

- E. ~~Automobile service station~~ sites shall be separated from adjacent residentially zoned or residentially developed properties by an architecturally designed 6 foot high masonry wall or fence utilizing materials similar in color, module, and texture to those utilized for the building. Landscaping shall be planted on the residential side of the fence or wall.
- F. ~~Lighting.~~
1. ~~All lighting facilities shall be directed away from adjoining properties.~~

- ~~2. On-site luminaries shall be of low level, indirect diffuse type, and shall not exceed a height of greater than twenty (20) feet above finished **grade**.~~
 - ~~3. Lighting located underneath a canopy shall be of low level, indirect diffuse type designed to provide light only to the pump island areas located underneath said canopy.~~
- ~~G. All restrooms shall be located inside or to the side or rear of the **building**.~~
- ~~H. As required by section 5.03.04, a six (6) foot high enclosed trash area to be integrated with the design of the service station shall be provided.~~
- ~~I.F. Storage tanks shall be located below **grade**.~~
- ~~J.G. There shall be no outside displays of products, stacking of tires, or other merchandise.~~
- ~~K.H. No **automobile service station facility with fuel pumps** shall have an entrance or exit for vehicles within 200 feet along the same side of a **street** as a **school**, public playground, **child care center**, **church**, hospital, public library, or any institution for dependents or for children, except where such property is in another **block**.~~
- ~~L. Color accent banding on gasoline canopy structures and all other structures is prohibited. Canopies shall be of one (1) color, consistent with the predominant color of the **principal structure**, if applicable. The color of all structures on site shall be of soft earth tones or pastels.~~
- ~~M.I. Each **automobile service station facility with fuel pumps** shall provide the necessary infrastructure and pre-wiring in order to provide the capabilities for generator service in case of emergencies.~~
- ~~N.J. In addition to the retail dispensing of automobile fuels and oil, only the following services may be rendered and sales made, except as indicated:~~
- ~~1. Sales and servicing of spark plugs, batteries, distributors, and distributor parts.~~
 - ~~2. Sales, mounting, balancing, and repair of tires and wheel alignments, but not recapping of tires.~~
 - ~~3. Sales and replacement of water hoses, fan belts, brake fluid, light bulbs, fuses, floor mats, wiper blades, grease retainers, wheel bearings, shock absorbers, mirrors, exhaust systems, and the like.~~
 - ~~4. Provision of water, antifreeze, flushing of the cooling system, air conditioning recharge, and the like.~~
 - ~~5. Providing and repairing fuel pumps and lines.~~
 - ~~6. Minor motor adjustments not involving removal of the head or crankcase.~~
 - ~~7. Greasing and lubrication.~~

8. Sales of cold drinks, candies, tobacco, and similar convenience goods for ~~service station~~ customers, ~~but strictly and only as accessory and incidental to the principal business operation.~~
9. Provision of road maps and other information.
10. No mechanical work shall be allowed outside of the enclosed areas.
11. Oil drainage pits or appliances for such purpose or repair purposes shall be located within a wholly enclosed **building**.
12. Uses permissible at ~~a an~~ **automobile service station facility with fuel pumps** do not include major mechanical and body work, straightening of frames or body parts, steam cleaning, painting, welding, storage of automobiles (except as expressly permitted in subsection 13. below), commercial garage as an **accessory use**, or other work involving undue noise, glare, fumes, smoke, or other characteristics to an extent greater than normally found in such stations. ~~A~~ **An automobile service station facility with fuel pumps** is not a facility for the sale of automobile vehicles, a repair garage, a body shop, or a truck stop.
13. The temporary storage of vehicles shall be permitted if the vehicles are to be serviced at the ~~service station~~ **facility with fuel pumps** or if the vehicles have been towed by the ~~service station~~ **facility with fuel pumps** and are being held for servicing, for an insurance company, or for salvage. Any such vehicle(s), other than those vehicles serviced daily, shall be stored within an area surrounded by an opaque fence not less than six (6) feet high. Said vehicles shall not be stored longer than sixty (60) days.
14. Washing and polishing of automobiles and sale of automobile washing and polishing materials, but this only allows auto detailing as an **accessory use**. This provision does not allow carwashes except in those zoning districts where a carwash is a permitted use, and where such carwashes shall be subject to criteria specified in the zoning district.

~~OK~~. Exceptions:

1. The site design standards set forth in LDC section 5.05.05 B.1. (table) shall not apply to, nor render non-conforming, any existing ~~automobile service station~~ **facility with fuel pumps** or any ~~automobile service station facility with fuel pumps~~ **pumps** within a PUD in which a specific architectural rendering and site plan was approved as part of a rezoning action prior to July 5, 1998.
2. The site design standards set forth in LDC section 5.05.05 F-C. – M-J. or any other applicable **development** standard shall apply to existing **automobile**

~~service stations~~ facilities with fuel pumps pursuant to the provisions of 9.03.00 Nonconformities, and all other applicable sections of the Land Development Code.

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SUBSECTION 2.C: AMENDMENTS TO SECTION 5.05.08 ARCHITECTURAL AND SITE DESIGN STANDARDS

Section 5.05.08 Architectural and Site Design Standards, of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

5.05.08 Architectural and Site Design Standards

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D. *Design Standards for specific **building** uses.*

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4. ~~Automobile service stations~~ Facilities with fuel pumps.

a. ~~Applicability.~~ In addition to the requirements of LDC Section 5.05.05 ~~Automobile service stations~~ Facilities with fuel pumps, all standards established in this section are applicable, with the following additional requirements:

- i. ~~Canopy columns must be at least 18 inches wide.~~
- ii. ~~Under canopy lights must be fully recessed.~~
- iii. ~~Canopies must not be higher than 16 feet clear.~~

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SUBSECTION 2.D: AMENDMENTS TO SECTION 5.05.11 CARWASHES ABUTTING RESIDENTIAL ZONING DISTRICTS

Section 5.05.11 Carwashes Abutting Residential Zoning Districts, of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

5.05.11 Carwashes Abutting Residential Zoning Districts

- A. Carwashes designed to serve vehicles exceeding a capacity rating of one ton shall not be allowed.
- B. Minimum **yards**.
 - 1. **Front yard setback**: fifty (50) feet.
 - 2. **Side yard setback**: forty (40) feet.
 - 3. **Rear yard setback**: forty (40) feet.
- C. A carwash shall not be located on a **lot** with less than 150 feet of **frontage** on a dedicated **street** or highway.
- D. Minimum **lot** size is 18,000 square feet.
- E. If a carwash, vacuum station, or compressed air station **abuts** a residential district, a masonry or equivalent wall constructed with a decorative finish, six (6) feet in height shall be erected along the **lot line** opposite the residential district and the **lot lines** perpendicular to the **lot lines** opposite the residential district for a distance not less than fifteen (15) feet. The wall shall be located within a landscaped **buffer** as specified in section 4.06.00. All walls shall be protected by a barrier to prevent vehicles from contacting them.
- F. The **building** shall maintain a consistent architectural theme along each **building façade**.
- G. A carwash shall be subject to Ordinance No. 90-17, Collier County Noise Control Ordinance [Code ch. 54, art. IV].
- H. The washing and polishing operations for all car washing facilities, including self-service car washing facilities, shall be enclosed on at least two sides and shall be covered by a roof. Vacuuming facilities may be located outside the **building**, but may not be located in any required **yard** area.
- I. Carwashes **abutting** residential districts shall be closed from 10:00 p.m. to 7:00 a.m.

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SECTION THREE: CONFLICT AND SEVERABILITY

In the event that any provisions of this ordinance should result in an unresolved conflict with the provisions of the existing Land Development Code (LDC) or Growth Management Plan (GMP), the applicable provisions of the existing LDC or GMP shall prevail. In the event this

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

SECTION FOUR: INCLUSION IN THE COLLIER COUNTY LAND DEVELOPMENT CODE

The provisions of this Ordinance shall become and be made a part of the Land Development Code of Collier County, Florida. The sections of the Ordinance may be renumbered or re-lettered to accomplish such, and the word "ordinance" may be changed to "section," "article," or any other appropriate word.

SECTION FIVE: EFFECTIVE DATE

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

PASSED AND DULY ADOPTED by the Board of County Commissioners of Collier County, Florida, this 7th day of July, 2015.

ATTEST:
DWIGHT E. BROCK, CLERK

BOARD OF COUNTY COMMISSIONERS
OF COLLIER COUNTY, FLORIDA

By: [Signature]
Deputy Clerk

By: [Signature]
TIM NANCE, Chairman

Attest as to Chairman's
signature only

Approved as to form and legality:

[Signature]
Heidi Ashton-Cicko, Esquire
Managing Assistant County Attorney

04-CMD-01077/1703 (6/29/15)

This ordinance ~~filed~~ with the ~~Secretary~~ of State's Office the 8th day of July, 2015 and acknowledgement that filing received this 9th day of July, 2015.
By: [Signature]
Deputy Clerk



FLORIDA DEPARTMENT *of* STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

July 9, 2015

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

Attention: Ms. Teresa L. Cannon, BMR Senior Clerk

Dear Mr. Brock:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Collier County Ordinance No. 15-46, which was filed in this office on July 8, 2015.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb