

AN ORDINANCE AMENDING ORDINANCE 82-2, THE COMPREHENSIVE ZONING REGULATIONS FOR THE UNINCORPORATED AREA OF COLLIER COUNTY BY ADDING MIXED RESIDENTIAL AND COMMERCIAL USES AS A PERMITTED PROVISIONAL USE TO 7.22 C-3 - COMMERCIAL INTERMEDIATE ZONING DISTRICT, SUBSECTION 7.22.b.3); BY ADDING SUBSECTION 7.22.c.(7); AND BY PROVIDING AN EFFECTIVE DATE.

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

SECTION ONE:

Collier County Ordinance 82-2, Section 7.2, C-3, Commercial Intermediate, Subsection 7.22.b.3) Permitted Provisional Uses and Structures shall be amended as follows:

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- 3) Permitted Provisional Uses and Structures
 - (a) Indoor recreational uses.
 - (b) Commercial schools.
 - (c) Motion picture theatres.
 - (d) Uses over 50 feet in height with a maximum height of 100 feet
 - (e) Radio stations (offices and studios) and auxiliary transmitters and receiving equipment, but not principal transmission tower.
 - (f) Night Clubs. (See Section 8.11.)
 - (g) Mixed residential and commercial uses. (See Subsection c.7) for development standards.)

SECTION TWO:

Commercial Intermediate, Subsection 7.22 c) Development Standards: shall be amended by adding a new standard 7) as follows:

c. Development Standards:

- 1) Minimum Lot Area: 7,500 square feet.
- 2) Minimum Lot Width: 75 feet
- 3) Minimum Yard Requirements:
 - (a) Front Yard- Fifteen (15) feet within which no parking shall be allowed nor any merchandise stored or displayed.
 - (b) Side Yard- None, or a minimum of five (5) feet with unobstructed passage from front yard to rear yard.
 - (c) Rear Yard- Twenty-five (25) feet.
 - (d) Any yard abutting a residentially zoned parcel- Fifty (50) feet.
 - (e) Waterfront- Twenty-five (25) feet.

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- 4) Maximum Height: Fifty (50) feet.
- 5) Minimum Floor Area of Principal Structure: 1,000 square feet per building on the ground floor.
- 6) Distance Between Structures- Same as for side yard setback.
- 7) Standards for Mixing Residential And Commercial Uses:

The intent of this provisional use is to provide opportunities for mixing single or multi-family units and commercial uses. A mixed use project of this nature is to have an integrated, coordinated plan which is designed to protect the character of the residential uses and of neighboring properties. The commercial uses are lower intensity uses which may be limited in hours of operation, size of delivery trucks, and type of equipment. Hazardous material storage in small quantities, which would not be injurious to the residents, is only permitted when incidental to the business, and noise and odor are to be minimized so as not to be a nuisance to the residents. Prior to granting approval of the provisional use, the following standards at a minimum shall be met:

- (a) The dwelling units shall be developed in association with and shall be compatible with a permitted principal use within the same building. The number of residential units shall be controlled by setback, parking, coverage, and other site development requirements, together with the specific requirement that in no instance shall the residential uses exceed fifty percent (50%) of the gross floor area of the building.
- (b) Building height may not exceed two (2) stories.
- (c) Each residential dwelling unit shall have minimum floor area of six hundred and fifty (650) square feet.
- (d) The residential dwelling units shall be for occupancy by residents rather than transients and shall not be permitted to be rented for a period of less than a week, as provided by the Zoning Ordinance.
- (e) A minimum of 30 percent site open space shall be maintained which may include areas used to satisfy water management requirements, landscaped areas, recreation areas, or setback areas not covered with impervious surface or used for parking (Parking lot islands may not be used).
- (f) Residential dwelling units may only be placed above principal uses, and residential and commercial uses may not occupy the same floor.
- (g) A site development plan meeting the requirements of Section 10.5 of the Zoning Ordinance shall be submitted at the time of application for Provisional Use 3.g.
- (h) The mixed commercial/residential structure shall be designed to enhance compatibility of the commercial and residential uses through such measures as, but not limited to: minimizing noise associated with commercial uses, directing commercial lighting away from residential units, separating pedestrian and vehicular access ways and parking areas from residential units to the greatest extent possible.

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SECTION THREE:

This Ordinance shall become effective upon notice that it has been received by the Office of the Secretary of State.

DATE: August 4, 1987

BOARD OF COUNTY COMMISSIONERS
COLLIER COUNTY, FLORIDA

BY: Max A. Hasse, Jr.
MAX A. HASSE, JR.,
Chairman

ATTEST:
JAMES C. GILES, CLERK
By Virginia May
APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

This ordinance filed with the
Secretary of State's Office the
12th day of Aug., 1987
and acknowledgement of that
filing received this 12th day
of Aug., 1987.
By James Chavis
Deputy Clerk

R. Bruce Anderson
R. BRUCE ANDERSON
ASSISTANT COLLIER COUNTY ATTORNEY

STATE OF FLORIDA)
COUNTY OF COLLIER)

I, JAMES C. GILES, Clerk of Courts in and for the Twentieth
Judicial Circuit, Collier County, Florida, do hereby certify that the
foregoing is a true copy of:

ORDINANCE 87-61

which was adopted by the Board of County Commissioners on the 4th
day of August, 1987 during Regular Session.

WITNESS my hand and the official seal of the Board of County
Commissioners of Collier County, Florida, this 10th day of
August, 1987,

JAMES C. GILES
Clerk of Courts and Clerk
Ex-officio to Board of
County Commissioners

Virginia Magri
By: Virginia Magri
Deputy Clerk

