

AN ORDINANCE AMENDING ORDINANCE NUMBER 82-2, THE COMPREHENSIVE ZONING REGULATIONS FOR THE UNINCORPORATED AREA OF COLLIER COUNTY BY AMENDING SUBSECTION 7.23, C-4 - COMMERCIAL GENERAL DISTRICT, PARAGRAPH b.1) (h), PERMITTED PRINCIPAL USES AND STRUCTURES, TO ADD HOTELS, MOTELS AND TIME SHARE FACILITIES WHEN LOCATED WITHIN AN ACTIVITY CENTER; BY AMENDING PARAGRAPH 7.23c.6), MAXIMUM DENSITY, TO ADD LANGUAGE TO LIMIT THE MAXIMUM DENSITY FOR HOTELS, MOTELS AND TIME SHARE FACILITIES TO 26 UNITS PER ACRE WHEN LOCATED WITHIN AN ACTIVITY CENTER; BY AMENDING SUBSECTION 7.24, C-5 - COMMERCIAL INDUSTRIAL DISTRICT, PARAGRAPH b.1) (h), PERMITTED PRINCIPAL USES AND STRUCTURES, TO ADD HOTELS, MOTELS AND TIME SHARE FACILITIES WHEN LOCATED WITHIN AN ACTIVITY CENTER; BY AMENDING PARAGRAPH 7.24c.7), MAXIMUM DENSITY, TO ADD LANGUAGE TO LIMIT THE MAXIMUM DENSITY OF HOTELS, MOTELS AND TIME SHARE FACILITIES TO 26 UNITS PER ACRE WHEN LOCATED WITHIN AN ACTIVITY CENTER; BY PROVIDING FOR CONFLICT AND SEVERABILITY; AND BY PROVIDING AN EFFECTIVE DATE.

WHEREAS, Robert Duane of Hole, Montes and Associates, Incorporated, petitioned the Board of County Commissioners of Collier County, Florida to amend Ordinance Number 82-2, Section 7, Subsection 7.23, C-4 - Commercial General District, Paragraph b.1) (h), Permitted Principal Uses and Subsection 7.24, C-5 - Commercial Industrial District, Paragraph b.1) (h), Permitted Principal Uses, by adding hotels, motels and time share facilities as a Permitted Principal Use when located within an Activity Center. The Activity Center concept encourages a mix of uses such as retail, commercial and residential development. It is also designed to concentrate almost all new commercial zoning in locations where traffic impacts can be readily accommodated to avoid strip and disorganized patterns of commercial development; and

WHEREAS, the Growth Management Plan provides for higher density development within Activity Centers, the Petitioner is requesting to amend Subsection 7.23, C-4 - Commercial General District, Paragraph c.6) Maximum Density and Subsection 7.24, C-5 - Commercial Industrial District, Paragraph c.7), Maximum Density, to allow hotels, motels and time share facilities to be developed at 26 units per acre within Activity Centers;

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NOW, THEREFORE BE IT ORDAINED by the Board of County

Commissioners of Collier County, Florida:

SECTION ONE: Amendments to Section 7, of Collier County Zoning Ordinance Number 82-2, as amended.

Section 7, Subsection 7.23, C-4 - Commercial General District, Paragraph b.1(h), Permitted Principal Uses and Structures, of Ordinance 82-2, the Zoning Ordinance of Collier County, Florida is hereby amended to read as follows:

1) Permitted Principal Uses and Structures:

- (a) Antique shops; appliance stores; art studios; art supply shops; automobile parts stores; automobile service stations without repairs (See Section 9.8); awning shops.
- (b) Bakery shops; bait and tackle shops; banks and financial institutions; barber and beauty shops; bath supply stores; bicycle sales and services; blueprint shops; bookbinders; book stores; business machine services.
- (c) Carpet and floor covering sales - which may include storage and installation; churches and other places of worship (See Section 8.11); clothing stores; cocktail lounges (See Section 8.11); commercial recreation uses - indoor; commercial schools; confectionery and candy stores.
- (d) Delicatessens; department stores; drug stores; dry cleaning shops; dry goods stores; and drapery shops.
- (e) Electrical supply stores; equipment rentals including lawn mowers and power saws, which may include their repair and sale.
- (f) Fish market - retail only; florist shops; fraternal and social clubs (See Section 8.11); funeral homes; furniture stores; furrier shops.
- (g) Garden supply stores - outside display in side and rear yards; gift shops; glass and mirror sales - including storage and installation; gourmet shops.
- (h) Hardware stores; hat cleaning and blocking; health food stores; homes for the aged; hospitals and hospices; hotels, motels and time share facilities when located within an Activity Center as designated in the Future Land Use Element and Future Land Use Map of the Growth Management Plan.
- (i) Ice cream stores.
- (j) Jewelry stores.
- (k) Laundries - self service only; leather goods; legitimate theatres; liquor stores; locksmiths.

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- (l) Marinas; markets - food; markets - meat; medical offices and clinics; millinery shops; motion picture theatres; museums; music stores; minor automobile repair work.
- (m) New car dealerships - outside display permitted; news stores; night clubs (See Section 8.11).
- (n) Office - general; office supply stores.
- (o) Paint and wallpaper stores; pet shops; pet supply shops; photographic equipment stores; pottery stores; printing; publishing and mimeograph service shops; private clubs (See Section 8.11); professional offices.
- (p) Radio and television sales and services; radio stations (offices and studios), and auxiliary transmitters and receiving equipment, but not principal transmission tower; research and design labs; rest homes; restaurants - including drive-in or fast food restaurants (See Section 8.11).
- (q) Shoe repair; shoe stores; shopping centers (See Section 10.5); souvenir stores; stationery stores; supermarkets and sanatoriums.
- (r) Tailor shops; taxidermists; tile sales - ceramic tile; tobacco shops; toy shops; tropical fish stores.
- (s) Upholstery shops.
- (t) Variety stores; vehicle rental - automobiles only; veterinarian offices and clinics - no outside kennels.
- (u) Watch and precision instrument repair shops.
- (v) Any other commercial use or professional service which is comparable in nature with the foregoing uses and which the Zoning Director determines to be compatible in the district.

SECTION TWO: Amendments to Section 7 of Collier County Zoning Ordinance Number 82-2, as amended.

Section 7, Subsection 7.23, C-4 - Commercial General District, Paragraph c.6), Maximum Density, of Ordinance 82-2, the Zoning Ordinance of Collier County, Florida is hereby amended to read as follows:

~~6) Maximum Density: Sixteen (16) units per acre for transient lodging facilities, hotel, motels and time share facilities with a maximum floor area of 500 square feet.~~

6) Maximum Density: Hotels, motels, time share

facilities and transient lodging facilities are limited to a maximum density of sixteen (16) units per acre and twenty-six (26) units per acre when located within an Activity Center as designated in the Future Land Use Element and Future Land Use Map of the Growth Management Plan. The maximum floor area for these uses is five hundred (500) square feet.

SECTION THREE: Amendments to Section 7 of Collier County Zoning Ordinance Number 82-2, as amended.

Section 7, Subsection 7.24, C-5 - Commercial Industrial District, Paragraph b.1)(h), Permitted Principal Uses and Structures, of Ordinance 82-2, the Zoning Ordinance of Collier County, Florida is hereby amended to read as follows:

1) Permitted Principal Uses and Structures:

- (a) Aluminum fabricators and screening shops, antique shops; appliance stores; art studios; art supply shops; assembly in enclosed building; auction houses; automobile parts stores; automobile repair shops; automobile service stations with repairs (See Section 9.8); awning shops.
- (b) Bakery shops; bait and tackle shops; banks and financial institutions; barber and beauty shops; bath supply stores; bicycle sales and services; bicycle shops - repair only; blueprint shops; boat sales - with outside storage; boat yards and ways; body shop; bookbinders; book stores; building maintenance service; building supplies; bulk storage yards not including bulk storage of flammable liquids; business machine services.
- (c) Cabinet shops; canteen services; carpet storage and installation; carpet floor covering sales which may include storage and installation; car washes; churches and other places of worship (See Section 8.11); clothing stores; cocktail lounges (See Section 8.11); commercial boat houses, and commercial boat storage - non-waterfront; commercial recreation - outdoor; commercial recreation uses - indoor; commercial schools; communications services and equipment repair; confectionery and candy stores; contractors storage - outside; crematoriums.
- (d) Drive-in theatres (See Section 8.35); delicatessens; department stores; drug stores; dry cleaning shops; dry goods stores; drapery shops.
- (e) Electrical supply stores; equipment rentals - including lawn mowers, power saws, etc.; employment agencies.
- (f) Feed and grain sales; fish markets; florist shops; fraternal and social clubs; funeral homes; freight movers; furniture refinishing; furniture stores; furrier shops.

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Words-struck-through are deleted; words underlined are added.

- (g) Garden supply stores - outside display in side and rear yards; gift shops; glass and mirror sales which may include storage and installation; gourmet shops; gunsmiths.
- (h) Hardware stores; hat cleaning and blocking; health food stores; hobby supply stores; hospitals and hospices; hotels, motels and time share facilities when located within an Activity Center as designated in the Future Land Use Element and Future Land Use Map of the Growth Management Plan.
- (i) Ice cream stores.
- (j) Jewelry stores.
- (k) ~~Laboratories~~ - film, research and testing; laundries; lawn maintenance shops; leather goods; legitimate theatres; light manufacturing or processing (including food processing, but not slaughter house); packaging or fabricating in completely enclosed building; linen supply shops; liquor store; and locksmiths.
- (l) Marinas; markets - food; markets - meat; medical office and clinics; millinery shops; miscellaneous uses such as express office, telephone exchange; motor bus or truck or other transportation terminal and related uses; motion picture theatres; motorcycle sales and service; motorcycle shops - repair only; museums; music stores.
- (m) New car dealerships - outside display permitted; news stores; night clubs (See Section 8.11).
- (n) Office - general; office supply stores; outdoor storage yards and lots, provided such outdoor storage yard shall not be located closer than twenty-five (25) feet to any public street and that such yard shall be completely enclosed, except for necessary ingress and egress, by a solid fence or wall not less than six (6) feet high, and provided further that this provision shall not permit wrecking yards (including automobile wrecking yard), junk yards, or yards used in whole or in part for scrap or salvage operations or for processing, storage, display, or sales of any scrap, salvage, or second-hand building materials, junk automotive vehicles, or second-hand automotive vehicle parts.
- (o) Paint and wallpaper stores; parking garages and lots - commercial; pest control service; pet shops; pet supply shops; photographic equipment stores; plumbing shop; plumbing supplies; pottery stores; poultry markets; printing; lithographic; publishing or similar establishments; private clubs (See Section 8.11); and professional offices.
- (p) Radio and television stations and transmitters, but not tower; radio and television sales and services; research and design labs; rest homes; restaurants including drive-ins or fast food restaurants; retail

and repair establishments for sale and repair of new and used automobiles; motorcycles, trucks and tractors, mobile homes, boats, automotive vehicle parts and accessories (but not junk yards or automobile vehicle wrecking yards), heavy machinery and equipment, farm equipment; retail establishments for sale of farm supplies, lumber and building supplies, monuments, and similar uses.

- (q) Secondhand stores, service establishments catering to commerce and industry; sign company; sign painting shops; shoe repair; shoe stores; shopping centers (See Section 10.5); souvenir stores; stationery stores; supermarkets; swimming pool maintenance shops and sanatoriums.
- (r) Tailor shops; taxidermists; tile sales - ceramic tile; tobacco shops; toy shops; tropical fish stores; truck stops.
- (s) Union halls; upholstery shops; used car lots.
- (t) Variety stores; vehicle rentals; veterinarian offices and clinics - no outside kennels; vocational, technical, trade or industrial schools.
- (u) Warehousing; watch and precision instrument repair shops; wholesaling, storage, or distributing establishments and similar uses.

SECTION FOUR: Amendments to Section 7 of Collier County Zoning Ordinance Number 82-2, as amended.

Section 7, Subsection 7.24, C-5 - Commercial Industrial District, Paragraph c.7), Maximum Density, of Ordinance 82-2, the Zoning Ordinance of Collier County, Florida is hereby amended to read as follows:

~~7) --- Maximum Density: --- sixteen (16) units per acre for transient lodging facilities, hotels, motels and time share facilities with a maximum floor area of 500 square feet.~~

7) Maximum Density: Hotels, motels, time share facilities and transient lodging facilities are limited to a maximum density of sixteen (16) units per acre and twenty-six (26) units per acre when located within an Activity Center as designated in the Future Land Use Element and Future Land Use Map of the Growth Management Plan. The maximum floor area for these uses is five hundred (500) square feet.

SECTION FIVE: 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 SIX: Effective Date

This Ordinance shall become effective upon receipt of notice from the Secretary of State that this Ordinance has been filed with the Secretary of State.

PASSED AND DULY ADOPTED by the Board of County Commissioners of Collier County, Florida, this 29th day of January, 1991.

ATTEST:
JAMES C. GILES, CLERK

BOARD OF COUNTY COMMISSIONERS
COLLIER COUNTY, FLORIDA

By: Patricia Anne Grogan
CHAIRMAN

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

Marjorie M. Student
MARJORIE M. STUDENT
ASSISTANT COUNTY ATTORNEY

ZO-89-4 AMENDMENTS
nb/4171

This ordinance filed with the Secretary of State's Office the 29th day of January, 1991 and acknowledgement of that filing received this 29th day of January, 1991

By: James Chesaris
Deputy Clerk

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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 No. 91-13

which was adopted by the Board of County Commissioners on
the 29th day of January, 1991, during Special Session.

WITNESS my hand and the official seal of the Board of
County Commissioners of Collier County, Florida, this 6th
day of February, 1991.

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


By: /s/Maureen Kenyon
Deputy Clerk

