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SECRETARY OF STATE



AN ORDINANCE AMENDING ORDINANCE 82-2, THE COMPREHENSIVE ZONING REGULATIONS FOR THE UNINCORPORATED AREA OF COLLIER COUNTY BY AMENDING SECTION 8, SUPPLEMENTARY DISTRICT REGULATIONS, SUBSECTION 8.12d., OFF-STREET VEHICULAR FACILITIES - PARKING AND LOADING, IN ORDER TO REVISE OFF-SITE PARKING REQUIREMENTS; BY PROVIDING FOR CONFLICT AND SEVERABILITY; AND BY PROVIDING AN EFFECTIVE DATE.

WHEREAS, Chapter 125, Florida Statutes, establishes the right and power of counties to provide for the health, welfare and safety of existing and future residents by enacting and enforcing zoning and business regulations necessary for the protection of the public; and

WHEREAS, Chapter 163, Part II, (Local Government Comprehensive Planning and Land Development Regulation Act), Florida Statutes, provides that counties shall have the power and responsibility to plan comprehensively for their future development and growth including the adoption and implementation of appropriate land development regulations which are necessary or desirable to implement a comprehensive plan; and

WHEREAS, these modifications and additions to the language of said districts will not be to the detriment of the public health, safety, comfort, order, appearance, convenience, morals, and the general welfare; and

WHEREAS, the Collier County Planning Commission (Local Planning Agency) has determined that this proposed ordinance is consistent with the adopted Growth Management Plan as required by Section 163.3194(2)(9a), Florida Statutes; and

WHEREAS, on January 5, 1982, the Board of County Commissioners approved Ordinance Number 82-2, which established Section 8, Supplementary District Regulations, Subsection 8.12d., Off-Street Vehicular Facilities - Parking and Loading, of the Collier County Zoning Ordinance; and

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Words underlined are additions; Words ~~struck-through~~ are deletions.

WHEREAS, the Community Development Services Division, petitioned the Board of County Commissioners of Collier County, Florida, to amend Ordinance Number 82-2, the Collier County Zoning Ordinance, as set forth below;

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

SECTION ONE: Amendments to Section 8, of Ordinance No. 82-2, the Collier County Zoning Ordinance.

Section 8, Supplementary District Regulations, Subsection 8.12d., Off-Street Vehicular Facilities - Parking and Loading, of Ordinance 82-2, the Zoning Ordinance of Collier County, Florida, as amended, is hereby amended to read as follows:

d. Off-Street Parking: Location.

- 1) ~~The required off-street parking facilities shall be located on the same lot or parcel they serve or may be located on a contiguous lot in the same ownership and not separated by a street, with the permitted use of the contiguous lot permitting the same use as the lot on which the principal structure is located.~~
- 2) ~~Each off-street parking space must be directly accessible from a street, alley, or other public right-of-way. Except for single and two-family dwellings, all off-street parking facilities must be so arranged that no automobile shall have to back onto any street.~~
- 3) ~~The required off-street parking facilities shall normally be located on the same lot or parcel of land as the building or use it is intended to serve. However, the Zoning Director, after a review of a Development Plan submitted in accordance with Section 10-5 may allow the establishment of the required off-street parking facilities on a lot or parcel in the same ownership, and with the same zoning as the parcel on which the principal structure is located, within six hundred (600) feet of the building or use it is intended to serve when practical difficulties prevent the placing of the required off-street parking facilities on the same lot as the building or use it is intended to serve providing:~~
 - (a) ~~The Zoning Director may impose such regulations or conditions upon approval as he may deem appropriate for the~~

protection of the health, safety, and welfare of the citizens of Collier County which may include but shall not be limited to pedestrian ground level and overhead walkways, traffic signals, traffic control devices, and directional signs, controlled ingress and egress, fences, walls, and vegetative screens as determined appropriate.

(b) The owner of the land upon which such required off-street parking facilities are located shall enter into a written agreement with the County, to be filed with the Clerk of the Circuit Court, with enforcement running to the County providing that the land comprising the required off-street parking facilities shall never be encroached upon, used, sold, leased or conveyed for any purpose except in conjunction with the building or use which the required off-street parking facilities serves so long as the off-street parking facilities are required.

(c) The owner of the land upon which such required off-street parking facilities are located agrees to bear the expense of recording the agreement, which shall bind his heirs, successors, and assigns.

(d) The written agreement shall be voided by Collier County if other required off-street parking facilities are provided in accordance with the requirements of this Ordinance.

1) All required off-street parking facilities shall be located on the same lot they serve or may be located on another lot or lots under the same ownership, provided:

(a) The lots are contiguous or would be contiguous except for a roadway that is not designated as a collector or arterial in the Traffic Element of the Growth Management Plan; and

(b) The lot proposed for parking permits parking facilities or the same or more intensive land uses than the lot on which the principal structure is located.

2) Where off-site parking cannot be approved because the properties are not contiguous as described above, the Community Development Services Administrator, after review of a Site Development Plan submitted in accordance with Section 10.5, may allow some required parking to be located off-site, provided:

(a) All of the lots are under the same ownership;

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- (b) No off-site parking space is located further than three hundred (300) feet from the building or use they are intended to serve, measured by the shortest feasible walking distance, unless special circumstances exist under Section 8.12d.5);
 - (c) The lots are not separated by an arterial roadway as designated in the Traffic Element of the Growth Management Plan;
 - (d) At least sixty-seven (67) percent of the required parking for the development is located on the lot with the principal structure unless special circumstances exist under Section 8.12d.5); and
 - (e) The lot proposed for parking permits the same or more intensive land uses than the lot on which the principal structure is located or is commercially-zoned.

3) The Community Development Services Administrator shall base his determination of requests for off-site parking under Section 8.12d.2) on the following review criteria:

- (a) The proposed off-site parking facility, including its ingress and egress, is safe and convenient for motorists and pedestrians;
- (b) The proposed off-site parking facility does not adversely impact the character and quality of the neighborhood nor will hinder the proper future development of surrounding properties; and
- (c) Approval of the petition will not create parking problems for any neighboring property.

4) Where off-site parking cannot be approved because the property is located in an agriculturally or residentially-zoned district, an application for off-site parking approval may be submitted and shall be processed in conjunction with a Site Development Plan, pursuant to Section 10.5 of this Zoning Ordinance. The procedural requirements set forth in Section 11.1b. of the Zoning Ordinance shall be followed in the review and approval of off-site parking petitions. The Board of Zoning Appeals, after review and recommendation by the Planning Commission, may approve the request, provided:

- (a) All of the lots are under the same ownership;
- (b) No off-site parking space is located further than three hundred (300) feet from the building or use they are intended to serve, measured by the

shortest feasible walking distance, unless special circumstances exist under Section 8.12d.5):

- (c) The lots are not separated by an arterial roadway as designated in the Traffic Element of the Growth Management Plan:
- (d) At least sixty-seven (67) percent of the required parking for the development is located on the lot with the principal structure unless special circumstances exist under Section 8.12d.5):
- (e) The off-site parking will serve an existing structure or land use:
- (f) Where off-site parking is proposed for commercial uses all of the lots proposed for off-site parking shall meet the locational requirements for commercial uses as identified in the Future Land Use Element of the Growth Management Plan or are designed to serve water-dependent and/or water-related uses as described in the Urban Residential Subdistrict of the Future Land Use Element of the Growth Management Plan: and
- (g) The off-site parking facility shall be designed to mitigate any negative effects of this parking facility on neighboring residentially-zoned property. Mitigation shall include, unless specifically determined by the Board of Zoning Appeals not to be necessary:
 - (1) No vehicular egress shall occur on local streets opposite of residential homes or within the building lines of unimproved single-family residentially-zoned property:
 - (2) Lighting shall be shielded, pointing downward, and not over twenty (20) feet in height so as to prevent glare upon all neighboring residential properties; and
 - (3) A fifteen (15) foot wide landscape buffer strip shall be provided around the entire perimeter where it directly abuts residentially-zoned property with a six (6) foot high architecturally-finished wall, fence, hedge, or berm combination and ten (10) foot tall shade trees spaced no more than twenty (20) feet apart on center. The Board of Zoning Appeals may reduce the 6 foot high screening requirement to 4 foot high within front yard setback areas or where requested by the abutting residential property owner.

- 5) Where the following special circumstances exist the Community Development Services

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Administrator or the Board of Zoning Appeals, whichever is applicable, may reduce the requirements of Section 8.12d.2)(b) and/or Section 8.12d.2)(d). These special circumstances shall include, but shall not be limited to:

- (a) Where the proposed off-site parking will serve water-dependent and/or water-related uses;
 - (b) Where the proposed off-site parking will serve Temporary Parking for Sports Events, Religious Events, or Community Events as described in Section 8.23;
 - (c) Where the proposed off-site parking will serve uses within the Immokalee Central Business District as described in Section 8.23A.;
 - (d) Where the proposed off-site parking spaces will only be for valet parking; or
 - (e) Where the proposed off-site parking spaces will only be for employees (limited to a maximum of fifteen (15) percent of the project's total parking requirement).
- 6) The Board of Zoning Appeals shall base their determination of requests for off-site parking on the following review criteria:
- (a) The proposed off-site parking facility, including its ingress and egress, is safe and convenient for motorists and pedestrians;
 - (b) The proposed off-site parking facility does not adversely impact the character and quality of the neighborhood nor will hinder the proper future development of surrounding properties;
 - (c) Approval of the petition will not create parking problems for any neighboring property;
 - (d) Other more viable parking solutions are not available to the petitioner.

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- 7) Where parking is approved under Section 8.12d.2) or 8.12d.4) the following provisions shall apply:
- (a) The Community Development Services Administrator or the Board of Zoning Appeals, whichever is applicable, may impose requirements or conditions upon approval as appropriate to promote the public health, safety, and welfare. These requirements or conditions may include, but shall not be limited to: pedestrian ground level and overhead walkways, traffic signals, traffic control devices, directional signs, controlled ingress and egress, parking setbacks, lighting restrictions, extra landscaping, buffers, screens and limited hours of operation;
 - (b) The owner of the land upon which such required off-street parking facilities are located shall enter into a written agreement with the County, to be filed with the Clerk of the Circuit Court, with enforcement running to the County providing that the land comprising the required off-street parking facilities shall never be encroached upon, used, sold, leased or conveyed for any purpose except in conjunction with the building or use which the required off-street parking facilities serves so long as the off-street parking facilities are required;
 - (c) The owner of the land upon which such required off-street parking facilities are located agrees to bear the expense of recording the agreement, which agreement shall bind his heirs, successors, and assigns; and
 - (d) The written agreement shall be voided by Collier County if other required off-street parking facilities are provided in accordance with the requirements of this Zoning Ordinance.
- 8) Each off-street parking space must be directly accessible from a street, alley, or other public right-of-way and all off-street parking facilities must be so arranged that no motor vehicle shall have to back onto any street, excluding single-family and two-family residential dwellings and churches approved under Section 8.23 of this Zoning Ordinance.

SECTION TWO: 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 THREE 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.

DATE: April 16, 1991

BOARD OF COUNTY COMMISSIONERS
COLLIER COUNTY, FLORIDA

ATTEST:
JAMES C. GILES, CLERK

BY: Patricia Anne Goodnight
PATRICIA ANNE GOODNIGHT, CHAIRMAN

By: Marjorie M. Student
APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

Marjorie M. Student
MARJORIE M. STUDENT
ASSISTANT COUNTY ATTORNEY

ZO-90-17 AMENDMENTS
nb/004621

This ordinance filed with the
Secretary of State's Office the
26th day of April, 1991
and acknowledgement of that
filing received this 1st day
of May, 1991

By: James C. Giles
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. 91-32

which was adopted by the Board of County Commissioners on
the 16th day of April, 1991, during Special Session.

WITNESS my hand and the official seal of the Board of
County Commissioners of Collier County, Florida, this 23rd
day of April, 1991.

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



By: /s/Maureen Kenyon
Deputy Clerk