

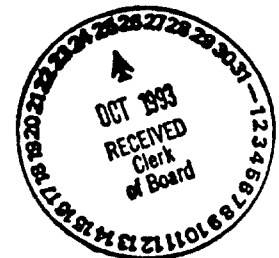
AN ORDINANCE AMENDING ORDINANCE 91-102, THE COLLIER COUNTY LAND DEVELOPMENT CODE, AMENDED, WHICH ESTABLISHES THE COMPREHENSIVE ZONING REGULATIONS FOR THE UNINCORPORATED AREA OF COLLIER COUNTY, FLORIDA, BY CHANGING THE ZONING CLASSIFICATION OF THE HEREIN DESCRIBED PROPERTIES FROM THEIR CURRENT RESIDENTIAL OR COMMERCIAL ZONING CLASSIFICATION, AS HEREIN IDENTIFIED ON EXHIBIT "A", TO THE SPECIFIC ZONING CLASSIFICATION OF EITHER THE RSF-4, RESIDENTIAL SINGLE FAMILY ZONING DISTRICT, OR TO THE RMF-6, RESIDENTIAL MULTIPLE FAMILY ZONING DISTRICT, OR TO THE RMF-12, RESIDENTIAL MULTIPLE FAMILY ZONING DISTRICT, OR TO THE CON-ACSC/ST, CONSERVATION ZONING DISTRICT WITH AREA OF CRITICAL STATE CONCERN/SPECIAL TREATMENT OVERLAY, OR TO THE A, RURAL AGRICULTURAL ZONING DISTRICT, OR TO THE C-1, COMMERCIAL PROFESSIONAL ZONING DISTRICT, OR TO THE C-2, COMMERCIAL CONVENIENCE ZONING DISTRICT, FOR INDIVIDUAL PARCELS AS HEREIN IDENTIFIED ON EXHIBIT "A", AS DETERMINED BY THE BOARD OF COUNTY COMMISSIONERS TO BE APPROPRIATE AND TO BE CONSISTENT WITH THE GROWTH MANAGEMENT PLAN, PURSUANT TO OBJECTIVE 1 AND RELATED POLICIES AND POLICY 3.1.K OF THE FUTURE LAND USE ELEMENT AND THE FUTURE LAND USE MAP OF THE GROWTH MANAGEMENT PLAN; AND BY PROVIDING AN EFFECTIVE DATE.

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WHEREAS, Article VIII, Section 1(f) of the Constitution of Florida confers on counties broad ordinance-making power when not inconsistent with general or special law; and

WHEREAS, Chapter 125.01, Florida Statutes, confers on all counties in Florida general powers of government, including the ordinance-making power and the power to plan and regulate the use of land and water; and

WHEREAS, On January 10, 1989, Collier County adopted the Collier County Growth Management Plan as its Comprehensive Plan pursuant to the requirements of Chapter 163, Part II, Florida Statutes, also known as the Local Government Comprehensive Planning and Land Development Regulation Act of 1985 and Chapter 9J-5, Florida Administrative Code, also known as the Minimum Criteria for Review of Local Government Comprehensive Plans and Determination of Compliance; and



WHEREAS, the Board of County Commissioners of Collier County finds that development for which zoning has already been approved by Collier County and potential zoning within Urban Designated Areas of the Collier County Growth Management Plan will accommodate approximately 350,000 dwelling units in the unincorporated Coastal Urban Area of Collier County, and that commercial zoning in excess of 4,600 acres has been approved, while the Capital Improvement Element of the Growth Management Plan would serve only a fraction of the planned and approved, yet unbuilt, development; and

WHEREAS, because of these estimates and projections, the Future Land Use Map and Element of the Collier County Growth Management Plan and the Support Documents project and provide for over 60 years of growth while the Capital Improvement Element of the Collier County Growth Management Plan provides for only five (5) years of funding and only ten (10) years of needs and deficiency assessments for public facilities for all categories, except that roads are also in the process of being tentatively planned for up to 25 years of growth; and

WHEREAS, as a result of the realization of this serious and significant imbalance between planned land uses and planned public facilities by the Board of County Commissioners of Collier County, the Board of County Commissioners of Collier County finds that Collier County faces real, serious and imminent problems that will result from the planned and approved, yet unbuilt, development in that it exceeds the financial resources of Collier County to fund projected carrying capacity of the existing and planned public facilities of Collier County and that it is inconsistent with the existing and desired community character of Collier County; and

WHEREAS, at the time of adoption of the Growth Management Plan, the Board of County Commissioners of Collier County

recognized the need to balance evacuation capability and the at-risk population in the Hurricane Vulnerability Zones in Collier County by limiting or reducing the maximum permitted densities in those zones to ensure that the population at risk in those zones of high risk could safely evacuate during the time of a hurricane event; and

WHEREAS, the Board of County Commissioners of Collier County acknowledged the report of the Regional/Urban Design Team for the Naples area dated April, 1987 and subsequent recommendations of the R/UDAT Citizen Committee and approved a revised commercial allocation system to promote superior urban design by managing road access, avoiding commercial strip development, improving overall traffic circulation patterns and providing community focal points; and

WHEREAS, the Growth Management Plan, through the Future Land Use Map and the Goals, Objectives and Policies, strives to coordinate land use with the provision of adequate roads, sewer, water, drainage facilities, solid waste facilities and parks and recreation opportunities; coordinate coastal population densities with the Regional Hurricane Evacuation Plan; and discourage unacceptable levels of urban sprawl; and

WHEREAS, the cost to the public and Collier County to provide adequate public facilities for planned and approved, yet unbuilt, development is too great of a financial burden and would cause the public and Collier County undue fiscal hardship; and

WHEREAS, additionally, the Board of County Commissioners of Collier County recognizes that if a substantial amount of the unimproved property were allowed to develop and be constructed under existing zoning districts inconsistent with the Growth Management Plan, it would encourage urban sprawl, promote strip commercial development, negatively impact the character of residential neighborhoods and commercial areas, and force Collier

County to make premature ad hoc land use commitments; and

WHEREAS, Collier County has attempted to address these problems by including several provisions in the Collier County Growth Management Plan, including Objective 1 and related Policies and Policy 3.1.K of the Future Land Use Element of the Collier County Growth Management Plan, and by providing that land development regulations be adopted and contain provisions to implement the Collier County Growth Management Plan and include at a minimum, inter alia, the establishment of a Zoning Reevaluation Program for unimproved property that shall be carried out by January 10, 1991 for all commercially zoned and non-residential property and by January 10, 1992 for all other property; and

WHEREAS, Objective 1 of the Future Land Use Element requires all new or revised uses of land to be consistent with designations outlined on the Future Land Use Map; and

WHEREAS, Policy 3.1.K of the Future Land Use Element of the Collier County Growth Management Plan furthermore provides for the rezoning of inconsistent, unimproved properties to a zoning district consistent with the Growth Management Plan; and

WHEREAS, pursuant to Sec. 163.3194(3)(a), Fla. Stat., land development regulations shall be consistent with the Comprehensive Plan if the land uses, densities or intensities, and other aspects of development permitted by such regulations are compatible with and further the objectives, policies, land uses, and densities or intensities in the Comprehensive Plan and if it meets all other criteria enumerated by the local government; and

WHEREAS, in order to comply with the foregoing authorities, findings and the Act, it is necessary to rezone large areas in the unincorporated portion of Collier County to zoning districts consistent with the Growth Management Plan; and

WHEREAS, the zoning amendments herein will implement Objective One and related Policies and Policy 3.1.K of the Future Land Use Element and Future Land Use Map; and

WHEREAS, the owners of the herein described properties have not submitted an application as provided for in Section 2.4 (Exemptions), Section 10 (Compatibility Exception), and Section 11 (Determination of Vested Rights) of the Zoning Reevaluation Ordinance, or have submitted an application and it was not granted or have submitted an application and it was granted subject to a zoning change and/or conditions; and

WHEREAS, Policy 3.1.K of the Future Land Use Element of the Growth Management Plan and the Stipulated Settlement Agreement in DOAH Case No. 89-1299 GM require commercially and industrially zoned property inconsistent with the Growth Management Plan and unimproved to be rezoned to consistent zoning districts by January 10, 1991, and require residentially zoned property inconsistent with the Growth Management Plan and unimproved to be rezoned to consistent zoning districts by January 10, 1992; and

WHEREAS, the zoning amendments herein will bring the zoning of the herein described properties into consistency with Objective 1 and related Policies and Policy 3.1.K of the Future Land Use Element and the Future Land Use Map of the Growth Management Plan; and

WHEREAS, the Collier County Planning Commission has reviewed this zoning ordinance and has found it to be consistent with the Growth Management Plan as required by Sec. 163.3194(2), Florida Statutes.

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

SECTION ONE: Rezone of properties with Residential Zoning Designations.

The zoning classification of the herein described real properties is changed from the zoning classification indicated on Exhibit "A" to the RSF-4, Residential Single Family Zoning District, or to the RMF-6, Residential Multiple Family Zoning District, or to the RMF-12, Residential Multiple Family Zoning District, as herein identified on Exhibit "A", and the Official Zoning Atlas Map Numbers indicated on Exhibit "A", as described in Ordinance Number 91-102, the Collier County Land Development Code, as amended, are hereby amended accordingly:

SEE EXHIBIT "A"

SECTION TWO: Rezone of properties with Commercial Zoning Designations.

The zoning classification of the herein described real properties is changed from the zoning classification indicated on Exhibit "A" to the RMF-12, Residential Multiple Family Zoning District, or to the C-2, Commercial Convenience Zoning District, or to the C-1, Commercial Professional Zoning District, or to the CON-ACSC/ST, Conservation Zoning District with Area of Critical State Concern/Special Treatment Overlay, as herein identified on Exhibit "A", and the Official Zoning Atlas Map Numbers indicated on Exhibit "A", as described in Ordinance Number 91-102, the Collier County Land Development Code, as amended, are hereby amended accordingly:

SEE EXHIBIT "A"

SECTION THREE: Rezone of properties with Agricultural Zoning Designations.

The zoning classification of the herein described real properties is changed from the zoning classification indicated on

Exhibit "A" to the A, Rural Agricultural Zoning District, as herein identified on Exhibit "A", and the Official Zoning Atlas Map Numbers indicated on Exhibit "A", as described in Ordinance Number 91-102, the Collier County Land Development Code, as amended, are hereby amended accordingly:

SEE EXHIBIT "A"

SECTION FOUR: 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 12 day of October, 1993.

BOARD OF COUNTY COMMISSIONERS
COLLIER COUNTY, FLORIDA

BY: Wm. A. Lude
BURT L. SAUNDERS, CHAIRMAN

ATTEST:
DWIGHT E. BROCK, CLERK

[Signature]
APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

Marjorie M. Student
MARJORIE M. STUDENT
ASSISTANCE COUNTY ATTORNEY

R-93-9 ORD

This ordinance filed with the
Secretary of State's Office the
21st day of Oct, 1993
and acknowledgement of that
filing received this 25th day
of Oct, 1993

By Louise Chessis
Deputy Clerk

EXHIBIT "A"

South Naples Planning Community

1. Legal Description: The West 1/2 of the West 1/2 of the Northeast 1/4 of Section 3, Township 50 South, Range 26 East, Collier County, Florida.

Rezoned from C-3, Commercial Intermediate Zoning District, RMF-12, Residential Multiple Family Zoning District, and A, Rural Agricultural Zoning District to RMF-12, Residential Multiple Family Zoning District with a maximum density of 10 units per acre (in conjunction with South Naples items 2, 3, and 4 below) and A, Rural Agricultural Zoning District subject to the following condition:

- a. Pursuant to Section 2.7.2.12.3 of the Land Development Code, the density approved for this property (in conjunction with South Naples items 2, 3, and 4 below), through Conversion of Commercial Zoning and Proximity to Activity Center, shall remain with the property for a minimum of five years from the effective date of this Rezoning Ordinance approving the density for this property including a subsequent rezone involving the subject property. This density may be distributed among contiguous property under the same unified control as the subject property, including a subsequent rezone involving the subject property and contiguous property.

Change Official Zoning Atlas Map #0603.

2. Legal Description: STRAP #502603-004.000 and STRAP #502603-004.002 further described as: the East 1/2 of the Northwest 1/4 of Section 3, Township 50 South, Range 26 East, Collier County, Florida, less and except that portion lying south of CR-856 and north of SR-84, and less and except that portion previously conveyed for SR-84 right-of-way.

Rezoned from C-3, Commercial Intermediate Zoning District, RMF-12, Residential Multiple Family Zoning District, RMF-6, Residential Multiple Family Zoning District, and RSF-4, Residential Single Family Zoning District to RMF-12, Residential Multiple Family Zoning District with a maximum density of 10 units per acre (in conjunction with South Naples items 1 above and 3 and 4 below), RMF-6, Residential Multiple Family Zoning District, and RSF-4, Residential Single Family Zoning District subject to the following condition:

- a. Pursuant to Section 2.7.2.12.3 of the Land Development Code, the density approved for this property (in conjunction with South Naples items 1 above and 3 and 4 below), through Conversion of Commercial Zoning and Proximity to Activity Center, shall remain with the property for a minimum of five years from the effective date of this Rezoning Ordinance approving the density for this property including a subsequent rezone involving the subject property. This density may be distributed among contiguous property under the same unified control as

the subject property, including a subsequent rezone involving the subject property and contiguous property.

Change Official Zoning Atlas Map #0603.

3. Legal Description: STRAP #502603-008.000, STRAP #502603-008.001, and a portion of STRAP #502603-005.000 further described as: that portion of the Northwest 1/4 of the Northwest 1/4, and the East 1/2 of the Southwest 1/4 of the Northwest 1/4, of Section 3, Township 50 South, Range 26 East, Collier County, Florida, lying south of SR-84, and less and except that portion previously conveyed for SR-84 right-of-way.

AND

the North 1/2 of the West 40% of the Southwest 1/4, less and except the West 1/2 of the West 1/2 of the Southwest 1/4, of Section 3, Township 50 South, Range 26 East, Collier County, Florida.

Rezoned from C-3, Commercial Intermediate Zoning District, RMF-12, Residential Multiple Family Zoning District, RMF-6, Residential Multiple Family Zoning District and RSF-4, Residential Single Family Zoning District to RMF-12, Residential Multiple Family Zoning District with a maximum density of 10 units per acre (in conjunction with South Naples items 1 and 2 above and 4 below), RMF-6, Residential Multiple Family Zoning District, and RSF-4, Residential Single Family Zoning District subject to the following condition:

- a. Pursuant to Section 2.7.2.12.3 of the Land Development Code, the density approved for this property (in conjunction with South Naples items 1 and 2 above and 4 below), through Conversion of Commercial Zoning and Proximity to Activity Center, shall remain with the property for a minimum of five years from the effective date of this Rezoning Ordinance approving the density for this property including a subsequent rezone involving the subject property. This density may be distributed among contiguous property under the same unified control as the subject property, including a subsequent rezone involving the subject property and contiguous property.

Change Official Zoning Atlas Map #0603.

4. Legal Description: A portion of STRAP #502603-003.000 further described as: the West 1/2 of the West 1/2 of the Southwest 1/4 of Section 3, Township 50 South, Range 26 East, Collier County, Florida.

AND

That portion of the West 1/2 of the Southwest 1/4 of the Northwest 1/4 of Section 3, Township 50 South, Range 26 East, Collier County, Florida, lying southeasterly of SR-84, less and except the following described 80 feet right-of-way:

Commence at the West 1/4 corner of Section 3, Township 50 South, Range 26 East, and run South 89° 52' 35" East for 9.52 feet along the South line of the Northwest 1/4 of said Section 3 to a point on the Southeast right-of-way

line of SR-84; thence run North 31° 05' 30" East for 306.08 feet along said Southeast right-of-way line for the point of beginning of the center line of an easement having a width of 80 feet, and lying 40 feet on each side of said center line; thence along the following courses describing said center line: South 58° 54' 30" East for 25.00 feet to a point of curvature; 66.97 feet along the arc of a curve concave to the Southwest, having a radius of 65 feet, and subtended by a chord having a bearing of South 29° 23' 30" East, and a length of 64.05 feet to a point of tangency; South 0° 07' 30" West for 193.84 feet to a point on the South line of the Northwest 1/4 of said Section 3, said point being South 89° 52' 35" East, and 220 feet from the West 1/4 corner of said Section 3.

Rezoned from C-3, Commercial Intermediate Zoning District, RMF-12, Residential Multiple Family Zoning District, RMF-6, Residential Multiple Family Zoning District and RSF-4, Residential Single Family Zoning District to RMF-12, Residential Multiple Family Zoning District with a maximum density of 10 units per acre (in conjunction with South Naples items 1, 2, and 3 above) and RSF-4, Residential Single Family Zoning District subject to the following condition:

- a. Pursuant to Section 2.7.2.12.3 of the Land Development Code, the density approved for this property (in conjunction with South Naples items 1, 2, and 3 above), through Conversion of Commercial Zoning and Proximity to Activity Center, shall remain with the property for a minimum of five years from the effective date of this Rezoning Ordinance approving the density for this property including a subsequent rezone involving the subject property. This density may be distributed among contiguous property under the same unified control as the subject property, including a subsequent rezone involving the subject property and contiguous property.

Change Official Zoning Atlas Map #0603.

East Naples Planning Community

1. Legal Description: The West 330 feet of Lot 42, Naples Grove and Truck Company's Little Farms #2, according to the plat thereof, recorded in Plat Book 1, Page 27A of the Public Records of Collier County, Florida.

Rezoned from RMF-6, Residential Multiple Family Zoning District to RMF-6, Residential Multiple Family Zoning District with a maximum density of 3 units per acre.

Change Official Zoning Atlas Map #0511S.

Big Cypress Planning Community

1. Legal Description: STRAP #523029-001.000 further described as all of Section 29, Township 52 South, Range 30 East, Collier County, Florida.

Rezoned from TTRVC-ACSC/ST, Travel Trailer-Recreational Vehicle Campground Zoning District with Area of Critical State Concern/Special Treatment Overlay to CON-ACSC/ST,

Conservation Zoning District with Area of Critical State
Concern/Special Treatment Overlay .

Change Official Zoning Atlas Map #2029.

Corkscrew Planning Community

1. Legal Description: STRAP #462917-010.000 further described as: Commence at the Northeast corner of Section 17, Township 46 South, Range 29 East, Collier County, Florida, thence run South 87° West 208.04 feet to the POINT OF BEGINNING; thence run North 74° West 36.59 feet; thence run South 196.23 feet; thence run North 87° East 143.74 feet; thence run North 150 feet; thence run North 74° West 113.41 feet to the POINT OF BEGINNING; as recorded in Official Record Book 821, Page 959.

Rezoned from C-5, Heavy Commercial Zoning District to C-2, Commercial Convenience Zoning District so as to allow a minimum beneficial use of the property (CEX-001-C).

Change Official Zoning Atlas Map #462930.

Golden Gate Planning Community

1. Legal Description: STRAP #502603-006.002 further described as: being a portion of the Northwest 1/4 of the Northwest 1/4 of Section 3, Township 50 South, Range 26 East, Collier County, Florida, being more particularly described as follows: Commence at the Northwest corner of Section 3, Township 50 South, Range 26 East; bear South 00° 07' 30" West along the West line of said section for 50.00 feet to a point on the South right-of-way line of County Road 856, said point also being the POINT OF BEGINNING; run thence North 89° 54' 20" East for a distance of 440.76 feet; thence run South 00° 05' 40" East for a distance of 1,066 feet; thence run South 48° 09' 02" East for a distance of 357.67 feet to the Northerly right-of-way line of State Road 84; thence run along said Northerly right-of-way line South 31° 05' 30" West for a distance of 108.75 feet; thence run North 00° 19' 22" East for a distance of 33.97 feet; thence run North 89° 59' 10" West for a distance of 656.01 feet; thence run North 00° 07' 30" East for a distance of 1,362.92 feet to the POINT OF BEGINNING.

Rezoned from C-3, Commercial Intermediate Zoning District and RMF-12, Residential Multiple Family Zoning District to RMF-12, Residential Multiple Family Zoning District with a maximum density of 8.9 units per acre.

Change Official Zoning Atlas Map #0603.

2. Legal Description: Golden Gate Unit 5, Block 153, Lots 1-5, 11, 12, 14, 15, 19, 20, 28, and the North 1/2 of Lot 18, according to the plat thereof, recorded in Plat Book 5, Pages 117 through 123 of the Public Records of Collier County, Florida.

Rezoned from C-2, Commercial Convenience Zoning District to C-2, Commercial Convenience Zoning District subject to the following condition (CEX-001-GG, CEX-002-GG, CEX-009-GG, CEX-010-GG, CEX-012-GG, CEX-013-GG, CEX-017-GG):

- a. A landscape buffer shall be provided along the East property line in accordance with Section 2.4.7.4, Alternative B, of the Land Development Code, except that if a fence or wall is used it must be in combination with plantings (trees and/or shrubs); that is, a fence or wall alone cannot be used to fulfill this buffer requirement.

Change Official Zoning Atlas Map #9621N.

3. Legal Description: Golden Gate Unit 6, Block 188, Lot 1, according to the plat thereof, recorded in Plat Book 5, Pages 124 through 134 of the Public Records of Collier County, Florida.

Rezoned from C-2, Commercial Convenience Zoning District to C-2, Commercial Convenience Zoning District subject to the following condition (CEX-018-GG):

- a. A landscape buffer shall be provided along the East property line in accordance with Section 2.4.7.4, Alternative B, of the Land Development Code, except that if a fence or wall is used it must be in combination with plantings (trees and/or shrubs); that is, a fence or wall alone cannot be used to fulfill this buffer requirement.

Change Official Zoning Atlas Map #9621S.

4. Legal Description: Lots 1-5 and 7, Block 1 and Lots 1-5, Block 3 and Lots 1-5 and 7, Block 5 of Palm Springs Plaza Unit Number One, according to the plat thereof, recorded in Plat Book 8, Page 21 of the Public Records of Collier County, Florida, together with that portion of the former public right-of-way known as Calle Del Rey, as shown on this Plat, lying East of Palm Springs Boulevard and now containing a road easement.

Rezoned from C-2, Commercial Convenience Zoning District to C-1, Commercial Professional Zoning District (CEX-038-GG/A).

Change Official Zoning Atlas Map #9634S.

5. Legal Description: Lots 1-7, Block 2 and Lots 1-6, Block 4 and Lots 1-7, Block 6 of Palm Springs Plaza Unit Number One, according to the plat thereof, recorded in Plat Book 8, Page 21 of the Public Records of Collier County, Florida, together with that portion of the former public right-of-way known as Calle Del Rey, as shown on this Plat, lying West of Palm Springs Boulevard.

Rezoned from C-2, Commercial Convenience Zoning District to C-1, Commercial Professional Zoning District (CEX-026-GG/A).

Change Official Zoning Atlas Map #9634S.

ZRO RZ EXHA.

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 copy of:

Ordinance No. 93-73

which was adopted by the Board of County Commissioners on the 12th day of October, 1993, during Regular Session.

WITNESS my hand and the official seal of the Board of County Commissioners of Collier County, Florida, this 18th day of October, 1993.

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


By: /s/Maureen Kenyon
Deputy Clerk

