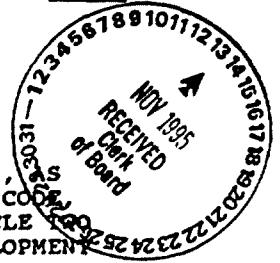


ORDINANCE NO. 95- 58



AN ORDINANCE AMENDING ORDINANCE NUMBER 91-102, AMENDED, THE COLLIER COUNTY LAND DEVELOPMENT CODE, ARTICLE ONE THEREOF, GENERAL PROVISIONS; ARTICLE TWO THEREOF, ZONING; ARTICLE THREE THEREOF, DEVELOPMENT REGULATIONS; APPENDIX B. THEREOF, TYPICAL STREET SECTIONS AND RIGHT-OF-WAY DESIGN STANDARDS; AND APPENDIX C. THEREOF, FINAL SUBDIVISION PLAT, REQUIRED CERTIFICATIONS; ARTICLE SIX, DEFINITIONS; MORE PARTICULARLY PROVIDING FOR: SECTION ONE, RECITALS; SECTION TWO, FINDINGS OF FACT; SECTION THREE, ADOPTION OF AMENDMENTS TO THE LAND DEVELOPMENT CODE; SECTION FOUR, CONFLICT AND SEVERABILITY; SECTION FIVE, INCLUSION IN THE CODE OF LAWS AND ORDINANCES; AND SECTION SIX, EFFECTIVE DATE.

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FILED

WHEREAS, on October 30, 1991, the Board of County Commissioners approved Ordinance Number 91-102, which established the Collier County Land Development Code which has been subsequently amended; and

WHEREAS, the Land Development Code may not be amended more than two times in each calendar year pursuant to Section 1.19.1, LDC; and,

WHEREAS, this is the first amendment to the Land Development Code, Ordinance 91-102, in this calendar year; and

WHEREAS, on March 23, 1993 the Board of County Commissioners adopted Resolution 93-124 establishing local requirements and procedures for amending the LDC; and

WHEREAS, all requirements of Resolution 93-124 have been met; and

WHEREAS, the Board of County Commissioners in a manner prescribed by law did hold advertised public hearings on October 18 and November 1, 1995 and did take action concerning these amendments to the LDC; and.

WHEREAS, all applicable substantive and procedural requirements of the law have 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: FINDINGS OF FACT

The Board of County Commissioners of Collier County, Florida, hereby makes the following findings of fact:

1. Collier County, pursuant to Sec.163.3161, et seq., Fla. Stat., the Florida Local Government Comprehensive Planning and Land

Development Regulation Act (hereinafter the "Act"), is required to prepare and adopt a Comprehensive Plan.

2. After adoption of the Comprehensive Plan, the Act and in particular Sec. 163.3202(1), Fla. Stat., mandates that Collier County adopt land development regulations that are consistent with and implement the adopted comprehensive plan.

3. Sec. 163.3201, Fla. Stat., provides that it is the intent of the Act that the adoption and enforcement by Collier County of land development regulations for the total unincorporated area shall be based on, be related to, and be a means of implementation for, the adopted Comprehensive Plan as required by the Act.

4. Sec. 163.3194(1)(b), Fla. Stat., requires that all land development regulations enacted or amended by Collier County be consistent with the adopted Comprehensive Plan, or element or portion thereof, and any land development regulations existing at the time of adoption which are not consistent with the adopted Comprehensive Plan, or element or portion thereof, shall be amended so as to be consistent.

5. Sec. 163.3202(3), Fla. Stat., states that the Act shall be construed to encourage the use of innovative land development regulations.

6. On January 10, 1989, Collier County adopted the Collier County Growth Management Plan (hereinafter the "Growth Management Plan" or "GMP") as its Comprehensive Plan pursuant to the requirements of Sec. 1634.3161 et seq. Fla. Stat., and Rule 9J-5, F.A.C.

7. Sec. 163.3194(1)(a), Fla. Stat., mandates that after a Comprehensive Plan, or element or portion thereof, has been adopted in conformity with the Act, all development undertaken by, and all actions taken in regard to development orders by, governmental agencies in regard to land covered by such Comprehensive Plan or element or portion thereof shall be consistent with such Comprehensive Plan or element or portion thereof.

8. Pursuant to Sec. 163.3194(3)(a), Fla. Stat., a development order or land development regulation shall be consistent with the Comprehensive Plan if the land uses, densities or intensities,

and other aspects of development permitted by such order or regulation are compatible with and further the objectives, policies, land uses, densities or intensities in the Comprehensive Plan and if it meets all other criteria enumerated by the local government.

9. Section 163.3194(3)(b). Fla. Stat., requires that a development approved or undertaken by a local government shall be consistent with the Comprehensive Plan if the land uses, densities or intensities, capacity or size, timing, and other aspects of development are compatible with and further the objectives, policies, land uses, densities or intensities in the Comprehensive Plan and if it meets all other criteria enumerated by the local government.

10. On October 30, 1991, Collier County adopted the Collier County Land Development Code, which became effective on November 13, 1991 and may be amended twice annually.

11. Collier County finds that the Land Development Code is intended and necessary to preserve and enhance the present advantages that exist in Collier County; encourage the most appropriate use of land, water and resources, consistent with the public interest; overcome present handicaps; and deal effectively with future problems that may result from the use and development of land within the total unincorporated area of Collier County and it is intended that this Land Development Code preserve, promote, protect, and improve the public health, safety, comfort, good order, appearance, convenience, and general welfare of Collier County; prevent the overcrowding of land and avoid the undue concentration of population; facilitate the adequate and efficient provision of transportation, water, sewerage, schools, parks, recreational facilities, housing, and other requirements and services; conserve, develop, utilize, and protect natural resources within the jurisdiction of Collier County; and protect human, environmental, social, and economic resources; and maintain, through orderly growth and development, the character and stability of present and future land uses and development in Collier County.

12. It is the intent of the Board of County Commissioners of Collier County to implement the Land Development Code in accordance

with the provisions of the Collier County Growth Management Plan, Chapter 125, Fla. Stat., and Chapter 163, Fla. Stat., and through these amendments to the Code.

SECTION THREE: ADOPTION OF AMENDMENTS TO THE LAND DEVELOPMENT CODE

The Collier County Land Development Code is hereby amended as shown on the side sheets which compromise Appendix A, attached hereto and incorporated by reference herein.

SECTION FOUR: 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 FIVE: INCLUSION IN THE CODE OF LAWS AND ORDINANCES

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

SECTION SIX: EFFECTIVE DATE

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

PASSED AND DULY ADOPTED by the Board of County Commissioners of Collier County, Florida, this 1st day of November, 1995.

DATE:

BOARD OF COUNTY COMMISSIONERS
COLLIER COUNTY, FLORIDA

ATTEST:
DWIGHT E. BROCK, CLERK

BY: Betty J. Matthews
BETTYE J. MATTHEWS, CHAIRMAN

BY: Marjorie M. Student
DEPUTY CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

Marjorie M. Student
MARJORIE M. STUDENT
ASSISTANT COUNTY ATTORNEY

LDC AMENDMENT ORDINANCE/RJM/08/16/95

This ordinance filed with the Secretary of State's Office the 5th day of November, 1995 and acknowledgement of that filing received this 1st day of November, 1995

By: Debra J. Barrett
Deputy Clerk

ORIGIN: Community Development Services Staff and County Attorney's Office

AUTHOR: Wayne Arnold, Planning Services Director

DEPARTMENT: Planning Services Department, Code

LDC PAGE: LDC 1:10-1:11

LDC SECTION: Division 1.6, Interpretations

CHANGE: Revisions to interpretations procedure section to include appropriate staff titles and to clarify procedures

REASON: Organizational changes warrant insertion of new job titles in procedure

FISCAL & OPERATIONAL IMPACTS: This amendment should result in no direct fiscal impacts to the County or applicants. The current \$200.00 application fee generally covers administrative review time. Applications requiring a joint review by both the Building Official and Planning Services Director may result in administrative costs exceeding the \$200.00 application fee.

RELATED CODES OR REGULATIONS: Section 1.6.6, Appeal to Board of Zoning Appeals or Building Board of Adjustments.

Sec. 1.6.1. Authority.

The development services director planning services director shall have the authority to make all interpretations of the text of this code, and the boundaries of zoning districts on the official zoning atlas, and the growth planning director shall have the authority to make all interpretations of the text of the growth management plan and the boundaries of land use districts on the future land use map. In cases where interpretations of both the code or official zoning atlas, and the growth management plan or future land use map are required, the development services director and the growth planning director shall have authority to jointly make an interpretation. Any conflicts between interpretations by the development services director and the growth planning director shall be resolved by the county manager.

The chief building official shall have the authority to make all interpretations of the text of this code on matters related to the building code, building permit requirements, building construction administrative code or building permits.

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In cases where interpretations of both the building official and planning services director are requested jointly, any conflict shall be resolved by the community development and environmental services administrator.

Sec. 1.6.2. Initiation.

An interpretation may be requested by an affected person, resident, developer, land owner, government agency or department, or any person having a contractual interest in land in Collier County.

Sec. 1.6.3. Procedures.

- 1.6.3.1. **Submission of request for interpretation.** Before an interpretation shall be provided by ~~the development services director or the growth planning director, whichever is applicable~~ Planning Services Director, or Chief Building Official, whichever applicable. a request for interpretation shall be submitted to the ~~development services director or growth planning director, whichever is applicable,~~ planning services director or chief building official, whichever is applicable, in a form established by him. A fee for the request and processing of the request shall be established at a rate set by the board of county commissioners from time to time and shall be charged to and paid by the applicant.
- 1.6.3.2. **Determination of completeness.** After a request for interpretation has been received, ~~the development services director or the growth planning director,~~ planning services director or chief building official whichever is applicable, shall determine whether the request is complete. If the ~~development services director or the growth planning director~~ planning services director or chief building official, whichever is applicable, determines that the request is not complete, he shall serve a written notice on the applicant specifying the deficiencies. The ~~development services director or growth planning director~~ planning services director or chief building official, whichever is applicable, shall take no further action on the request for interpretation until the deficiencies are remedied.

1.6.3.2.1 Notification of Affected Property Owner.
Where a site specific interpretation has been requested by a party other than the affected property owner, Collier County shall notify the property owner that an interpretation has been requested concerning their property.

1.6.3.3. Rendering of interpretation. After the request for interpretation has been determined complete, ~~the development services director or growth planning director~~ planning services director or chief building official, whichever is applicable, shall review and evaluate the request in light of the growth management plan, the future land use map, the code and/or the official zoning atlas, and building code related matters, whichever is applicable, and render an interpretation.

~~The development services director and the growth planning director~~ planning services director and the chief building official may consult with the county attorney and other county departments before rendering an interpretation. Prior to the release to the applicant of any interpretation, the interpretation shall be reviewed by the county attorney for legal form and sufficiency. Interpretations made pursuant to this section shall be rendered within 45 days of issuance of a determination of completeness made pursuant to section 1.6.3.2. (Ord. No. 92-73, § 2)

Sec. 1.6.4. Form.

The interpretation shall be in writing and shall be sent to the applicant by certified mail return receipt requested.

Sec. 1.6.5. Official record.

~~The development services director~~ community development and environmental services administrator shall maintain an official record of all interpretations ~~in the development services department~~ rendered by either the planning services director or chief building official, which shall be available for public inspection during normal business hours.

Sec. 1.6.5.1. Notice of Interpretation.

The community development and environmental services administrator shall provide public notification upon the issuance of an interpretation. For general interpretations of the building code or Land Development Code, notice of the Code interpretation and appeal time-frame shall be advertised in a newspaper of general circulation in the County. For interpretations affecting a specific parcel of land, notice of the interpretation and appeal time-frame shall be advertised in a newspaper of general circulation, and mail notice of the interpretation shall be sent to all property owners within 300 feet of the property lines of the land for which the interpretation is effective.

Sec. 1.6.6. Appeal to board of zoning appeals or building board of adjustments and appeals.

Within 30 days after receipt by the applicant or affected property owner of a written interpretation sent by certified mail return receipt requested by the ~~development services director or the growth planning director~~ planning services director or chief building official, the applicant may appeal the interpretation to the building board of adjustments and appeals for matters relating to building and technical codes as shown in division 1.18 or to the board of zoning appeals for all other matters in this code. A fee for the application and processing of an appeal shall be established at a rate set by the board of county commissioners from time to time and shall be charged to and paid by the applicant. The board of zoning appeals or the building board of adjustments and appeals, whichever is applicable, shall hold an advertised public hearing on the appeal and shall consider the interpretation of the ~~development services director or the growth planning director~~ planning services director or chief building official, whichever is applicable, and public testimony in light of the growth management plan, the future land use map, the code or the official zoning atlas, or building code related matters, whichever is applicable. The board of zoning appeals or the building board of adjustments and appeals, whichever is applicable, shall adopt the ~~development services director's or the growth planning director's~~ planning services director's or chief building official's interpretation, whichever is applicable, with or without modifications or conditions, or reject his interpretation. The board of zoning appeals or the building board of adjustments and appeals, whichever is applicable, shall not be authorized to modify or reject

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the ~~development services director's or the growth
planning director's~~ planning services director's or
chief building official's interpretation unless such
board finds that the determination is not supported by
substantial competent evidence or that the
interpretation is contrary to the growth management
plan, the future land use map, the code or the official
zoning atlas, or building code, whichever is applicable.

DIV. 1.6 INTERPRETATIONS/WA/md/7/5/95

Amend the LDC as follows:

Amend Section 2.2.6.4.3 Minimum Yard Requirements as follows:

2.2.6.4.3 Minimum Yard Requirements. Thirty feet (30') with one foot (1') of additional setback for each one foot (1') of height over thirty five feet (35').

1. Front Yard - Thirty (30) feet.
2. Side Yards - One-half of the building height as measured from each exterior wall or wing of a structure with a minimum of fifteen (15) feet.
3. Rear Yard - Thirty (30) feet.

Amend Section 2.2.7.4.3 Minimum Yard Requirements as follows:

2.2.7.4.3 Minimum Yard Requirements. Thirty five feet (35'), plus one foot (1') for each foot over fifty feet (50') in height.

1. Front Yard - One-half of the building height as measured from each exterior wall or wing of a structure with a minimum of (30) feet.
2. Side Yards - One-half of the building height as measured from each exterior wall with a minimum of fifteen (15) feet.
3. Rear Yard - One-half the building height as measured from each exterior wall or wing of a structure with a minimum of thirty (30) feet.

Amend Section 2.2.8.4.3 Minimum Yard Requirements as follows:

2.2.8.4.3 Minimum Yard Requirements. Fifty five percent (55%) of the building height with a minimum of twenty feet (20').

1. Front Yard - One-half the building height as measured from each exterior wall or wing of a structure with a minimum of thirty (30) feet.
2. Side Yards - One-half the building height as measured from each exterior wall with a minimum of fifteen (15) feet.
3. Rear Yard - One-half the building height as measured from each exterior wall with a minimum of thirty (30) feet.

YARD REQUIREMENTS/LDC/RFN/md/14322

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ORIGIN: Staff, as directed by the BCC

AUTHOR: Martin Powers, Planner I
Bryan Milk, Project Planner

DEPARTMENT: Current Planning Section, Planning Services
Department

LDC SECTION: Section 2.3. OFF-STREET PARKING AND LOADING

CHANGE: Comprehensive review of parking standards
resulting in various recommended changes

REASON: Directed by the BCC

FISCAL & OPERATIONAL IMPACTS: The recommended changes will not have an operational impact on the County. The review process will not change, only some of the standards and requirements.

In addition, there will be no fiscal impact to the County as a result of the recommended changes. The fiscal impact to the business and development community will be positive where a reduction in the required amount of off-street parking is approved as this will reduce the amount of a site which must be dedicated to parking. Of course the reverse is true where an increase in the required amount of parking is recommended.

RELATED CODES OR REGULATIONS: The Collier County
Administrative Code and the Building Code.

DIVISION 2.3. OFF-STREET PARKING AND LOADING

Sec. 2.3.1 Title and citation.

This division shall be known and may be cited as the "Collier County Off-Street Parking and Loading Code."

Sec 2.3.2. Purpose and intent.

It is the intent of this division that the public health, safety, comfort, order, appearance, convenience, morals, interest, and general welfare require that every building and use erected or instituted after the effective date of this code shall be provided with adequate off-street parking facilities for the use of occupants, employees, visitors, customers or patrons. It is also the intent of this code that certain uses must provide adequate off-street loading facilities.

Words underlined are added, words ~~struck-through~~ are deleted

Such off-street parking and off-street loading facilities shall be maintained and continued so long as the use continues. (For definitions of "parking space, off-street" and "loading space, off-street", see article 6). (Ord. No. 92-73, §2)

Sec. 2.3.3. General applicability.

Wherever in any zoning district off-street facilities are provided for the parking or display of any and all types of vehicles, boats or heavy construction equipment, whether such vehicles, boats or equipment are self-propelled or not, and all land upon which vehicles traverse the property as a function of the primary use (including "drive-in" facilities) hereinafter referred to as "other vehicular uses," such off-street facilities and land shall conform to the minimum requirements of this code.

- 2.3.3.1. Repair of existing building or use. Off-street loading facilities shall be provided as set forth in this division. Conforming buildings and uses existing as of the effective date of this code may be modernized, altered, or repaired without providing additional off-street parking or off-street loading facilities, providing there is no increase in floor area or capacity or change in use which would require additional off-street parking.
- 2.3.3.2. Enlargement of existing building or use. Where a conforming building or use existed as of the effective date of this code and such building or use is enlarged in floor area, volume, capacity, or space occupied, off-street parking and off-street loading as specified in this code shall be provided for the additional floor area, volume, capacity, or space so created or used.
- 2.3.3.3. Change of exiting use. Where a use and building existed at the effective date of this code and the use is changed after the effective date of this code and where this code requires such later and changed use to have greater required off-street parking, then additional off-street parking shall be provided for the later and changed use as required under this code.
- 2.3.3.4. Central business district. Unless otherwise provided, areas designated as the central business district of a community shall not be

required to meet the requirements for off-street parking and loading herein. Such central business districts may be designated on a map or such other documents and materials as are necessary and adopted by the board of county commissioners upon recommendation of the planning commission for the purpose of exempting such area from off-street parking and loading regulations.

(Ord. No. 92-73, §2)

Sec. 2.3.4 Off-street vehicular facilities: design standards.

Off-street parking facilities and other vehicular facilities, both required and provided, shall:

- 2.3.4.1 Identification. Be identified as to purpose and location when not clearly evident.
- 2.3.4.2 Surfacing. Be surfaced with asphalt, bituminous, concrete or dustless material and maintained in smooth, well-graded condition. Up to 70 percent of the parking spaces for houses of worship and schools may be surfaced with grass or lawn. Spaces that are not paved shall be compacted, stabilized, well drained and surfaced with a durable grass cover. Driveways, handicapped spaces and access aisles shall be paved. When the development services director determines that the paving of some or all parking spaces for houses of worship and schools will have significant negative environmental impacts, the director may require that these parking spaces not be paved. Upon approval of the development services director, a suitable material (limerock excluded) with a suitable stabilized subgrade may be substituted for the above materials. This section 2.3.4.2 shall not apply to single-family dwellings.
- 2.3.4.3 Drainage and slope. Be drained and sloped so as not to cause any nuisance to adjacent property or to public property or rights-of-way.
- 2.3.4.4 Lighting. Be so lighted, if lighted, as to shield streets and all adjacent properties from direct glare, excessive light, and hazardous interference with automotive and pedestrian traffic.

Words underlined are added, words ~~struck-through~~ are deleted

- 2.3.4.5 Access. Be arranged for convenient and safe access of pedestrians and vehicles.
- 2.3.4.6 Internal circulation. Be arranged so that no vehicle shall be forced onto any street to gain access from one aisle to another aisle.
- 2.3.4.7 Striping or marking. Whenever the number of off-street parking spaces required by this code is five or more, all parking spaces shall be striped or marked with paint or other suitable pavement marking material.
- 2.3.4.8 Landscaping. Be constructed so that interior portions of off-street vehicular facilities not utilized specifically as a parking space or maneuvering or other vehicular use area shall not be paved but shall be landscaped in accordance with this code, specifically division 2.4.
- 2.3.4.9 Dead-end aisles. Off-street parking areas shall be designed so as not to create dead-end aisles except as may be permitted in accordance with provisions of the Standard Building Code, or other applicable codes referenced within division 1.18. Aisles designed for one-way traffic flow shall have painted arrows not less than four feet at each end of the aisle indicating the direction of travel.
- 2.3.4.10 Redesign. Whenever any part of an off-street parking area is redesigned, those pavement markings which no longer apply shall be completely obliterated.
- 2.3.4.11 Locational requirements.
1. All required off-street parking facilities shall be located on the same lot they serve or may be located on another lot under the same or different 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 circulation element of the growth management plan; and

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- 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, or the locational requirements for commercial uses identified in the future land use element of the growth management plan can be met.
 - c. That in the case of off-site parking facilities proposed to be located on a lot or lots not under the same ownership as the lots on which the business or use said parking is intended to serve is located, such off-site parking may be approved as follows:
 1. Subject to the procedures set forth in Section 2.3.5 of this code; or
 2. When off-site parking is located on property contiguous to the property on which the business or use it is intended to serve is located and is in excess of the minimum amount of parking required pursuant to section 2.3.14 of this code.
 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 division 3.3 may allow some required parking to be located off-site, provided:
 - a. All of the lots are under the same ownership;
 - b. No off-site parking space is located further than 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 2.3.4.11.5;

- c. The lots are not separated by an arterial roadway as designated in the traffic circulation element of the growth management plan;
 - d. At least 67 percent of the required parking for the development is located on the lot with the principal structure unless special circumstances exist under section 2.3.4.11.5; 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 administration shall base his determination of requests for off-site parking under section 2.3.4.11.2 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 division 3.3. The procedural requirements set forth in section 2.7.5 of this code 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:

Words underlined are added, words ~~struck-through~~ are deleted

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- a. All of the lots are under the same ownership;
 - b. No off-site parking space is located further than 300 feet from the building or use they are intended to serve, measured by the shortest feasible walking distance, unless special circumstances exist [exist] under section 2.3.4.11.5;
 - c. The lots are not separated by an arterial roadway as designated in the traffic circulation element of the growth management plan;
 - d. At least 67 percent of the required parking for the development is located on the lot with the principal structure unless special circumstances exist under section 2.3.4.11.5;

- 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 20 feet in height so as to prevent glare upon all neighboring residential properties; and
 - (3) A 15-foot-wide landscape buffer strip shall be provided around the entire perimeter where it directly abuts residentially zoned property. Six-foot-high architecturally finished wall, fence, hedge, or berm combination and ten-foot-tall shade trees spaced no more than 20 feet apart on center shall be required. The board of zoning appeals may reduce the six-foot-high screening requirement to four-foot-high within front yard setback areas.
5. Where the following special circumstances exist, the community development services administrator or the board of zoning appeals, whichever is applicable, may reduce the requirements of section 2.3.4.11.2.b and/or section 2.3.4.11.2.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 2.3.14;
 - c. Where the proposed off-site parking will serve uses within the Immokalee central business district as described in section 2.3.21.4;
 - d. Where the proposed off-site parking spaces will only be for valet parking; or
 - e. Where the proposed off-site parking spaces will be for employees (limited to a maximum of 15 percent of the project's total parking requirement).

6. The board of zoning appeals shall based 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.
7. When parking is approved under section 2.3.4.11.2 or 2.3.4.11.4, the following provisions shall apply:

Words underlined are added, words ~~struck-through~~ are deleted

- 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 code.
8. Each off-street parking space must be directly accessible from a street, alley or other public right-of-way and all

Words underlined are added, words ~~struck-through~~ are deleted

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 2.3.14.

9. No more than ten percent of a shopping center's total parking requirement may be placed in the rear of the shopping center unless the center has convenient and well-lighted front and rear accesses for patrons and employees and where the rear buildings are architecturally finished adjacent to rear accesses.

2.3.4.12 Dimensional standards.

2.3.4.12.1 Minimum aisle widths. Minimum aisle widths shall be as follows:

Angle of Parking	Aisle Width (One-Way)	Aisle Width (Two-Way)
Parallel	12 feet*	20 feet
30 degrees	12 feet*	22 feet
45 degrees	12 feet*	22 feet
60 degrees	18 feet	24 feet
90 degrees	22 feet	24 feet

*Fire districts may require these to be increased to 14 feet where an acute turning radius is present.

2.3.4.12.2. Minimum space size. Each parking space shall be a minimum of nine feet by 18 feet in size except for compact parking spaces allowed within section 2.3.4.12.3.

2.3.4.12.3. Minimum compact space size. In retail commercial projects, up to 15 percent, and in all residential, office and industrial projects, up to 25 percent of the required parking spaces may be designated as compact spaces with minimum dimensions of eight feet by 16 feet. Compact spaces will only be allowed in projects requiring 20 or more parking spaces. The compact spaces shall be clustered in one or more groups of spaces and dispersed throughout the site so that drivers using either compact or full-sized spaces have equal access to the most convenient parking locations. Compact spaces shall be designated by signs on every third space, painted

"Compact" on each pavement space and double-striped to indicate their status. Spaces provided in excess of the required number of spaces may all be compact spaces as long as compact spaces never exceed 33 percent of the total number of spaces provided.

2.3.4.12.4. Secondary parking from alley access. For any nonresidential development which abuts an alley, a maximum of ten parking spaces, not to exceed 30 percent of the required parking for the proposed use, may be accessed solely from the alley. Said parking spaces shall be clearly marked and arranged in such a manner so that each parking space meets the minimum size required in section 2.3.4.12.2 of this code. Additionally, these spaces shall be arranged in a manner which allows for full compliance with any required landscaped buffer requirements. These spaces shall be for the exclusive use of employees and service vehicles and shall be clearly designated as such by appropriate signage.

(Ord. No. 92-73 § 2; Ord. No. 93-89, § 3; Ord. No. 94-58, § 3, 10-21-94)

Sec. 2.3.5 Off-street parking: shared parking.

For the purposes of this section, shared parking shall be defined as: off-site parking on property that normally is not under the same ownership as the structure or use the parking is designed to serve and consists of joint parking, where parking serves and is credited for land uses on two or more properties, and/or leased parking, where credited parking space is excess to the parking requirements of the lot on which it is located based on section 2.3.14.

2.3.5.1 Application procedures. An application for shared parking approval may be submitted, and shall be processed in conjunction with a site development plan, pursuant to division 3.3. The determination of the request shall be made by the board of zoning appeals, after review and recommendation by the planning commission. The procedural requirements set forth in section 2.7.5 of this code shall be followed in the review and determination of shared parking petitions.

2.3.5.2. Application contents. The petition for shared parking approval shall include:

1. A site development plan with all necessary attachments, pursuant to division 3.3;

Words underlined are added, words ~~struck-through~~ are deleted

2. The site development plan shall also depict: the proposed shared parking facility and its vehicular access drives and parking spaces; pedestrian walkways between the shared parking facility and all buildings or uses they are designed to connect; lighting and landscaping of the shared parking facility; and the alternate parking plan or land reservation plan described in section 2.3.5.6 unless a minimum ten-year leased parking agreement is proposed;
3. Notarized documentation demonstrating that the petitioner has permission for all involved property owners to obtain the necessary approvals and describing all buildings or uses that will be receiving credit for the shared parking including normal operating hours for such buildings or uses; and
4. A proposed shared parking agreement between all involved property owners, with notarized signatures, describing the rights and limitations of all property owners and businesses. Such agreement shall bind the heirs, successors and assigns of each such owner.

2.3.5.3. Requirements for shared parking. Proposed shared parking facilities shall meet all of the following provisions:

2.3.5.3.1. All parking spaces that are to be shared shall be paved.

2.3.5.3.2. No shared parking space shall be located further than 300 feet from the buildings or uses they serve unless special circumstances exist including, but not limited to:

1. Where the proposed off-site parking will serve temporary parking for sports events, religious events, or community events as described in section 2.3.14'
2. Where the proposed off-site parking will serve uses within the Immokalee central business district as described in section 2.3.21.4;
3. Where the proposed off-site parking spaces will only be for valet parking;

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4. Where the proposed off-site parking will serve water-dependent and/or water-related uses; and
5. Where the proposed off-site parking will only be for employees (limited to a maximum of 15 percent of the project's total parking requirement).

2.3.5.3.3. The shared parking spaces shall not be separated from the buildings or uses they are designed to serve by a roadway designated as a collector or arterial in the traffic circulation element of the growth management plan.

2.3.5.4. Credit for joint parking spaces. Credit for joint parking spaces shall be limited to the following amounts:

1. Where the request involves a church and another property whose predominant parking demand is between 7:00 a.m. and 6:00 p.m., Monday through Friday, or two other properties, where the business hours of one property do not overlap with the business hours of the other property, the credit for joint parking spaces shall not exceed 50 percent of the minimum required spaces for the property requiring the least amount of spaces. The credit may be applied all to one property or split between the two properties; or
2. In all other cases, the credit for joint parking spaces shall not exceed 25 percent of the minimum required spaces for the property requiring the least amount of spaces. The credit may be applied all to one property or split between the two properties.

2.3.5.5. Credit for leased off-site parking spaces. Credit for leased off-site parking spaces shall be limited in all cases to 35 percent of the land use's parking requirement that the parking spaces are proposed to serve.

2.3.5.6. Review criteria for shared parking. The board of zoning appeals shall base their determination of the requests for shared parking on the following review criteria:

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- 2.3.5.6.1. The proposed shared parking facility, including its ingress and egress, is safe and convenient for motorists and pedestrians;
- 2.3.5.6.2. The proposed shared parking facility will not adversely impact the character and quality of the neighborhood nor hinder the proper future development of surrounding properties;
- 2.3.5.6.3. The shared parking plan will have environmental, economic or traffic flow benefits for the community;
- 2.3.5.6.4. The shared parking plan will solve parking problems that were not created by the owners or lessees of the subject properties;
- 2.3.5.6.5. Other more viable parking alternatives are not available for the subject properties;
- 2.3.5.6.6. The operating hours, types of land uses, and other applicable factors are conducive for shared parking at the present time and are likely to remain constant;
- 2.3.5.6.7. Approval of the shared parking agreement would be consistent with the future land use element of the growth management plan;
- 2.3.5.6.8. Where the shared parking plan shows no land reservation or a minimum ten-year leased parking agreement, the petitioner has demonstrated that the alternative parking plan is feasible at the present time, and should be feasible in the future;
- 2.3.5.6.9. Failure of the shared parking plan and the alternative parking plan or the minimum ten-year leased parking agreement would not have serious implications on the public health, safety and welfare; and
- 2.3.5.6.10. Approval of the petition will not create parking problems for any neighboring property.
- 2.3.5.7. Conditions of approval for shared parking. Where shared parking is approved under section 2.3.5.6, the following provisions shall apply:
- 2.3.5.7.1. The board of zoning appeals 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

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limited to: pedestrian ground level or overhead walkways, traffic signals, traffic control devices, directional signs, signs to designate shared parking spaces, lighting standards, extra landscaping, buffers, screens and limited hours of operation;

2.3.5.7.2. The shared parking agreement shall be recorded in the public records of Collier County, Florida at the owner's expense. Collier County shall release the parties to the shared parking agreement and from the terms thereof, if other required off-street facilities are provided in accordance with the requirements of this ordinance; and

2.3.5.7.3. The board of zoning appeals shall determine that the minimum ten-year leased parking agreement or the alternative parking plan is feasible or the petitioner and/or owner of the shared facility reserves sufficient land areas required to meet future parking needs. A land reservation shall be required for all shared parking approvals except where the shared parking is between a church and another land use or only between existing structures for joint parking or an existing structure for leased parking that have received certificates of occupancy. Such land reservation may include any number of parking spaces so long as there are sufficient spaces to accommodate the parking needs of both the sharing facility and the facility needing the additional parking. This reservation shall be recorded in the public records of Collier County, Florida at the owner's expense. Collier County shall release the parties to the land reservation agreement from the terms thereof, if other required off-street facilities are provided in accordance with the requirements of this code.

(Ord. No. 92-73, § 2)

Sec. 2.3.6. Off-street parking: uses not specifically mentioned.

Requirements for off-street parking for uses not specifically mentioned in this division shall be the same as for the use most similar to the one sought, or as otherwise determined by the Planning Services Director pursuant to Section 2.3.9 of this Code it being the intent of this code to require all uses to provide off-street parking, unless specific provisions is made to the contrary.

(Ord. No. 92-73, § 2)

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Sec. 2.3.7. Off-street parking: fractional measurements.

When units of measurements determining number of required off-street parking spaces result in a requirement of a fractional space, then such fraction equal or greater than one-half shall require a full off-street parking space.

Sec. 2.3.8. Off-street parking: measurement.

Where this code requires off-street parking based on various types of measurements, the following rules shall apply:

2.3.8.1. Floor area means, for the purposes of this division only, the gross floor area inside the exterior walls, unless otherwise specifically indicated.

2.3.8.2. In hospitals, bassinets do not count as beds.

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2.3.8.3. In stadiums, sports arenas, houses of worship, and other places of public assembly where occupants utilize benches, pews, or other similar seating arrangements, each 24 lineal inches of such seating facilities count as one seat.

2.3.8.4. Where the parking requirements are based on number of employees or persons employed or working in an establishment and the number of employees increases after the building or structure is occupied, then the amount of off-street parking provided must be increased in ratio to the increase of the number of employees.

(Ord. No. 92-73, § 2)

Sec. 2.3.9. Off-street parking: minimum requirements.

Irrespective of any other requirement of this code, each and every separate individual store, office, or other business shall be provided with at least one off-street parking space, unless specific provision is made to the contrary.

The Planning Services Director may determine the minimum parking requirements for a use which is not specifically referenced below or for which an applicant has provided evidence that a specific use is of such a unique nature that the applicable minimum parking ratio listed in this Code should not be applied. In making such a determination the Planning Services Director may require submission of parking generation studies; evidence of parking ratios applied by other counties and municipalities for the specific use; reserved parking pursuant to Section 2.3.14; and other conditions and safeguards deemed to be appropriate to protect the public health, safety and welfare.

Sec. 2.3.10. Off-street parking: parking provided over and above the minimum parking requirement.

Developers providing off-street parking in excess of the requirements of this code shall be required to provide double the required interior landscaping as required by Section 2.4.5.2 for those projects required by this Code to provide in excess of two hundred (200) spaces.

Sec. 2.3.11. Off-street parking: parking lots exceeding 200 spaces.

Developers providing parking lots in excess of 200 parking spaces may surface 15% of the required off-street parking spaces in grass which shall be compacted, stabilized, well drained and surfaced with a durable grass cover. Such grass

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parking spaces shall be located along the outlying perimeter of the parking lot. Driveways, handicapped spaces and access aisles shall be paved. All grassed parking spaces shall be included in the water management calculations for site development plan review.

Sec. 2.3.1012. Off-street parking: encroachment prohibited.

Required off-street parking shall be located so that no automotive vehicle when parked shall have any portion of such vehicle overhanging or encroaching on public right-of-way or the property of another. If necessary, wheel stops or barriers may be required in order to enforce this provision. (Ord. No. 92-73, § 2)

Sec. 2.3.1111. Off-street parking: not to be reduced or changed.

Required off-street parking according to the requirements of this code shall not be reduced in area or changed to any other use unless the permitted or permissible use that it serves is discontinued or modified, or equivalent required off-street parking is provided meeting the requirements of this code.

Sec. 2.3.1214. Off-street parking: reservation.

Where the developer believes that the parking spaces required for a specific project are excessive, that developer may request a reservation of the parking spaces that are deemed excessive. An application to reserve off-street parking shall be processed through the normal variance procedures, but shall not be subject to the variance review standards listed in section 2.7.5.6. of this code. If the parking reservation is approved by the board of zoning appeals after review and recommendation by the planning commission, the developer shall reserve an area that is sufficient in size to provide this parking, in case the parking is needed in the future. The developer shall provide additional landscaping (trees and shrubs). This increased landscaping shall be the same percentage increase over the normal required landscaping that the parking spaces were approved to be reduced by, and further provided:

2.3.1214.1. A site development plan is submitted to [the county] and approved in accordance with section 3.3.5.

2.3.1214.2. The owner of the land upon which such parking is being reserved shall enter into a written agreement with the count, to be filed with the clerk of the circuit court, with enforcement running to the county ensuring that the reserved parking area shall never be

encroached upon, used, sold, leased or conveyed for any purpose except in conjunction with the building or use which the reserved parking area serves so long as the off-street parking facilities are required.

2.3.4214.3. The owner of the land upon which such reserved parking area is located agrees to bear the expense of recording the agreement, which agreement shall bind his heirs, successors or assigns.

2.3.4214.4. The written agreement shall be voided by the county if the reserved parking area is converted to usable parking area or if the reserved parking area is not longer required.

2.3.4214.5. Any other condition(s) that the board of zoning appeals determines appropriate with a recommendation of approval. Such condition(s) may include provisions of escrow money that can be used to develop the parking spaces at a later date, if necessary.

(Ord. No. 92-73, § 2)

Sec. 2.3.4215 Reserved.

Sec. 2.3.4416. Off-street parking and stacking: required amounts.

Minimum off-street parking space requirements are set forth below. Where stacking is required, the amount listed does not include the first vehicle being serviced (for drive-in windows, stacking starts ten feet behind the middle of the pickup window) and is computed at 20 feet per vehicle (turns are computed at 22 feet per vehicle, measured at the outside of the driveway). Stacking for one lane may be reduced if the reduction is added to the other lane(s).

Airport (civil aviation)	1 per 600 annual enplaned passengers.
Airport (general aviation)	1 per each aircraft tiedown/storage/maintenance area.
Art gallery or museum	1 per 300 square feet of floor area open to the general public.
<u>Archery Fields</u>	<u>1 per 1.5 target practice stalls.</u>
Athletic fields	40 25 spaces for each athletic field (baseball, <u>softball</u> , <u>football</u> slow pitch, soccer,

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etc.). The community development services administrator, or his designee, may administratively reduce this requirement where the applicant can demonstrate a reduced need for the required parking due to the type of athletic facility or where shared parking may be provided on adjacent public property. Grassed parking may be permitted for not more than 50 percent of the provided parking.

Auto Maintenance center (drive-through)	1 per 250 square feet. Stacking for 5 vehicles for the first bay and 2 for each additional bay.
Auto service station	3.5 per service bay or 1 per 250 square feet, whichever is greater.
Auto/truck/trailer leasing	1 per 500 square feet of roofed building area plus 1 per 2,000 square feet of paved outdoor vehicle storage area. These spaces shall not be used for the parking of rental vehicles.
Auto/truck/boat/motorcycle repair	3 spaces plus one per services bay or 1 per 1000 square feet of leaseable area, whichever is greater.
Auto/truck/boat/motorcycle/recreational vehicle sales or dealership	1 per 400 square feet of building area except service/body shop buildings which are 3.5 per service bay or 1 per 500 square feet, whichever is greater; plus 1 per 2,000 square feet of outdoor sales/display area.
Auto/truck washing	1 for self-service wash facilities and 1 per employee of the largest shift for automatic wash facilities. Stacking for 2 vehicles per stall for self-service wash bays and stacking for 5 vehicles per automatic car-wash lane.

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Bank or financial institution	1 per 250 square feet on the first floor and 1 per 300 square feet on any other floors. Stacking for 65 vehicles for each drive-up window not to exceed a total requirement of 25 vehicles.
Barbershop/beauty parlor/hair salon	1 per 200 square feet or 3 per barber/beautician haircutting chair, whichever is greater, and <u>1.5 per station or booth for nails, massages, facials, suntanning, etc.</u>
Beverage center (drive-through)	1 per 250 square feet. Stacking for 5 vehicles for the first drive-through aisle and 2 for each additional aisle.
<u>Boat Ramp</u>	<u>Minimum 10 spaces per ramp with dimensions of 10 feet wide by 40 feet long. Vehicular parking shall be provided at 4 spaces per ramp.</u>
Boat storage	(Only for dry storage on a site that has no water access for boats and those not associated with a self-service storage facility), 1 per 12 dry boat storage spaces.
<u>Bottling Establishment</u>	<u>1 per 500 square feet of building area. Office area shall be calculated at 1 per 275 square feet.</u>
Bowling alley	1 per 200 square feet for bowling area which also includes parking for locker room area, bowlers' seating/approach area and storage area plus 1 per 150 square feet for all other uses including offices, snack bars, lounges, game/pool rooms, and sales areas.

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Building supplies/
lumberyard

(Only for retail sales where the supplies are primarily stored outside), 1 per 275 square feet of inside retail/office area plus 1 per 1,500 square feet of enclosed or roofed storage structures.

Catering shop

1 per 500 square feet. Sales and display areas shall be computed at 1 per 250 square feet and office area shall be computed at 1 per 300 square feet.

Child care/day nursery/
adult day care center

1 per employee of the largest workshift plus 1 space for every 10 children/adults. In addition, adequate dropoff and pickup areas shall be provided.

Church/house of worship/
temple/synagogue

3 for each 7 seats in chapel or assembly area. Other uses are not counted except for residential uses. A reduction of this standard to a minimum of 1 space or each 4 seats, may be applied for in conjunction with an application for a site development plan, through the board of zoning appeals after review and recommendation of the planning commission. This reduction will only be allowed for expansion created by congregational growth, for existing church buildings where the applicant can demonstrate a significant hardship exists.

A stacked or other parking plan shall be submitted with the application which will demonstrate that the vehicle parking will not have negative impacts upon neighboring properties and will provide adequate access for emergency vehicles.

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Coin-operated (laundry, self-service)	1 per each 2 washing machines.
<u>Commercial laundry</u>	<u>1 per 500 square feet of building area.</u>
Convenience store/delicatessen/takeout prepared food store	1 per 200 square feet plus 1 for each 2 seats provided for food patrons, plus stacking for 5 vehicles for each automatic carwash lane.
Dance, art, music studio	1 per 250 square feet.
<u>Dry cleaning</u>	<u>1 per 100 square feet.</u>
Equipment retail store	1 per 500 square feet plus 1 per 2,000 square feet of outside storage/display areas.
<u>Flea market</u>	<u>1 per 50 square feet of sales area or 1 per vendor display booth, whichever is greater.</u>
Funeral home/crematories	1 per 75 square feet for room used for services and chapels and 1 per 300 square feet for all other uses.
Furniture/carpet/major appliance store	1 per 600 square feet (this includes retail, office and storage areas).
Golf course	4 per hole plus 1 per 200 square feet for office/lobby/pro shop/health club/clubhouse/lounge/snack bar/dining/meeting room areas and 50 percent of normal requirements for exterior recreation uses including: swimming pools, golf driving ranges and tennis courts. Golf cart, golf bag and equipment storage rooms; maintenance buildings; and rooms for mechanical equipment shall be computed at 1 per 1,000 square feet.

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Golf driving range	1 per 2 driving tees and 1 per practice putting green plus normal requirements for any structures.
Golf (miniature)	1.25 per hole plus normal requirements for any structures.
Heliport, helipad, ultralight flight park	1 per 2 helicopter tiedown/storage/service areas plus 1 per 5 ultralight tiedown/storage/ service areas.
Hospital	11 per 5 patient beds.
Hotel	11 per 10 guestrooms (this includes the required parking for the hotel office and all accessory recreational facilities that are open to hotel guests only). Accessory uses shall be computed as follows: 50 percent of normal requirements for restaurants, 1 per 400 square feet for other retail uses, 1 per 100 square feet for meeting rooms, ballrooms and convention rooms and 1 per 100 square feet for lounges, bars and nightclubs.
<u>Industrial use/activity manufacturing/processing (not otherwise listed)</u>	1 per 500 square feet or 1 per employee or of largest work-shift, whichever is greater. Office/retail areas shall be computed at 1 per 275 square feet.
<u>Interior decorator/design center</u>	<u>1 per 300 square feet of building area.</u>
Junkyard, salvage yard	1 per 500 square feet of roofed area plus 1 per 15,000 square feet of outside storage area.
<u>Kennel/Veterinarian</u>	1 per 200 square feet except for animal holding areas. 1 per 10 animal holding areas.

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Landfill

2 per employee of largest
wshift.

Library, community
recreational facility

1 for each 200 square feet or 1
for each 3 seats, whichever is
greater.

Lounge, bar, bottleclub,
nightclub, pool hall
(drinking establishment)

1 per 50 square feet plus 1 per
75 square feet for any outdoor
eating/drinking areas.

Marina, boatel

1 per 2 wet boat slips
excluding those used for
charter boats plus 1 per 5 dry
boat storage spaces. Wet slips
used for charter boats
(including those for fishing,
shelling, diving, and
sightseeing purposes) are
computed at 1 per 3 boat
passengers based on the maximum
number of passengers and
charter boats used for dining
are computed at 1 per 2 boat
passengers based on the maximum
number of passengers. Each
parking space provided to meet
the marina's boat slip or dry
storage parking requirements
may also be credited towards
meeting 100 square feet of the
parking requirements for the
marina or any permitted
marina-related activities
excluding restaurants,
lounges/bars and private clubs.
Uses not receiving credit from
parking provided for boat slips
or dry storage spaces shall
provide parking at the normal
rate for those uses as required
within this code.

Medical/dental office or
clinic (outpatient care
facility)

1 per 200 square feet.

Model home sales office/
center

4 for the first unit and 1.5
for each additional unit.

Motel	12 per 10 guestrooms (this includes the required parking for the motel office and all accessory recreational facilities designed primarily for motel guests). Where accessory uses are designed primarily for motel guests, they shall be computed as follows: 67 percent of normal requirements for restaurants, 1 per 350 square feet for other retail uses, 1 per 100 square feet for meeting rooms, ball-rooms and convention rooms and 1 per 75 square feet for lounges, bars and nightclubs.
Nursery, plant (retail)	1 per 250 square feet of roofed and enclosed building area plus 1 per 2,000 square feet of outside display area open to the public.
Nursery, plant (wholesale)	1 per employee of largest work-shift plus 1 per 10,000 square feet of display area and 1 per acre of growing areas.
Office	1 per 300 square feet.
Office (contractor's)	1 per 300 square feet per [of] office area and 1 per 1,000 square feet per [of] roofed storage area plus 1 per each company vehicle that will be parked overnight.
<u>Post office</u>	<u>1 per 100 square feet.</u>
Private organizational club or lodge, <u>or fraternal organization</u>	1 per 100 square feet or 1 per 3 seats that will be set up at any time, whichever is greater. This shall be computed on all areas used for offices, meeting rooms, restaurants, dining rooms and indoor recreation. Other uses such as marinas, retail areas and outdoor recreation areas require additional parking at normal requirements.

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<u>Printing establishment</u>	<u>1 per 500 square feet of building area. Retail sales area shall be calculated at 1 per 250 square feet and office area shall be calculated at 1 per 300 square feet.</u>
Public buildings (fire, emergency medical service or sheriff station and jail)	1 per 200 square feet for administrative office area and 2 per employee of the largest shift for all other areas plus 1 per 5 prisoners based on the maximum holding capacity for any jails.
Recreation facilities (indoor) sports, exercise, fitness, aerobics, or health club/skating rink/game room/bingo parlor	1 per 100 square feet.
Recreation facilities (outdoor) tennis, racquetball or handball courts	3 per court plus other uses as required.
Research laboratory	1 per 300 square feet of office area plus 1 per 500 square feet of other areas or 1 per employee of largest workshift, whichever is greater, plus 3 for visitors.
Residential uses:	
Boarding/rooming house, bed and breakfast residence	1 per rented room plus 2 for owners/employees.
Convalescent home, nursing home, home for the aged, rehabilitation facility	2 per 5 beds.
Duplex	2 per dwelling unit.
Single-family house, town/row house, mobile home, guesthouse, caretaker's residence	2 per unit.
<u>Dormitory/fraternity/sorority</u>	<u>1 per 2 beds, plus 1 per manager, plus 1 per employee.</u>

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Multifamily dwellings

All units shall have 1 per unit plus visitor parking computed at 0.5 per efficiency unit, 0.75 per 1-bedroom unit, and 1 per 2-bedroom or larger unit. Office/administrative buildings shall have parking provided at 50 percent of normal requirements.

Where small-scale recreation facilities are accessory to a single-family or multifamily project and intended only for the residents of that project, exclusive of golf courses/club-houses, the recreation facilities may be computed at 50 percent of normal requirements where the majority of the dwelling units are not within 300 feet of the recreation facilities and at 25 percent of normal requirements where the majority of the dwelling units are within 300 feet of the recreation facilities. However, any recreation facility shall have a minimum of 2 spaces exclusive of parking spaces for dwelling units.

Nursing home

Family care facility, group care facility (category I or category II), and care unit, see section 2.6.26 of this code.

Restaurant (walk-up or drive-through with walk-up window and/or outdoor seating)

1 per 80 square feet for public use areas including outdoor eating areas or 1 per 2 seats, whichever is greater, and for non public use areas (kitchen, storage, freezer, etc.) 1 per 200 square feet. A stacking area of 9 vehicles for the first drive-through lane and 6 for any additional drive-through lanes.

Restaurant (drive-through with no walk-up window or outdoor seating)

1 per 100 square feet. A stacking area of 10 vehicles for the first drive-through lane and 7 for any additional drive-through lanes.

Restaurant (fast food)

1 per 70 square feet for public use areas including outdoor eating areas or 1 per 2 seats, whichever is greater, and for non public use areas (kitchen, storage, freezer, etc.) 1 per 200 square feet. A stacking area of 9 vehicles for the first drive-through lane and 4 for any additional drive-through lanes.

Restaurant (sit-down)

1 per 60 square feet for public use areas including outdoor eating areas or 1 per 2 seats, whichever is greater, and for non public use areas (kitchen, storage, freezer, etc.) 1 per 200 square feet. Credit for boat slip parking is allowed where the slips have all necessary permits and are located on navigable waterways, using the formula 1 boat slip = 1 vehicle space, provided that each and all boat slips credited shall not be leased or rented for boat storage or utilized for any purpose other than customers frequenting said restaurant. Credit for boat slip parking shall be limited to a maximum of 10 percent of a restaurant's required parking not to exceed a total credit of 10 parking spaces, with the amount credited determined by the development services director based on the likelihood or restaurant customers using these wet slips during peak business hours of the restaurant.

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Retail shop or store (not otherwise listed) and department stores

1 per 250 square feet of indoor/outdoor retail and office areas plus 1 per 500 square feet for indoor/outdoor storage areas that have no access for the general public and partly enclosed or open air garden centers.

Schools:

Business school/vo-tech

2 per 5 students plus 4 per 5 faculty/staff members.

College/university

2 per 5 commuter students plus 1 per 2 resident students plus 4 per 5 faculty/staff members.

Elementary/junior high school

5 per 4 staff/faculty members.

Senior high school

1 per faculty/staff member plus 1 per 5 students.

Shopping center

1 space per ~~215~~250 square feet for centers with a gross floor area less than 400,000 square feet and not having significant cinemas/theaters (none or those with a total cinema/theater seating capacity of less than 5 seats per 1,000 square feet of the shopping center's gross floor area).

1 space per ~~175~~200 square feet for all other centers.

No more than 20 percent of a shopping center's floor area can be composed of restaurants without providing additional parking for the area over 20 percent.

Regional shopping center parking requirements shall be based upon gross leasable floor area which shall include any common area that is leased or used for retail activities.

Rear parking requirements: When more than 10 percent of a shopping center's total parking requirement is placed in the rear of the shopping center, the center shall have convenient and well-lighted

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front and rear accesses for patrons and employees and the rear buildings shall be architecturally finished adjacent to rear accesses.

Sports arena, stadium (outdoor), racetrack, theater, cinema auditorium, or public assembly area not otherwise listed

1 for each 3 seats/patrons allowed to stand or 1 space per 40 square feet of spectator seating/standing areas, whichever is greater plus 1 for each employee/non-spectator who will be present during performances excluding those arriving by buses. Bus parking is required when employees, non-spectators or spectators will be arriving by bus.

Stables, commercial riding stable, boarding stable, livery stable and dude ranch

1 per every 2 stalls.

~~Stadium (outdoor)~~

~~1 for each 3 seats/patrons allowed to stand or 1 space per 40 square feet of spectator seating/standing areas, whichever is greater plus 1 for each employee/non-spectator who will be present during performances excluding those arriving by buses. Bus parking is required when employees, non-spectators or spectators will be arriving by bus.~~

Storage facility (self-service)

1 per 20,000 square feet of storage buildings plus 1 per 50 vehicle/boat storage spaces plus 1 per 300 square feet of office areas. Minimum of 4.

Supermarket/grocery/farm stand

1 per 20050 square feet for those not within a shopping center the parking ratio shall be computed the same as for that shopping center. Supermarkets shall also meet the green space requirements and rear parking requirements as shown pursuant to shopping centers as set forth in this section.

Words underlined are added, words ~~struck-through~~ are deleted

Swimming pool/hot tubs/ spas (outdoor)	1 per 75 square feet of water areas for the first 1,000 square feet and 1 for each additional 125 square feet of water areas. A single-family house is exempt from this requirement.
<u>Taxi stand/office</u>	<u>1 space for each employee on the largest working shift, plus 1 space per taxi.</u>
Television/radio studio	1 per employee of largest shift or 1 per 400 square feet, whichever is greater; plus 3 for visitors.
Temporary parking for sports events, religious events or community events	In the case of a church, community or other sporting event which operates on an intermittent or seasonal basis, the required off-street parking may be provided on a temporary basis and need not be permanently designated, paved, drained, or landscaped, provided the use has been approved and [a permit] issued by the development services directors in accordance with applicable standards for the use.
Travel trailer/recreational vehicle park campsite	1 per campsite lot or other TTRVC lot.
Veterinarian	<u>1 per 200 square feet except for animal holding areas.</u> 1 per 10 animal holding areas.
Warehouse, wholesale establishment	1 per 1,000 square feet except for sales/office areas which are 1 per 275 square feet.
Vested projects: All types of site development plans that have been formally submitted or approved by January 29, 1991, will be exempt, at the election of the applicant, for the new parking requirements of section 2.3.14 as long as commencement of construction occurs on the project by January 29, 1992. Furthermore, amendments to these exempted site	

Words underlined are added, words ~~struck through~~ are deleted

development plans will also be exempted, at the election of the applicant, but only where the amendments are considered an insubstantial change per section 3.3.7. For this subsection, "commencement of construction" means the physical act of constructing or installing on or in the property substantial infrastructure as approved in the final approval of the site development plan. Where this paragraph conflicts with any portion of section 1.5.2, this paragraph shall prevail over section 1.5.2.
(Ord. No. 92-73, § 2; Ord. No. 94-27, § 3, 5-18-94)

Sec. 2.3.157 Off-street loading: specifications.

Off-street loading facilities are required by this code so that vehicles engaged in unloading will not encroach on or interfere with public use of streets and alleys by pedestrians and automotive vehicles and so that adequate space will be available for the unloading and loading off the street of goods, materials, or things for delivery or shipping. Off-street loading facilities supplied to meet the needs of one use may not be considered as meeting the needs of another use. Off-street parking facilities may not be used for or counted as meeting off-street loading requirements.

2.3.157.1. When the use of a structure or land or any part thereof is changed to a use requiring off-street loading facilities, the full amount of off-street loading space required shall be supplied and maintained. When any structure is enlarged or any use extended so that the size of the resulting occupancy requires off-street loading space, the full amount of such space shall be supplied and maintained for the structure or use in its enlarged or extended size.

2.3.157.2. Each off-street loading space shall be directly accessible from a street or alley without crossing or entering any other required off-street loading space or Off-street parking space. Such loading space shall be accessible from the interior of the building it serves and shall be arranged for convenient and safe ingress and egress by motor truck and/or trailer combination.

(Ord. No. 92-73, § 2)

Sec. 2.3.16g. Off-street loadings: plans required.

words underlined are added. words struck through are deleted

A plan shall be submitted with every application for a building permit for any use or structure required to provide off-street loading facilities. The plan shall accurately designate the required off-street loading spaces, access thereto, dimensions and clearance.

Sec. 2.3.179. Off-street loading: reservation.

Areas reserved for required off-street loading in accordance with the requirements of this code shall not be reduced to [in] area or changed to any other use unless the permitted or permissible use that it serves is discontinued or modified or equivalent required off-street loading is provided in accordance with the requirements of this code.

Sec. 2.3.1820. Off-street loading: combined off-street loading.

Collective, joint, or combined provisions for off-street loading facilities for two or more buildings or uses may be made, provided that such off-street loading facilities are equal in size and capacity to the combined requirements of the several buildings or uses and are designed, located, and arranged to be usable thereby.

Sec. 2.3.1921. Off-street loading requirements.

Off-street loading spaces shall be provided and maintained as follows:

2.3.1921.1. Each retail store, warehouse, wholesale establishment, industrial activity, terminal, market, restaurant, funeral home, laundry, dry cleaning establishment, or similar use which has an aggregate floor area of:

Square Feet	Number of Spaces
5,000 but not over 10,000	1
10,000 but not over 20,000	2
20,000 but not over 50,000	3

Plus one additional off-street loading space for each additional 25,000 square feet over 50,000 square feet or major fraction thereof.

2.3.1921.2. For each multiple-family dwelling facility having at least 20 dwelling units but not over 50 dwelling units: one space. For each multiple-family dwelling facility having over

50 dwelling units: one space, plus one space for each additional 50 dwelling units, or major fraction thereof.

2.3.1921.3.

For each auditorium, convention hall, exhibition hall, museum, hotel or motel, office building, sports arena or stadium, two or more buildings or uses may be permitted to combine their off-street loading facilities, provided that such off-street loading facilities meet the requirements of this code, are equal in size and capacity to the combined requirements of the several buildings or uses, and are designed, located, and arranged to be usable thereby; hospitals, sanitariums, welfare institutions, or similar uses which have an aggregate gross floor area of: over 5,000 square feet, but not over 20,000 square feet: one space; plus for each additional 25,000 square feet (over 20,000 square feet) or major fraction thereof: one space.

2.3.1921.4.

For facilities in section 2.3.19. not of sufficient size to meet the minimum requirements set forth therein, each such facility shall provide off-street loading on the property, in accordance with section 2.3.19, to insure that no deliveries or shipments of goods or products will require the use, however temporary, of any public right-of-way or required off-street parking space for the parking of a delivery vehicle.

2.3.1921.5.

For any use not specifically mentioned, the requirements for off-street loading facilities for a use which is so mentioned and to which the unmentioned use is similar shall apply.

2.3.1921.6.

Minimum loading space size. Each loading space shall be a minimum of ten feet by 20 feet in size.

(Ord. No. 92-73, § 2; Ord. No.94-58, § 3, 10-21-94)

Sec. 2.3.2022. Off-street parking spaces required for disabled persons.

2.3.20.1.

~~Publicly operated or maintained buildings.~~

2.3.20.1.1.

One space in the immediate vicinity of a building maintained and operated with public funds and intended for use by the public,

including, but not limited to, state office buildings, courthouses, rehabilitation centers, and hospitals, except a minimum of four spaces shall be provided at physical restoration-rehabilitation centers.

~~2.3.20.1.2~~ One space for each 150 metered on-street and publicly maintained and operated parking lot spaces.

~~2.3.20.2~~ Privately operated or maintained buildings or businesses.

~~2.3.20.2.1.1~~ Any business, firm, corporation, person, or other entity, except as provided for in ~~section 2.3.20.1~~, which operates or maintains a building which is used by the public or to which the public has access shall provide specially designed and marked motor vehicle parking spaces for the exclusive use of physically disabled persons, in accordance with the Americans with Disabilities Act (ADA) of 1990. These guidelines are to be applied during the design, construction and alteration of buildings and facilities covered by Titles II and III of the ADA to the extent required by regulations issued by Federal agencies, including the Department of Justice and the Department of Transportation under the ADA, who have been issued parking permits pursuant to F.C. § 320.0840.

~~2.3.20.2.2~~ A parking lot servicing any building or entrance pathway to a building shall have a number of level parking spaces, as set forth in the following table, identified by abovegrade signs, as provided in ~~section 2.3.20.3.4~~, as being reserved for physically disabled persons:

Total Spaces in Lot	Required Number of Reserved Spaces
Up to	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6

Total Spaces in Lot	Required Number of Reserved Spaces
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2% of total
<u>1001 and over</u>	<u>20 plus 1 for each 100 over 1,000</u>

- 2.3.202.3. Specific requirements and design- Parking spaces provided for the exclusive use of physically disabled persons serving a particular building shall be located on the shortest accessible route of travel from adjacent parking to an accessible entrance. In parking facilities that do not serve a particular building, parking shall be located on the shortest accessible route of travel to an accessible pedestrian entrance of the parking facility. In buildings with multiple accessible entrances with adjacent parking, parking spaces shall be dispersed and located closest to the accessible entrances.
- 2.3.202.3.1. All spaces shall have accessibility thereto to a curb ramp or curb cut, when necessary to allow access to the building served, and shall be located so that users will not be compelled to wheel behind parked vehicles.
- 2.3.202.3.2. Diagonal or perpendicular parking spaces shall be a minimum of 12 feet wide- by 18 feet long and provide a 5 foot wide by 18 feet long passenger loading zone adjacent and parallel to the parking space.
- 2.3.20.3.3. ~~Parallel parking spaces shall be located either at the beginning or end of a block or adjacent to alley entrances. Curbs adjacent to such spaces shall be of a height which will not interfere with the opening and closing of motor vehicle doors.~~
- 2.3.202.3.4. 1. Each such parking space shall be prominently conspicuously outlined with in blue paint, and shall be posted and maintained with a fixed, nonmovable permanent, above-grade sign of a color and design approved by the department of

Words underlined are added, words ~~struck-through~~ are deleted

transportation, bearing the internationally accepted wheelchair symbol and of accessibility or the caption "PARKING BY DISABLED PERMIT ONLY-", or bearing both such symbol and caption. All handicapped parking spaces must be signed and marked in accordance with the standards adopted by the Department of Transportation.

(Ord. No. 92-73, § 2)

Sec. 2.3.211. Standards for parking within the Immokalee central business district.
TANDARDS FOR PARKING WITHIN THE IMMOKALEE CENTRAL BUSINESS DISTRICT.

2.3.211.1 Primary area. Lots, parcels, or uses which have frontage on West Main Street (SR 29) or First Street (CR 846) shall comprise the primary area.

2.3.211.1.1. Existing uses. Uses in existence as of the effective date of this code are exempt from the minimum parking requirements as set forth in section 2.3.14 except that existing uses shall not reduce the number of spaces below that which is provided as of the effective date of this code.

2.3.211.1.2. Expansion. The expansion of any use shall require parking at 50 percent of the minimum requirement as set forth in section 2.3.14, for the expansion only.

2.3.211.1.3. Change in existing use. A change of any use shall be exempt from the minimum parking requirements as set forth in section 2.3.14 up to an intensity level of one parking space per 100 square feet. A change of use to an intensity of greater than [than] one space per 100 square feet shall require parking at one parking space per 150 square feet.

2.3.211.1.4. Uses in new buildings. Any use in a building constructed after the effective date of this code will be required to provide parking at 50 percent of the minimum requirement as set forth in section 2.3.14.

2.3.211.2. Secondary area. Lots, parcels, or uses which do not have frontage on Main Street or First Street shall comprise the secondary area.

Words underlined are added, words ~~struck-through~~ are deleted

- 2.3.21.2.1. Existing uses. Uses in existence as of the effective date of this code are exempt from the minimum parking requirements as set forth in section 2.3.14 except that existing uses shall not reduce the number of spaces below that which is provided as of the effective date of this code.
- 2.3.21.2.2. Expansion. The expansion of any use shall require an addition to any parking of the minimum number of required spaces as set forth under section 2.3.14, for the expansion only.
- 2.3.21.2.3. Change in existing use. A change of any use shall be exempt from the minimum parking requirements as set forth in section 2.3.14 up to an intensity level of one parking space per 100 square feet. A change of use to an intensity greater than one parking space per 100 square feet shall require parking at 50 percent of the minimum requirement as set forth under section 2.3.14. No change in use shall allow for a reduction of the current number of parking spaces provided.
- 2.3.21.2.4. Uses in new buildings. Any use in a building constructed after the effective date of this code will be required to provide parking at 67 percent of the minimum requirement as set forth in section 2.3.14.
- 2.3.21.3. Off-site parking agreements. In no way shall ~~the~~ provisions of the Immokalee central business district (ICBD) be construed so as to prevent establishments within the boundaries from taking advantage of off-site parking arrangements as set forth in section 2.3.4.11. Furthermore, the maximum distances set forth in section 2.3.4.11 shall be increased to 600 feet within the boundaries of the ICBD. Properties within the ICBD entering into off-site parking agreements with properties outside the ICBD may utilize the 600-foot rule.
- 2.3.21.4. Boundaries of the district. The physical limits of the Immokalee central business district (ICBD) are as shown on the official zoning atlas map of the subject area, and as described below:

Words underlined are added, words ~~struck through~~ are deleted

Beginning at the intersection of First Street and Third Avenue, the ICBD boundary proceeds westerly along the centerline of Third Avenue to its intersection with North Fifth Street to its intersection with Second Avenue, then westerly along the centerline of Second Avenue to the northerly extension of the east line of Lot 33, Block A, Joyce Park Subdivision; then southerly along said lot line to the southeast corner of said lot, then westerly along the south lot line of Lots 33, 34, and 35 to the southwest corner of Lot 35, then northerly along the western lot line of Lot 35 to the centerline of Second Avenue, then westerly to the centerline of North Ninth Street, then southerly to the westerly extension of the north lot line of Lot 12, Block 6, Carson's Subdivision, then easterly, northerly and easterly with the north lot line of Lot 12 and continuing easterly to the northeast corner of Lot 6, Block 4, Carson's Subdivision, then southerly to the centerline of Boston Avenue, then easterly to the centerline of Fourth Street South, then southerly to the western extension of the south lot line of Lot 5, Block 9, Carson's Addition Subdivision, then easterly to the centerline of Third Street South, then southerly to the centerline of Colorado Avenue, then easterly to the centerline of Second Street South, then southerly to the centerline of Eustis Avenue, then easterly to the southern extension of the centerline of Fahrney Street, then northerly with the centerline of Fahrney Street to the centerline of Delaware Avenue, then westerly to the southern extension of the east lot line of Lot 14, Block 1, Mainline Subdivision, then northerly to the centerline of Rose Avenue, then westerly to the centerline of South First Street, then northerly to the point of beginning.

(Ord. No. 92-73, § 2)

Sec. 2.3.224 STANDARDS FOR PARKING WITHIN THE MARCO LAKE DRIVE BUSINESS DISTRICT (MLDBD).

2.3.224.1. Location of Marco Lake Drive Business District: The Marco Lake Drive business District is hereby created. The Physical

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Limits of the Marco Lake Drive Business District (MLDBD) are depicted on the Official Zoning Atlas Map of the subject area. All of the lots which constitute the MLDBD are zoned commercial and have frontage on Marco Lake Drive. The MLDBD is further described as Lots 1 through 31, Marco Highlands Subdivision, as recorded in Plat Book 3, Page 72, of the Public Records of Collier County, Florida.

2.3.224.1.1. Existing Uses: Uses in existence as of the date of approval of this amendment (April 19, 1995), are exempt from the minimum parking requirements as set forth in Sec. 2.3.14 subject to the following conditions:

1. Existing uses shall not reduce the number of spaces below that which is provided as of the effective date of this amendment.
2. The Strip of Parking located along the eastern edge of Marco Lake Drive is designated Public Parking, no storage of commercial vehicles or overnight parking shall be permitted thereon.

2.3.224.1.2. Expansion or New Development: Parking to support any new development within the boundaries of the MLDBD shall be provided at seventy-five percent (75%) of the minimum requirement as set forth in Sec. 2.3.14 for uses which have a parking intensity of one (1) space per two hundred (200) square feet or less, for the square footage of the expansion or new construction only. Any expansion or new construction for uses having a parking intensity greater than one (1) space per two hundred (200) square feet shall provide the minimum parking required as set forth in Sec. 2.3.14. Any expansion or new construction shall include the on-site installation of parking for the disabled as provided for in Sec. 2.3.20 of this Code.

2.3.224.1.3. Change in Existing Use: A change in any use shall be exempt from the minimum parking requirements as set forth in Sec. 2.3.14 up to an intensity level of one (1) parking space per 200 square feet. A change of use to an intensity of greater than one (1) space per 200 square feet shall provide parking for the

use as set forth in Sec. 2.3.14, and shall provide on-site parking for the disabled as set forth in Sec. 2.3.20 of this code.

2.3.224.1.4. Off-Site Parking Agreements: In no way shall the provisions of the Marco Lake Drive business District (MLDBD) be construed so as to prevent establishments within the boundaries from taking advantage of off-site parking arrangements as set forth in Sec. 2.3.4.11.

OFF-STREET PARKING/md/13983

ORIGIN: Current Planning Staff

AUTHOR: Bob Mulhere, AICP
Current Section Planning Mgr.

DEPARTMENT: Planning Services

LDC SECTION: 2.6.33.3

CHANGE: To allow for temporary parking in support of construction and development activities on lots which are not contiguous to the lots on which the development activity is taking place, provided such temporary parking areas are not separated by a collector or arterial roadway (as designated in the Traffic Circulation Element of the Growth Management Plan.)

REASON: As a site is developed, especially a large project, there is a need for parking for workers which is located in a area which is both safe and convenient, and not otherwise interfere with the construction, sales and residential activities which may be occurring on the site. This change provides locational restrictions for temporary parking for construction and development which mirror the location restrictions for off-street parking set forth in Section 2.4 of the LDC. Staff continues to have the ability to review the proposed location for traffic circulation issues; landscaping and buffering; lighting; hours of use and length of operation; environmental impacts; stormwater management; and any other public health and safety issues.

FISCAL & OPERATIONAL IMPACTS: This proposed amendment will have no additional fiscal or operational impacts on either the County or the development and construction industry.

RELATED CODES OR REGULATIONS: None.

Amend the LDC as follows:

Section 2.6.33

Subsection 2.6.33.3

2.6.33.3.

8. Off-site temporary parking on property which is located contiguous to the subject development, or would be contiguous except for a roadway that is not designated as a collector or arterial in the Traffic Circulation Element of the Growth Management Plan, with the written authorization of the property owner.

Words underlined are added, words ~~struck-through~~ are deleted

ORIGIN: Planning Services Staff

AUTHOR: Bob Mulhere, Current Planning Mgr.

DEPARTMENT: Planning Services

LDC SECTION: 2.6.33.4.1

CHANGE: Addition of language to clarify intent of this Section.

REASON: Recently approved Temporary Use Permits for model homes have resulted in the models being used to market a product which is not permitted within the zoning district in which the model is located. An example would be constructing a model, in a single family zoning district, to meet the building code standards of a single family structure, but furnishing and designing the structure with the intent of marketing a multi-family project located in different geographical area of the County.

Model homes are not intended to be a full scale commercial operation and in fact the full scope of real estate activities from a model is prohibited. If a developer wishes an off-site model or sales center, it should be located within the appropriate commercial district, or residential district which permits the use the model is intended to market.

FISCAL & OPERATIONAL IMPACTS: This amendment will have no operational or fiscal impacts on the County.

RELATED CODES OR REGULATIONS: None.

Section 2.6.33.4 Model homes and model sales centers.

2.6.33.4.1 Model homes and model sales centers shall be of a temporary nature and may be allowed in any residential zoning district or residential component of a PUD by the issuance of a temporary use permit. Model Homes are intended to facilitate the sale of the model design, or of products similar in design to the model. Model homes located within residential zoning districts, or within a residential component of a PUD shall be restricted to the promotion of a product or products permitted within the residential zoning district or PUD in which the model is located and further subject to the following:

ORIGIN: Staff (Community Development)

AUTHOR: Bryan Milk, Project Planner

DEPARTMENT: Current Planning & Technical Services
Section

LDC PAGE: LDC 2:221, LDC 2:222

LDC SECTION: Sec. 2.6.35. Communication Towers.

CHANGE: This section is being amended to provide clarifying language to the development standards for amateur radio towers and ground-mounted antennas within the RMF-12, RMF-16 and RT zoning districts. The amendment also prohibits ground-mounted antennas above 20 feet within the VR, MH, and TTRVC zoning districts, and clarifies tower heights permitted within the commercial and industrial zoning districts.

REASON: Within the RMF-12, RMF-16 and RT zoning districts, amateur radio towers and ground-mounted antennas are permitted uses up to specified heights per Subsection 2.6.35.6.25. The proposed language clarification will provide a reference to these development standards. Also for the past 5 years staff has not seen the need for ground-mounted antennas above 20 feet within the VR, MH, and TTRVC zoning districts. Therefore, the change will limit ground-mounted antennas to a maximum height of 20 feet above the natural grade.

FISCAL & OPERATIONAL IMPACTS: This amendment should have no fiscal or operational impact on the County.

RELATED CODES OR REGULATIONS: None

Amend the LDC as follows:

- 2.6.35.6.1. Except to the extent that amateur radio towers, and ground-mounted antennas with a height not to exceed 20 feet, are exempted by subsection 2.6.35.6.25 herein, no new tower of any height shall be permitted in the RSF-1 through RSF-6, RMF-6, VR, MH, TTRVC, and E Estate zoning districts. However, notwithstanding other provisions of this section, including the separation requirements of subsection 2.6.35.6.6 below, towers may be allowed to any height as a conditional

Words underlined are added. words ~~struck through~~ are deleted

use in the E estate zoning district on sites approved for a specified essential service listed in subsection 2.6.35.6.3, below. There shall be no ~~variances~~ exception to this subsection except for variance conditional use applications by a government for a governmental use.

2.6.35.6.2

Permitted ground-mounted towers. Towers not exceeding the stated maximum heights are a permitted use subject to other applicable provisions of this section, including ~~separate requirements and shared use provisions~~. Towers that exceed those specified maximum heights require conditional use approval.

1. All commercial and industrial zoning districts: Any tower up to 75 feet in height is a permitted use subject to minimum yard requirements. Any tower that exceeds 75 feet in height up to a height of ~~200~~185 feet is a permitted lawful use only if permitted or otherwise provided in the respective zoning district and the base of such tower is separated from the nearest boundary of any parcel of land zoned RSF-1 through RSF-6, RMF-6, E, RMP-12, RT, VR, MH, TTRVC, or PUD zoning of six residential dwelling units or less, by a minimum distance in feet determined by multiplying the height of the tower (in feet) by a factor of 2.5. (The minimum separation distance is 2½ times the height of the tower.) Towers which do not meet the separation requirement may apply for a variance in accordance with section 2.7.5, ~~or a conditional use in accordance with section 2.7.4.~~

2. Agricultural zoning districts within the urban designated area: Towers not exceeding 200 feet.

3. Agricultural Districts within the rural designated area: Towers not exceeding 280 feet.

4. All agricultural zoning districts:
No tower shall be allowed on any site comprising less than 20 acres under common ownership or control except on conditional use sites, where towers can be approved as a conditional use on sites of less than 20 acres.

2.6.35.6.3 [no changes proposed to this section]

2.6.35.6.4 New towers shall be installed only on rooftops in the RMF-12, RMF-16, ~~and RT-7, VR, MH, and TTRVG zoning districts.~~ except amateur radio towers with a height not to exceed 75 feet above the natural grade, and ground-mounted antennas with a height not to exceed 20 feet above the natural grade are permitted within these zoning districts. ~~Except, however, that~~

Also, ground-mounted monopole communication towers up to 150 feet in height above the natural grade, including antennas affixed thereto, may be allowed as a conditional use within these zoning districts. The height of each monopole communication tower shall be limited to the height necessary for its use at its location.

2.6.35 COMMUNICATION TOWERS/md/6/19/95

ORIGIN: Office of the County Attorney

AUTHOR: Marjorie Student, Assistant County Attorney

LDC SECTION: 2.7.2.3

CHANGE: Change to notification procedures for zoning changes

REASON: To reflect state statutes

FISCAL & OPERATIONAL IMPACTS: This may change operational impacts as the Board will be required to hold only one public hearing, which is not, in all cases required to be an evening hearing. Of course the Board could elect to continue the current process in which two (2) evening hearings are required by the LDC.

RELATED CODES OR REGULATIONS: State Statutes

Amend the code as follows:

2.7.2.3. Notice.

2.7.2.3.1. Notice and public hearing where proposed amendment would not change zoning classification of land. Ordinances or resolutions initiated by the board of county commissioners or its designee which do not actually change the official zoning atlas (the zoning designation applicable to a piece of property) but do affect the use of land, including, but not

limited to, land development regulations as defined in F.S. § 163.3202, regardless of the percentage of the total land area of the county actually affected, shall be enacted or amended pursuant to the following public notice and hearing requirements by the planning commission and the board of county commissioners:

1. The planning commission shall hold one advertised public hearing on the proposed ordinance or resolution. No request for establishment or amendment of a regulation that affects the use of land may be considered by the planning commission until such time as notice of a public hearing on the proposed amendment has been given to the citizens of Collier County by publication of a notice of the hearing in a newspaper of general circulation in the county, at least 15 days in advance of the public hearing.
2. The board of county commissioners shall hold ~~two~~ at least one advertised public hearings on the proposed ordinance or resolution. Both hearings shall be held after 5:00 p.m. on weekdays and the first shall be held approximately seven days after the day that the first advertisement is published. ~~The second hearing shall be held approximately two weeks after the first hearing and shall be advertised approximately five days prior to the public hearing. The day, time, and place at which the second public hearing will be held shall be announced at the first public hearing.~~ The regular enactment procedure for such ordinance or resolution shall be as follows: The board of county commissioners at any regular or special meeting may enact or amend the ordinance or resolution if notice of intent to same is given at least 10 days prior to said

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

meeting by publication in a newspaper of general circulation in the county. A copy of such notice shall be kept available for public inspection during regular business hours of the office of clerk to the board of county commissioners. The notice of proposed enactment shall state the date, time and place of the meeting, the title of the proposed ordinance or resolution, and the place or places within the county where such proposed ordinance or resolution may be inspected by the public. The notice shall also advise that interested parties may appear at the meeting and be heard with respect to the proposed ordinance or resolution.

2-
3- The requested advertisements shall be no less than one-quarter page in a standard size or a tabloid size newspaper, and the headline in the advertisement shall be in a type no smaller than 18 pointer. The advertisement shall not be placed in that portion of the newspaper where legal notices and classified advertisements appear. The advertisement shall be published in a newspaper of general paid circulation in the county and of general interest and readership in the community pursuant to F.S. ch. 50, not one of limited subject matter. It is the legislative intent that, wherever possible, the advertisement shall appear in a newspaper that is published at least five days a week unless the only newspaper in the community is published less than five days a week. The advertisement shall be in the following form:

NOTICE OF ESTABLISHMENT OR CHANGE OF LAND REGULATION AFFECTING
THE USE OF LAND

The proposal to adopt or change a regulation affecting the use
of land for the area shown in the map in this advertisement.

A public hearing on the regulation affecting the use of land
will be held on ~~(date and time)~~ at a ~~(meeting place)~~.

The advertisement shall contain a brief explanation of the subject
matter of the proposed ordinance or resolution and shall also
contain a geographic location map which clearly indicates the area
covered by the proposed ordinance or resolution. ~~The map shall~~
include major street names as a means of identification of the
area.

2.7.2.3.2. Notice and public hearing where proposed amendment would change zoning
classification of land. In the case of an application for the rezoning
of land, to include rezonings initiated by other than the board of county
commissioners or amendments to planned unit developments[, such
provisions] shall be enacted or amended pursuant to the following public
notice and hearing requirements by the planning commission and the board
of county commissioners.

1. A sign shall be posted at 15 days prior to the date of the public
hearing by the planning commission. The sign to be posted shall
measure at least 14 square feet in area and shall contain
substantially the following language:

PUBLIC HEARING TO REZONE THIS PROPERTY:

FROM _____ TO _____

TO PERMIT: _____

DATE: _____

TIME: _____

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

TO BE HELD IN COMMISSIONERS MEETING ROOM, COLLIER COUNTY
GOVERNMENT CENTER.

2. The sign shall be erected by the development services director in full view of the public on each street side of the said land to be rezoned. Where the property for which rezoning is sought is landlocked or for some other reason the signs cannot be posted directly on the land to be rezoned, then the sign or signs shall be erected along the nearest street right-of-way, with an attached notation indicating generally the distance and direction to the property for which rezoning is sought. Where large parcels of property are involved with street frontages extending over considerable distance, the development services director shall erect as many signs on a street frontage as may be deemed adequate to inform the public. The posting of signs as provided in this subsection shall only be required where th zoning amendment proposal is specifically directed to changing the zoning classification of a particular parcel of land.
3. The planning commission shall hold one advertised public hearing. Notice of the time and place of the public hearing by the planning commission shall be at least 15 days in advance of the hearing by mail to the owner of the subject property or his designated agent or attorney, if any.
4. Notice of the time and place of the public hearing by the planning commission shall be advertised in a newspaper of general

circulation in the county at least one time at least 15 days prior to the public hearing.

5. Notice of the time and place of the public hearing by the planning commission shall be sent at least 15 days in advance of the hearing by mail to all owners of property within 300 feet of the property lines of the land for which rezoning or a planned unit development (PUD) amendment is sought; provided, however, that where the land for which the rezoning or PUD amendment is sought is part of, or adjacent to, land owned by the same person, the 300-foot distance shall be measured from the boundaries of the entire ownership or PUD, except that notice need not be mailed to any property owner located more than one-half mile (2,640 feet) from the land or PUD for which rezoning or PUD amendment is sought. For the purposes of this requirement, the names and addresses of property owners shall be deemed those appearing on the latest tax rolls of Collier County.

6. Notice of the time and place of the public hearing by the board of county commissioners shall be advertised in a newspaper of general circulation in the county at least one time at least ~~15~~ 10 days prior to the public hearing.

7. The clerk to the board of county commissioners shall notify by mail each real property owner whose land is subject to rezoning or PUD amendment and whose address is known by reference to the latest ad valorem tax records. The notice shall state the substance of the proposed ordinance or resolution. Such notice shall be given at least 15 days prior to the date set for the public hearing, and a

copy of such notices shall be kept available for public inspection during the regular business hours of the clerk to the board of county commissioners.

8. The board of county commissioners shall hold one advertised public hearing on the proposed ordinance or resolution and may, upon the conclusion of the hearing, immediately adopt the ordinance or resolution.

2.7.2.3.3. Notice and public hearing where proposed amendment initiated by the board of county commissioners would change the zoning classification of map designation of a parcel or parcels of land involving less than ten contiguous acres of land, five percent of total land area of the county. In cases in which the proposed comprehensive rezoning action, including but not limited to those provided for in the Zoning Reevaluation Ordinance (90-23)[Code ch. 106, art.II], initiated by the board of county commissioners or its designee involves less than five percent of the ~~total ten contiguous acres of land area~~ [such provisions] shall be enacted or amended pursuant to the following public notice and hearing requirements by the planning commission and the board of county commissioners.

1. The planning commission shall hold one advertised public hearing. Notice of the time and place of the public hearing by the planning commission shall be advertised in a newspaper of general circulation in the county at least one time at least 15 days prior to the date of the public hearing. Notice of the time and place of the public hearing by the planning commission shall be sent at least 15 days in advance of the hearing, by mail, to the owner of

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

the properties whose land will be rezoned by enactment of the ordinance or resolution, whose address is known by reference to the latest ad valorem tax records.

2. A notice advising of the hearing by the board of county commissioners to consider rezoning properties shall be sent by mail [to] each real property owner whose land will be ~~rezoned~~ redesignated by enactment of the ordinance or resolution and whose address is known by reference to the latest ad valorem tax records. The notice shall state the substance of the proposed ordinance or resolution as it affects the property owner and shall set a time and place for the public hearing on such ordinance or resolution. Such notice shall be given at least 30 days prior to the date set for the public hearing. Additionally, notice of the time and place of the public hearing by the board of county commissioners shall be advertised in a newspaper of general circulation in the county at least ten days prior to the public hearing. A copy of such notice shall be kept available for public inspection during regular business hours of the office of the clerk of the board of county commissioners. The notice of the proposed enactment shall state the date, time, and place of the meeting; the title or titles of proposed ordinances; and the place or places within the county where such proposed ordinances may be inspected by the public. The notice shall also advise that interested parties may appear at the meeting and be heard with respect to the proposed ordinance.
3. The board of county commissioners shall hold one advertised public hearing on the proposed ordinance or resolution and may, upon the

conclusion of the hearing, immediately adopt the ordinance or resolution.

2.7.2.3.4. Notice of public hearing where proposed amendment would change the zoning classification of more than five percent of the total land area of the county, map designation of a parcel or parcels of land involving ten contiguous areas or more of land in the county or would change the actual list of permitted, conditional, or prohibited uses of land within a zoning category. In cases in which the proposed rezoning involves five percent or more of the total land area of Collier County change to the zoning map designation of a parcel or parcels of land involves ten contiguous acres of more of land or changes the actual list of permitted conditional or prohibited uses of land within a zoning category [such provisions] shall be enacted or amended pursuant to the public notice and hearing requirements by the planning commission and the board of county commissioners.

1. The planning commission shall hold two advertised public hearings on the proposed ordinance or resolution. Both hearings shall be held after 5:00 p.m. on a weekday, and the first shall be held approximately seven days after the day that the first advertisement is published. The second hearing shall be held approximately two weeks after the first hearing and shall be advertised approximately five days prior to the public hearing. The day, time, and place at which second public hearing will be held shall be announced at the first public hearing.
2. The required advertisements for the planning commissioner public hearings shall be no less than one-quarter page in a standard size

or a tabloid size newspaper, and the headline in the advertisement shall be in a type no smaller than 18 point. The advertisement shall not be placed in that portion of the newspaper where legal notices and classified advertisements appear. The advertisement shall be published in a newspaper of general paid circulation in the county and of general interest and readership in the community pursuant to F.S. ch 50, not one of limited subject matter. It is the legislative intent that, wherever possible, the advertisement shall appear in a newspaper that is published at least five days per week unless the only newspaper in the community is published less than five days per week. The advertisement shall be in the following form:

NOTICE OF ZONING CHANGE

The (name of local government unit) proposes to rezone the land within the area shown in the map in this advertisement.

A public hearing on the rezoning will be held on (date and time) at (meeting place) .

3. The advertisement shall also contain a geographic location map which clearly indicates the area covered by the proposed ordinance or resolution. The map shall include major street names as a means of identification of the area.
4. The board of county commissioners shall hold two advertised public hearings on the proposed ordinance or resolution. Both hearings At least one hearing shall be held after 5:00 p.m. on a weekday,

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

~~unless the board of county commissioners, by a majority plus one vote, elects to conduct that hearing at another time of day. The first public hearing shall be held at least approximately seven days after the day that the first advertisement is published. The second hearing shall be advertised approximately two weeks held at least ten days after the first hearing and shall be advertised approximately at least five days prior to the public hearing. The day, time, and place at which the second public hearing will be held shall be announced at the first public hearing.~~

5. The required advertisements shall be no less than ~~one-quarter page~~ two columns wide by ten inches long in a standard size or a tabloid size newspaper, and the headline in the advertisement shall be in a type no smaller than 18 point. The advertisement shall not be placed in that portion of the newspaper where legal notices and classified advertisements appear. The advertisement shall be ~~published~~ placed in a newspaper of general paid circulation in the county and of general interest and readership in the community pursuant to F.S. ch. 50, not one of limited subject matter. It is the legislative intent that, whenever possible, the advertisement shall appear in a newspaper that is published at least five days a week unless the only newspaper in the community is published less than five days a week. The advertisement shall be in substantially the following form:

NOTICE OF ZONING (TYPE OF) CHANGE

The (name of local government unit) proposes to adopt the following by ordinance or resolution to rezone the

land within the area shown in the map in this advertisement.

A public hearing on the ordinance or resolution reasoning will be held on (date and time) at (meeting place).

~~Except for amendments which change the actual list of permitted, conditional, or prohibited uses within a zoning category,~~ the advertisement shall also contain a geographic location map which clearly indicates the area within the local government covered by the proposed ordinance or resolution. The map shall include major street names as a means of identification of the general area.

6. In lieu of publishing the advertisement set out in this paragraph, the board of county commissioners may mail a notice to each person owning real property within the area covered by the ordinance or resolution. Such notice shall clearly explain the proposed ordinance or resolution and shall notify the person of the time, place, and location of both public hearings on the proposed ordinance or resolution.

ORIGIN: B.C.C. and Development Services Advisory Committee

AUTHOR: Thomas E. Kuck, P.E.
Engineering Review Services Manager

DEPARTMENT: Development Services

LDC PAGE: 2-252, 3-32 ORDINANCE: 91-50 19,20

LDC SECTION: 2.7.6.5., 3.2.8.3.6. ORDINANCE: 91-50 A 103.1.1.1

CHANGE: Change will allow clearing, filling and revegetation of lots/parcels in projects where the area of the phase to be cleared and filled is 25 acres or less.

REASON: Projects with normal to large lake systems are at present, not permitted to clear lots and fill them during the lake excavation. This leaves the developers with some undesirable options for handling the excavated material; (1) large unsightly, dangerous stockpiles, or (2) haul fill off-site (commercial permit - road impact) and then import fill for building pads as required (double handling, more road impacts).

These options are inefficient and an unnecessary cost of housing construction in Collier County.

FISCAL & OPERATIONAL IMPACTS: None to Collier County
OPERATIONAL IMPACTS: Cleared areas will need to be promptly revegetated (grass) and maintained (mowed) on a regular basis to prevent intrusion of non-native trees and shrubs. The maintenance will need to be monitored.

FISCAL IMPACTS TO DEVELOPERS: Lake excavation and the appurtenant spreading of the excavated material will be more efficient and will require less double-handling. Clearing operations will not require multiple site visits.

RELATED CODES OR REGULATIONS: LDC Div. 3.5
Excavations - LDC Div. 3.9 Vegetation Removal,
Protection Preservation - Collier County Administrative Code.

Sec. 2.7.6.5. Improvement of property prohibited prior to issuance of building permit

No site work, removal of protected vegetation, grading, improvement of property or construction of any type may be commenced prior to the issuance of a building permit where the development proposed requires a building permit under the Land

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Development Code or other applicable County regulations. Exceptions to this requirement may be granted by the Community Development and Environmental Services Administrator for an approved Subdivision or Site Development Plan to provide for distribution of fill excavated on site or to permit construction of an approved water management system, to minimize stockpiles and hauling off-site or to protect the public health, safety and welfare where clearing, grading and filling plans have been submitted and approved meeting the warrants of Section 1.2.8.3.6. of this Code. Removal of exotic vegetation shall be exempted upon receipt of a vegetation removal permit for exotics pursuant to Division 3.9.

Sec. 3.2.8.3.6.

Clearing, grading and filling. A site clearing plan, grading, filling and revegetation plan where applicable shall be submitted to the Community Development and Environmental Services director Administrator, or his designee for review and approval prior to any clearing, grading or filling on the property. This plan may be submitted in phases to coincide with the development schedule. The site clearing plan shall clearly depict how the improvement plans incorporate and retain native vegetation. The site specific clearing, grading, and filling plan for a Subdivision or Site Development Plan may be considered for review and approval under the following categories and subject to the following requirements:

1. Removal of exotic vegetation: Removal of exotic vegetation is permitted upon receipt of a vegetation removal permit pursuant

to Division 3.9. Additional site alteration may be permitted or required to stabilize and deter reinfestation by exotics subject to the following:

- a) Provision of a site filling and grading plan for review and approval by the County;
- b) Provision of a revegetation plan for review and approval by the County;
- c) Payment of the applicable review fee for site alteration plan review.

2. Site alteration within existing platted single family subdivisions. Single family lots located within an approved platted residentially zoned subdivision may be approved for site alterations upon submission of a clearing, grading, filling and revegetation plan with a written statement of justification. The clearing and filling under this provision is limited to no more than three contiguous lots subject to submission of the following:

- a) Provision of a site filling and grading plan for review and approval by the County;
- b) Provision of a revegetation plan for review and approval by the County;
- c) Payment of the applicable fee for site alteration plan review.

Additional lots may be cleared, where under the same ownership, and where such clearing can be demonstrated to be necessary to implement the project's surface water masterplan or to comply with the conditions of any local, state or federal permit, or, where due to the development of required infrastructure, it can be

demonstrated that clearing and filling will lessen any negative impacts to the public health, welfare and safety.

3. Site alterations within new developments for which a Subdivision or Site Development Plan has been approved: Clearing, grading and filling within an approved phase of a Subdivision or Site Development Plan may be approved by the Community Development and Environmental Services Administrator, subject to the below noted conditions and provided the entire phase to be altered does not exceed 25 acres. Site alterations requiring more than 25 acres to properly utilize fill generated on site will require approval of the BCC. Site filling exceeding 25 acres to properly utilize fill generated on site, but which does not require the removal of more than 25 acres of protected vegetation, may be approved by the Community Development and Environmental Services Administrator subject to submission of the following:

- a) A site clearing plan shall be submitted for review and approval that shows the acres to be cleared. A minimum of 25% of the natural vegetation shall be retained in accordance with Section 3.9.5.3 of the LDC.
- b) The applicant shall submit a detailed description of the fill and site work activity including a plan indicating fill placement locations and depths, grading plan and water management improvements.
- c) The applicant shall submit a detailed revegetation plan including a certified cost estimate by a registered landscape architect or

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professional engineer. The cost estimate shall include the cost of grading, revegetation and yearly maintenance cost and a time specific schedule on completion of the revegetation work.

- d) The permittee shall post a surety bond or an irrevocable standby letter of credit in an amount of 110% of certified cost estimate as previously detailed including the maintenance cost for 3 years. The amount of the security may be reduced upon completion of the approved revegetation plan and upon occupation of the site. A separate security will not be required if such costs are included in subdivision security. In the event the developer shall fail or neglect to fulfill its obligations under the conditions set forth herein, or should the developer fail to meet the time limitations set forth in Sections 3.2.6.4.8 and 3.3.8 of this Code, upon certification of such failure by the Planning Services Director or his designee, the County Administrator may call upon the surety bond or irrevocable letter of credit to secure the completion, repair and maintenance of required improvements, including revegetation and regrading.

Sec. 3.2.8.3.6

A vegetation removal permit is not required for the removal of protected vegetation prior to building permit issuance if the conditions set forth in Sec. 3.2.8.3.6 have been met.

PROPOSED LDC AMENDMENT SUBMITTED TO PLANNING DEPT. ON 6/13/95

ORIGIN: The Collier County Manatee Protection Plan

AUTHOR: Kevin H. Dugan, Sr. Environmental Specialist

DEPARTMENT/AGENCY: Natural Resources Department

LDC SECTION: 2.2.4, 2.2.5, 2.2.6, 2.2.7, 2.2.8, 2.2.9, 2.2.10, 2.2.14, 2.2.15, 2.6.21, and Add 2.6.22

LDC PAGES: 2-14, 2-15, 2-18, 2-20, 2-22, 2-23, 2-25, 2-27, 2-42, 2-46, and 2-173

OBJECTIVE: Language to specify that commercial marinas and multi-dock (10 or more) facilities provide a Manatee Protection Plan and adhere to the Marina Siting Criteria.

CONSIDERATIONS: On July 19, 1994, the BCC approved the Collier County Manatee Protection Plan (MPP) and on May 23, 1995 approved several FDEP additions to the Plan. The Plan contains direction to amend the LDC to include:

- 1.) A requirement for a manatee protection plan for marinas and multi-boat facilities both during and after construction.
- 2.) Marina Siting Criteria and Density Limits
- 3.) An overlay to the Official Zoning Map providing specific standards for the Wiggins Pass System, the Clam Bays, and Collier Bay.

The fully implemented MPP is required by the Florida Department of Environmental Protection (FDEP) before it will lift the One to One Hundred Rule. The One to One Hundred Rule limits construction of new marina facilities to one power boat slip for every 100 linear feet of shoreline.

OPERATIONAL IMPACTS: The three items listed above can be incorporated during the normal SDP process. The Army Corps of Engineers and the FDEP specify, on most marina projects, what is required for manatee protection. These specifications can easily be included in a plan written by the applicant.

Site Development Plans for boat docks and marinas already require that a bathymetric survey and a vegetative survey be undertaken. Using this information along with the information provided in the Manatee Protection Section (2.6.22) will determine what the

maximum boatslip density can be.

FISCAL IMPACTS: The added cost to a marina development for compliance with this section could be less than \$2000.

Written Plan by a Consultant: 8 hours @ \$100/hr.....\$800.00
Manatee signs (installed).....\$200.00 ea.
Pilings (installed).....\$400.00 ea.
Educational Brochures (per 1000).....\$200.00
Water Quality Monitoring.....\$300.00/yr.

LDG CHANGES:

SEC. 2.2.4 RESIDENTIAL SINGLE FAMILY DISTRICTS (RSF).

2.2.4.2.2 Uses Accessory to Permitted Uses:

2. Private boathouses and docks, subject to Sec. 2.6.21, and Sec. 2.6.22.

2.2.4.3 Conditional Uses. The following are permissible as conditional uses in the residential single family districts (RSF), subject to the standards and procedures established in Div. 2.7.4.

7. Non-commercial boat launching facilities, and multiple dock facility, subject to Sec. 2.6.22.

SEC. 2.2.5 RESIDENTIAL MULTIPLE FAMILY-6 DISTRICT (RMF-6).

2.2.5.2.2 Uses Accessory to Permitted Uses:

2. Private boathouses and docks, subject to Sec. 2.6.21, and Sec. 2.6.22.

2.2.5.3 Conditional Uses. The following are permissible as conditional uses in the RMF-6 district, subject to the standards and procedures established in Div. 2.7.4.

7. Non-commercial boat launching facilities, subject to Sec. 2.6.22.

SEC. 2.2.6 RESIDENTIAL MULTIPLE FAMILY-12 DISTRICT (RMF-12)

2.2.6.2.2 Uses Accessory to Permitted Uses:

2. Private boathouses and docks, subject to Sec. 2.6.21, and Sec. 2.6.22.

2.2.6.3 Conditional Uses. The following are permissible as conditional uses in the Residential Multiple Family-12 District (RMF-12), subject to the standards and procedures established in Div. 2.7.4.

4. Non-commercial boat launching facilities, subject to Sec. 2.6.22.

SEC. 2.2.7 RESIDENTIAL MULTIPLE FAMILY-16 DISTRICT (RMF-6)

2.2.7.2.2 Uses Accessory to Permitted Uses:

2. Private boathouses and docks, subject to Sec. 2.6.21, and Sec. 2.6.22.

2.2.7.3 Conditional Uses. The following are permissible as conditional uses in the Residential Multiple Family-16 District (RMF-16), subject to the standards and procedures established in Div. 2.7.4.

4. Non-commercial boat launching facilities, subject to Sec. 2.6.22.

SEC. 2.2.8 RESIDENTIAL TOURIST DISTRICT (RT).

2.2.8.2.2 Uses Accessory to Permitted Uses:

3. Private boathouses and docks, subject to Sec. 2.6.21, and Sec. 2.6.22.

2.2.8.3 Conditional Uses. The following are permissible as conditional uses in the Residential Tourist District (RT), subject to the standards and procedures established in Div. 2.7.4.

2. Marinas, subject to Sec. 2.6.22.

3. Non-commercial boat launching facilities,
subject to Sec. 2.6.22.

SEC. 2.2.9 VILLAGE RESIDENTIAL DISTRICT (VR).

2.2.9.2.2 Uses Accessory to Permitted Uses:

2. Private boathouses and docks, subject to Sec. 2.6.21, and Sec. 2.6.22.

2.2.9.3 Conditional Uses. The following are permissible as conditional uses in the Village Residential District (VR), subject to the standards and procedures established in Div. 2.7.4.

1. Boat yards and marinas, subject to Sec. 2.6.22.

SEC. 2.2.10 MOBILE HOME DISTRICT (MH).

2.2.10.2.2 Uses Accessory to Permitted Uses:

2. Private boathouses and docks, subject to Sec. 2.6.21, and Sec. 2.6.22.

SEC. 2.2.14 COMMERCIAL INTERMEDIATE DISTRICT (C-3).

2.2.14.2.1 Permitted Uses.

12. Marinas (4493), subject to Sec. 2.6.22.

SEC. 2.2.15 GENERAL COMMERCIAL DISTRICT (C-4).

2.2.15.2.1 Permitted Uses.

16. Marinas (4493, 4499 except canal operation, cargo salvaging, ship dismantling, lighterage, marine salvaging, marine wrecking, steamship leasing), subject to Sec. 2.6.22.

SEC. 2.6.21 PRIVATE BOATHOUSES AND DOCKS.

2.6.21.1

Individual or multiple private docks including mooring pilings, davits, lifts and the like are permitted to serve the residents of a development on canal or waterway lots, provided they do not protrude more than the respective distances specified in Secs. 2.6.21.2 and 2.6.21.3 for such canal or waterway. Multiple private docks of ten (10) wetslips or more are also subject to Sec. 2.6.22. Permitted dock facility protrusions as well as extension of dock facilities are measured...

SEC. 2.6.22 MANATEE PROTECTION

2.6.22.1 The following are for the purpose of Manatee Protection and will be applicable to all multi-slip docking facilities with ten (10) slips or more, and all marina facilities.

2.6.22.2 Proposed developments will be reviewed for consistency with the Manatee Protection Plan (MPP) adopted by the Collier County Board of County Commissioners and approved by the Florida Department of Environmental Protection.

If the location of the proposed development is consistent with the MPP, then the developer will submit a "Manatee Awareness and Protection Plan", which shall address, but not be limited to, the following categories:

1. Education and public awareness
2. Posting and maintaining Manatee Awareness signs.
3. Information on type and destination of boat traffic that will be generated from the facility.
4. Monitoring and maintenance of water quality to comply with state standards.
5. Marking of navigational channels may be required.

2.6.22.3 Marina Siting.

The purpose of the marina site rating system is to help determine the maximum wet-slip densities in order to improve existing manatee protection. The marina site rating system gives a ranking based on three (3) criteria: water depth, native marine habitat and manatee abundance.

In evaluating a parcel for a potential boat facility, a minimum sphere of influence for the boat traffic must be designated. For this plan an on-water travel distance of five (5) miles is considered the sphere of influence.

2.6.22.3.1 Rating Criteria.

1. A Preferred rating is given to a site that has or can legally create adequate water depth and access, will not impact native marine habitats, and will not impact a high manatee use area (See Table 2.6.22.1).

2. A Moderate ranking is given to a site where: there is adequate water depth and access, no impact to a high manatee use area, but there is an impact to native marine habitat; there is adequate water depth, no impact to native marine habitat, but impacts a high manatee use area; and when the water depth is less than four (4) feet Mean Low Water (MLW), no impact to native marine habitat, and no impact to a high manatee use area.

3. A Protected ranking is given to a site where: there is adequate water depth and access, but there is an impact to native marine habitat and there is an impact to a high manatee use area; there is not adequate water depth, there is impact to or destruction of native marine habitat and there is impact to a high manatee use area; there is not adequate water depth, no impact to marine habitat, but there is impact to a high manatee use area; or, there is not adequate depth, there is impact to marine habitat and no impact to a high manatee use area.

The exact areas will depend on site specific data gathered during the site development process reviews.

MARINA SITING CRITERIA

	Water Depth		Native Marine Habitat		Manatee Use	
	Greater Than 4' MLW	Less Than 4' MLW	No Impact'	Impact	Not High	High
PREFERRED	X		X		X	
MODERATE	X		X			X
MODERATE	X			X	X	

MODERATE		X	X	X	
PROTECTED	X			X	X
PROTECTED		X		X	X
PROTECTED		X	X		X
PROTECTED		X		X	X

(1) For shoreline vegetation such as mangroves, no impact is defined as no greater than 5% of the native marine habitat is disturbed. For sea grasses, no impact means that no more than 100 square feet of sea grasses can be impacted.

Table 2.6.22.1 Marina Siting Criteria

2.6.22.5 Allowable Wet Slip Densities.

1. Preferred Sites.

New or expanded wet slip marinas and multi-family facilities shall be allowed at a density of up to 18 boat slips for every 100 feet of shoreline. Expansion of existing and construction of new dry storage facilities is allowed. Expansion of existing and construction of new boat ramps is allowed.

2. Moderate Development Sites.

New or expanded wet slip marinas and multi-family facilities shall be allowed at a density of up to 10 boat slips for every 100 feet of shoreline. Expansion of existing dry storage facilities is allowed. Construction of new dry storage facilities is prohibited. Expansion of existing boat ramps is allowed. Construction of new boat ramps is prohibited.

3. Protected Sites.

New or expanded wet slip marinas and multi-family facilities shall be allowed at a density of 1 boat slip for every 100 feet of shoreline. Expansion of existing dry storage facilities or construction of new dry storage facilities is

prohibited. Expansion of existing boat ramps or construction of new boat ramps is prohibited.

2.6.22.6

Mitigation

If a potential boat facility site is ranked as moderate or protected because of its proximity to a high use manatee area, its ranking can be increased if Slow Speed zones are established that account for a significant portion of the expected travel route of the boats using the proposed facility. In that case, the manatee criteria in the three way test (See Table 2.6.22.1) would not affect the outcome of the ranking. If such Slow Speed zones are not existing, the County may establish, with DEP approval, additional Slow Speed zones in order to mitigate the proposed additional boat traffic.

2.6.22.7

Implementation. This rating system does not preclude the existing zoning and density regulations required by the current Collier County Land Development Code (LDC). This system shall be used to determine the allowable maximum powerboat wet slip densities within future marina sites for the purpose of manatee protection. These criteria will be applied at the appropriate point in the County permitting process.

Exemption. Existing facilities and facilities which had State or Federal permits prior to adoption of the County Manatee Protection Plan shall be exempt from these provisions, but will be subject to all other requirements of the LDC.

ORIGIN: Current Planning

AUTHOR: Ronald P. Nino, AICP
Senior Project Planner

DEPARTMENT: Planning Services Department

LDC PAGE: LDC 3-27 and 28

LDC SECTION: Section 3.2, Subdivision Regulations

CHANGE: To authorize concurrent review of a Site Development Plan with a Preliminary or Final Subdivision Plat and where applicable and to allow approval of a Site Development Plan where the application of a Preliminary or Final Plat is not required.

REASON: There is no reason why an application for Site Development Plan approval should not be made concurrently with an application for a Preliminary or Final Plat approval. The more important relationship is the timing of approvals as opposed to the review process. Furthermore in most cases a Preliminary or Final Plat is irrelevant and provision should therefore be made to so indicate.

FISCAL & OPERATIONAL IMPACTS: None.

RELATED CODES OR REGULATIONS: None.

Amend Section 3.2.7.3.4 as follows:

Relationship to Site Development Plans. Anything contained elsewhere in this Code to the contrary notwithstanding, ~~no~~ major final or minor site development plan ~~shall~~ may be accepted for concurrent review ~~prior to with a preliminary subdivision plan approval, however approval shall withheld until the Preliminary Subdivision Plat is Approved~~ except where no preliminary subdivision plat is required under a minor subdivision. Further, no final site development plan (whether minor or final) shall be approved prior to recordation approval of the Final Plat by the Board of Commissioners, of the final subdivision plan however, no certificate of occupancy will be issued until the plat is recorded.

Amend Section 3.2.7.3.5 as follows:

Relationship to Zoning and Planned Unit Developments. Anything contained elsewhere in this Code to the contrary notwithstanding, no preliminary subdivision

Words underlined are added, words ~~struck-through~~ are deleted

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plat shall be approved prior to final approval of the zoning or planned unit development for the proposed subdivision; provided, however, the zoning or planned unit development application and the preliminary subdivision plat may be processed concurrently at the written request of the applicant to the Development Services Director. ~~No improvement plans or final subdivision plat shall be accepted for review prior to final approval of the zoning or planned unit development or the proposed subdivision and approval of the preliminary subdivision plat.~~

3.2 SUBDIVISION REGULATIONS/RFN/md/6/30/95

Words underlined are added, words ~~struck through~~ are deleted

ORIGIN: Staff

AUTHOR: Thomas E. Kuck, P.E., Engineering Review
Services Manager - John Houldsworth

DEPARTMENT: Development Services

LDC PAGE: LDC 3-63 and 64, LDC 3-17, LDCC-4, 5 and 6

LDC SECTION: Section 3.2.9.2.12, 3.2.6.3.4, Appendix C

CHANGE: Delete signature block for Development Services Director, Utilities Engineering Director and Environmental Health Director. Update Surveyors Certification and Project Plan Review signature block. Add additional dedication statements.

REASON: To streamline approval process for subdivision plats. Update surveyor's certification reference from Chapter 21HH-6 to 61G17-6. Revise Project Plan Review signature to Engineering Review Services Manager. Needed to provide additional dedication paragraphs for when applicable.

FISCAL & OPERATIONAL IMPACTS: None to Collier County.

RELATED CODES OR REGULATIONS: None

3.2.6.3.4. Recordation of final subdivision plat.

~~3.2.6.3.4.3.a.(4)2.~~ After approval for recording by the Board, but prior to recordation of the final subdivision plat, the Development Services Administrator may approve of minor or insubstantial changes to the final plat.

3.2.9.2.12 Certification and approvals.

3.2.9.2.12 ~~5. Signature block for development services director. The plat shall contain the approval and the signature block of the development services director.~~

Words underlined are added, words ~~struck through~~ are deleted

- 3.2.9.2.12 ~~6-5.~~ Signature block for ~~director of environmental health, utilities engineering director and county attorney.~~ The plat shall contain the approval and signature block for ~~the director of the environmental health department, utilities engineering director, and also for the county attorney.~~
- 3.2.9.12. ~~7-6.~~ Certification of title. a title certification shall be submitted with the plat. The title certification shall state or describe: (1) that the lands as described and shown on the plat are in the name, and record title is held by the person, persons or organization executing the dedication, (2) that all taxes have been paid on said lands, (3) all mortgages on the land and indicate the official record book and page number of each mortgage. The title certification shall be an opinion by an attorney at law licensed in Florida, or other entity approved under F.S. § 177.041.
- 3.2.9.2.12 ~~8-7.~~ Instrument prepared by. The name, street and mailing address of the natural person who prepared the plat shall be shown on each sheet. The name and address shall be in statement form consisting of the words, "This instrument was prepared by (name), (address)."

Appendix C - Page LDCC:3

It is hereby certified that the preparation of this plat was based on a boundary survey of the property made by me or under my supervision as provided in Chapter ~~21HH-6~~ 61G17-6, Florida Administrative Code, and in Chapter 472, Florida Statutes and that the survey data complies with all of the requirements of Chapter 177, Florida Statutes. Permanent reference

monuments will be set prior to the recording of this plat and permanent control points will be set within two months after the completion of required improvements.

Appendix C - Page LDCC:4

~~PROJECT PLAN REVIEW ENGINEERING
REVIEW SERVICES~~

This Plat approved by the ~~Site Development Review Department Engineering Review Services Section of the Community Development Division~~ of Collier County, Florida this _____ day of _____, 19____ A.D.

~~Project Plan Review Manager
Engineering Review Services Manager~~

~~COUNTY PUBLIC HEALTH UNIT~~

This Plat approved by the ~~Collier County Public Health Unit~~ this _____ day of _____, 19____, A.D., with connection to approved central water and central sewerage system, and no individual potable water wells or individual sewage systems are permitted.

~~Director of Environmental
Engineering~~

~~UTILITIES DIVISION~~

This Plat approved by the ~~Collier County Utilities Division~~ this _____ day of _____, 19____, A.D.

~~Utilities Administrator~~

DEDICATIONS

6. Private roadways shall be dedicated to a Homeowner's Association with the responsibility for maintenance.

Words underlined are added, words ~~struck through~~ are deleted

7. Drainage easements shall be dedicated to a Homeowner's Association with the responsibility for maintenance, and to Collier County with no responsibility for maintenance.

8. To Florida Power and Light, United Telephone Services, and any cablevision provider, the shared use of tract R (Roadway Tract) as shown on the plat as a utility easement for the purpose of installation and maintenance of their respective facilities, provided all uses by such utility providers shall be subject to and not inconsistent with use by Collier County or the Collier County Water- Sewer District as a C.U.E.

WAIVER & RELEASE NOTE:

On _____, 19____ (the owner) executing the dedication, the holders of apparent record title or interests expressly waived and released the County from any future claims of vested rights and equitable estoppel pertaining to the issuance of a Certificate of Public Facility Adequacy in accordance with Collier County Ordinance No. 93-82.

TK/md/14143

ORIGIN: Staff

AUTHOR: Thomas E. Kuck, P.E.
Engineering Review Services Manager

DEPARTMENT: Development Services

LDC PAGE: 3-59, 3-63, 3-96, 3-97, 6-59, 6-60

LDC SECTION: 3.2.9.1.2, 3.2.9.2.9, 3.5.7.1.1, 6.3

REASON: 3.2.9.1.2 corrects error in language of this Section of LDC and provides for approval of one year time extension by Development Services Administrator. 3.2.9.2.9 County Attorney's Office stated this Section of LDC as previously written was invalid. 3.5.7.1.1 - 6.3 - correcting definition of "subdivision" to be consistent with Section 177.031 of Florida Statutes. The 100 foot setback as currently required has no substantial justification and in some cases is contradictory to zoning provisions.

FISCAL & OPERATIONAL IMPACTS: None to Collier County. The development community and private citizens will benefit by streamlining review processes.

RELATED CODES OR REGULATIONS: None.

LDC Page 3-63

Sec. 3.2.9.29 Rights-of-Way and Easements

All right-of-way and easement widths and dimensions shall be shown on the plat. ~~No easement of any type shall be utilized to gain access to any platted lot unless expressly allowed through a minor subdivision.~~ All lots must have frontage on a public or private right-of-way in conformance with the design requirement of this Division.

Words underlined are added, words ~~struck-through~~ are deleted

Div. 6.3 Definitions

Subdivision. The division of land, whether improved or unimproved, into ~~two~~ three or more contiguous lots, parcels, tracts, tiers, blocks, sites, units, or any other division of land any of which do not equal or exceed ten acres, for the purpose, whether immediate or future, of transfer of ownership or development; or any division of land if the extension of an existing street or the establishment of a new street is involved to provide access to the land.

Subdivision includes resubdivision, the division of land into ~~two~~ three or more horizontal condominium parcels or horizontal cooperative parcels, and the division or development of residential or non-residential zoned land, whether by deed, metes and bounds description, devise, intestacy, map, plat, horizontal condominium parcels, horizontal cooperative parcels, or other recorded instrument, and when appropriate to the context, means the process of subdividing or to the lands or areas subdivided.

Subdivision does not include the division of land for conveyance of such land to a federal, state, county, or municipal government agency, entity, political subdivision, or a public utility. (See division 3.2)

Subdivision, minor: The division of land, whether improved or unimproved, into ~~two~~ three or more, but less than ten, contiguous lots or parcels of land, for the purpose, whether immediate or future, of transfer of ownership or development, which does not involve the extension of an existing street or the establishment of a new street and does not involve the extension, creation or establishment of any improvement otherwise required in this division 3.2: provided however, that on-site connection

or hookup of any required improvement shall not be construed as an extension, creation or establishment of such improvement. (See division 3.2.)

LDC Page 3-59

3.2.9.1.2. The final subdivision plat shall conform to the approved preliminary subdivision plat pursuant to section 3.2.6.3.2 and shall constitute only that portion of the approved preliminary subdivision plat which the applicant proposes to construct within a finite period not to exceed 36 months. The improvements required by this division which apply to the final subdivision plat shall be completed within 36 months from the date of approval of the final plat unless prior to the 36 month construction period, a written request for an extension in time not exceeding one year is applied for and approved by the Development Services Administrator or his designee ~~a written extension request is approved by the board of county commissioners at the time of final subdivision plat approval.~~ The applicant shall enter into a construction and maintenance agreement with the county, in a form acceptable to the county attorney, which establishes the terms and conditions for the construction and maintenance of the improvements required during the 36 month construction period (unless a written extension request is approved by the board of county commissioners at the time of final subdivision plat approval), whether the final plat is approved only or approved and recorded with the posting of a subdivision performance security. This agreement shall be submitted with the final plat for review and approval and executed by all parties at the time of final plat approval per section 3.2.9.1.3.

Sec. 3.5.7.1.1 ~~One hundred~~ Fifty feet from the right-of-way line or easement of any existing or proposed, private or public, street, road, highway or access easement.

Words underlined are added, words ~~struck through~~ are deleted

Exceptions to the above referenced setbacks may be developed and shall be subject to final approval by the development services director administrator or his designee. Said exceptions shall be based upon recognized standards for traffic engineering and road design (AASHTO and/or Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways, State of Florida) and shall incorporate such factors as road alignment, travel speed, bank slope, road cross section, and need for barriers. However, lakes immediately adjacent to "T intersections" shall be located on a specific design analysis by the applicant's engineer which provides for safety and traffic consideration at the intersection.

3.2.9.2.9 EASEMENT/TK/md/7/6/95

Words underlined are added, words ~~struck-through~~ are deleted

ORIGIN: Current Planning

AUTHOR: Ronald F. Nino, AICP
Senior Project Planner

DEPARTMENT: Planning Services Department

LDC PAGE: LDC6: 21

LDC SECTION: Division 6.3 Definition Dwelling,
Townhouse

CHANGE: To revise definition to provide that a
townhouse dwelling unit may or may not be on a separate
lot.

REASON: The current definition provides that in a
dwelling, townhouse structure each dwelling unit must be
on a separate lot. This requirement doesn't make any
sense and suggests fee ownership of each dwelling unit
is part and parcel of what constitutes a type of
housing. The manner of ownership of the land beneath
the housing structure has nothing to do with the type of
structure definition a series of dwelling units. A
townhouse is traditionally a series of interconnected
dwelling units that are vertically separated from one
another and may or may not include the fee to the land
beneath the dwelling unit.

FISCAL & OPERATIONAL IMPACTS: None

RELATED CODES OR REGULATIONS: None

Amend Section 6.3 as follows:

Dwelling, Townhouse: A group of three (3) or more
dwelling units attached to each other by a common wall
or roof wherein each unit has direct exterior access and
no unit is located above another, and each unit is
completely separated from any other(s) by a rated fire
wall or a fire and sound resistant enclosed separation
or space, and wherein each dwelling unit is may or may
not be on a separate lot under separate ownership.

6.3 DEFINITION DWELLING/md/6/26/95

Words underlined are added, words ~~struck-through~~ are deleted

ORIGIN: Current Planning

AUTHOR: Ronald F. Nino, AICP
Senior Project Planner

DEPARTMENT: Planning Services Department

LDC PAGE: LDC6: 51

LDC SECTION: Division 6.3 Definition for Setback Line

CHANGE: To correct the word exclusive to inclusive because that is what was intended.

REASON: When the definition of the words "setback line" was last amended it was intended that side and rear easements would be included in the area of the lot from which setbacks would be measured. The only exclusion was to be with respect to easements that function as a street.

FISCAL & OPERATIONAL IMPACTS: None.

RELATED CODES OR REGULATIONS: None.

Amend Division 6.3 Definitions as follows:

Setback Line: A line marking the minimum open space distance between a right-of-way line, property line, bulkhead line, shoreline, access easement line or other defined location and the beginning point of a required yard or the buildable area, as this Land Development Code may require in the particular case. Setback lines may be measured from the legal boundary of a lot and are ~~exclusive~~ inclusive of easements with the exception of easements that comprise a road right-of-way.

6.3 DEFINITION SETBACK/md/6/23/95

Words underlined are added, words ~~struck-through~~ are deleted

ORIGIN: Staff

AUTHOR: Thomas E. Kuck, P.E., Engineering review
Services Manager

DEPARTMENT: Development Services

LDC PAGE: LDC B-3 thru LDC B-8

LDC SECTION: B Typical Street Sections and
Right-of-Way Design Standards

CHANGE: Changed the reference to Type III asphaltic
concrete to Type S. Referenced limerock base to LBR
100.

REASON: Type III asphaltic concrete is not a
structural type pavement, it is primarily used for
overlays. Referencing limerock base to LBR 100 is
consistent with Florida Department of Transportation
Standard Specifications.

FISCAL & OPERATIONAL IMPACTS: Improved structural
strength of pavement will help reduce future Collier
County's maintenance cost.

RELATED CODES OR REGULATIONS: None.

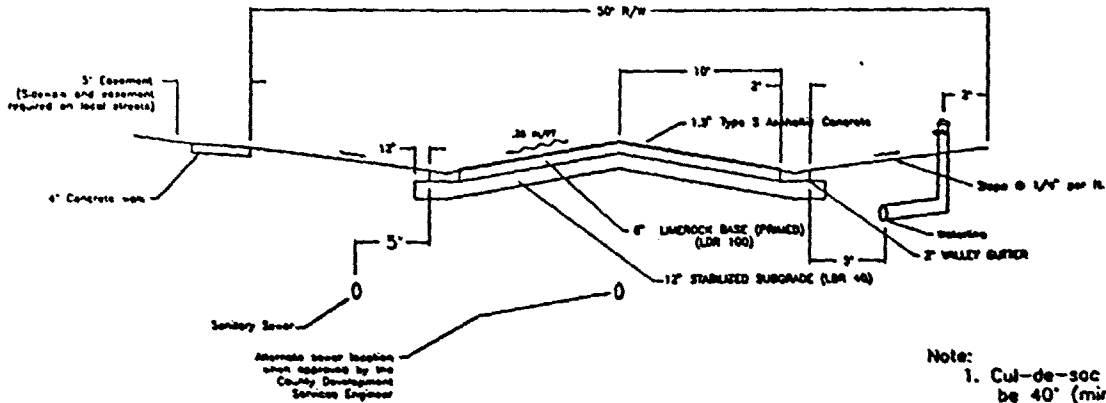
LDC Pages LDC B-3 thru LDC B-8

Appendix B - Typical Street Section

Replace 5 typical street sections with revised
street sections attached herewith.

TEK/md/14109

Words underlined are added, words ~~struck-through~~ are deleted



- Note:
1. Cul-de-sac pavement radius shall be 40' (min).
 2. Cul-de-sac R/W radius shall be 50' (min).

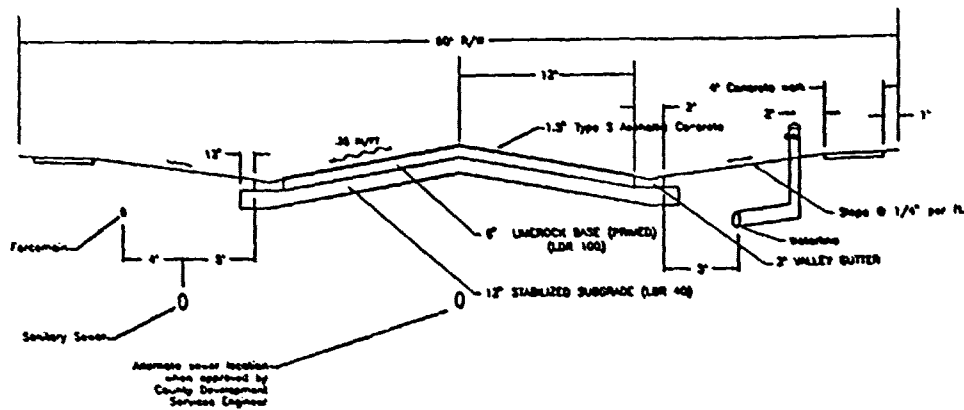
Cul-de-sac

(Cul-de-sac under 500' in length of local street with less than 500 VPD)

Notes:

1. Asphaltic concrete shall be Type S or equal as approved by the County Development Engineer.
2. Asphaltic concrete sidewalks may be substituted for concrete sidewalks when approved by the County Development Engineer. Asphalt walks shall be one (1') foot wider than the specified concrete walk. The asphalt walk shall be: 1" asphalt (Type S), 6" limerock base (primed).
3. Deviation from suggested location of infrastructure or sidewalk/bike path shall be subject to the Development Services Director.

DATE 8/23/91	BY BCA	BY Per Land Dev. Code Review	Collier County Development Services Department	Collier County Subdivision Typical Roadway Section	SCALE 1"=10'
					DATE 8/23/91

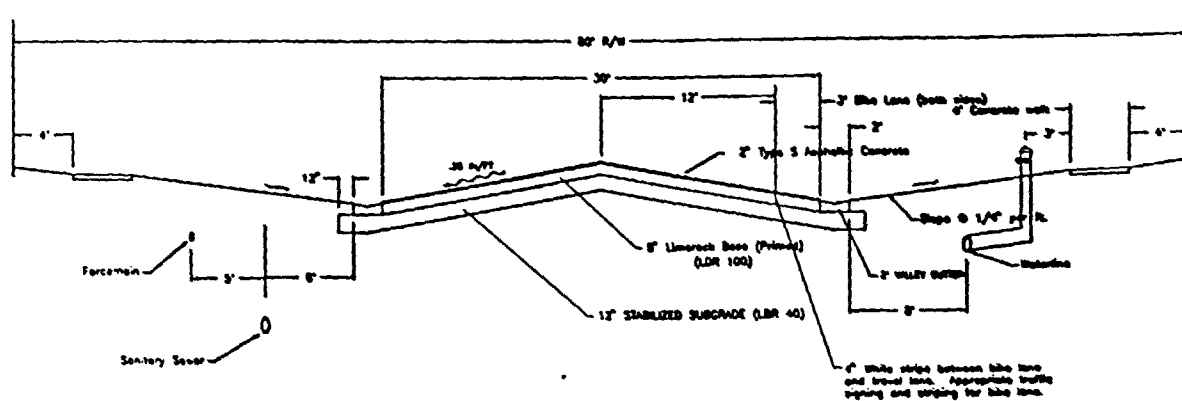


Local Street

Notes:

1. Asphaltic concrete shall be Type S or equal as approved by the County Development Engineer.
2. Asphaltic concrete sidewalks may be substituted for concrete sidewalks when approved by the County Development Engineer. Asphalt walks shall be one (1') foot wider than the specified concrete walk. The asphalt walk shall be: 1" asphalt (Type S), 6" limerock base (primed).
3. Deviation from suggested location of infrastructure or sidewalk/bike path shall be subject to the Development Services Director.

DATE 8/25/88	BY BCA	REVISION Per Land Use Code Review	Collier County Development Services Department	Collier County Subdivision Typical Roadway Section	SCALE 1"=10'
					DATE 8/25/88



Minor Collector

Notes:

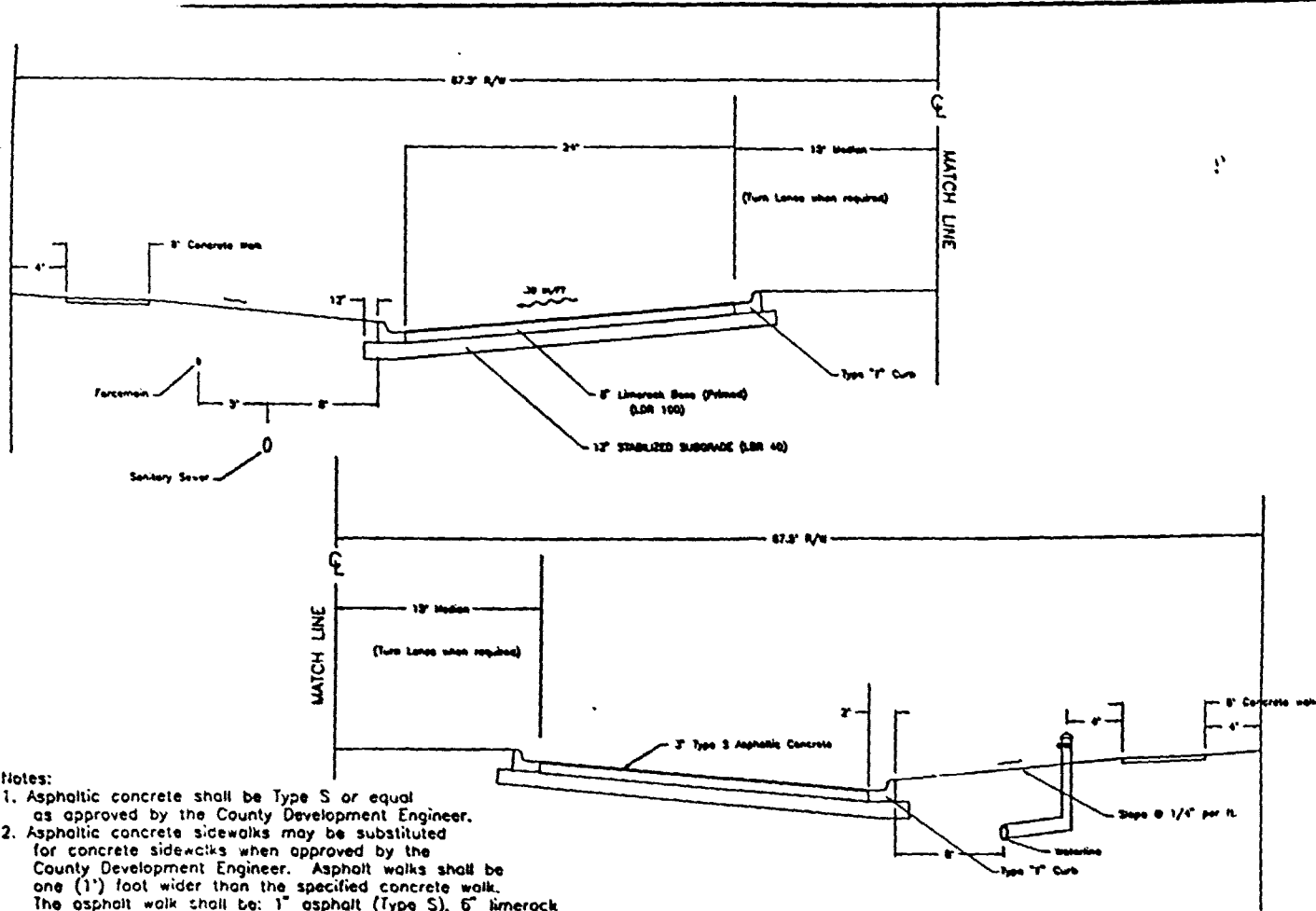
1. Asphaltic concrete shall be Type S or equal as approved by the County Development Engineer.
2. Asphaltic concrete sidewalks may be substituted for concrete sidewalks when approved by the County Development Engineer. Asphalt walks shall be one (1') foot wider than the specified concrete walk. The asphalt walk shall be: 1" asphalt (Type S), 6" limerock base (primed).
3. The developer may provide six (6') foot sidewalks (on both sides), in lieu of the 3' bike lane and the 4' walk.
4. Deviation from suggested location of infrastructure or sidewalk/bike path shall be subject to the Development Services Director.

DATE	BY	IN CHARGE
8/27/91	BCA	Per Land Dev Code Review

Collier County Development
Services Department

Collier County Subdivision
Typical Roadway Section

SCALE	1"=10'
DATE	8/25/90

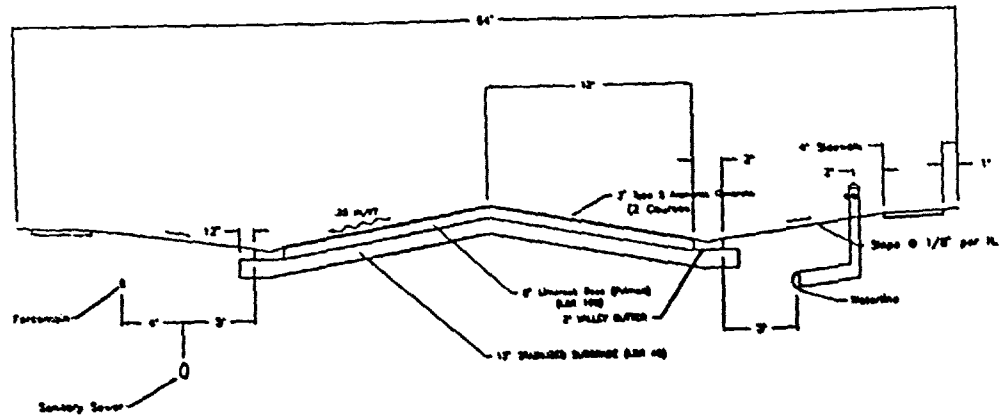


Notes:

1. Asphaltic concrete shall be Type S or equal as approved by the County Development Engineer.
2. Asphaltic concrete sidewalks may be substituted for concrete sidewalks when approved by the County Development Engineer. Asphalt walks shall be one (1') foot wider than the specified concrete walk. The asphalt shall be: 1" asphalt (Type S), 6" limerock base (primed).
3. Deviation from suggested location of infrastructure or sidewalk/bike path shall be subject to the Development Services Director.

Major Collector

DATE 8/23/81	BY MCA	REVISION Per Land Use Code Review	Collier County Development Services Department	Collier County Subdivision Typical Roadway Section	SCALE 1"=10'
					DATE 8/25/88



Commercial/Industrial

Notes:

1. Asphaltic concrete shall be Type S or equal as approved by the County Development Engineer.
2. Asphaltic concrete sidewalks may be substituted for concrete sidewalks when approved by the County Development Engineer. Asphalt walks shall be one (1') foot wider than the specified concrete walk. The asphalt walk shall be: 1" asphalt (Type S), 6" limerock base (primed).
3. Deviation from suggested location of infrastructure or sidewalk/bike path shall be subject to the Development Services Director.

<table border="1"> <tr> <td>DATE</td> <td>BY</td> <td>APPROVED</td> </tr> <tr> <td>8/27/81</td> <td>BCA</td> <td>Per Land Dev. Code Revis.</td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> </table>	DATE	BY	APPROVED	8/27/81	BCA	Per Land Dev. Code Revis.							<p>Collier County Development Services Department</p>	<p>Collier County Subdivision Typical Roadway Section</p>	<p>SCALE 1"=10'</p> <p>DATE 8/25, 88</p>
DATE	BY	APPROVED													
8/27/81	BCA	Per Land Dev. Code Revis.													



SECRETARY OF STATE

NOV 8 11 34 AM '95

FILED

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. 95-58

Which was adopted by the Board of County Commissioners on the 1st day
of November, 1995, during Special Session.

WITNESS my hand and the official seal of the Board of County
Commissioners of Collier County, Florida, this 6th day of November,
1995.

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

By: /s/ Maureen Kenyon
Deputy Clerk