



AN ORDINANCE AMENDING ORDINANCE NO. 91-102, THE COLLIER COUNTY LAND DEVELOPMENT CODE, AS SPECIFICALLY AMENDED BY ORDINANCE 96-21, AND MORE SPECIFICALLY TO CORRECT SCRIVENER'S ERRORS BY PROVIDING FOR: SECTION ONE, CORRECTING SCRIVENER'S ERRORS IN DIVISION 2.2, ZONING DISTRICTS, PERMITTED USES, CONDITIONAL USES, DIMENSIONAL STANDARDS; SECTION TWO, CORRECTING SCRIVENER'S ERRORS IN DIVISION 2.3, OFF-STREET PARKING AND LOADING; SECTION THREE, CORRECTING SCRIVENER'S ERRORS IN DIVISION 2.5, SIGNS; SECTION FOUR, CORRECTING SCRIVENER'S ERRORS IN DIVISION 2.6, SUPPLEMENTAL DISTRICT REGULATIONS; SECTION FIVE, CORRECTING SCRIVENER'S ERRORS IN DIVISION 6.3, DEFINITIONS; SECTION SIX, CONFLICT AND SEVERABILITY; SECTION SEVEN, INCLUSION IN THE COLLIER COUNTY LAND DEVELOPMENT CODE; AND SECTION EIGHT, EFFECTIVE DATE.

SECRETARY OF STATE

JUL 1 2 32 PM '96

FILED

WHEREAS, the Collier County Board of County Commissioners adopted Ordinance No. 91-102, the Collier county Land Development Code on October 13, 1991; and

WHEREAS, the Collier County Board of County Commissioners adopted Ordinance No. 96-21, which amended Ordinance 91-102, the Collier County Land Development Code on May 8, 1996; and

WHEREAS, following said action of adopting Ordinance No. 96-21, the Planning Staff was advised that several scrivener's errors were contained in said Ordinance and that the correction of said errors requires the adoption of a scrivener's error ordinance.

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

SECTION ONE: SCRIVENER'S ERROR AMENDMENTS TO DIVISION 2.2, ZONING DISTRICTS, PERMITTED USES, CONDITIONAL USES, DIMENSIONAL STANDARDS.

Subsection 2.2.7.2.2., "Uses Accessory to Permitted Uses" of Division 2.2, "Zoning Districts, Permitted Uses, Conditional Uses, Dimensional Standards" of Ordinance No. 91-102, as amended, the Collier County Land Development Code, is hereby amended to correct scrivener's errors and to read as follows:

- 2.2.7.2.2. Uses accessory to permitted uses.
- 2. Private ~~beathouses~~ and docks, subject to section 2.6.21., and section 2.6.22.

SECTION TWO: SCRIVENER'S ERROR AMENDMENTS TO DIVISION 2.3, OFF STREET PARKING AND LOADING.

Subsection 2.3.4.11., "Locational Requirements" of Section 2.3.4., "Off-Street Vehicular Facilities: Design Standards;" Subsection 2.3.5.3., "Requirements for Shared Parking" of Section 2.3.5., "Off-Street Parking: Shared Parking"; Section 2.3.21., "Off-Street Loading Requirements"; and Section 2.3.23., "Standards for Parking Within the Immokalee Central Business District"; all of Division 2.3, "Off-Street Parking and Loading" of Ordinance 91-102, as amended, the Collier County Land Development Code are hereby amended to correct scrivener's errors and to read as follows:

Sec. 2.3.4.11.5. 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 2.3.16;
- c. Where the proposed off-site parking will serve uses within the Immokalee central business district as described in section ~~2.3.21.4~~ 2.3.23.4.

Sec. 2.3.5 Off-Street Parking: Shared Parking.

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

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 2.3.16;

Sec. 2.3.21 Off-Street Loading Requirements.

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

2.3.21.4. For facilities in Section 2.3.21. 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 2.3.21., 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.

Sec. 2.3.23 Standards for Parking Within the Immokalee Central Business District.

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

2.3.23.1.1. 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 2.3.16 except that existing uses shall not reduce the number of spaces below that which is provided as of the effective date of this code.

2.3.23.1.2. Expansion. The expansion of any use shall require parking at 50 percent of the minimum requirement as set forth in Section ~~2.3.14~~ 2.3.16., for the expansion only.

**SECTION THREE: SCRIVENER'S ERROR AMENDMENTS TO DIVISION 2.5,
SIGNS.**

Subsection 2.5.5.1., "Signs Within Residential Zoned Districts and As Applicable To Residential Designated Portions of PUD Zoned Properties" and Subsection 2.5.5.2., "Signs Within Non-residential Districts," of Section 2.5.5., "Permitted Signs; and Section 2.5.9., "Non-conforming Signs" are hereby amended to correct scrivener's errors and to read as follows:

Sec. 2.5.5 Permitted Signs.

2.5.5.1. Signs within Residential Zoned Districts and As Applicable to Residential Designated Portions of PUD Zoned Properties.

2.5.5.1.2. Real Estate Signs. The following signs classified as real estate signs shall be permitted in residential districts subject to the following:

1. One ground or wall "For Sale," "For Rent," or similar sign, with a maximum of 4 square feet in size, per street frontage for each parcel, or lot less than one acre in size. Said sign shall be located no closer than ten feet (10') from any adjacent residentially used property and may be placed up to the property line abutting a right of way, provided it is a minimum of ten feet from the edge of pavement. (No building permit required.)
2. One ground or wall "For Sale," "For Rent," or similar sign, with a maximum of 12 square feet in size, per street frontage for each parcel, or lot one to ten acres in size. (No building permit required.)
3. One ground or wall "For Sale," or "For Rent," or similar sign, with a maximum of 64 square feet in size, per street frontage for each parcel or lot in excess of ten acres in size.
4. Real estate Said signs shall not be located closer than 15 feet from any property line. In the case of undeveloped parcels where the existing vegetation may not allow the location of the sign 15 feet from the property line, the Planning Services Director may allow a reduction in the amount of the required setback however, in no case shall said sign be located closer than five feet from any property line unless authorized by the Board of Zoning Appeals through the variance process.

2.5.5.1.7. Conditional Uses within residential districts.

1. Conditional uses within the residential district are permitted one wall sign with a maximum of 32 square feet. Corner lots are permitted 2 such wall signs.
2. Conditional uses within the residential district with a street frontage of 150 feet or more and a land area of 43, 560 square feet or larger are permitted a ground sign with a maximum area of 32 square feet.
3. Bulletin boards and identification signs for public, charitable, educational or religious institutions located on the premises of said institutions and not exceeding 12 square feet in size. (No building permit required.)

2.5.5.2.1. Real Estate Signs: The following signs classified as real estate signs shall be permitted in non-residential districts subject to the following:

1. One ground or wall "For Sale," "For Rent," or similar sign with a maximum area of 12 square feet in size per street frontage for each parcel, or lot less than one acre in size. (No building permit required.)

2. One ground or wall "For Sale," "For Rent," or similar sign, with a maximum 32 square feet in size, per street frontage for each parcel, or lot one to ten acre in size. (No building permit required.)

3. One ground or wall "For Sale," "For Rent," or similar sign, with a maximum of 64 square feet in size, per street frontage for each parcel or lot in excess of ten acres in size.

4. Real estate signs shall not be located closer than 15 feet from any property line. In the case of undeveloped parcels where the existing vegetation may not allow the location of the sign 15 feet from the property line, the Planning Services Director may allow a reduction in the amount of the required setback however, in no case shall said sign be located closer than five feet from any property line unless authorized by the Board of Zoning appeals through the variance process.

5. Real estate signs shall be removed when an applicable temporary use permit has expired, or within seven days of any of the following conditions: ownership has changed; or, the property is no longer for sale, rent or lease.

6. A sign advertising that a property has been sold or leased shall not be displayed for more than 30 days after it is erected.

2.5.5.2.3. On-Premise Signs. On-premise pole signs, ground signs, projecting signs, wall signs and mansard signs shall be allowed in all non-residentially zoned districts subject to the restrictions below:

~~2.5.5.2.3.3. Wall, mansard, canopy or awning signs: One wall, mansard, canopy or awning sign shall be permitted for each single occupancy parcel, or for each establishment in a multiple occupancy parcel. Corner units within multiple occupancy parcels, or single occupancy parcels where there is double frontage on a public right of way, shall be allowed two signs, but such signs shall not be combined for the purpose of placing the combined area on one wall. In addition, outparcels within shopping centers may be allowed one additional wall sign facing the shopping center if the additional sign is not oriented towards any public right of way. Retail businesses with a floor area of larger than 15,000 square feet and a front wall length of more than 200 linear feet, are allowed 3 wall signs; however, the combined area of those signs shall not exceed the maximum allowable display area for signs by this code.~~

- ~~a) where it can be demonstrated that within the adjacent right of way the area between the property line and the edge of pavement is excessively wide and that the actual paved area is unlikely to be widened to the extent that reduction in the required setback will result in the sign being any closer than 30 feet to the edge of pavement;~~
- ~~b) where due to the existing site conditions and improvements, it can be demonstrated that adherence to the required 15-foot setback will have a deleterious effect on the safety of users of the site from the perspective of vehicular parking and vehicular and pedestrian ingress and egress;~~
- ~~c) where due to the nature and location of existing landscape features and/or specimen trees, it would be prudent to allow for a reduction in the required setback so as to most appropriately locate the sign structure; or,~~
- ~~d) the extent of the reduction is the minimum amount necessary to provide relief from the applicable conditions cited above.~~

4. ~~Maximum allowable height: 20 feet in height. Height shall measure from the lowest centerline grade of the nearest public or private right-of-way or easement to the uppermost portion of the sign structure.~~
5. ~~The maximum size limitation shall apply to each structure. Pole or ground signs may be placed back to back, side by side, or in V-type construction with not more than one display on each facing, and such sign structure shall be considered as one sign.~~
6. ~~Spot or floodlights shall be permitted only where such spot or floodlight is nonrevolving and said light shines only on the owner's premises or signs and away from any right-of-way.~~

Sec. 2.5.9. Nonconforming Signs

Existing signs not expressly prohibited by this code and not conforming to its provisions shall be regarded as nonconforming signs.

2.5.9.1. The following signs, and sign structures shall be removed or made to conform to this code within 90 days from the effective date thereof.

2.5.9.1.1. Signs made of paper, cloth, or other nondurable materials.

2.5.9.1.2. All temporary signs

2.5.9.1.3. Those signs described in sections 2.5.6.7, 2.5.6.13, 2.5.6.14, 2.5.6.17, and 2.5.6.18.

2.5.9.2. Nonconforming off-premises signs. All nonconforming off-premises signs, and sign structures having an original cost or value of \$100.00 or more may be maintained for the longer of the following periods:

2.5.9.2.1. Two years from the date upon which the sign became nonconforming under this Ordinance, ~~No.~~

2.5.9.2.2. A period of three to seven years from the effective date of this Ordinance ~~No., effective;~~ according to the amortization table below.

Sign Cost/Value	Permitted years from Effective Date of <u>this</u> Amendment (DATE)
\$100.00 to \$1,000.00	3
\$1,001.00 to \$3,000.00	4
\$3,001.00 to \$10,000.00	5
More than \$10,000.00	7

SECTION FOUR: SCRIVENER'S ERROR AMENDMENTS TO DIVISION 2.6 SUPPLEMENTAL DISTRICT REGULATIONS

Subsection 2.6.7.3., "Parking of Commercial Vehicles or Commercial Equipment in Residential Areas," of Section 2.6.7., "Parking and Storage of Certain Vehicles," of Division 2.6, "Supplemental District Regulations" of Ordinance 91-102, as amended, the Collier County Land Development Code is hereby amended to correct scrivener's errors and to read as follows:

Section 2.6.7.3 Parking of commercial vehicles or commercial equipment in residential areas.

Section 2.6.7.3.1

It shall be unlawful to park a commercial vehicle or commercial equipment on any lot in a residential zoning district unless one of the following conditions exists:

1. The vehicle is engaged in a construction service operation on the site where it is parked. The vehicle must be removed as soon as the construction of [or] service activity has been completed.
2. The vehicle is parked in a garage, carport, or fully enclosed structure and cannot be seen from the street serving the lot.
3. The vehicle is parked in the rear of the main structure and is enclosed within a vegetative screening which conceals the vehicle from the view of neighbors.
4. Any Automobiles, passenger type vans, and or pickup trucks, provided ~~said vehicle has not been structurally modified specifically for commercial application, and further provided said vehicle has~~ having a rated load capacity of one ton or less; shall be exempted from this section unless otherwise prohibited by a special parking overlay district.

SECTION FIVE: SCRIVENER'S ERROR AMENDMENTS TO DIVISION 6.3, DEFINITIONS

The definitions of "Commercial Equipment" and "Commercial Vehicle" of Division 6.3, "Definitions," of Ordinance 91-102, as amended, the Collier County Land Development Code is hereby amended to correct scrivener's errors and to read as follows:

Commercial Equipment: Any equipment commonly used in a commercial business, ~~(i.e.) including but not limited to:~~ contractors' equipment, earth-moving machinery, utility trailers, and devices used for the transportation of equipment, materials or merchandise, ~~whether or not said equipment is attached to a vehicle in some manner.~~ (See section 2.6.7.)

Commercial Vehicle: Any vehicle used in conjunction with a commercial or business activity, including, but not limited to the following: step vans, cubed vans, box vans and flatbed type trucks, ~~pickup trucks, or any passenger vehicles structurally modified specifically for commercial application.~~ (See section 2.6.7.)

SECTION SIX: 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 SEVEN: INCLUSION IN THE LAND DEVELOPMENT CODE

The provisions of this Ordinance shall become and be made part of the Collier County Land Development Code. 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 EIGHT: 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 25 day of June, 1996.

ATTEST:
DWIGHT E. BROCK, CLERK

BOARD OF COUNTY COMMISSIONERS
COLLIER COUNTY, FLORIDA

Dwight E. Brock
By: *Maurice M. Student*, D.C.

BY: *John C. Norris*
JOHN C. NORRIS, CHAIRMAN

Approved as to Form and
Legal Sufficiency:

Marjorie M. Student
Marjorie M. Student
Assistant County Attorney

This ordinance filed with the
Secretary of State's Office the
1st day of July, 1996
and acknowledgement of that
filing received this 27th day
of July, 1996
By: *Talbert Hoffman*
Deputy Clerk

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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. 96-35

Which was adopted by the Board of County Commissioners on the 25th day of June, 1996, during Regular Session.

WITNESS my hand and the official seal of the Board of County Commissioners of Collier County, Florida, this 26th day of June, 1996.

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


By: Maureen Kenyon
Deputy Clerk

